Avoiding discrimination within job adverts.

There are lots of rules around writing job adverts, many based around best practice to attract candidates (see ‘how to write a job advert’). However, certain rules are there to ensure you don't fall foul of discrimination law.

The test of what ‘might reasonably be understood as indicating an intention to discriminate’ is whether an ‘ordinary, reasonable person with no special knowledge’ would think the advertisement is discriminatory.

- **Sexual discrimination**: as much as you might want to balance up your gender heavy setting with a member of the opposite sex, this is illegal to ask for within a job advert. The job title you use should therefore never be gender specific.
- **Racial discrimination**: racial discrimination is taken just as seriously as gender discrimination and many of the same principles apply. However there are some situations where being of a certain race can be seen as a genuine occupational qualification. Even where language is an important part of the role you must state that someone must be able to converse in the language rather than being from a particular country, for example 'Italian speaking' rather than 'Italian'.
- **Age discrimination**: age discrimination rules not only cover stipulating upper or lower age limits for job applicants, but also implied terms such as 'youthful', 'dynamic' or 'mature'. All these terms could be seen as excluding someone from applying for a role based on their age.
- **Disability discrimination**: it is important for all businesses to ensure disabled candidates have as many opportunities to join their organisation as anybody else. This covers job adverts as well as job interviews. The language and the criteria you use is very important — for example, there is no reason to stipulate that candidates must hold a driving licence if they are not going to be expected to do any driving for the job.

**Discrimination falls under two categories:**

**Direct discrimination** – Job adverts that specifically make it clear that they only want to hear from candidates who match a certain criteria, therefore excluding others because of their gender, race, age or disability.

**Indirect discrimination** – Just because you haven’t stated that you don't want to hear from a certain group of people, it doesn’t mean that your job advert isn't discriminating against them. By setting criteria that makes it impossible for a certain group to apply, you’re indirectly excluding them from the recruitment process and unless you can offer a justifiable reason behind you criteria, you could be contravening the rules.

Before you post your job advert, make sure you go through it with a fine-toothed comb to ensure there is nothing that could land you in hot water. Get others to check it and if anything is seen as even the slightest bit discriminating, then look to rephrase it. See also ‘Safe and effective recruitment Guidance’.