

When are job candidates really equal?



Mark Ridley, head Solicitor of our Employment Department, advises that following the announcement of the new Equalities Bill by Equality Minister Harriet Harman, amongst other reforms businesses will be allowed to ‘positively discriminate’ in favour of female and ethnic minority job candidates if they are equal to their rivals in every other respect.

But a local solicitor is concerned that employers may find it hard to decide when candidates really are equal. “In many people’s view, it is about much more than exam results or work experience,” says Mark. “Intangible factors like personal chemistry also count, which are very hard to quantify in fixed terms.”

This is set to become an important issue, with the possibility that unsuccessful candidates may take action against employers who rejected them.

“Businesses may need to defend their employment decisions, meaning they will need to take extra care in defining why they chose one candidate over another,” Mark continues. “It will make it even more important that they have formal employment policies and procedures in place to help them explain why they reached a decision.

“Anyone who needs advice on formulating such documentation, or who wants an explanation of what the proposed new legislation will mean for their business, is very welcome to talk to our employment law specialists. Just call 021 7663 2121 and we will arrange an initial meeting.”

“Our employment law experts are very happy to discuss the best ways of preparing for change. Anyone with concerns should feel free to call us for advice and speak to the Department’s PA, Sue Mace, either by telephone 024 7663 2121 or email Sue on sue.mace@bandhatton.co.uk.