



A step-by-step guide to preventing discrimination in recruitment¹

1. Deciding on the recruitment process

Employers go about recruiting in different ways. Some may use a human resource manager, personnel officer, or a recruitment agent to shortlist the applicants and help select the successful candidate.

Employer responsibility

If you are using your own staff to recruit to a position, you must make sure they are aware of their obligations under the law and are dedicated to a fair process.

If you do not take reasonable measures to prevent your staff from acting in a discriminatory way, you may be held responsible for their actions, even the fact that they obtained details of www.humanrights.gov.au/employment.

Recruitment agents

An employer that hires a recruitment agent to shortlist applicants must make sure the agent is aware of their legal obligations when it comes to discrimination.

The same applies if you are a recruitment agent. While many employers are aware of their obligations, some may not be. As such, they may be at risk of unintentionally discriminating in the recruitment process. Because of this, recruitment agents have an important role in educating and reminding employers about their legal obligations.

Recruitment agents must not follow through with discriminatory requests from an employer that relate to a person's age, sex, race, disability or any other characteristics protected under state or federal anti-discrimination laws. If you are a recruitment agent and you receive a discriminatory request from a client, you must inform them that they are acting against the law. Let them know that they are putting themselves and you at risk of receiving complaints of discrimination. Remind the employer that they are unintentionally limiting their options in the job market by not seeking a wider range of applicants.

Describe the key requirements of the job with the employer, not irrelevant personal characteristics. Giving the employer information about what can and cannot be included in a job description is important. Providing the employer with a copy of this booklet may also be useful.

As a recruitment agent, you too can be held responsible for the actions of your staff and consultants. Make sure you provide them all with information and training on equal opportunity principles. This allows you to provide training to your consultants about how to deal with discriminatory requests for certain types of applicants and the consequences of acting on discriminatory instructions from employers.

¹Based on material provided by the Victorian Equal Opportunity and Human Rights Commission. See <http://www.eohrc.vic.gov.au> for recruitment advice and updates. Contact us at employment@eohrc.vic.gov.au



Preventing Discrimination Complaints A Guide For Supervisors

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