

## Appendix 2

# Legislation Governing Public Service Recruitment and Related Responsibilities

- **This guide will provide support to those involved in the selection process for confined campaigns.**
- **All those involved in any stage of the selection process are obliged to read and understand the legislation governing the selection process and their responsibilities under the legislation.**
- **Any further questions should be addressed to Local HR.**

### **Public Service Management (Recruitment & Appointments) Act 2004**

- Since 1<sup>st</sup> April 2005 the HSE has recruited under a recruitment licence following the establishment of Commission for Public Service Appointments (CPSA)
- The CPSA seeks to ensure the following principles are adhered to -probity, fairness & equity in public service recruitment
- Codes of practice were published which govern how public service recruitment must be carried out.
- Full details are available on [www.cpsa.ie](http://www.cpsa.ie)

Those involved in the selection process should know their responsibilities under the Codes of Practice:

- ✓ Ensure any selection criteria used are directly mappable to that which is needed for the post.
- ✓ Ensure the post is correctly and fairly advertised
- ✓ Familiarise yourself with the Role Description/ Job Specification, the selection criteria, the interview structure and format, and other relevant campaign information.
- ✓ When carrying out the eligibility sift/ short listing ensure that the criteria are fairly applied to all applicants.
- ✓ Inform applicants of the rationale for being deemed eligible/ ineligible or for being short listed/ not short listed
- ✓ Ensure the interview/ selection process used is applied fairly to all candidates
- ✓ Take notes throughout the interview to support the decisions that are made
- ✓ Following interview give feedback to all applicants so they are informed of the rationale for their scoring assessment at interview for example a meaningful comment on the marking sheet.
- ✓ Participate in the appeals process in line with dedicated timeframes.

### **The Freedom of Information Act 1997 & 2003**

FOI establishes three statutory rights for citizens:

1. The right to access information held by public bodies
2. The right to have official information relating to him/herself amended where it is incomplete, incorrect or misleading
3. The right to obtain reasons for decisions affecting oneself

To ensure that the selection process adheres to the above those involved in the process should ensure that:

- Applicants have access to information pertaining to decisions made regarding their candidature i.e. written rationale for an applicant progressing/ not progressing in the selection process (rationale for being deemed ineligible/ not short listing, interview notes taken throughout the interview, marking sheets being automatically given to applicants post interview).

### **The Employment Equality Acts 1998 and 2004**

The Employment Equality Acts 1998 and 2004 outlaws discrimination in employment on nine grounds. These are:

- gender
- marital status
- family status
- age
- disability
- race
- sexual orientation
- religious belief
- membership of the Traveller Community

Discrimination is described in the Act as the treatment of a person in a less favourable way than another person is, has been, or would be treated.

#### **Implications of the Employment Equality Acts on recruitment and selection**

The following guidelines should be adhered to by interviewers to ensure that their practices are in line with the Employment Equality Act:

##### ***The requirements of the job must be carefully defined***

The employer should examine the job requirements and include only those which are essential for the job. This is necessary to guard against indirect discrimination as unnecessary job requirements may prevent suitable candidates from applying.

##### ***Questions must relate to the requirements of the job***

Questions should relate to the requirements of the job as specified in the Job Specification.

##### ***Avoid questions relating to personal/family circumstances***

Candidates should not be asked questions about their personal or family background or any questions in relation to the nine grounds on which discrimination is prohibited. A candidates' personal background is irrelevant to the ability to perform a particular job and candidates may perceive personal questions as being an indication of discrimination on the part of the interviewer.

##### ***Marks should be awarded to candidates in relation to the relevant criteria.***

Candidates should be scored only in relation to the evidence they put forward during the interview. A clearly defined marking scheme helps ensure that candidates are assessed objectively and that other factors such as 'gut feeling' do not influence the assessment. It is important to remember that feedback may be given to candidates.

- It is important to ensure that equal treatment is afforded to all applicants;
- Discrimination narrows the field of good candidates available;
- Interviewers must be vigilant in guarding against discrimination in recruitment which might arise as a result of prejudice, misconception, assumptions and stereotyping.