**Introduction**

A discriminatory hiring process is illegal and carries penalties to the individuals or organizations involved. Such a discriminatory hiring process is also limiting in the number of possible applicants it can attract. It is therefore in the best interest of everybody involved in the process to cast the net wide in order to attract a wide range of applicants with diverse qualifications. A good job advertisement therefore focuses primarily on the necessary skills as well as abilities required for a particular job. The mention of discriminatory requirements such as race, age, and gender, can only be included where they are genuinely part of the job description. The job descriptions should therefore be formulated in a such a way that they do not discourage or discriminate applicants from it by way of an implicit or explicit implication that they will not be considered. Such phrases used in the job descriptions such as; ‘will be joining a dynamic team’ or ‘looking for mature and experienced applicants’ is a suggestion that those to be considered are of a particular age. This is why it is important to avoid the use of words, statements, or euphemisms showing discrimination or restriction of some applicants who would otherwise be qualified were it not for the said clauses (Kossek, 2006).

**Develop three (3) recruitment methods for the job opportunity in question, and suggest two (2) ways that each method helps one to avoid discriminatory practices. Justify your response.**

In order to avoid discouraging qualified applicants and depending on the kind of position being filled, the organization can consider using various recruitment methods including internal and external. The use of use of professional recruiting agents and networks, in addition to the mainstream media, newspapers, informal networks, industry groups, among others are all options that are available for recruitment as well as for avoiding discriminatory hiring practices. Such job descriptions should include diversity statements which have the effect of encouraging applicants from diverse backgrounds to apply without fear of being discriminated on. Therefore, prospective employers can use different recruiting methods which include some of the following:

* **In-house recruitment**

This involves an organization using its own employees in recruiting for a position. However, care should be taken to ensure that they are aware of the obligatory laws relating to fair recruitment processes in the exercise. In case the employer fails to take adequate measures to avoid the staff from recruiting unfairly, he or she will be held liable for ensuing discriminatory practices.

### Recruitment agents

Employers may also hire the services recruitment agencies in the whole process. However, care should also be taken to ensure that the agent is alive to the current laws and regulations governing fairness in recruitments to avoid discriminative tendencies. In case of recruitment agents, they should be aware that some employers may not be conversant with current regulatory frameworks pertaining to fairness in the recruitment process. This may pose risks by the unintentional discrimination in the process. As a result, the recruitment agents should ensure that they educate as well as remind employers on their legal obligations in the process (Ollier-Mallatere, 2010).

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**3.** To avoid the pitfalls of carrying out a discriminatory recruitment exercise, n employer opting for an in-house recruitment should familiarize the staff carrying out the exercise of the regulatory frameworks to guide in all the recruitment process. This will be the staff recruit fairly by avoid practices that may be construed as discriminatory. The employer should also ensure that fair practices are followed by the recruiting staff in all the recruitment processes otherwise they should not abdicate their responsibilities and they will be held responsible. For recruitment agents, they should resist following discriminatory requests likely to be made by the employers. Such requests would include short listing and recruiting applicants of certain gender, race, age, disability, or any other characteristic that is under the protection of the state or the national government’s anti-discrimination laws (King, 2008). Where such requests are made, the recruiting agent should categorically resist by informing the employer of the dangers of recruiting against the law and the possible repercussions. This would also include making it clear of that they are putting themselves at risk and complaints can be raised by the discriminated parties. The employer should also be reminded that such discriminative practices limit their opportunities in the search for the right candidate from a wider pool of candidates available.

**Discuss 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 factsheet 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. You also need 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 (King, 2008).

**Outline an application process that details the organization’s method of accepting all applications, as well as its method of validating applicants’ attainment of the required credentials (e.g., reviewing resumes, collecting transcripts, verifying certifications, etc.) for the job opportunity.**

## The decision on the process of accepting applications may have its inherent advantages as well as disadvantages to some applicants. One should therefore think of whether there is need for adjusting the process in order to accommodate some all the needs of the applicants from diverse backgrounds or those with physical challenges. A typical application process should ensure there are no barriers to applicants through;

* Simplification of the requirements in response to the selection criteria
* If the application is uses an online portal, it should be accessible and easy in navigation
* Having a simple procedure of applying, and
* not asking for unnecessary information.

**Application process**

The process of asking the potential candidates to submit comprehensive written statements why they are seeking the position may not be very necessary if looking for cleaners, for example. This is because such positions may not require people who are well educated and thus many will have limited command of writing skills in English may shy away, thus feel discouraged. At the same time, using an online portal to receive applications is also discriminatory as this again discourages those with certain limitations such as use of the computer. They will find it difficult accessing or navigating the application process online. It is therefore important for employers as well as the recruiting agents to clearly understand the requirements for the job requirements.

Short-listing should be done in accordance to the job requirements. Thus, no personal biases, myths or stereotypes should be allowed to influence the decisions made.

In the short-listing the applicants, the following should be observed:

* evaluation of applicants by the selection criteria such as matching their skills, abilities and experiences with the requirements of the position.
* consistency with decision-making
* clear documentation of reasons for decisions made to help in providing feedback to the candidates later.

## Interviewing applicants

During the interview, applicants have the best opportunity of talking about their qualification for the job and what they are offering. The interview process should therefore be carefully reviewed and planned to ensure that applicants enjoy equal chances of taking part in it to explain their suitability for the position.

**Development of a five- (5) step procedure for the HR Department to use in order to maintain all applicants’ records in case a discriminatory charge occurs.**

All positions being recruited for needs to have documented Recruitment Plans. This is a document that lays out the various strategies of attracting as well as hiring the most skilled applicant and also ensures the applicants include women and the underrepresented individuals such as the aged and those who are physically challenged.

**Decide on three (3) background checks that the HR Department must utilize, and justify the relevance of each background check for the job opportunity.**

Carrying out background checks on candidates helps in ensuring potential applicants are qualified, and possess the potentiality of being productive and genuinely presented the required qualifications as stipulated. Owing to the legal implications of the recruitment process, the HR Department coordinates the collection of all such information. At the same time, all employment offers become contingent on the successful completion of background checks while the shortlisted applicants cannot take up their positions before the checks are complete. The process takes about from four to ten business days from the day of screening. All information gathered as part of the checks remains should remain confidential from third parties. The following are examples of areas such checks can include:

#### Verification of Criminal Records

The HR Department can verify criminal records information given through an online Employment Application for applicant who have been offered a position. Such verification may include but not limited to National Sex Offender Registry as well as felony and misdemeanor convictions records from where the applicant comes from. However, a more thorough scrutiny can still be conducted depending on the specific position’s requirements.

#### Pre-Employment Drug Testing

Applicants are normally offered employment on successful undergoing a drug and alcohol testing depending on their position or terms of service.

#### Pre-Employment Physical Examinations

In most cases, most employers do not demand for a pre-employment physical test before employment. However, most employers reserve the right of asking for such tests after employment especially if one’s type of work requires compliance with particular Federal or state regulations.

**Choose three (3) employment tests (e.g., drug tests, medical examinations, HIV tests, generic tests, polygraphs, honesty tests, psychological tests, intelligence and skills tests, and physical fitness, etc.) that the HR Department should use. Justify the relevance of each selected employment test to the job requirements.**

* **Medical tests**

It may be important for such a test in order to determine an employee’s potential health risks. Such risks rise especially for applicants risks with specific health issues given the type of their jobs. However, it is illegal to deny employment based on an applicant’s state of health from the medical examination or to disclose the same to third parties.

* **Psychological and aptitude tests**

Such tests are mostly done where there is need of determining if a person can do a particular task of the employment. Therefore, the tests can only be used in determining an applicant’s suitability in a given position based on the criteria for selecting. Thus, the test should be done in such a way that they are adjusted towards accommodating an individual’s specific needs.

* **Skills tests**

Such tests are performed on applicants to test their skills at performing certain tasks for which they are being employed for, the rationale behind the test is to determine the suitability or agility of the applicant in carrying out a certain function that may for example require particular skills and finesse.

**Formulate a policy for making both the hiring and promotional decisions related to the job opportunity. Specify the major challenges and potential adverse impact of using subjective criteria for assessing soft skills. Next, suggest one (1) plan to mitigate the adverse impact. Justify your suggestion.**

Employers should not use recruitment agencies or their staff in hiring individuals based on discriminatory preferences such as age, gender, ethnicity, or disability. There is therefore the need to formulate a policy guideline to help in the hiring and promotional processes within an organization. Such a policy framework should be aimed at coming up with fair recruitment process to be used by employers that specifically look at the applicants’ suitability for a particular job based purely on qualifications. Therefore, the best practice will be to have a panel conducting the selection process so as to be seen to b exercising fairness. The policy should also spell out clearly the composition of such a panel that should be very representative in terms of diversity and other aspects.

The panel should use the same sets of questions or tasks for all applicants which should be related to the particular position. Such a policy formulation will help to minimize approaches where employers are likely to make decisions that are largely subjective. This is also meant cases of such biased employers being vulnerable to issues of discrimination as with no objective criteria, employers are likely to be hard pressed to explain why they picked on some candidates and not others in case of complaints.

**Mitigation**

The mitigating factors emanates from the decision-making process that ought to have uniformity, consistency, transparency, fairness, unbiased, comprehensiveness and objectivity. Solutions given during the interview must be score against pre-set terms based on a particular job’s requirements. After the recruitment process is over, then the employer or agency recruiting should give reasons for their decision to hire or not hire an applicant. At the same time, all records including the written records during an interview as well as the whole process should be job kept for some time in case there arise a complaint or need for clarification. It is therefore in the interest of the employer to have those records intact in case claims are filed by failed applicants.

**Recommend two (2) types of reasonable accommodations for both disabled applicants and applicants needing special religious considerations. Argue two (2) legal reasons for not being able to sufficiently provide such reasonable accommodation for each group.**

The hiring process should accommodate all the needs of the diverse kind of applicants in relation to the Code governing the recruitment processes. This include the employer who is hiring offering appropriate needs of applicants who may be challenged in one way or another as a result of various hardships. Such accommodations can be offered to applicants during the invitation time for an interview. Such an applicant who may require special accommodation should prior to the interview request for the same and adequately consult with the relevant providers to ease the request. However, there is no uniformity on the kind of accommodation that can be made as every person has special and unique needs requiring individualized consideration.

### Such accommodation can include making the interview questions are compliant to the set guidelines as inferences can be made which could affect the hiring decision based on substandard questions.

#### Hiring process should also be based on the set guidelines in case there are any special employment exemptions to be applied. In case of an exception, an employer may recruit based on particular set grounds.

**Select one (1) case in which a court charged an organization with an affirmative action violation and one (1) case in which a court charged the organization with not managing harassment issues more expeditiously. Recommend an action plan geared toward preventing the issues addressed in both cases within your selected organization. Justify your recommendation.**

The a Supreme Court decision in Phillips v. Martin Marietta Corp, the verdict was held that Title VII's prohibition based on sex discrimination qualify that an employer should not discriminate an employee based on sex as well as other related issues such as having school going children. In essence, this pronouncement echoes the EEOC's policy which prohibits employers to use categories such as women with children and males with such children of the same age.

**Choose three (3) work-life conflicts that the HR Director should consider within the selected organization. Then, outline a policy geared toward resolving each conflict through the use of related employment laws. Justify your response**

In organizations, work–life policies as well as practices aims at enhancing organizations structures and also cultural support for family, work, and personal life. Suchinitiatives are meant to address two key challenges within organizations, namely; structural and cultural aspects. On the other hand, work–life initiatives help in highlighting the need of organizational adaptation towards the changing relationships relating to family, work, and personal life (Ollier-Mallatere, 2010).

As a result of likely conflicts, the HR Director should consider the issues of work, family and as well as personal life in growing the organizational resources. This is because such work-life conflicts should be properly managed to be adapted to the employment settings of a changing workforce as well as responding to the government’s regulations to fostering gender integrations and protections for the working family. However, with the ‘work–family policies’ as well as the ‘employer work–life supports’ being increasingly part of our daily discourse in organizations, it is becoming especially complex, ambiguous, as well an evolving practice in developed societies ([Kossek and Distelberg, 2009).](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3183490/#R31)

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