



Other ways to tackle unethical recruitment

This document is designed to help you if you believe you have been treated unethically or unlawfully during a recruitment process. It's equally relevant whether or not the employer or recruiter has signed up to the Reading Ethical Recruitment Charter.

The guidance will take you through four key steps:

1. Identify the nature of your grievance
2. Work out what you want to achieve
3. Document your grievance
4. Seek expert advice

1. Identify the nature of your grievance

Before you can decide on the best approach to take, you'll need to be clear about what it is that you feel the employer did wrong. Here are few examples of unethical or unlawful recruitment practices and what you can do about them:

a) **Withdrawing an offer without a valid reason**

By law an employment contract can begin as soon as someone accepts a job offer, even if they only accepted it verbally. However, an employer can withdraw a job offer if it was made conditionally and the conditions have not been met. This might be the case if, for example:

- your references or medical or criminal checks don't meet the employer's requirements
- you can't show proof of your academic qualifications or your right to work in the UK

What you can do

You can ask an employer why they have withdrawn a conditional job offer, but they don't have to tell you the reason. On the other hand, if your offer was an unconditional one and was withdraw without a valid reason, that is illegal and you can make a claim to an [employment tribunal](#).



b) Discrimination related to protected characteristics

An employer could be breaking [discrimination law](#) if they reject or withdraw a job offer because of any of the nine '[protected characteristics](#)': age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. For example it's against the law for an employer to withdraw a job offer because they discover that you're pregnant.

What you can do

If you feel that discrimination related to one or more protected characteristics affected how a potential employer or a recruiter treated you, you can report them to the [Equality and Human Rights Commission](#) (EHRC).

c) Giving a bad reference

If a recruiter or prospective employer tells you they haven't selected you due to a bad reference, you can ask for further details. Once you understand their concerns you can see what you might be able to do to address them.

What you can do

Options might include:

- asking to see the reference they are concerned about
- addressing any specific concerns
- offering details of an alternative referee
- asking your former employer to review their reference

If you have no success and you feel a reference was discriminatory, you can make a claim to an [employment tribunal](#).

If you feel it was misleading or inaccurate and resulted in a loss for you, you can make a county court claim against your previous employer, however do seek [legal advice](#) first.

Note: In some cases, although you might not be happy with how an aspect of the recruitment process has gone, you may not have a valid grievance. For example, an employer can refuse to provide a full reference, perhaps due to a company policy. You



can ask them to provide a basic reference instead – a brief statement of your role and the dates you were employed. But you can't take any action against them if they still refuse.

2. Work out what you want to achieve

Once you're clear on what you feel went wrong, think about what action you might want to take, if any. For instance, you may want the employer or recruiter to:

- a) provide you with feedback to explain why you were not selected
- b) give you another chance at interview
- c) improve their interview processes
- d) pay you some form of compensation

Before you report an organisation or make a claim against it, think carefully. It could be a stressful process and could jeopardise your future relationship with them.

3. Document your grievance

If you are thinking of going ahead with reporting an employer or recruiter to an official body or making a legal claim, you'll need to gather evidence of wrong-doing to support your complaint.

This might include:

- a) a copy of the job description and any offer you received
- b) a request to work an [unreasonable trial period](#)
- c) copies of emails exchanged with the recruiter or potential employer
- d) notes you made about your interview, including inappropriate questions
- e) photographs of the interview venue, if you feel it was inaccessible



4. Seek expert advice

Once you've decided that you would like to take some action and have collected your evidence, you're ready to take the next step. Before you make an official report or claim, we would suggest seeking expert advice from one or more of the following organisations:

a) A trade union

If you are a member of a trade union, this should be your first point of contact if you feel you have been treated unfairly in the recruitment process. Unions are there to act against the unfair treatment of members. They can negotiate with employers on your behalf and offer free legal advice.

If you're not a member of a union but would be interested in joining one, see www.tuc.org.uk/join-union.

b) Acas (Advisory, Conciliation and Arbitration Service)

Acas is an independent public body that offers free advice on employment and recruitment rights and obligations, best practice and policies.

You can ask Acas about issues like:

- [equality](#) in the recruitment process
- employment [rights and responsibilities](#)
- pay and the [National Minimum Wage](#)
- [contracts](#) and terms and conditions
- [working time](#), [rest breaks](#) and [holiday entitlement](#)

You can access detailed guidance notes on their website at www.acas.org.uk/job-applications-and-hiring. You can also use the [Acas Helpline Online](#) to ask questions.

Alternatively, call the Acas Helpline on 0300 123 1100 between 8am and 6pm, Monday to Friday. Interpreters are available if English is not your first language.



c) Citizens Advice Reading

Citizens Advice Reading is one of a network of 316 independent charities throughout the UK that give free, confidential information and advice. They are there to help people with a wide range of problems, including employment issues.

You can call their Adviceline on 03444 111 306 or drop in to their centre on Minster street (RG1 2JB). Check the opening hours at <http://rcab.org.uk/get-advice>.

You might also find it helpful to search for information on the national Citizens Advice website: www.citizensadvice.org.uk.

d) Equality Advisory and Support Service (EASS)

The EASS provides information on discrimination and your rights.

You can access information on their website at www.equalityadvisoryservice.com, call them on 0808 800 0082 or text 0808 800 0084. Their lines are open from Monday to Friday, 9am to 7pm, and Saturday, 10am to 2pm.

The experts at any of these organisations will be able to provide you with insights into the legalities of your situation and advice to help you work out the best approach.