

Equal Opportunities *Toolkit*



Acknowledgments

We have been fortunate in the timing of this document. We have been able to dip into the work of others and amalgamate information from a variety of sources. Some of the content is original, but some of it comes from the work of others. For which, we say a big thank you. In particular, we want to thank:

Alison Smith	Race Relations Employment Advisory Service, South West
Sian Swann	Chwarae Teg, Carmarthen, Wales Scottish Executive, Edinburgh Equal Opportunities Commission Commission for Racial Equality Disability Rights Commission Trades Union Congress
Duncan Carnie	DfES – ESF Division Government Office for the South West, Plymouth Equality Direct
Paula Maclachlan	Government Office for the South West, Bristol Equality Direct
Chris O’Connell	Welsh European Funding Office, Cardiff Equality North West
Shirley Woolner	SWRDA Regional Equality Networks

This document is available as a PDF document from the GOSW web site:
www.gosw.gov.uk

Best Wishes

Paul Dunn & Chantal Helbert
European Equal Opportunities Project



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I am pleased that the South West of England RDA has established a European Equal Opportunities Group and I am pleased to be the chairperson.

It is a credit to the group that, at such an early stage, it decided to bid for European Social Fund, Objective 3 Funding, to establish a regional Project to achieve, among other things, the mainstreaming of Equal Opportunities in Objective 3 projects in the South West.

The European Community decided in the Amsterdam Treaty that it would be a requirement that Equal Opportunities is mainstreamed in Objective 3 Projects. It is also important that we liaise with colleagues involved in Objective 1 & 2 areas, to ensure that we complement, and not duplicate, each others' activities.

I am confident that the project has led to a greater awareness of Equal Opportunities good practice in the Region. There is a clear need for this work whether it is to eliminate racism, strive for equal pay between men and women, help ensure proper access for disabled people to jobs and services or combat prejudice against Lesbian and Gay people, etc. The South West has a wealth of talent amongst its diverse communities. We must make the most of the potential we have and I am pleased that the European Union is helping regions to raise the case for equal opportunities.

I welcome the opportunity to stimulate the Equal Opportunities agenda, using creative and innovative methods. The Project will help groups bidding for Objective 3 funds to deal with Equal Opportunity issues in a well-informed and mature way.

This pack is published at a time when there is an explosion of interest about Equal opportunities policy and practice in the European Union, the UK and the South West.

The Group and myself recognise that our Equalities networks in the South West are developing slowly, but surely. Our task is to ensure sustainability and to help those partners who want to see effective, coherent and accountable structures for the future. We recognise that our group and the European Equal Opportunities Project are only part of the jigsaw. We want to encourage the many people and organisations in the South West, who support a progressive Equalities Agenda, to develop a consensus about our strategic direction for the future.

This pack will help to develop awareness and build capacity in the South West.

There are very strong moral, social and economic reasons for achieving Equality of Opportunity. My firm belief is that everyone has the right to be treated with respect and dignity and that the South West will only prosper if we encourage the talents of all to flourish and not be held back by discriminatory barriers and prejudice.



Nigel Costley

Regional Secretary South West TUC
SWRDA Board Member
Chair European Equal Opportunities Group

Introduction

The European Equal Opportunities Project (EEOP) is an ESF Objective 3, Technical Assistance (TA) project, which was established to help improve the delivery of equal opportunities in Objective 3 applications and in current projects. This is the case throughout the South West Region, with the exception of Cornwall where Objective 1 Status applies.

The project was established as a result of discussions between a number of key partners, including the Regional Equality Networks, the South West of England Regional Development Agency (SWRDA), the South West TUC and Government Office for the South West (GOSW).

The project was also charged with the task of: helping with the development of regional equality networks; holding dissemination events at regional level and for the different equality communities; developing an equal opportunities database; producing a regional equal opportunities directory; holding a series of training and capacity building activities; improving equal opportunities awareness, partly through use of the media; signposting; making presentations and providing information and advice.

The project started in May, 2001 and finished on 31.12.02. At the time of writing, discussions are underway to develop proposals for another project which can take forward some of the work which we have started. This is set against the background of a decision taken by the South West Objective 3 Regional Committee, to support a TA project to be based at GOSW, Plymouth, as part of the Objective 3 team, which should lead to more coherence in this important area of work.

This toolkit has a number of target audiences. We want to offer equal opportunities guidance to project applicants and good practice to applicants and current projects alike. But, we also hope to provide support to small organisations in all sectors, which want to improve the quality of their equal opportunities practice.

Readers who are brave enough to read the whole of the document, will notice that there is some overlap between some of the chapters. This has proved necessary because we recognise that many people will want to refer to particular sections of the toolkit, depending on the needs of their organisation.

This may also lead readers into thinking that the toolkit is a little disjointed. If so, we hope that it does not detract from its usefulness.

Part of our difficulty, even in a large document like this, has been in deciding what not to include. For example, we were going to have a section offering advice on religious and cultural practices, in view of the legislation which the government is to introduce next year. However, we leave that task to others who will be able to offer more timely advice about Religious and Lesbian Gay and Bisexual discrimination, when the new regulations are published next year.

We have taken advice from a number of partners about the format and detailed contents of this toolkit and we are grateful to them.

This document should be seen as work in progress and we hope that it will be updated and developed in the future.

This is a public document and copyright does not apply. Where extracts are used for other documents, we expect to receive some credit. This is what we have done in our 'Acknowledgments'.

Above all, this is meant to be of practical use and we hope that you find its contents helpful.



Events celebrating the diversity of our region are now held in a variety of towns and cities each year.

This is a very basic run through EC law, and how it affects us. (That's EC law, not EU law. Most people use the two terms interchangeably, but they aren't the same. The Union is the political entity, the Community is the legal entity. So, we are subject to EC law, but we are all EU citizens.

What joining the EC means

The UK signed the Treaty of Rome,¹ and then passed the European Communities Act in 1972. This brought us into the EC. What nobody really realised then was just how fundamentally this would change UK law. The whole UK system was set up around Parliament passing acts, and the courts applying them. However, it was already an established principle that if EC law and the law of a member state disagreed, then it was EC law that was to be applied. EC law overrules UK law.

The UK only really got to grips with this fairly recently, starting with the Merchant Shipping Act in 1988. This was the Government's response to "quota-hopping" by foreign fishermen. They would register their ships as businesses here, and use part of the UK quota, rather than the quota from their home country. The Government attempted to stop this, by making it much more difficult for anyone who wasn't a UK citizen to set up a fishing business in the UK. Unfortunately this breached one of the fundamental EC principles, that nationals of member states should be allowed to start up businesses in any country. The UK courts were then asked, in the *Factortame* series of cases, to set aside an act of the UK Parliament, and apply EC law instead. They were particularly unhappy about doing this, but the courts had to knuckle down, though they found a form of words that avoided admitting that EC law would overrule an act of the UK Parliament.

How EC law comes into UK law

There are a number of parts of EC law that we need to know about, because they have an impact on UK law. Some parts of EC law move straight into UK law without us having to do anything about it, and all we need to do there is make sure we are following the EC law. Other areas of EC law require the UK to look at its existing domestic law, and if it is not already in line with EC law, to amend it or pass new acts.

Treaty Articles

There are a number of different ways that the aims of the EC can be translated into UK law. One way is to make the treaty article itself legally binding. This is only done if it is very clear what the article means, clear enough for a national court to be able to see if the article is being breached.

¹When we talk about "the treaty" we generally mean the Treaty of Rome. All the other treaties since, like Maastricht or Amsterdam, have actually just amended this one. This treaty underlies everything that the EC does. Perhaps the nearest comparison we can make is to the American Constitution, which underpins the work of the Government, and also gives US citizens rights as individuals, like the right to freedom of speech.

²Article 119 begins "Each member state shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied."

Perhaps the best example of this is the decision in *Defrenne v Sabena*, in 1976. In this case, air stewardesses were paid less, and had to retire earlier, than their male counterparts, and the airline cheerfully admitted that this was discrimination on the grounds of sex alone, the work was the same. The ECJ said that people should have, and be able to enforce, rights under Article 119, which provides for equality of pay between the sexes,² in order to stop firms being able to get away with such blatant discrimination. In this case, it was so clear (or it should have been) that the company was not complying with this, that the air hostess could take her employer to court.

Types of EC laws

In cases where the treaty articles are not so clear, or where it may not be obvious when they are being breached, the EC may bring forward laws to incorporate the treaty aims into the law of member states. They may make regulations, which are EC laws that immediately pass into UK law, without the UK doing anything about it. Most of these are very technical, and are about the Common Agricultural Policy. Far more common in our area are directives, which are EC laws where the EC sets out the aim that is to be achieved, but leaves it up to member states just how that is done. This normally means that the member states all have to consider the directive, and if it is not already covered by existing law, they will have to pass laws to make the directive part of domestic law. There is a timetable set out for this, and every member state has to bring the directive into national law within that time.

If a member state doesn't incorporate a directive into national law, that used to leave quite a number of people without the rights that EC law said they should have, but no way of getting any redress. This went on until the *Francovich* case, where some Italians, who had missed out on redundancy payments because the Italian state hadn't brought their law into line with EC law, sued the state for not making sure that the relevant bit of EC law had been incorporated into domestic law. They won compensation. That set a whole new precedent, that means that



if we don't follow changes in EC law, correctly interpret them, and make sure that UK law reflects it, the Government could be sued by its own citizens for failing to protect their interests.

Why is the European Court of Justice important?

We also pay a lot of attention to European Court of Justice (ECJ) cases. This seems quite out of proportion, when you think that the decision in an ECJ case is technically only binding on the person it is addressed to, and that the ECJ doesn't actually decide the case itself, it just sets out the framework within which the national court will then decide the case. In practice it is this setting out of the framework that is all-important, and affects all of the member states. ECJ cases develop the law, and often explain just what the EC is aiming at in that area. So we need to follow ECJ cases quite closely, to make sure that we have correctly understood and interpreted the EC case law, and also occasionally we need to intervene, to clarify some issues, and to try and steer the law in the direction we would like it to go.

As examples of this, we can look at the *Kalanke* case, which said that positive discrimination is not lawful, but then this was followed by the *Marschall* case, which gave a very limited exception to this.

Indications of future law

There are also a number of other statements that the EC makes about the law, which aren't legally binding. These include Recommendations, which are the EC's opinion on how policy should develop and be implemented, and Resolutions, which are supposed to reflect agreement between member states to develop law in a particular area. All of these are best understood as indications of the way in which the EC sees the law developing. We pay a lot of attention to these, because they give us an indication of which way the wind is blowing, and a chance to head the EC off at the pass if we don't like what they are proposing.

Commonly used terms

Perhaps it might also be useful to explain some of the buzzwords that tend to be used in talking about the EC. Most of these are actually about defining the scope in which the EC can operate.

Subsidiarity

Subsidiarity is one of the key things that underlies the way that the EC works, or should do. The basic principle is that wherever practicable, action should be taken at national level, rather than EC level. This means that member states retain more control of what goes on in their own countries.

Competence

Another of the words you will hear often is competence, which in an EC context, means whether or not a particular area of policy is covered by the treaty, and so whether or not the EC can act in that area. The new Race and Employment Directives will extend the areas of policy to be covered by the treaty.

How the Treaty affects how laws are made

The treaty base is often talked about, and is a contentious issue. Everything the EC does must have some basis in the treaty, but quite a few things could fall into more than one area. This is important, because each treaty article sets out the procedure that must be gone through to pass laws on that subject. The main two are unanimity, where all member states have to support the laws, and Qualified Majority Voting (QMV) where a majority will suffice.

When the last UK Government was in power, and were threatening to block a Directive on working hours, the EC used a Treaty article that required a different system of voting (only a majority, not unanimity) to get round the fact that the UK Government was intending to vote against it. The UK government took this to the ECJ, claiming that the wrong treaty base had been used, but they did not win (except for getting the provision of Sunday as a rest day deleted). The ECJ said that the treaty base used would fit the subject, and just because you could argue that it might have fit better elsewhere, didn't mean that the EC had to use a different treaty base.

Equal Opportunities and Related Legislation in the UK

Age Discrimination

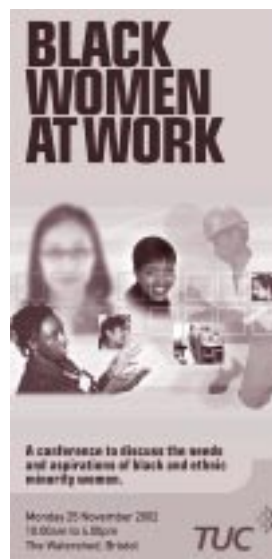
A voluntary code of practice on age discrimination was produced in 1999 and suggests ways in which employers can eliminate age discrimination. The European Employment Directive requires all EU Countries to introduce legislation, if it doesn't already exist. Our government has announced its intention to introduce legislation in December, 2006.

Disability Discrimination Act 1995

This deals with discrimination against disabled people in the areas of employment, the provision of goods, facilities and services and premises, education and public transport.

Employment Act 1989

This includes an exemption from the operation of the Sex Discrimination Act for acts done in connection with employment or vocational training to comply with certain specified statutory provisions relating to the protection of women at work.



The challenges and achievements of black women were celebrated at a South West TUC Women's conference on the 25th November, 2002.

Employment Relations Act 1999

This includes a right to be accompanied at disciplinary or grievance hearings by a trade union official or another of the employer's workers.

Employment Rights Act 1996

This includes the following rights:

The right not to be unfairly dismissed. A dismissal is automatically unfair if it is for a reason related to pregnancy, childbirth, maternity leave, parental leave, or time off for dependants.

The right to maternity leave.

The right to paid time off for ante-natal care.

The right to unpaid time off to care for or to arrange care for dependants where the dependant is ill, injured, assaulted, gives birth or dies; if arrangements for the care of a dependant break down; or if there is an unexpected incident involving a child at school.

- The right to be offered suitable alternative work on not substantially less favourable terms and conditions if a legislative requirement or a health and safety recommendation prohibits a woman from doing her usual job because she is pregnant, has recently given birth or is breastfeeding.
- The right to be suspended on full pay if a woman is unable to do her usual job on maternity grounds as described above and no suitable alternative work is available.
- The right to a statement of employment particulars.
- The right to an itemised pay statement.
- The right not to suffer unauthorised deductions from wages.
- The right to a minimum period of notice on termination of employment.
- The right to a redundancy payment.
- The right to a written statement of reasons for dismissal.

Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996

These provide for tribunals to award interest on backpay in Equal Pay Act cases and compensation awards made under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

The Equal Pay Act 1970

The Equal Pay Act 1970 was amended by the Sex Discrimination Acts of 1975 and 1986. Its aim is to prevent discrimination in respect of terms and conditions of employment between men and women. An employee can seek pay and conditions that equal those of another employee of the opposite sex, if they are undertaking work of the same or broadly similar nature.

The Act also enables an employee to seek equal pay and conditions with a comparative person of the opposite sex, even where the work being done is different. This can be on the grounds that the work, although dissimilar, is of equal value in terms of the demands that it makes.

Equal Pay (Complaints to Employment Tribunals) (Armed Forces) Regulations 1997

These allow individuals serving in the armed forces to bring equal pay claims in the employment tribunal provided a complaint has been made about the same matter under the service redress procedures which has not been withdrawn.

Gender Reassignment – SDA amended in 1999

The Sex Discrimination Act was amended in 1999 to protect workers undergoing gender reassignment from discrimination at work.

Health and Safety at Work etc Act 1974

This places a duty on employers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees. There are criminal sanctions for failure to comply with this duty and enforcement is by the Health and Safety Executive and local authorities.

Human Rights Act 1998

The Human Rights Act 1998 applies to authorities, which includes companies or individuals carrying out a public function.

Under Article 14, public authorities may not treat any individual differently because of race, religion, sex, political views or any other status, unless this can be justified objectively. Everyone must have equal access to Convention rights, whatever their status.

Public authorities are also obliged to respect individual's right to respect for their private and family life, their home and correspondence.

Management of Health and Safety at Work Regulations 1999

These require employers to carry out risk assessments. There are specific obligations on employers to assess risk where there are women of childbearing age at work. Employers may have to alter working conditions or hours of work, offer suitable alternative work or suspend an expectant or new mother on full pay if necessary to avoid risk to her or her baby.

Maternity and Parental Leave etc Regulations 1999

These contain the detail of the rights to maternity and parental leave contained in the Employment Rights Act 1996 (ERA). They also prescribe the circumstances in which a dismissal will be automatically unfair for the purposes of the ERA if the dismissal is for a reason related to pregnancy, childbirth, maternity leave, parental leave, or time off for dependants.

National Minimum Wage Act 1998

This provides that workers shall not be paid less than a designated minimum rate per hour.

National Minimum Wage Regulations 1999

These contain detailed rules as to who qualifies for the national minimum wage and what counts as working time and remuneration for these purposes.

Occupational Pension Schemes (Equal Treatment) Regulations 1995

These set out how claims may be made to enforce rights to equal treatment in occupational pension schemes.

Part-time Workers Regulations 2000

These give part-time workers the right not to be treated less favourably than comparable full-time workers unless the difference in treatment is objectively justifiable. They do not give a right to work part-time.

Pensions Act 1995

This requires occupational pension schemes to observe the principle of equal treatment between men and women.

Protection from Harassment Act 1997

This creates a criminal offence of harassment. It also creates a new type of civil claim, allowing individuals who are harassed to claim damages and/or seek a court order to stop the harasser from continuing the harassment.

Race Relations Act 1976

This prohibits discrimination on racial grounds in the areas of employment, education, and the provision of goods, facilities and services and premises. Following changes made by the Race Relations (Amendment) Act 2000, there is also now a positive duty on public authorities to eliminate unlawful discrimination and promote equality of opportunity.

Rehabilitation of Offenders Act 1974

This enables some criminal convictions to become 'spent' or forgotten about after a period of rehabilitation. This period is a length of time from the date of the conviction. After this period a person is not normally obliged, with certain exceptions, to disclose a conviction when applying for training or employment.

Sex Discrimination Act 1975 and 1986

Sex Discrimination Act 1975 makes it unlawful to discriminate on the grounds of sex or marital status. There are three types of discrimination:

- Direct discrimination – for instance, where a married person is treated less favourably than a single person; or a woman is treated less favourably than a man or vice versa
- Indirect discrimination – where a man or woman cannot meet an unreasonable requirement which appears to apply equally to both, but can actually only be met by a smaller proportion of one sex (or by a smaller proportion of married people compared to single people). For example a requirement that workers must be taller than six feet tall could be met by far fewer women than men.
- Victimisation – against someone who has made a complaint under the SDA or Equal Pay Act

Sex Discrimination (Complaints to Employment Tribunals) (Armed Forces) Regulations 1997

These allow individuals serving in the armed forces to bring sex discrimination claims in the employment tribunal provided a complaint has been made about the same matter under the service redress procedures which has not been withdrawn.

Sex Discrimination (Questions and Replies) Order 1975

This prescribes the forms to be used to obtain information in accordance with s.74 Sex Discrimination Act 1975. It also sets out the time limits and methods for service of these questionnaires.

Social Security Contributions and Benefits Act 1992

Statutory Maternity Pay (General) Regulations 1986

Statutory Maternity Pay (General) (Modification and Amendment) Regulations 2000

These contain the provisions relating to entitlement to Statutory Maternity Pay.

Working Time Regulations 1998

These contain provisions regulating working time including:

- A limit of average 48 hours work per week (with exceptions)
- Daily and weekly rest entitlements and rest breaks.
- A right to 4 weeks paid annual leave and to be paid for accrued but untaken leave on termination of employment.
- Special provisions relating to night work.

A group of Equality 'Champions' at a training event in Taunton.



Equal Opportunities Guidelines for the European Social Fund in the South West

This section provides advice to organisations that are developing ESF applications. It should also help current ESF projects to review (and improve) their policy and practice.

New ESF Objective 3 Equal Opportunities Gateway

The equal opportunities component of Objective 3 applications has been redesigned, following consultation with government offices and partners. The new Gateway will be available on the Government Office South West (GOSW) website in the near future:

www.gosw.gov.uk/AZ_of_Activities/europe/objective_3/

The effect of the new Gateway will be to signpost applicants to a relevant set of questions. All of the questions must be answered properly, or the application will not be allowed to proceed.

This is an important and welcome step forward and should ensure that equal opportunity is mainstreamed in all Objective 3 Projects in the future.

First Principles Partnership Boards/decision making committees.

You should have a commitment to 50% gender split representation on all groups developing local and regional action plans. The minimum acceptable of either sex is 40% and this must be borne in mind when selecting representatives.

This gender balance should not be confined to Partnerships but extend to working groups and committees at all levels that are involved in planning, implementing and monitoring projects. Reasonable representation from Disabled and Black and Minority Ethnic groups is expected.

If you don't have a good mix of people you are not mainstreaming equal opportunities and you may miss the chance to develop more interesting projects. Your application may well be challenged too.

Equal Opportunities Policy

All project managing agencies must have an equal opportunities policy, without this you will be ineligible for funding.

A policy is not just a statement saying you do not discriminate against a list of people. It is a strategy about how you intend to operate your equal opportunities statement so you will have procedures in place if someone should make a complaint, about how to deal with incidents, how to recruit and promote people fairly etc. Developing strategies and audits are dealt with later in these guidelines.

You cannot get a blueprint for developing a policy, you have to develop one to suit your organisation. The Equal Opportunities Commission (EOC), the Commission for Racial Equality (CRE) and the Disability Rights Commission (DRC) have guidelines to help you consider what areas you need to cover.

Definitions

1) Mainstreaming – what is it?

The European Commission defines it as 'the systematic consideration of the differences between the conditions, situations and needs of women and men³ in all community policies, at the point of planning, implementation and evaluation'. In other words, it's an inclusive approach that recognises the need to ensure everyone can participate and be fully integrated into activities that will not adversely affect sections of the population.

2) Cross-cutting – what does that mean?

Basically everything related to a potential project must be underpinned by equal opportunities. Is it safe for people working late, is there transport, is there a childcare facility, is there access for disabled people?

You will need to consider the minimum 40% gender and equality composition of any working/management group and take advice about equal opportunities where necessary.

Monitoring for equalities issues and evaluation at mid term and end of projects are essential. You will also need to keep statistics that reflect the gender/ethnicity/disability/age/sexual orientation/religion (where relevant) of participants of the project.

Developing a positive approach to the cross-cutting factors from the beginning of the application process will help the project's implementation.

3) Barriers to Equal Opportunities

These can be obvious, for example a lack of willingness to train and promote disabled people in the workplace, no childcare provision at training centres, or a lack of targeted publicity about activities which might be of interest to minority ethnic business people.

They can also be more subtle and indirect. For example, not thinking about transport or childcare, or believing that employers cannot cope with flexible work practices and so not targeting training/support at them, or not recognising that some disabled people will need to be located in certain places in your office to allow them to fully participate in all aspects of the workplace.

So you have to think about the barriers your project will need to address as widely as possible, how you intend to deal with the issue and what resources you may need to add into your application for funding.

Developing a good equality basis for your project

Equality Audits

Gender audits are considered to be good practice by the European Commission. Equality audits are the same as gender audits but include disabled people and people from ethnic

³The UK government extends this definition, to include Race, Disability and Age. Sexual Orientation and Religion will be included (formally) in the future.

minorities or any other group whose progress you wish to monitor within your organisation.

You need to know about your own organisation's current situation re equal opportunities so you can plan your project properly. An equality audit is a way of checking how your policy works in practice (e.g. do you have a glass ceiling that stops people getting promoted, do you give support to disabled people?). It's a good way of finding out where people are in the organisation. If the audit finds your current policies and practices are in good shape then it should be easy for you to adapt them for your project.

Whilst you are collecting this information mainly for statistical purposes, it would be useful to include questions about how people see themselves fitting into the whole scheme and use the information provided to build on and improve good practice. This will be a good way of checking how your equal opportunities policy is succeeding.

The audit should be repeated at regular intervals to assess progress against objectives. It must have the backing of senior management, workers' representatives and key workers to ensure its implementation. It will take more time to do at first until systems are established. It is important to think about what you're going to do with the information when you've got it, in terms of ensuring that the equality issues which come up get tackled, both through policies and implementation.

Audits are designed to assess the starting point for developing a mainstreamed approach to equality and can be used for any size or type of organisation, or project.

Here is a list of action points you need to incorporate into an equality audit.

1. A named contact with responsibility for the audit in your project/organisation.
2. The information you collect needs to be disaggregated by gender, race, disability, age, etc. Some facts may be difficult to come by as people may not wish to declare certain illnesses, their sexual orientation etc. all information must be kept highly confidential.
3. The kind of information you collect should refer to status, pay, training, complaints, flexible work opportunities etc.

For example:

- Number of staff employed, by grade, by job, by pay level, full time/part time.
 - Number of trainees/volunteers on what level of course, how many hours per week/month.
 - Number of applicants for jobs/training/other activity.
 - Number of complaints of harassment/unfair treatment.
 - Number of staff on career breaks/childcare leave/other work life balance opportunities.
4. Check you have the structures and resources in place to support your project/organisation's equal opportunity objectives.

For example:

- Someone responsible for equality issues
 - Training on equality issues
 - Policies designed to serve specific needs (e.g. recruitment and harassment)
5. Set priorities and timetables based on outcomes in the short/medium and long term. You may want to aim, for example, to ensure more women get to be project managers, more disabled staff attend high level training courses, more people from ethnic minorities are represented on the Board.
 6. Detail the actions to be taken by the organisation/project (possibly broken down by department/course, etc) e.g. equality training for managers, improving access, consulting with community groups, setting equality objectives.

You need to list

- The action currently being taken
- The action planned
- The outcome required - by when? - in stages?
- With whom the responsibility lies.

Developing good practice

Have you taken advice from the support agencies/local groups/potential participants about the equal opportunities factors in your project? If you do this first of all it can save you a lot of time adjusting it later on. GOSW (Plymouth) is available to provide equal opportunities advice to applicants and current Objective 3 projects.

Also, it would be helpful if you consider these types of questions below in relation to the development of your project as, again, it will save you problems in the longer term.

As a consequence of thinking things through, you may want to build in special provision, or apply for more money in your funding application to address a particular equality issue to respond to the implications for your project.

1. Have you checked your policies and potential project applications for equal opportunities implications?

You don't want to fall foul of your own internal policies, the UK equalities legislation (including the Human Rights Act) or the EC statements on equal opportunities. So make sure everything is updated and in line with current policy and practice.

Some practical issues can be foreseen; e.g. the need for disability access, crèche space, advertising in different languages.

Some need researching:

e.g. do you fully understand the needs of a particular form of disability and any implications for project management? Are you aware of issues that might affect Muslim women coming on an IT course?



'Winning Equalities in the South West'
Conference in Swindon, on 8th November, 2002.
From left: Ivy Cameron, Ariaf Hussain,
Rachel Carey, Paula Beswetherick, Nick Lowe
and Julie Anderson-Hill.

2. Have you thought about the equality targets you will need to set for the project? Have you data to base a realistic target upon? Have you made adequate arrangements to keep equality data?

It is necessary for you to set equality dis-aggregated targets for projects. These should reflect the percentage of the targeted groups that you reasonably expect to benefit from your project based on local/national data. Targets are also set at the end of most measures for equal opportunities.

You can use a range of statistical data available from the Labour Force Survey, GOSW, RDP, to local authority ones. However, there is a real problem about the lack of good quality data concerning ethnic minorities and disabled people and certain aspects of women's activity. The census will eventually provide more up to date information for project applicants to use.

You will need to keep your own (equality) disaggregated data about all your activities for monitoring and evaluation throughout the lifetime of the project. This may require you to set up new systems, new forms for participants, new ways of recording facts and figures. This implies staff training for everyone involved in the project's management to ensure that your monitoring and evaluation systems will alert you to any problems early enough in the project to change tactics and to help you to really assess the impact of your work on equal opportunities.

3. Do you have an equalities strategy?

In other words, have you considered how you will manage your project to reflect equal opportunities throughout its day to day running?

Have you got a range of staff for the project who are appropriate for the participants you are trying to attract?

Have you got women in decision making roles? Are there disabled people on the management committee? At what level are ethnic minority staff in your organisation?

Have you done an equality audit of your organisation so you know how good your implementation of equal opportunities has been and where the gaps are so you don't replicate problems in the project?

The format for developing a strategy given below is adapted from the Scottish Toolkit example and can easily be developed to fit the specific needs of your organisation and project. However, it needs to be run with commitment throughout your organisation and with an understanding of the issues involved.

A recognition of everyone's right to be included fully at the planning stage, throughout the project and to receive training around the issues implies a need for a serious commitment of resources which, again, you may be able to add into your project application.

Examples of developing an equalities strategy for a project:

1. Identify staff to be involved and create a team approach.
2. Identify actual and potential equalities issues in your organisation and the project.
3. Draw up a plan of action of how you can take things forward.
4. Collect and analyse data – what do you want/need to know about the project and your organisation e.g. the gender breakdown on the management group, the targeted groups' needs, specifically skilled/relevant staff, wage levels, recruitment procedures.
5. Clarify issues, formulate recommendations and set targets for implementation.
6. Negotiate the strategy within your organisation. The project strategy needs to be in line with the equal opportunities policies of your organisation.
7. Outline a monitoring process and the implications for resources, re-directing the project, or organisation, if it is seen not to be fulfilling its equality obligations.
8. Implement the strategy, ensuring support from senior management, and trade unions, where relevant.
9. Evaluate and draw out lessons and be willing to build on them.
10. Report back and start again!

The equality strategy may seem like a linear approach but it is in fact circular, as you need to go back to the beginning of the list of activities regularly to check that you are delivering all you wanted to achieve.

4. What steps have you taken to ensure your project reaches the right people?

Have you considered accessible formats for disabled people, publicity in minority ethnic languages and using community radio stations?

Have you built in expenses for travel, childcare etc, for participants into your application (where permissible)?

5. Do you and your staff have access to relevant and regular equal opportunities training?

What plans do you have to ensure that everyone involved in your project understands and acts on the needs of others?

How will you ensure that this training continues to be appropriate to the needs of all?

It is important that everyone involved in the project, at all levels, understands the implications of mainstreaming equal opportunities. Funding needs to be set aside for training throughout the lifetime of the project, so apply for funds if you can do this.

6. Have you taken advice about specific equality issues from the relevant agencies?

Are you sure you know enough about e.g. the needs of differently disabled people – not everyone needs access facilities but extra travel expenses might be very helpful. Have you checked that there are no people with different language needs in your area? Do you know how to access translation facilities? Do you know how to get permission to set up childcare facilities and how long it can take to be up and running?

Filling out the application forms

1. Why bother with all this when the scores are so low for equal opportunities?

The application forms do not appear to carry many points for any of the cross-cutting issues. However, they are core criteria so you must score and they are weighted in terms of high or medium priority as well, so they should not be taken lightly. Your project application could be returned if you don't respond sufficiently.

The current ESF application form has not required a great deal of information on equal opportunities, but it is anticipated that this will change in the near future. New equal opportunities selection criteria have been developed by DfES, ESF Division, in consultation with partners. These will completely change the emphasis on equal opportunity requirements. The criteria will be used as a Gateway which must be successfully navigated if applications are to progress in the system.

Have you thought about how mainstreaming equal opportunities can benefit your project application?

You will be adding value to your application if you integrate equal opportunities throughout your project, both for your organisation and the recipients. Ultimately, this will spin out into the wider community, your organisation will be

recognised as having excellent equalities practice and you will be seen as a good role model in your sector. You will be fulfilling your obligations to the European Social Fund and also helping to enrich the opportunities in the South West economy.

3. What will the project do to promote equal opportunities directly or indirectly?

To answer questions like this you need to consider issues like the barriers people face, staffing, the targets, the ways you will ensure mainstreaming as well as actual activities.

You should explain in some depth how you will tackle equalities issues, in which case you need to realistically consider what the project can achieve. For example if childcare is an issue can you really build a crèche? Have you got to negotiate space in the nearby nursery or do you need to add expenses for participants to find their own childcare into the application? If disabled access is a problem in your building what do you intend to do about it? Move to a more suitable site for the duration of the project (so you may need to apply for rent for accessible premises? Build ramps, discuss with your local access group ways of modifying the space? Obviously it is easier to explain the direct impact of equal opportunities in some projects than in others.

Advice

GOSW, local authorities and other major organisations should be able to offer guidance and support through their equality or European officers. If you are a partnership/large organisation, or a collective of smaller ones, you may find it more effective to appoint your own specialists.

Conclusion

These guidelines are designed to kick-start ideas and help with some concerns you may have about your project. The usefulness of developing good policies and practices will knock on into other aspects of your work, organisation and community in the longer term.

The relevance of the cross cutting theme of equal opportunities needs to be recognised in your application, in your decision making groups and throughout the implementation of your project, so that in 2006 we will have a more inclusive society and productive economy in the South West as a result of all our activities using ESF.



Asher Craig, CEMVO and Chair of Black Development Agency.

Mainstreaming EOps – A Checklist

1. “Equality perspective must be brought to bear on all programmes at all stages, from strategy development to marketing & information provision; from project application, appraisal & selection through to monitoring and evaluation”.
2. Requirements to meet in development, management & implementation of programmes.
 - Preparation of programme
 - Monitoring & evaluation
 - The institutional framework
 - Information & publicity

a. Preparation

- Obtain relevant, detailed regional/local data
- Map data sources
- Definition of mainstreaming included
- Check projects & policies for unequal impact
- Checklist to reduce inequalities, based on each programme’s priorities – EO impact on employment, E & T, Enterprise & work life balance.

b. Implementation

- Consult with groups & communities
- Balanced representation on programme committees from under-represented group
- All committee terms of reference to include commitment to mainstreaming EO
- Individual responsibility in programme management team
- Consult Equality Commissions, Agencies & Networks on proposals
- Training programme for promoters & decision takers – whole process up to evaluation
- EO Audit for funding applicants
- Supply chain & EO policy & practice
- Periodic audits & on questionnaires

c. Information & Publicity

- Are own materials fit for purpose
- Are Partners & Committees’ materials fit for purpose?
- How are checks carried out?

d. Monitoring & Evaluation

- Is monitoring requirement specified in relevant materials & documents?
- Gather quantitative & qualitative data
- Have simple, customer friendly process
- Consult on evaluation requirements
- Train on evaluation requirements
- Access expertise in EO evaluation
- Look at gaps & follow up



The audience listens very carefully to the speech made by Barbara Roche, Minister for Women, at the Equality South West Consultation Conference in Bristol, on 26th June, 2002.

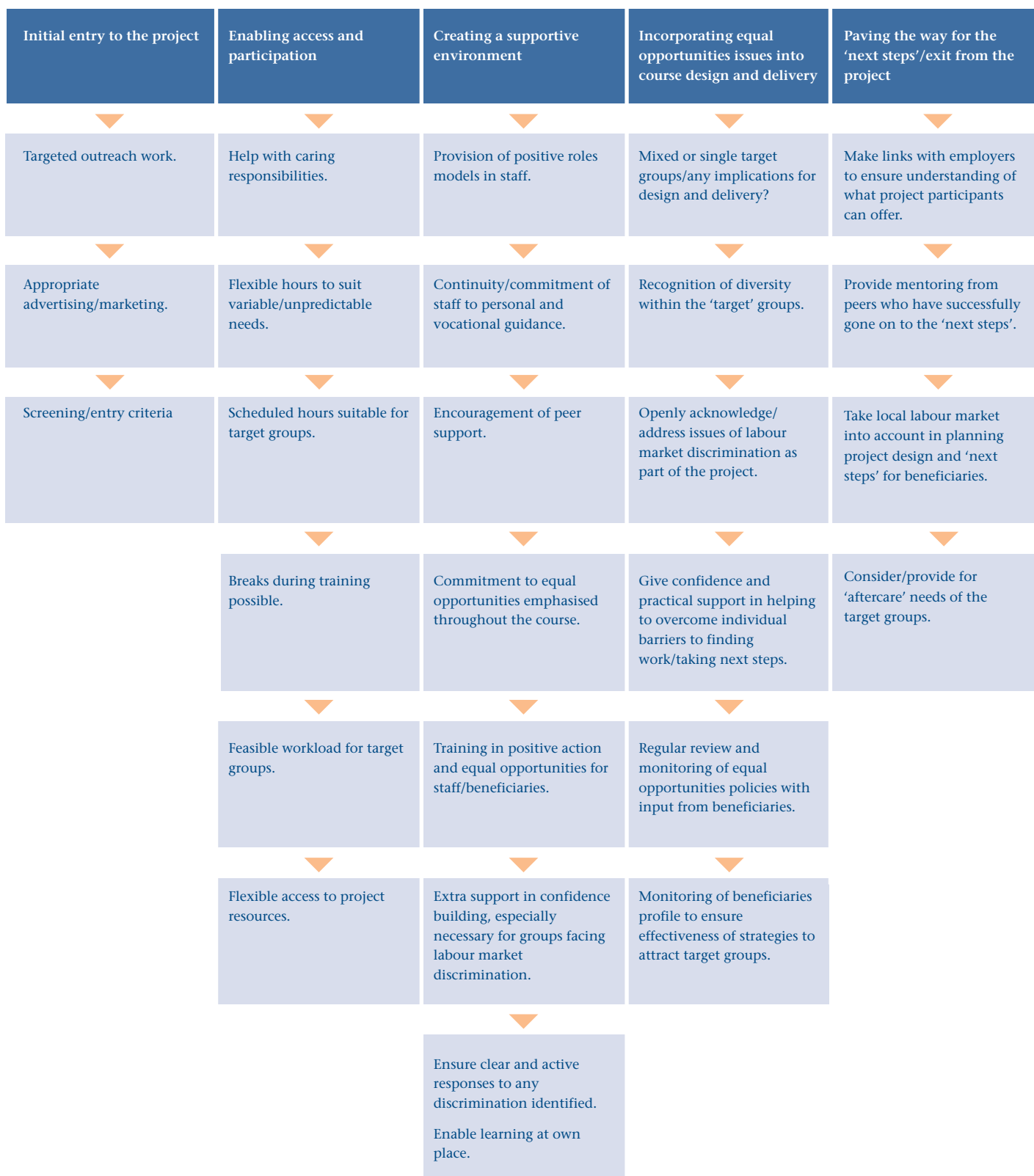
All projects need to consider equal opportunities issues.

- There must be a firm and explicit commitment to equal opportunities among all project staff
- Consideration should be given to developing an ethos of equal opportunities in external networks
- Projects should consider whether to focus on a single target group (e.g. women returners) or whether to mix target groups (e.g. men and women together)
- It is important to recognise and accommodate diversity of needs, skills, experience and abilities within the group
- Beneficiaries' input on equal opportunities issues should be sought during the course of the project and any difficulties arising should be addressed
- It is not enough to have facilities available to provide practical support if beneficiaries cannot make use of them or are not encouraged to do so e.g. crèche facilities which are oversubscribed, counselling facilities of which beneficiaries are not aware
- Pastoral support and raising confidence levels among beneficiaries may be especially important to groups facing labour market discrimination or attempting to enter non-traditional fields.

Barbara Roche, MP,
Minister for Women



Table 1: Planning Equal Opportunities Mainstreaming



Chapter Four What is “Equal Opportunities in Employment” about?

Equal Opportunities is about the offering of employment, pay or promotion without discrimination to everyone irrespective of gender, race or disability. It is also about taking positive action to help under-represented groups.

While there is a lot of commonality between the acts relating to Sex and Race Equality, the Disability Discrimination Act (DDA) 1995, is different in a number of respects. In particular, it has introduced measures not only to help prevent discrimination but also to remove substantial disadvantage by ensuring that reasonable adjustments are made to accommodate disabled employees.

By ensuring that all people within your company are treated fairly and given opportunities to succeed, you will be offering real equality of opportunity. This will bring benefits to you, your business, your workforce, your customers and your local community.

Who is this chapter for?

Developing and implementing an equal opportunities policy is important for all organisations – large or small, for a variety of reasons:

- The moral case is that it is socially just to treat all people fairly and equally
- The legal case is that the Equal Pay Act (1970); the Sex Discrimination Act (1975); the Race Relations Act (1976) and the Disability Discrimination Act (1995) make discrimination unlawful
- The business case is based on the fact that it offers many benefits to your organisation because it helps you to:
 - Have the widest possible pool of skilled applicants from which to recruit
 - Choose the best person for the job
 - Make the best use of your staff
 - Have a highly motivated workforce
 - Increase employee satisfaction and retention
 - Minimise staff turnover and recruitment costs
 - Increase output
 - Increase your share of the market
 - Improve external and customer relations
 - Have a positive public image locally and nationally
 - Become an employer of choice

What does this chapter contain?

It contains information and advice which will help you on:

- Policy, purpose and development
- Recruitment and selection
- Promotion and retention
- Eliminating harassment
- Reviewing the effects of your good practice

Equal opportunities Checklist

The checklist below is intended to help you assess your current state of equal opportunities practice and to identify the areas which you feel need further work.

- Are you sure you are not breaking the law?
- Are you committed to fairness?
- Are you satisfied that you are recruiting the best person for the job?
- Have you made a written commitment to being a fair employer?
- Do your employees and customers know about this?
- Do all your employees treat each other with dignity and respect?

Section One

Adopting and Introducing an Equal Opportunities Policy

An effective Equal Opportunities Policy can bring many important benefits as well as helping you to meet your legal obligations.

Benefits of Introducing Equal Opportunities Policy

- Widening the recruitment net
- Getting the best person for the job
- Making full use of the abilities and skills of all the workforce
- Promoting a more positive image
- Compliance with the law

How to become an Equal Opportunities Employer

There are two stages to becoming an Equal Opportunities Employer:

Stage 1: Putting together an Equal Opportunities Policy

Stage 2: Taking action to make your policy work

Stage 1: Putting together your Equal Opportunities Policy

Usually there are two sections in an Equal Opportunities Policy:

- A short statement of general intent (for use in job adverts or tendering documents)
- A more detailed document which sets out your aims and objectives

The policy statement can be a few sentences or it can run into many pages. A good Equal Opportunities Policy should include a positive commitment to fair and equitable treatment of all job applicants, existing employees and customers.

Examples

An example of a short statement and fuller policy can be found below. You can use them to help you put together your own policy.

Action:

- Having read this section and the example's either review your existing policy, or put together a policy which will reflect your values and your business structure and needs.



Policy Statement

.....is an Equal Opportunities Employer and is committed to the implementation of employment practices which will ensure that no potential or current employee is treated less favourably on the grounds of Sex, Marital Status, Race, Nationality, Ethnic Origin, Age, Class, Sexual Orientation, Colour or Disability or any other grounds which cannot be justified.

Equal Opportunities Policy

As an equal opportunities employer, ***** is fully committed to establish and maintain a working environment in which recruitment and promotion is based upon merit. We will ensure that no employee or job applicant is treated less favourably on the grounds of Sex, Marital Status, Race, Nationality, Ethnic Origin, Age, Class, Sexual Orientation, Colour or Disability or any other grounds which cannot be justified.

***** will ensure that selection decisions will be made on ability using objective, job related criteria.

***** will provide terms and conditions, training, promotion and appraisal without regard to Sex, Marital Status, Race, Nationality, Ethnic Origin, Age, Class, Sexual Orientation, Colour or Disability. We state to all employees that any acts of discrimination, including harassment will be grounds for serious disciplinary action and complaints will be raised through the grievance procedure.

To this end, within the framework of the law, we are committed, wherever practicable, to achieving and maintaining a workforce representative of the local communities in which we operate. We will monitor the implementation of the policy via a programme of action which will be regularly reviewed and updated.

Overall responsibility for the application of the policy rests with the 'Managing Director and Director of & Human Resources'. However, all employees of ***** have a personal responsibility under the policy, in particular all managers and supervisors.

Making your Policy Work

In order to make your policy work you will need to support it with a practical programme of action which should include the following:

- Reviewing existing procedures for recruitment and selection
- Providing training and guidance for managers and supervisory staff
- Allocating responsibility for the implementation of the Policy to one or more individuals or to a department
- Communicating the Policy to all employees, job applicants and contractors.

Section Two

Recruitment and Selection

The principles of equality of opportunity apply to all aspects of employment. However, the scope for unfair or unlawful

discrimination is particularly great in selection decisions and the first selection decisions are made at the recruitment stage.

In this section we suggest a structured but simple approach not only to help you select the best person for the job but also to enable you to justify your decision. But first, let's look at some frequently asked general questions about recruitment.

What should your aim in recruiting staff?

Simply, to take the best person for the job taking into account any reasonable adjustments required by an applicant's disability, where relevant.

So, how does the disability law affect recruitment?

You obviously want to employ the best person for the job and the Act doesn't stop you from doing so. However, you must not discriminate against any disabled person when recruiting including:

- In the job specification
- On the application form
- During the selection process (including interview timing and location)
- In the assessment technique
- In the terms of employment offered

You might have to make reasonable adjustments to reduce or remove substantial disadvantage, which your premises or employment arrangements may cause a disabled job applicant, compared with a non-disabled person e.g. providing information about a vacancy over the phone.

But how do you define "the best person"?

There is no easy answer to this. Essentially, you should focus on the job-related requirements such as skills, abilities, experience and potential etc. and avoid thinking of stereotypes relating to particular groups of people.

However, you might also have to make adjustments if you know that an applicant has a disability and is likely to be a substantial disadvantage because of your arrangements or premises e.g. at the shortlisting stage consider whether an adjustment might bring the disabled applicant within the field of applicants to be considered.

What is a stereotype?

The application to an individual of a behaviour or expectation which is commonly attributed to a group of people.

Can you provide a practical example?

Often men are not considered for assembly jobs because their larger hands make them less dextrous than women; and women may not be considered for certain jobs because they

are physically less strong than men. Whilst these stereotypes may, in many cases, be true, they will not be relevant or apply in every case. Each applicant therefore needs to be considered on their own personal abilities and their suitability to fill the post advertised.

How can I best avoid stereotyping people?

By developing a simple job description and an associated person specification which lists skills, abilities, experience, etc. required for each different job for which you are recruiting and using these throughout the process. We will be looking at these in more detail later in this section.

Do I have to apply a quota to particular groups of people that I recruit?

The DDA places responsibilities on employers with 15 or more employees, including making discrimination against disabled people illegal.

While the guiding principle should always be the best person for the job, many companies recognise that if their systems are fair, then they should develop a workforce representative of the areas from the which they recruit.

But I have seen adverts where organisations have stated that they wanted a candidate from a particular racial group or sex or with a particular disability?

Yes, in certain circumstances this is permissible. However, exceptions to the Race Relations Act and Sex Discrimination Act apply very rarely. An example would be where the sex of the person is important for reasons of decency.

It is also important to remember that the DDA does not prevent employers from putting in place arrangements that provide more favourable treatment for disabled than non-disabled people.

The Recruitment Process

The primary aim of the recruitment process is to get the best possible person to fill your job vacancy. Every organisation has its own ways of doing this, some formal, others less so.

However, since more and more employers wish to ensure their practices are sound and may, on occasions, find that they have to defend their decisions, there is a clear case for having a simple, reliable recruitment process which is also fair and open.

Below we suggest such an approach, with the opportunity to work practically with concepts, some which may be less familiar.

These are the basic stages in the recruitment process:

- 1 Job Vacancy
- 2 Job Description
- 3 Person Specification
- 4 Advertising the Vacancy
- 5 Application Forms
- 6 Shortlisting
- 7 Interviewing
- 8 Appointment

Remember: A good and fair recruitment system follows a logical sequence with each stage building on the previous one and being consistent with it – let's see how this works in practice.

Stage 1 – Job Vacancy

It may seem an obvious point but your first decision is do you have a job to fill?

If someone leaves their job:

- Are you automatically going to replace them?
- Is the job still viable for one person?
- Is there an opportunity to introduce flexible working or job sharing?
- Have the duties changed?

All these questions need to be considered before going ahead to the next stage.

Stage 2 – Job Description

A job description provides:

- The job title
- The job purpose
- The job's main duties and responsibilities

As it is the foundation document of a good recruitment system, it should be up-to-date and reflect any changes you have made in your considerations at Stage 1.

Stage 3 – Person Specification

The person specification is the key element in the selection process. It is a list of criteria detailing the skills, abilities, experience and potential needed to perform the duties outlined in the job description.

It should:

- Be drawn up directly from the job description before any selection decisions are made
- Remain unaltered through the selection process
- Be applied consistently to all candidates

The criteria listed in the specification should be:

Job Related: By definition, skills and qualities not related to the ability to perform the job on offer will not be included. For example, a candidate's ability to use a word processor should only be taken into account if that is part of the duties set down in the job description.

Clearly Defined: If more than one person is involved in the selection process, it is important that there is the same understanding of what the criteria mean. Where possible, criteria should be used which describe the standards required for the job – for example, "Must be able to process fifteen claims per hour" is better than "Must be able to process claims quickly".

Remember: If a stated standard is appropriate, the criteria should nevertheless be framed in such a way as to minimise the scope for individual interpretation. For example:

- “Must be able to add and subtract to maintain a stock record” is better than “Must be numerate”
- “Must be able to give simple directions and information courteously to the public” is better than “Must be a good communicator”.

Weighted: Some aspects of the job will be more important than others. A person demonstrating the abilities to perform the important duties would be a more suitable candidate than one who only demonstrated the abilities to perform the less important ones. Weighting the importance of the criteria as High (3), Medium (2) or Low (1) will enable these distinctions to be made.

An example of the person specification for the administrative assistant’s job description is shown at the end of this section. Please compare this with the example Job Description now on page 20.

Remember: Compiling accurate job descriptions and person specifications are, perhaps, the most time-consuming elements in the selection process. They are, however, a good investment and will not only make your eventual selection decisions more accurate and justifiable, but save time later in the process.

In addition, they can be used for future recruitment and for other purposes, such as appraisals and promotions. However, before we go on to apply them to the recruitment process, let’s consider the next important stage.

Stage 4: Advertising the Vacancy

To ensure you get the best candidate for the job, you should aim to advertise your vacancy as widely as possible.

Whilst internal advertising, for example on notice-boards or via the company grapevine, may be cheap, it will not reach people outside the immediate workforce and their families and will therefore limit your choice of applicants. As a result you may not get the best person for the job. In addition, you will not be seen, within the community, as an equal opportunities employer.

To access the skills and abilities available in the wider market place, without incurring any additional costs, you can enlist the help of the local jobcentre. Their services are available to all local job-seekers and are free of charge to all users.

In addition, an advert in the local/national newspaper is an excellent way of reaching potential employees although this approach obviously does have a cost attached.

If you live in an area with significant minority ethnic representation, your local Race Equality Council may also be able to distribute your vacancies to local community groups at very little, or no charge.

A job advertisement could be quoted in any complaint made to an employment tribunal against you, under the DDA, regarding your failure to take on a disabled job applicant. You should, therefore, consider carefully what you say to avoid any suggestion of discrimination e.g. the phrase “energetic person required” is sometimes used in adverts but often the job doesn’t require this.

You might also consider how you could encourage people with disabilities to apply for jobs and what adjustments might be needed to help this process e.g. allowing unsigned applications or helping someone to complete an application form who has difficulty with writing.

Job Centre Plus Disability Services Teams can provide information about the disability symbol which is designed so employers can show good practice in employing disabled people and this can then be used in adverts and on application forms.

Contact Disability Employment Advisors (DEAs) through your local Job Centre Plus for further information on this symbol.

Remember – wherever you place your advert:

- be accurate about the job
- do not over or under-sell it but use key extracts from the job description and person specification to give a realistic picture of the job and your requirements
- state in the advert that you welcome applications from all sections of the community
- invite people to get an application form and full copy of the job description and person specification either from you, or if you are using them, the Jobcentre.

Stage 5: Application Forms

Like job descriptions and person specifications, application forms are an important part of the recruitment system.

When designing the form:

- only the bare minimum of personal details should be requested but the maximum amount of space should be allocated to allow the candidate to show how they believe



Wherever you place your advert, state that you welcome applications from all sections of the community.

they meet your requirements outlined in the job description and person specification

- candidates should be invited to give examples outside of employment, if they believe they have transferable skills which are relevant to the job
- if you want to monitor applications by ethnic origin you can request this information on a detachable part of the form. Your Race Relation Employment Advisory Service advisor will be pleased to give more details about ethnic monitoring and provide appropriate data for making comparisons with your local area
- don't forget to ask whether the applicant has a disability which you may need to consider in the recruitment process
- information gathered through monitoring might also be useful in anticipating any adjustments you might have to make under the DDA

N.B. So that you can be fair and consistent to all candidates, try to ensure you only accept applications on your standard application form rather than a mix of these, Curriculum Vitae (CV) and speculative letters. It also saves you time by dealing with all applications in a consistent format.

However, you should also consider how you will deal with applications from disabled people who might want to apply over the phone or in a non-standard way as this might be a reasonable adjustment under the DDA.

Stage 6: Shortlisting

You have advertised your vacancy and received back completed application forms. It is unlikely that you wish to interview all those replying and you therefore, need to undertake a sift based on the information supplied on the completed form. A simple but structured way to do this is to use a shortlisting pro-forma.

Please refer now to the example and further notes on shortlisting on page (?).

Remember only to award marks to candidates where they display evidence against the listed criteria – introducing new criteria to accommodate a candidate, who may have an interesting skill or hobby but which is not required for the job, is unfair and could be unlawful.

However remember that skills and abilities can be demonstrated through activities away from the workplace.

In awarding marks, it is important to bear in mind that it might be necessary to consider adjustments for disabled candidates e.g.

- a blind typist might well be able to do the job if non-essential elements in the job are not considered, thereby making them the best candidate
- increasing marks to take account of future adjustments or ignoring lack of experience if the criteria can be shown to have been met in another way

Those candidates with the best scores should be invited to interview.

Stage 7: Interviewing

Setting up the Interviews:

The people you have invited to interview will be those who, on the evidence of a paper sift, come closest to matching your requirements as outlined in the person specification, having taken account of any adjustments for disabled candidates.

The interview is your opportunity to test their degree of competence or level of ability against each criterion, and thus determine the best person for the job.

It is good practice for interviews to be conducted by at least two people and they should meet beforehand to reach a common understanding of the criteria (see stage 3 – Person Specification).

The interviewers should have received prior training on fair interviewing and be aware of the possibility of inadvertent personal preferences amounting to prejudice.

Deciding what Questions to ask:

- all the questions you ask should be based on the person specification and will, thus, be job-related. However, disabled and other applicants might be able to demonstrate criteria in a non-work setting e.g. through voluntary activity
- each candidate should be asked questions about the same subject areas. Because you have a duty to ask testing and searching questions based on a candidate's individual experience, realistically, ask open questions, like, "Please tell us about your experience of....".
- straying into areas of a candidate's personal circumstances can be embarrassing and potentially unlawful – such information will not be on the specification, so don't ask such questions!
- You should only ask about a disability if it is, or may be, relevant to the person's ability to do the job. Asking about the effects of a disability might help in considering adjustments under the DDA.

Again, a simple pro forma may help the selection process. An example is given at the end of this section.

Should you be asked later to justify your marking, these notes will be good evidence; so keep them safe for up to six months following the interviews.

Stage 8: Applicant Notification

The Successful Applicant:

If you have used a system similar to that which we have suggested, the successful applicant can be advised immediately after marking has been agreed for the final candidate.

The Unsuccessful Applicants:

It is good practice to let all candidates know the result of any recruitment process and to provide feedback where requested to unsuccessful candidates.

And finally when the new employee takes up post:

Follow through – once a person has been employed, check how that are settling in, monitor progress to ensure that they are not being harassed or bullied, where possible provide a “mentor” someone who will “keep an eye on them” and to whom they can go for help or advice during their induction into the company.

Example

The Job Description

Job Title: Administrative Assistant

Job Purpose: To provide clerical support for two Team Leaders

Hours: Full-time – Monday to Friday – 37 hours per week
Flexible arrangements apply to start/finish times

Main Duties and Responsibilities:	Proportion of time
1. Telephone employers, contractors, community and voluntary organisations to arrange meetings for two Team Leaders; maintain diary of activities and appointments. Handle factual queries and enquiries in person and over telephone	25%
2. Draft routine replies to general enquiries	10%
3. Produce letters and reports, drafted by Team Leaders, on word processor	30%
4. Receive, sort and distribute incoming mail; order postage stamps, maintain record of stamp expenditure and balance on budget of £4400; prepare and send out-going mail	15%
5. File memos, letter etc; photocopy documentation	15%
6. Collate statistical and factual information from Team Leaders for monthly and quarterly returns to Chief Executive	5%

Administrative Assistant Person Specification

Candidates must be able to:

- 1) Communicate effectively, by phone and in person, in a friendly and businesslike manner (H***)
- 2) Organise diaries and appointments for Team Leaders in cost effective manner (H)
- 3) Use word processor and key 40 wpm to produce letter and reports (H)
- 4) Accurate balance stamp record (L*)
- 5) Work for periods without supervision, managing time and assessing priorities (M**)
- 6) Work effectively as one of a group of three people (M)
- 7) Draft simple letters (L)
- 8) Carry out a wide range of routine office tasks such as filing, photocopying and statistical collation (M).



There is still too much gender and other kinds of stereotyping in job selection.

Shortlisting

Shortlisting is the means of identifying which applicants should go through to the next round of the selection process, when it is impractical for all to be considered. The methods involved gathering evidence from the Application Form against the pre-determined criteria set out in the Person Specification.

It is important to recognise that some application forms, by their design, can limit the amount of job-related information a candidate can provide; if so, a revision, along the lines suggested in Stage 5: Application Forms (page 18), should be considered.

Stages of Shortlisting

1. Decide who will shortlist – ideally at least two people
2. From the person specification identify those criteria against which evidence can be gained from the Application Form – the remaining criteria will be assessed either by test or at interview.
3. List the identifies criteria and their priority (weighting) on the shortlisting matrix.
4. Do a preliminary check of all forms and consider separately any which indicate the candidate has a disability which may affect their ability to do the job.
5. Then, taking each application in turn, identify against each criteria whether or not evidence is available and award appropriate marking on matrix.
6. After all applications have been considered, total the marks awarded to each candidate.
7. At this stage, you will be able to identify those candidates who, on the evidence available, most closely meet the criteria selected from the Person Specification.

Remember: The above process will result in an overall score against a range of criteria. It will, of course, identify which candidates were best in the high priority criteria, which were the best all-rounders etc. If you wish to make such considerations part of the shortlisting procedure, then this should be agreed in advance and a note kept that this forms the basis for your decisions – failure to do so could be interpreted as introducing bias into the results.

EXAMPLE SHORTLISTING ASSESSMENT FORM

NAME: _____

CRITERIA	WEIGHT	MARK	SCORE=MARK X WEIGHT	EVIDENCE
Must be: Able to communicate clearly, concise and courteously with the public in person and by telephone	H***			
Able to work effectively in a team of 3 people	M**			
Able and willing to work for periods of time without close supervision	M			
Able to identify enquiries which they can deal with and those which require referral	H			
Able to carry out routine office tasks, e.g. filing, photocopying	M			
Able to use a word processor at 40 w.p.m. to introduce letters and reports	H			
Able to accurately balance stamp record	L*			
Able to arrange appointments with due regard to economy and efficiency	H			

EXAMPLE INTERVIEW ASSESSMENT FORM

NAME: _____

CRITERIA	WEIGHT	MARK	SCORE = MARK X WEIGHT	EVIDENCE

Section Three

Promotion

The principles which apply to fair selection in recruitment apply equally to the promotion process:

1. Job Vacancy

As a first step, review the post that is on offer and ensure that you still need to fill it.

2. Job Description

Ensure this is up to date and properly reflects the duties the successful candidate will be expected to perform.

3. Person Specification

Just as important as in the recruitment process. Give particular thought to measuring a candidate's potential when people are being promoted into jobs which include duties they may not have previously performed.

4. Advertising the Vacancy

Even if the vacancy is only being advertised within the organisation, the principles of open competition should still apply.

Use accepted means of communication – memos, meetings, notice-boards, email etc. to ensure **all** staff know that promotion opportunities are available.

All forms of advertising are covered by the Disability Discrimination Act (DDA). You should, therefore, ensure that any arrangements do not disadvantage a disabled applicant for promotion.

5. Application Forms

The recruitment application form is likely to be inappropriate for a promotion opportunity.

However, the provision of a simple pro-forma asking for the minimum of personal information, plus the maximum of job-related information about the individual's ability to do the job on offer, should be considered.

It would also be sensible to consider how you will make adjustments for disabled candidates to the standard application form e.g. providing forms on audio tape.

6. Shortlisting

You may find with a small number of applicants that you need to shortlist and can go directly to the interview stage. Should you need to do so, use the information the applicant has provided.

In addition, if you operate a system of written appraisal this can provide good information about an individual's suitability for the promotion post or you could call for a line manager's statement.

In all cases, remember to match this information against your requirements as defined in the person specification.

Consideration should be given to making adjustments for people with disabilities under the DDA.

7. Interviewing

Conduct the interviews in exactly the same way as for the recruitment process. Again, consideration should be given to making adjustments under the DDA for disabled applicants or candidates with a mobility impairment, e.g. moving the interview room to another place to ensure someone can be interviewed; or allowing someone with a learning disability to attend the interview accompanied.

8. Candidate Notification

Once the scoring has been completed the successful applicant can be notified immediately for internal promotions. You may find it helpful to give feedback to the unsuccessful candidates to help them with any future applications they might make.

Recruitment Checklist

Review

Is there really a vacancy?

Can the job design/work pattern be changed to widen opportunity to other groups?

- Job Share?
- Part time?
- People with Disabilities

Vacancy Exits

If not abort process NOW!

If vacancy exists, follow best practice model

Job Description

Is it a true reflection of the job as it is?

Is it up to date?

Are Racist/Sexist terms and phrases avoided?

Is it agreed with T.U., Personnel, management as appropriate?

Person Specification

Does it reflect the Job Description?

Are all criteria objective and measurable?

Can all criteria be justified in terms of "needs of the job"?

Shortlist Criteria

Are they only from the Person Specification?

Can they be measured from the application form?

If not, how are you going to select the shortlisted candidates e.g. group visits, tests?

Advertising

Is an equal opportunity statement included?

Are Job Description and Person Specification reflected?

Are the main short-list criteria included?

Is a closing date included?

Enquiries and Application

Is there a procedure to deal with this stage or is it left to chance?

Are all enquirers given similar consideration and information?

Is a standard application form used?

Are applicants with disabilities asked if they need assistance/adjustments to attend/participate in an interview?

Are Job Description, Person Specification, Company information and Equal Opportunities information included in application package?

Are all applications acknowledged?

Receipt of Applications

Is there a set procedure?

If a deadline is set is it strictly adhered to?

Is monitoring information of race, sex and disability collected and extracted?

Shortlisting

Are criteria consistently applied to all applications?

Are all decisions based on the shortlist criteria?

Are there any artificial restrictions on any types of applicants?

Are all internal candidates who meet the criteria shortlisted?

Interviewing

Are all interviewers trained in:

- Recruitment interviewing skills?
- Company Equal Opportunity Policy?
- Legal Requirements?
- The dangers of stereotyping?
- Company procedures and monitoring?
- Is one to one interviewing avoided?
- Are all interview panels balanced (race and sex)?
- Are decisions based on evidence and NOT on feelings?

Selection

Is final selection decision based on evidence?

Is the decision agreed by all panel members?

Can the decision be defended (on the needs of the job) if challenged?

Appointment

Is there any pattern to refusal of post by the chosen candidate?

E.g. more refusals from one racial group, sex, age group, applicants with disabilities etc.

Why might this be?

Review

Did the exercise go well or badly?

If well why?

If badly why?

What can we learn to make things go better next time?

Section four

Harassment

What is harassment?

- Every individual member of staff has the right to be treated fairly and with dignity and respect. Harassment is behaviour which is unwanted and unacceptable to an individual or group of individuals and which is directed at them because of their gender, race or disability etc.

Remember: It is not the intention of the perpetrator which defines whether a particular type of conduct is harassment but the effect it has on the recipient

- Many companies choose to extend the grounds of harassment to include religious belief, nationality, age and sexual orientation, even though these are not all covered by legislation yet. Bullying is just as unacceptable as any other form of harassment

Conduct which could constitute harassment includes:

- Any physical contact which is unwanted
- Coercion, isolation or “freezing out”
- Display of offensive material e.g. “pin-ups”
- Unwelcome remarks about a person’s dress, appearance, race or marital status
- Shouting at staff
- Personal insults
- Persistent criticism
- Setting of impossible deadlines

The effect of Harassment and Bullying at Work

Harassment and bullying at work can cause fear, stress, anxiety and sickness amongst employees. It may also put heavy strain on personal and family life. It can lead to increased absenteeism, an apparent lack of commitment, poor performance and even resignation.

For the employer the result is not just poor morale but higher staff turnover, reduced productivity, lower efficiency and divided teams. The effects will eventually show through in the overall performance of the organisation.

Recommendation

Everyone benefits from a working environment which is free from stress and intimidation and which encourages respect for the dignity of individuals. It is important that employers establish standards of behaviour which all employees know about and which they are expected to meet.

Policy Statements

Employers need to develop written policies and procedures which make clear that all employees have the right to be treated with dignity and respect at work, that all forms of harassment will not be condoned or permitted in the workplace and that such unacceptable behaviour will be treated as a disciplinary offence.

A clear policy statement is an important sign of management commitment to preventing unacceptable behaviour at work.

Dealing with harassment

Managers need to be aware that where they see unacceptable behaviour or when a complaint is made to them, they need to treat the matter seriously and take the measures necessary to eliminate it.

Managers are responsible, in law, for the actions of all their employees.

All employees should have the right to effective remedies when incidents occur and the procedures should ensure that quick and effective action is taken.

For a variety of reasons victims of harassment are often reluctant to invoke formal procedure to have matters dealt with. It is therefore preferable for all concerned that initially, complaints are dealt with internally and informally wherever possible. This is likely to produce solutions which are speedy, effective and minimise embarrassment and the risk of breaching confidentiality.

The solution may be as simple as pointing out to someone the effect their behaviour has on others and getting them to stop the behaviour concerned.

Where an informal process proves ineffective or where the individual being harassed prefers it then it will be necessary to take formal action within the normal disciplinary procedures of the company.

The law

The legislation set out in Section 6 also exists to deal with behaviour of a sexist or racist nature and with disability discrimination. It provides an external route or remedy if a complainant feels that matters have not been dealt with internally.

Although not referred to directly in law harassment has been found to be a detriment and is therefore unlawful. There is no limit on the compensation that may be payable if the Employment Tribunal finds an employee has been harassed. The employer may be liable for the harassment done by staff ("vicarious liability").

Remember that new legislation covering discrimination at work on the grounds of Sexual Orientation, and Religion/Faith, will be introduced in December, 2003. Also discrimination on the grounds of Age will be covered in 2006.

Dealing with Harassment and Bullying – Some Guidelines for Managers and Supervisors

Most organisations will already have agreed procedures and guidelines on the handling of complaints of harassment and/or bullying. These guidelines should be consulted and followed in every instance. If no such guidelines are in place yet managers and supervisors should bear in mind the following general points.

- DO take all complaints seriously – false complaints are rare.
- DO act promptly – delay or failure to act could itself amount to unlawful Discrimination.
- DO try to see things from the victim's point of view – it is not for other people to decide how that person should feel about jokes or other behaviour.
- DO be victim centred – try to solve the situation to their satisfaction.
- DO seek expert advice as soon as possible – personnel, welfare etc.
- DO investigate as quickly and thoroughly as circumstances allow but always take account of the victim's wishes.
- DO keep a record of incidents reported even if it doesn't go any further.
- DO inform the victim of their rights under the grievance procedures but don't insist that they use them.
- DO advise the victim to keep a note of incidents which upset them, to talk to witnesses and, where possible, tell the harasser/bully to stop the upsetting behaviour.
- DON'T just transfer the victim – this could be to their disadvantage and is not tackling the problem.
- REMEMBER fun is something everyone should be able to enjoy – if it is at the expense of an individual or a racial group this can amount to harassment.

Section 5

Reviewing the effects of your Good Practice

Becoming an Equal Opportunities Employer does not happen overnight. Broadening the base of your work-force will take time and is linked to your rate of labour turnover.

Action:

A good place to start is by reviewing your latest recruitment exercise.

By following the advice in this pack:

- Did you attract a wide range of applicants?
- Did you find it easier to decide who was the best person for the job?

Longer term you will want to consider:

- Whether the people you have recruited using the method put forward in this pack are performing well
- Whether your workforce is representative of the local community

Further questions you may wish to address will concern:

- The way your workforce responds to these ideas
- To what extent a well recruited, well treated and managed workforce is an asset to your business

Section 6

Observing the law

N.B. This section is not a full statement of the law.

It is important that you and your staff are aware of current legislation covering equality of opportunity in employment.

The Principle Acts are:

The Sex Discrimination Act 1975
The Race Relations Act 1976
The Disability Discrimination Act 1995
The Equal Pay Act 1970

A section on each of these pieces of legislation follows, together with a section on the remedies available to people who feel they have been discriminated against.

Codes of Practice are issued covering the legislation by:

- The Equal Opportunities Commission (EOC)
- The Disability Rights Commission (DRC)
- The Commission for Racial Equality (CRE)
- The Advisory, Conciliation and Arbitration Service (ACAS)
- The Department for Education and Employment (DfES)

Following the guidance these codes contain, will help you to act fairly and lawfully.

The addresses from where they can be obtained are given at the end of this pack on page 48.

The Sex Discrimination Act 1975

The Sex Discrimination Act makes it generally unlawful for an employer to discriminate against a woman or a man on the grounds of their sex or being married.

There are three main kinds of sex discrimination – direct, indirect and victimisation.

Direct discrimination is where a person is treated less favourably than another on the grounds of their sex. In determining whether direct discrimination has occurred you need to consider the following:

- Was the treatment less favourable than the treatment which was (or would be) according to a person of the opposite sex; And if so
- Was the treatment less favourable because of the sex of the person involved.

Examples

Not interviewing or appointing a woman because it is felt that, because of her sex, she would not fit in.

Not interviewing or appointing a woman because she is pregnant is direct discrimination.

Indirect discrimination occurs when an employer applies a requirement or condition equally to men and women but a considerably smaller proportion of women than men or men

than women can comply with it and it cannot be justified as necessary for the job.

For a condition or requirement to be indirectly discriminatory all of the following must be true:

- It is applied equally to both sexes
- The proportion of one sex who can comply with it is considerably smaller than the proportion of the other sex who can comply
- The individual suffers because he or she cannot comply
- It cannot be shown to be an objectively justifiable condition or requirement by the employer

Please note that the definitions of 'Direct' and 'indirect' discrimination may be changed with the introduction of the new equality legislation, next year.

Examples

Insisting on unnecessary height requirements.

Automatically refusing training or promotion to part-timers if most part-time jobs are done by women but most full-timers are men.

Discrimination by Victimisation

It is unlawful to treat a person less favourably for the reason that they have: brought proceedings under the Sex Discrimination Act or the Race Relations Act or have given any information in connection with proceedings by another person under the Act; or done anything by reference to the Act; or alleged a contravention of the Act (unless the allegation was false and not made in good faith).

Examples:-

An employee makes a complaint of sex discrimination to tribunal and because of this he or she is moved to other work with less favourable working conditions or lower pay.

Make sure that relevant training is available to all employees and volunteers.



An employee states that they are intending to take advice about making a complaint of sex or race discrimination but they were refused time off to get advice from a representative.

An employee succeeds in a claim of sex or race discrimination at tribunal and because other employees don't agree with the tribunal's decision they make working conditions more difficult for the person by refusing to co-operate with him or her.

Unlawful Pressure or Instructions

It is unlawful to instruct or put pressure on others to discriminate on sex grounds. It is also unlawful to discriminate in response to such instructions or pressure. The law does not accept instructions or pressure as defence.

N.B. Although the above definitions and examples refer to sex, similar provisions relate to direct and indirect discrimination against a married person compared with an unmarried person.

The Race Relations Act 1976

The Race Relations Act makes it generally unlawful for an employer to discriminate against anyone on racial grounds – meaning colour, race, nationality or ethnic or national origin. There are three main types of discrimination – direct, indirect and victimisation.

Direct discrimination is when a person treats another person less favourably on racial grounds than he or she treats, or would treat, someone else.

In deciding whether direct discrimination has occurred it is necessary to consider:

- Whether the treatment was any less favourable compared to the treatment which was (or would have been) according to another person,

And if so

- Whether the unfavourable treatment was due to the colour, race, nationality or ethnic or national origin of the person less favourably treated or someone else connected with that person, e.g. their spouse.

Example

Not considering a job applicant from a particular racial group because it is felt that they might not "fit in" or might be unreliable.

Indirect discrimination occurs when an employer applies a requirement or condition equally to all, but a considerably smaller proportion of people from one racial group than of other racial groups can comply with it, and it cannot be justified as necessary for the job.

For a condition or requirement to be indirectly discriminatory all of the following must be true:

- It applies, or would apply, equally to other whatever their racial group
- The proportion of people in the disadvantaged person's racial group who can comply with it is considerably smaller than the proportion of those not in that group who can comply

- It is detrimental to the complainant because he or she cannot comply with it
- The employer cannot show it to be justifiable condition or requirement irrespective of the colour, race, nationality or ethnic or national origin of the person to whom it is applied.

Examples

Recruiting by word of mouth from friends or relatives of employees. If this excludes members of a racial group it may lead you to break the law.

Not allowing the wearing of turbans or requiring women to wear skirts: this rules out Sikhs, or Asian women who have to wear trousers or a gown for religious or cultural reasons.

Although there is no law in Great Britain against religious discrimination until December 2003, discrimination against Muslims could discriminate against people from Pakistan and Bangladesh, many of whom are Muslims.

Even saying "My customers wouldn't like to deal with someone from an ethnic minority" can be unlawful.

Discrimination by Victimisation

It is unlawful to treat a person less favourably for the reason that they have brought proceedings under the Sex Discrimination Act or the Race Relations Act or have given information in connection with proceedings by another person under the Act;

Or done anything by reference to the Act;

Or alleged a contravention of the Act (unless the allegation was false and not made in good faith).

Examples

An employee makes a complaint of sex discrimination to tribunal and because he or she is moved to other work with less favourable working conditions or lower pay.

An employee states that they are intending to take some advice about making a complaint of sex or race discrimination but they are refused time off to get advice from a representative.

An employee succeeds in a claim of sex or race discrimination at tribunal and because other employees don't agree with the tribunal's decision they make working conditions more difficult for the person by refusing to co-operate with him or her.

Unlawful Pressure or Instructions

It is unlawful to instruct or put pressure on others to discriminate on race grounds. It is also unlawful to discriminate in response to such instructions or pressure. The law does not accept instructions or pressure as a defence.

The Disability Discrimination Act (DDA) 1995

The Disability Discrimination Act introduced measures aimed at ending the discrimination which many disabled people face. The Act gives disabled people rights in relation to employment among other areas.



Ageism?
It's never too late to learn!

People covered by the Act are people who have a disability which makes it difficult for them to carry out normal day-to-day activities. The disability could be physical, mental or sensory. It must also be substantial and have a long term effect (that means the disability must last or be expected to last 12 months or more).

People with progressive conditions, e.g. cancer, are also likely to be covered as is someone with a severe disfigurement. People who have had a disability are also protected by the employment provisions.

The employment part of the Act does not apply to employers who employ fewer than 15 people although smaller employers may wish to follow good practice guidelines.

It is against the law for an employer to treat a disabled person less favourably than someone else because of their disability, unless there is relevant and substantial reason. This applies to all employment matters including recruitment, training, promotion and dismissal.

In order to help a disabled person to do the job, employers will have to look at what changes they could make to the workplace or to the way the work is done, and make any changes which are reasonable.

Employers will be able to take into account a range of factors including the cost, the practicality and the effectiveness of making the adjustment. The extent of their financial and other resources and what assistance might be available to them will also be relevant.

Employers will not be expected to make changes which would break Health and Safety laws.

Employers are still able to recruit or promote the best person for the job.

Specific advice on the employment of people with disabilities can be obtained from Disability Employment Advisors (DEAs) who can be contacted through your local Jobcentre.

More information on the DDA can also be obtained from the DRC information line. Full details are attached – see page ??.

Examples

An employer specifies the need for a driving licence for a job which involves limited travelling. If a disabled person would

otherwise be the best candidate for the job and could easily and cheaply do the travelling involved other than by driving, it would be a reasonable adjustment for the employer to let them do so. It would be discriminatory to insist on the specification and reject their application solely because they had no driving licence.

An employer stipulates that employees must be “energetic” when in fact the job in question is largely sedentary in nature. This requirement could unjustifiably exclude some people whose disabilities result in them getting tired more easily than others.

An employer does not recruit someone who uses a wheelchair. This would be discriminatory if a simple rearrangement of the furniture would ease access and the employer failed to consider this.

Unlawful Victimisation

The same concept of unlawful victimisation applies to the Disability Discrimination Act as to the Sex Discrimination Act and the Race Relations Act.

It is unlawful for one person to treat another less favourably because that person has:-

Brought, or given evidence or information in connection with proceedings under the Act;

Or done anything else under the Act;

Or alleged someone has contravened the Act;

Or because it is believed or suspected that the person has done or intends to do any of these things.

For example a disabled employee complains of discrimination. It would be unlawful for the employer to subject non-disabled colleagues to any detriment for telling the truth about alleged discrimination at an Employment Tribunal hearing or in any grievance procedures.

The Equal Pay Act 1970

The Equal Pay Act was introduced to make it unlawful to offer different pay and conditions for men and women doing “like work” i.e. the same sort of work, or work of equal value for the same or linked employers. Pay means any sort of remuneration, including pensions.

What is “like work”?

If a job done by a woman is the same as that done by a man, except that the man has very occasional extra duties, the woman can claim equal pay if she can show that the man’s extra duties make no difference of practical importance.

Example

A company employs female domestic cleaners who have the same duties as male labourers, except that the men have some additional duties such as sweeping leaves and snow. The women are paid less than the men. The women may have a claim to equal pay if the men’s additional duties are seasonal tasks which make one practical difference to their usual run of duties.

What is work of equal value?

Even two very different jobs will have “equal value” if they place on workers equal demands in terms of factors like effort, skill and decision making. The employer must not give undue value to typically male qualities (like physical strength) at the expense of typically female qualities (like manual dexterity).

Example

A female cook was held by an Employment Tribunal to be employed in the canteen on work of equal value with that of male painters, thermal insulation engineers and joiners working for the same employer. The jobs were assessed under five headings: physical demands; environmental demands; planning and decision making; skills and knowledge; responsibility. The overall scores of the jobs were found to be equal.

Remedies

Anyone who considers that they have been discriminated against can make a claim to a Tribunal. Complaints of sex, race and disability discrimination should be made within three months of the date when the alleged discrimination took place.

Equal pay claims can be lodged at any time whilst the person is within the job or within six months of leaving it.

The Advisory, Conciliation and Arbitration Service (ACAS) always contacts the parties to see if a voluntary agreement can be reached.

If there is no resolution through conciliation, direct discussions between the parties, or withdrawal by the applicant then the complaint will proceed to a tribunal hearing.

Tribunals are independent and chaired by a legally qualified person, with two other members – one from an employers’ panel and one from an employees’ panel.

Remember: Where an employer is found to have broken the law on grounds of sex, race or disability discrimination, or his or her employees have done so, a tribunal can require that employer to pay (unlimited) compensation and can recommend action to remedy the effect of the discrimination.

There is no limit to the amount of compensation that tribunals can award. Under the Equal Pay Act when a case is upheld the same rate of pay will be applied and may be backdated.

“Positive Steps”

Two phrases are often used, and as often, cause confusion in the area of Equal Opportunities in Employment – they are “Positive Steps” and “Positive Action”.

“Positive Action”

Positive Action is a legal term within the Race Relations Act and the Sex Discrimination Act. There are very limited actions which an employer can take to help to redress the effects of past discrimination. The employer must be able to demonstrate “under-representation” within the organisation as a whole or, at certain levels or in certain types of jobs. In these circumstances the employer can offer encouragement to the under-represented group(s) to apply for job or training opportunities, or can offer training to those groups to help them compete for opportunities. For further information and definition of “under-representation” you should refer to the booklet, “Positive Action – Promoting Racial Equality in Employment”.

The concept of “Positive Action” does not exist in the Disability Discrimination Act 1995 but the Act does require employers to make “reasonable adjustments”. For further information please refer to the Disability Discrimination Act 1995 and the Code of Practice for Employers.

“Positive Steps”

“Positive Steps” is not a legal concept and is not mentioned in the Race Relations Act or the Sex Discrimination Act or their associated Codes of Practice for employers. It is a phrase which has been adopted to signify any lawful positive actions taken by an organisation in the furtherance of its efforts to achieve a representative workforce at all levels short of legally defined positive action.

It is probably fair to say that for most employers Positive Steps MUST precede taking any Positive Action within that narrow legal meaning.

Examples of Actions classed as “Positive Steps”:

- adopting a formal Equal Opportunity Policy including a commitment to achieving a representative workforce at all levels
- training staff in their responsibilities under the law and the organisations policy
- adopting an anti-harassment policy
- making unfair, unlawful discrimination and harassment on the grounds of race, sex or disability by employees a disciplinary offence
- monitoring the workforce by race, sex and disability and using that information plan action

- devising and acting on an Equal Opportunity action plan which allocates responsibilities and described actions in terms of "SMART"* objectives
- adopting equality targets for under represented groups to be achieved through lawful means
- widening the pattern of advertising vacancies to attract under represented groups – advertising in the ethnic minority press, using positive messages and images, advertising features and editorials etc.
- making contacts with organisations that represent ethnic minorities, e.g. Race Equality Councils, community, religious organisations, other pressure groups
- having regular contact with your local Learning and Skills Council, schools and colleges in ethnic minority settlement areas
- participating in or sponsoring community and educational events e.g. job fairs
- joining employer equality networks
- sponsoring graduates and working through organisations such as The National Mentoring Consortium and the Windsor Fellowship Trust

This is not an exhaustive list and it will be seen from the above examples that many actions can be taken to improve equality of opportunity within most, if not all, organisations without taking legally defined positive action.

Formal Positive Action without appropriate positive steps preceding it has been shown to be counter-productive in a number of organisations. One example of the inappropriate, or too early, use of positive action is where an organisation adopts positive encouragement to attract members of a under represented group, be it by race or sex. This encouragement results in increased applications from the groups targeted. A good proportion of these are successful.

Unfortunately as the organisation had not taken effective action to address the internal culture, the members of the targeted groups become quickly disaffected and leave. The net result is – **targeted groups in....bad news out** – making the

attracting of applications from these groups much more difficult in the future.

This should not be seen as the reason to do nothing, rather that the organisation should identify and address the needs to improve representation in a controlled, structured, planned and positive way. This is done by following the planning process in the same way as managers would plan any other kind of activity.

***SMART** – all objectives should be SMART

Specific
Measurable
Achievable
Realistic
Timebounded



Having fun at the Regional Black and Minority Ethnic ESF Training Day.

The following is a ten point plan to help employers promote equality of opportunity in their organisations. These are guidance points only and employers should seek further details about each of the areas:

1. Develop an equal opportunities policy, covering recruitment, promotion and training.
2. Set an action plan, with targets, so that you and your staff have a clear idea of what can be achieved and by when.
3. Provide training for all people, including managers, throughout your organisation, to ensure they understand the importance of equal opportunities. Provide additional training for staff who recruit, select and train your employees.
4. Assess the present position to establish your starting point, and monitor progress in achieving your objectives.
5. Review recruitment, selection, promotion and training procedures regularly, to ensure that you are delivering on your policy.
6. Draw up clear and justifiable job criteria, which are demonstrably objective and job-related.
7. Offer pre-employment training, where appropriate, to prepare potential job applicants for selection test and interviews; you should also consider positive action training to help ethnic minority employees to apply for jobs in areas where they are underrepresented.
8. Consider your organisation's image: do you encourage applications from underrepresented groups and feature women, ethnic minority staff and people with disabilities in recruitment literature, or could you be seen as an employer who is indifferent to these groups.
9. Consider flexible working, career breaks, providing childcare facilities, and so on, to help women in particular meet domestic responsibilities and pursue their occupations; and consider providing special equipment and assistance to help people with disabilities.
10. Develop links with local community groups, organisations and schools, in order to reach a wider pool of potential applicants.

Equality Policy: Example 1

Our Policy

The purpose of this policy is to provide equal opportunities to all in employment, irrespective of the gender, race, ethnic origin, disability, age, nationality, national origin, sexual orientation, religion, marital status and social class. We oppose all forms of unlawful and unfair discrimination.

All employees, whether part time, full time or temporary, will be treated fairly and equally. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximize the efficiency of the organisation.

Our commitment

- Every employee is entitled to a working environment which promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- The commitment to equal opportunities in the workplace is good management practice and makes sound business sense.
- Breaches of our equal opportunity policy will be regarded as misconduct and could lead to disciplinary proceedings.
- This policy is fully supported by senior management and has agreed with trade unions, employee representatives. (Insert details if appropriate).
- The policy will be monitored and reviewed annually.
- Implementation. (Include brief details of what will happen, how the policy will be monitored and reviewed over time, an Equality Direct advisor can help you consider these).

Equal Opportunities Policy Statement Example 2

The ... is an equal opportunities employer. Management and staff are committed to:

- valuing and making the full use of the talents and resources of all employees;
- maintaining good and productive working relationships throughout the organisation;
- ensuring that no job applicant or employee receives less favourable treatment on the grounds of gender, sexual orientation, marital status, disability, age, creed, colour, nationality, race or ethnic origins, or is disadvantaged by conditions or requirements not relevant to performance; and
- working towards fair representation of women, black people and disabled people at all levels of the organisation.

This equal opportunities statement is backed up by a set of equal opportunities practices and procedures.

0.1 Equal Opportunity Practices and Procedures *0.1.1 Managing the policy*

Responsibility for overseeing the implementation of the equal opportunities policy will rest with the and Heads of Department, with day-to-day implementation the responsibility of the Personnel and Training Officer.

The equal opportunities statement will be displayed on all notice boards, circulated to all prospective job applicants, discussed as part of the induction programme for all new employees. All employees will receive copies of the statement and policy as part of the Staff Handbook, together with briefings on the policy and their own responsibility in relation to it.

0.1.2 Monitoring

Statistical reports on the position of women, black employees and disabled people will be monitored annually, with the long-term objective of improving the position of under-represented groups.

0.1.3 Pay and Benefits

All employees doing equal work or work of equal value will be treated equally with regard to pay and other conditions of employment. The staff handbook sets out all benefits, facilities and services to which employees are entitled on a non-discriminatory basis.

0.1.4 Harassment

Sexual and racial harassment, harassment linked to sexual orientation, or bullying will not be tolerated. Sexual and racial harassment can amount to unlawful discrimination under the Sex Discrimination and Race Relations Acts.

The grievance procedure is open to employees alleging harassment, with all due attention to the need for maximum confidentiality. In cases of alleged sexual harassment of women, the staff member concerned may wish to have access to a female member of management at informal and formal stages. Confidential counselling is also available through EAP. In cases of alleged sexual or racial harassment, full account will be taken of the need to seek to resolve grievances within a time scale that would leave open the option of an Application under the SDA or RRA (ie three months from the date of the alleged act of harassment).

0.1.5 Religious Observance

Management accepts that religious observance may involve special consideration (eg prayer times, dress). Unpaid leave will be granted for observance of religious holidays, subject to the agreement of the Head of Department.

0.1.6 Staff with Disabilities

The ... is committed to the best practice in the employment of disabled people. In addition to complying with our duties as an employer under the Disability Discrimination Act, we have adopted the Ten Points for Action promoted by the Employers' Forum on Disability.

0.1.7 Recruitment and Selection

The written recruitment process is designed to be consistent, to result in the objective selection of the person most closely matching the person specification for the post and to eliminate any possibility of unlawful indirect or direct discrimination.

Normal practice is to advertise posts internally and externally simultaneously.

Attempts are made to attract under-represented groups through, for example, advertising in specialist media and encouragement of particular groups to apply, within the limits of the Sex Discrimination Act 1975 and the Race Relations Act 1976.

All staff involved in the recruitment and selection process, including interview panels will receive training, including equal opportunities principles.

Person specifications for all posts will be relevant and non-discriminatory, as will be all questions on application forms and asked at interview. Selection criteria will be strictly job-related.

Monitoring forms will be detached from application forms before shortlisting and statistical information compiled by the Personnel and Training Officer.

All interview panels will include at least one woman.

0.1.8 Training and Development

The staff training and development policy takes full account of equal opportunity objectives. Where appropriate positive action training under S47 SDA and S37 RRA will be considered.

0.1.9 Employees with Caring Responsibilities

A set of practices is designed to ensure that all employees with caring responsibilities are able to combine these responsibilities with work. Particular emphasis is given to the needs of parents through benefits, leave arrangements and provision for flexible working.

Maternity rights and arrangements are set out in section ...

Paternity leave entitlement is set out in section

Parental leave entitlement is set out in section.....

Carer's leave/leave for urgent family reasons is set out in section..... .

Adoption leave is set out in section

Flexible working arrangements for staff which may assist those with caring responsibilities are set out in section

Childcare assistance is detailed in section..... .

Ivy Cameron talks about Equal Opportunities Mainstreaming at the 'Winning Equalities in the South West' conference at Exeter on the 18th November, in her own personal, powerful and humorous way.



Many employers regard training as a soft-cost and, as a result, training budgets are among the first to face reductions if there are financial pressures inside the organisation.

Similarly, many employers regard Equal Opportunity training as an added bonus, rather than an essential part of their core business.

More progressive and successful organisations take training generally and Equal Opportunities training, in particular, very seriously. Increasing numbers of employers are recognising that there are many sound reasons to address the range of issues around Equal Opportunities, Diversity and Social Inclusion.

A workforce that is treated with respect internally and externally, is usually a happier workforce, with lower staff turnover, higher degrees of commitment and higher productivity.

An essential part of gaining the respect of our increasingly diverse workforce, is to ensure that an open and inclusive culture is developed and then supported, through a training plan.

Our society is becoming more complex and it is harder for many people to be certain about their role in society. We have many different Minority Ethnic Groups, particularly in our large towns and cities. There are different customs and languages.

It is harder to be comfortable with other peoples' cultures and customs if you have not had some direct experience of them in your life. This is more likely to be the case in rural areas where there are significant Minority Ethnic Communities, but which are only a small proportion of the total population.

Thus, having experience and being confident in different cultural contexts is very helpful. This experience has a beneficial impact at work and in our local communities. Training cannot replace the beneficial impact of living and working in a Diverse community, but it can widen the horizon and try to ensure that people are sensitive to the needs of everyone they mix with.

Training Courses are needed for different groups of staff.

1. Basic Equal Opportunities

- What is Equal Opportunities?
- Why does it matter?
- Raising awareness
- Role play - Fun

2. Intermediate – for line managers

- Understanding the workforce
- Understanding the community
- Different Cultures and Faiths
- The Benefits of an Equal Opportunities approach

3. Advanced – for 'senior' managers

- The Equal Opportunities Business Case
- Equal Opportunities Strategy
- Links with the Community
- Recruitment, Retention and Promotion

- An Equal opportunity Action Plan

- Monitoring and Evaluation

1. Basic Level – All employees and volunteers should be trained on the basics of Equal Opportunities, (Diversity and Social Inclusion).

a. Raising awareness is a continuing process as a new cohort of staff joins the workforce each year.

b. Awareness raising is often more important in (primarily rural) areas where there are fewer people from Minority Ethnic Communities. The practical experience of living, working and socialising with people from different backgrounds, helps to raise awareness.

c. It is particularly important in the South West where we have a relatively small Minority Ethnic population. The latest census will probably show that numbers have increased. But, approximately 40% of our regions' black population lives in the city of Bristol.

d. A report by Eric Jay for the CRE, called "Keep them in Birmingham" showed that the problem of racism and discrimination are a significant problem in the South West. All too often there is a perception that the South West does not suffer the problems of racism and discrimination because relatively few black people live in the region.

2. Refresher – All staff and volunteers should have periodic briefings to ensure that they are kept up to date with changes in the law and changes in good practice. It is important that specific training is arranged when there are changes in statute law.

3. Management Training – Given the special responsibility that managers have, more detailed training must be provided.

This is necessary at the strategic level, to ensure that Equal Opportunities is being mainstreamed into all the work of the organisation. This entails a review of policies, systems, practices, culture and links with the local community.

At the operational level, organisations need to ensure that their aims and objectives have some practical meaning in the workplace and when dealing with customers, clients, beneficiaries and others.

4. Policies and Practices

Some employers argue that training should be restricted to those staff who have direct contact with Minority Ethnic individuals, organisations or communities. Best practice demands that everyone should understand the importance of a non-discriminatory approach to our working and social lives.

Equal Opportunity Recruitment and Selection training is important for staff engaged in the recruitment, or promotion of staff. This should form part of a wider Equal Opportunities Policy.

We need to ensure that the language and behaviour of staff is appropriate. A hostile environment will not be conducive to the development of a diverse workforce.

The conduct of middle and senior managers is absolutely crucial. A strong and consistent lead must come from the leaders of the organisation. Fine words are not enough. Employers must demonstrate through policies, procedures and practices that they demand the highest standards of behaviour.

5. The Benefits – are numerous, in fact, too numerous to catalogue here. A few examples are that:

- The organisation will have a positive reputation in its community if the workforce is truly representative of the people who live in it;
- 14 % of all University Graduates are Black. You may miss out on an important pool of talent;
- People with disabilities often have lower sickness absence and stay with organisations longer, helping to reduce the cost of staff turnover;
- Older people bring experience, inter-personal skills, maturity and a sense of loyalty, reducing staff turnover;
- Young people bring energy, modern attitudes and skills and confidence;
- Remember, that employees are expecting more from their employers. The right to be treated with dignity and respect should not be at issue in any organisation which expects to thrive in the future;
- Also remember, that local communities have purchasing power and political clout. They will exercise both in an increasingly critical way in the future



John Monks, General Secretary of TUC, meets workers at BAE Systems.

Introduction

This note provides a simple overview about the various Equalities elements of the European Social Fund Objective 3, and regional structures dealing with Equalities, and how they all fit together.

Objective 3 – European Social Fund

- Essentially this is EU funding to create and protect jobs, and improve employability
- The European Employment Strategy has 4 pillars:
 - Employability
 - Equal Opportunities
 - Entrepreneurship
 - Adaptability
- It supports National Action Plan for Employment⁴
- Added value is an important criterion.
- **In Objective 3, the Equal Opportunities Priorities are:**

Priority 2

Equal Opportunities For All and Promoting Social Inclusion

- Reduce the impact of disadvantage faced by excluded groups and support their integration into the labour market;
- Promote equality through research into direct and indirect discrimination in the labour market, and support follow on actions to combat the institutional aspects of discrimination

Measures

1. Access to Basic Skills Provision
2. Improve employability and remove barriers to labour market entry for disadvantaged groups
3. Combating labour market discrimination

Priority 5

Improving Women's participation in the labour market

- Reduce disadvantages faced by women in the labour market

Measures

1. Improve access to learning and remove barriers to employment
2. Research into gender discrimination

Technical Assistance (TA)

Supports publicity and effective delivery of the Programme.

⁴NEAP is concerned with:

- Tackling long term unemployment
- Helping young people, and people who struggle to get jobs
- Lifelong learning
- Encouraging enterprise and adaptability in the workplace
- Promoting equal opportunities and improving the role of women in the workplace

Objective 3 Equal Opportunities TA Project

Run by the South West TUC under contract from the SWRDA.

Aims:

“To deliver an equal opportunities project and associated initiatives...according to the wish of the European Equal Opportunities Group”;

“Ensure effective delivery of Equal Opportunities (EO) policy and initiatives across the Objective 3 Programme.

This includes Advice and training to all Objective 3 applicants.

Particular encouragement to organisations struggling to understand EO requirements.

Activities: Mapping activity and need

Training events
Dissemination events
Capacity building events
Presentation pack
Newsletter, called “Equals”
Support networking
Talks/presentations
Conferences
Press releases/Media coverage

Objective 1 Equal Opportunities Manager

Janet Mutch is the staff member at the Objective 1 Partnership Office in Cornwall, who is integrated with the Programme team to deliver support and advice to projects and others.

Equal Community Initiative

Pioneering ways of combating all forms of labour market discrimination and inequalities through trans-national co-operation. Also social and vocational integration of asylum seekers.

Characteristics:

- Thematic Approach
- Geographical or sectoral Development Partnerships (DPs)
- Innovative solutions
- Inherently trans-national
- Dissemination and Mainstreaming

8 Themes (7 in UK):

Employability

1. Facilitating access and return to the labour market; combat discrimination and test support mechanisms
2. Improving employment prospects for ethnic minorities

Entrepreneurship

3. Business creation support to meet the needs of excluded groups
4. Encourage labour market integration via the social economy

Some of the key people at the Regional Age Discrimination Conference in Taunton, on 1st July, 2002.

From left, Rodney Bickerstaffe, Blossom Young, Libby Lisgo and Dillon Hughes.



Adaptability

5. Promote lifelong learning by testing innovative approaches to improve basic skills.
6. Help adjust to structural economic change and new technologies by promoting work/life balance and ICT use.

Equal Opportunities

7. Identify ways of supporting gender job de-segregation.
- Plus National employment strategy for asylum seekers.

Each project follows the same format of 4 Actions:

1. Set up DPs and trans-national co-operation
2. Implementation
3. Thematic networking and dissemination
4. Technical Assistance

Other Strategic and Policy Programmes

European Action Against Racism

Action at European level to help combat racism, xenophobia and anti-Semitism through exchange of information and experience. Starting in 1997, European Year Against Racism and Xenophobia, it established a European Monitoring Centre on Racism and Xenophobia (EUMC), to collect and analyse data, open a public Documentation Centre and coordinate an Information Network. The Centre carries out surveys and publishes an annual report on racism in the EU. Issues tenders and calls for delivery of its services.

Combating Discrimination Action Programme

Follows on from Amsterdam Treaty modifications which allow the EU to contribute to combating discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Supports trans-national (minimum 4 Member States) promotion of legislation, and exchange of experience of policy-makers; evaluation of policy and methodology. Also supports awareness raising through conferences, media campaigns, publications etc.

Combating Discrimination – European NGOs

Linked to the Combating Discrimination Action Programme, this Programme funds networks of associations in at least 10 Member States for activities such as joint campaigns, annual meetings, studies, reports, and newsletters. The networks should be made up of representatives of potential victims of discrimination.

Promoting Gender Equality Action Programme

Trans-national actions to promote gender equality through:

- Awareness –raising (events, campaigns, publications)
- Analysis and evaluation of policies
- Trans-national exchange of experience.

Funds Europe-wide NGOs, social partners, gender equality organisations and local and regional authority networks to carry out actions to;

- Reduce gender gaps in the labour market
- Improve representation of women in decision-making bodies
- Mainstream social rights of women e.g. in transport, public health
- Enforcement of civil and human rights e.g. domestic violence, trafficking in women
- Address gender role stereotypes in education, training, culture, science, media, youth and sport.

European Year of Disabled People 2003

Europe-wide measures to raise awareness of the rights of people with disabilities and to highlight the positive contribution they make to society. Objectives include promoting exchange of effective national and local strategies; strengthening vertical co-operation; promote awareness of the heterogeneity of people with disabilities, and the multiple discrimination they face. Some funding will support European meetings, information campaigns, and impact surveys. Organised via national co-ordinating bodies, in the UK, it is the Department of Work and Pensions.

Equalities Bodies in the South West

There are 3 separate but complementary regional groupings. They draw to varying extents on **representative networks** for each of the **equalities communities**. As well as moving towards a coordinated regional voice and agenda for action, these groupings have helped the various equalities communities to collaborate more with each other.

Objective 3 Equal Opportunities Mainstreaming Plan

There will be Plans for all Structural Fund Programmes. Objective 3 is the first. It sets out how equal opportunities will be mainstreamed in England. GOSW has developed an Implementation Plan. It sets targets for representation in Regional Committees and sub-committees. It requires regional baselines, encourages CFOs to adopt Equalities standards, and covers issues such as training for scoring panels, project publicity and strategic targets. Targets focus on percentages of beneficiaries from the various excluded groups receiving support, and achieving either jobs or other positive outcomes immediately after leaving ESF projects or within 6 months. Targets also require recording percentages of projects adapting their service to enable disabled people to take part, and the percentage offering childcare facilities.

A sub-group of the Objective 3 Regional Committee has been set up and has developed the South West Plan. It is hoped that the same template can be adapted for Objectives 1 and 2.

SWRDA European Equal Opportunities Group (EEOG)

Objectives:

- To ensure a co-ordinated and strategic approach to delivering equal opportunities in the Structural Fund Programmes across the South West;
- Ensure that EU obligations on equal opportunities are fulfilled in the management and delivery of the South West Structural Fund Programmes;
- To monitor and guide the work Programme of staff employed under the European funding project.

The Group is chaired by the South West TUC. The RDA act as secretariat. Membership includes representative regional groups on gender, race, disability, sexual orientation and age; plus each relevant European Programme Committee, LSC, voluntary sector, Trade Unions, Business and other social and economic partners. It has acted partly as a precursor to a strategic regional equalities body looking beyond European Programmes.

Equality South West

A proposal to form one organisation in order to strengthen the voice of regional Equality Networks and contribute to regional and strategic policy. This is to ensure that everyone in the South West has access to and can participate in the region's social and economic life. It is broader than the European Programmes which EEOG deals with. The Chair rotates, and the SWRA acts as secretariat. There is some membership overlap with EEOG.

Representative networks

These relate to both EEOG and ESW. Some have stronger regional level organisation than others. They include:

- Black South West Network
- Council of Ethnic Minority Voluntary Organisations (CEMVO)
- SW Racial Equality Council Network
- Fair Play South West
- Consortium of Lesbian Gay and Bisexual Voluntary and Community Organisations
- West of England Coalition of Disabled People
- Age Concern

ESW also includes South West Regional Development Agency (SWRDA), TUC, Learning and Skills Council (LSC), South West Forum, Government Office South West and the CBI.

EQUAL Development Partnerships

Each project under the EQUAL Programme is based on Development Partnerships, which feed into thematic networks. There are not many regional projects in the South West, but various South West organisations participate in local or national DPs and thematic networks. They have only

recently started work, but in the future, projects will have experience and advice on good practice to disseminate. The Government Office ESF Team maintains a watching brief on developments.

Other regional Networks

The South West TUC has produced a directory of equalities organisations as part of the ESF TA project.

Professional Equalities Officers may also meet within their sectors e.g. LSC, Local Authorities.

Regional Equality Networks

Introduction

Considerable progress has been made in recent years in developing the infrastructure of Equality Networks.

The SWRDA is working with other key regional strategic partners to try and improve our current structures and their effectiveness. Discussions are being held against a backdrop of movement towards the possible merging of the National Equality Commissions.

In the South West we have a number of networks which have grown at different speeds and in different directions. This is due to the different conditions in which they find themselves.

All of them have similar aims in wanting to develop a stronger and more coherent voice for their sector. They also want to influence the important and growing regional Agenda.

Ejaz Ahmad speaking at the 'Winning Equalities in the South West' conference in Exeter, on 18th November, 2002.



A brief description of the networks is set out below.

Gender

FairPlay South West – is the gender network for the South West and is well established in the region. The chair is Jane Barrie, Chair of Dorset and Somerset Health Authority and Chair of the Somerset LSC. The ‘Co-ordinator’ is Peaches Golding.

Fair Play South West is a company limited by guarantee and its main objectives are to:

- Promote equal pay (particularly by tackling gender stereotyping, personal, family and social expectations)
- Increase the number of women in the SW in management positions (particularly by providing advice to employers on how to recruit, retain and promote women, by promoting managerial styles that encourage diversity)
- Promote work-life balance
- Reduce/eliminate gender stereotyping (particularly as it impacts on equal pay)
- Work with specialist agencies, both regionally and locally, to form a network to share good practice and identify emerging issues.

Fair Play South West receives funding from a variety of sources, mainly for commissioned work.

The network is very active at regional level.

Contact details for FairPlay South West are as follows:

Peaches Golding, Charlton

Abbotts Leigh Road, Leigh Woods
Bristol BS8 3PX

Tel: 0117 923 9001 Fax: 0117 923 8264

Email: peaches@gopeaches.co.uk

Race

There are a number of networks in the South West, which have different objectives and terms of reference.

The Black South West Network (BSWN) exists to increase the regional voice of Black-led voluntary groups in representations to the SWRDA, GOSW and the Regional Assembly. In particular, the BSWN wants to:

- Unlock further funds for the sector at Regional level
- Advocate effectively at a Regional level to ensure that the sector is consulted and recognised
- Increase the effectiveness of the sector through the provision of advice, information, training, representation, publications and development services.

The BSWN has mapped Black Voluntary and Community Sector groups in the South West.

The Contact details for the BSWN are:

Ariaf Hussain

5 Russell Town Avenue
Bristol, BS5 9LT

Tel: 0117 939 6648 Fax: 0117 939 6646

Email: ariaf_hussain@bswn.org.uk

The South West Race Equality Network (SWREN) consists of members from the 10 Racial Equality Councils in the Region. The Racial Equality Councils are based in Bristol, Swindon, Gloucester, Bath, Wiltshire, Cornwall, Devon & Exeter, Plymouth & District, Dorset and Somerset.

The Network aims to:

- Work towards the elimination of racial discrimination
- Promote Equality of Opportunity and good relations between people from different racial backgrounds.

The Network is involved in a number of activities including:

- Membership of the Regional Assembly and its Social and Economic Partners Group
- Providing support for the Racial Equality Councils in the Region
- Sharing information and good practice, reducing isolation, developing collective strategies and addressing those local issues which are South West specific, or are not yet fully understood.

For further information, contact the Director of your local REC.

The Council for Ethnic Minority Voluntary Organisations (CEMVO) is a national organisation, with a number of Regional offices, including one for the South West Region.

CEMVO seeks amongst other things to:

- Help the Ethnic Minority Foundation (EMF) establish an endowment fund of £100m
- Establish a database of Ethnic minority professionals
- Unite Ethnic Minority Voluntary Organisations by sharing information and facilities
- Commission mapping and a database of BME sector
- Establish the Ethnic Minority Foundation (EMF)

Further information about CEMVO and the foundation are available from:



Zahid Dar is helping to develop a regional lesbian, gay and bisexual network.

Muhammad Ali

Royal Oak House, Royal Oak Avenue
Bristol BS1 4GB
Tel: 0117 989 7727
Email: mahammad.ali@emf-cemvo.co.uk

Disability

A good deal of energy and creativity is being used by a wide range of partners in trying to establish coherent structures in the region.

Currently, a regional Disability Network does not exist. There appears to be growing support for the suggestion that a regional body is needed. Naturally enough, there is some reluctance among disability groups to the notion that they should use scarce time and financial resource to take on the complex task of developing a network. The assistance of key regional stakeholders will be needed to facilitate this important development.

A working group is developing proposals for a South West Disability Equality Network and an application has been made for funding from EYDP 2003, to assist the process of establishing a regional network. For further information contact SAIN (See below).

There are a large number of groups at local level providing guidance, advice and services to people with disabilities. A mapping exercise has been completed as part of the European Equal Opportunities Project, which shows some of the many groups that are active around the region.

There are a number of sub-regional networks operating in the South West.

The West of England Coalition of Disabled People covers the former Avon area. The Coalition is not generally a service provider, but an advocate for disability causes and groups. The Coalition helps with capacity building, training, lobbying and policy development.

The Coalition has existed for many years and is well known within the region.

Contact details are as follows:

Alun Davies

6 Somerville Road, Bishopston
Bristol BS7 9AA
Tel: 0117 949 0850 Email: alun.wecodp@talk21.com

More recently the **Somerset Access and Inclusion Network (SAIN)** was established.

The network has many member groups spread throughout the County and its aim is to enable disabled residents of Somerset to secure unrestricted access to and inclusion in any service, premises or facility, within the county of Somerset.

The contact details for SAIN are:

Unit 2, The Old Flour Loft, Blackhorse Lane
Taunton TA1 1UE
Tel: 01398 282823 Email: info@sain.org.uk

The details of other groups are contained in the Equality Directory produced by the European Equal Opportunities Project and is available from Chantal Helbert, South West TUC, Church House, Church Road, Filton, Bristol BS34 7BD. Tel: 0117 947 0521 Email: chelbert@tuc.org.uk .

Sexual Orientation

The Consortium of Lesbian, Gay and Bisexual Voluntary and Community Organisations, is the main body in the region dealing with Sexual Orientation and discrimination. The 'Consortium' is based in Bristol and the main aims are to:

- Publicise the work of LGB organisations, and to encourage and assist the development of partnerships between them
- Assist LGB organisations to develop their capacity to achieve their purpose more effectively
- Promote volunteering within the LGB communities
- Promote good practice in the use and employment of volunteers in LGB organisations
- Work with other volunteer support agencies to promote awareness of LGB issues.

The contact details are:

Zahid Dar

Regional Development Manager, c/o VOSCUR
Create Centre, Smeaton Road
Bristol BS1 6XN
Tel: 0117 904 3345 Email: west@clgb.org.uk

The Intercom Trust, based in Exeter, is an organisation which operates in Dorset, Somerset, Devon & Cornwall. Contact details are:

Michael Hall

Intercom Trust, PO Box 285
Exeter, Devon EX1 2YZ
Tel: 01392 201015 Email: lynx@intercomtrust.org.uk

Unions out West, is a support group for Lesbian, Gay and Bisexual trade union members. Contact details are:

Gary Williams

Tel: 07779 468972 Email: gaz21@tinyworld.co.uk

Discussions are being held about the process of establishing a regional Lesbian, Gay and Bisexual network.

For further information contact Zahid Dar. This is particularly important now, as the government is to introduce legislation in December, 2003, banning discrimination, on the grounds of sexual orientation, in employment.

Age

The government is to introduce new legislation banning age discrimination in employment, by the end of 2006. This fact has prompted a number of organisations to begin talks about the need to establish an Age Discrimination Network in the South West.

There are many organisations in the region which are of and for younger and older people. Here we take younger to mean

under 25, and older to mean 50+. There is a range of well known organisations which could help to provide a strong basis for a network.

Despite many initiatives for younger and older people, the lack of regional co-ordination means that an effective, strong, voice has not developed.

For further information on this development contact:

Libby Lisgo

Age Concern Somerset, The Market House, Fore Street
Taunton TA1 1JD

Tel: 01823 322113

Email: elizabeth_lisgo@ageconcern.org.uk

Or

Dillon Hughes

Regional Youth Work Advisor, SWAFET, Bishops Hull House
Bishops Hull, Taunton TA1 5EP

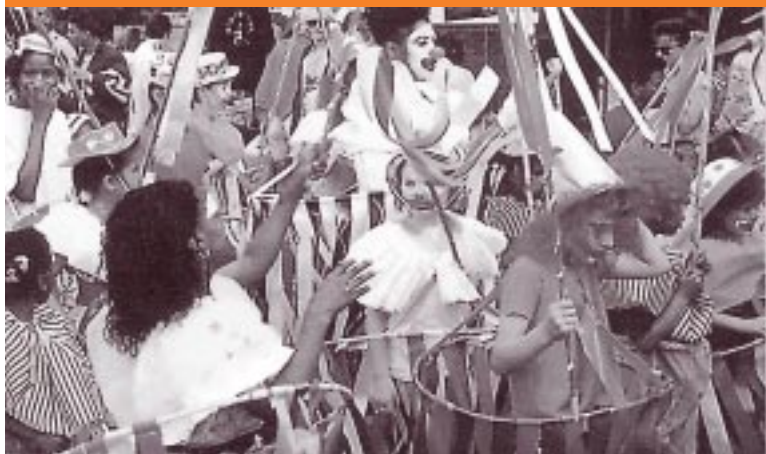
Tel: 01823335491 Email: dillon_hughes@swafet.org.uk

Religion/Faith

As a result of the European Employment Directive, the government has to introduce new legislation, covering Religious discrimination at work, by December, 2003.

Although there are many religious groups and organisations in the South West, there are not many opportunities for them all to meet and discuss items of mutual concern. The new legislation may be a catalyst for improved networking across the region, but we are not aware of any regional network at this stage.

People of all ages have a great time at the Easton Community Festival in Bristol.



Intention

To facilitate the mainstreaming of equal opportunities in the South West. The group will consider Equal Opportunities as it relates to gender, race, disability, sexuality and age*.

Aim

- To achieve coherence in European Equal Opportunities strategies and initiatives
- To ensure the South West region becomes an exemplar in delivering equality of opportunity

Objectives

The group will:

1. Ensure a co-ordinated and strategic approach to delivering equal opportunities in the Structural Fund programmes across the South West;
2. Ensure that the EU obligations on equal opportunities are fulfilled in the management and delivery of the South West Structural Fund programmes;
3. Monitoring and guide the work programme of the Equal Opportunities staff employed under the two European funding projects;

Organisation

The group will include representatives from all the relevant European funding programme committees, social and economy partners and regional groups representing gender, race, disability, sexuality and age interests. The Group will be established initially for a period of two years. Group members should disseminate the work of the Group to appropriate networks.

The group will meet every three months, rotating between the RDA offices in Truro, Plymouth, Exeter, Bristol and Poole. The EU funded Equal Opportunities staff will prepare regular reports for the Group and the Group will commission specific reports as required.

The European Unit at the South West RDA will co-ordinate the Group and provide the Secretariat.¹

Papers will be provided ten days in advance of meetings and minutes will be circulated within two weeks of the meeting. Minutes & agreed papers will be available on the RDA website.

The Chair of the group is Nigel Costley, South West TUC Regional Secretary and RDA Board Member.

The membership is currently as follows:

Nigel Costley, Regional Secretary
SW TUC, Church House, Church Road,
Filton, Bristol BS34 7BD
Tel 0117 950 6425
Fax 0117 959 1391
Email ncostley@tuc.org.uk

Cllr Maggie Vale, Executive Member
Economy Team, Carrick District Council
Carrick House, Pydar Street, Truro TR1 1EB
E-mail: maggievale@supanet.com

Paul Dunn, European Equal Opportunities Advisor
SW TUC, Church House, Church Road, Filton,
Bristol BS34 7BD
Tel 0117 950 6425 Fax 0117 959 1391
Email pdunn@tuc.org.uk

Wendy Matthews, Policy Officer
SW RDA, Stirling House, Dix's Field, Exeter EX1 1QA.
Tel 01392 229566
Email wendy.matthews@southwestrda.org.uk

Sally Northmore, Head of European Funding
Devon & Cornwall LSC
Foliot House, Budshead Road, Crownhill,
Plymouth PL6 5XR
Tel: 01752 754001
Email Sally.Northmore@lsc.gov.uk

Julie Wood
Cornwall County Council
County Hall, TRURO, Cornwall TR1 3AY
Tel: 01872 322000
Email: enquiries@personnel.cornwall.gov.uk

Sarah Beeson
Government Office for the South West
Mast House, Shepherds Wharf, 24 Sutton Road,
Plymouth PL4 0HJ
Tel: 01752 635000
Email: sbeeson.gosw@go-regions.gov.uk

Helen Barnett
FRCA
2nd Floor, The Palace Building, Quay Street, Truro TR1 2HE
Tel 01872 261 382
Email: Helen.Barnett@maff.gsi.gov.uk

Alun Davies
West of England Coalition of Disabled People
6 Somerville Road, Bishopston, Bristol BS7 9AA
Tel 0117 949 0850
Email wecodp@talk21.com

Peter Courtier, Bristol Racial Equality Council
Colston House, Colston Street, Bristol BS1 5AQ
Tel 0117 929 7899
Fax 0117 922 7713
Email bristolrec@compuserve.com

Muhammad Ali
CEMVO SW, Royal Oak House, Royal
Oak Avenue, Bristol BS1 4GB
Tel: 0117 989 7727
Email: muhammad.ali@emf-CEMVO.co.uk

¹ It should be noted that the European Commission's definition of Equal Opportunities predominantly refers to gender, although this should not constrain the Group.

Kim Tan, Equality Assurance – Regeneration
London & South of England region,
The Commission for Racial Equality
St Dunstan's House, 201-211 Borough High Street, London
SE1 1GZ
Tel 0207 939 0000
Fax 0207 939 0001
Email: info@cre.gov.uk

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Tel 0117 989 7711
Email infor@progress-sw.demon.co.uk

Peaches Golding
FairPlay SouthWest
Charlton, Abbots Leigh Road, Leigh Woods, Bristol BS8 3PX
Tel 0117 923 9001
Fax 0117 9238264
Email peaches@gopeaches.co.uk

Libby Lisgo
Age Concern, The Market House, Fore Street, Taunton TA1 1JD
Tel 01823 322113
E-mail: elizabeth_lisgo@ageconcern.org.uk

Liz Simmons
MIND
32A North Street, Taunton TA1 1LW
Tel 01823 276892
Email swmind@compuserve.com

Marian Mann
UNISON
The Crescent, Taunton TA1 4DU
Tel 01823 288031
Email m.mann@unison.co.uk

Margaret Petts
TGWU
Transport House, Victoria Street, Bristol BS1 6AY
Tel 0117 923 0555
Email Mpetts@tgwu.org.uk

Ariaf Hussain, Regional Development Manager
Black South West Network
5 Russell Town Avenue, Bristol BS5 9LT
Tel: 0117 9396645 Fax: 0117 9396646
Email Ariaf_hussain@bswn.org.uk

Zahid Dar Consortium of Lesbian Gay and Bisexual
Voluntary and Community Organisations
C/o VOSCUR
Create Centre, Smeaton Road, Bristol BS1 6XN
Tel 0117 904 3345
Email west.lgbvsc@talk21.com

Sue Netherton, Campaign for Opportunity Now
Business in the Community
165 Whiteladies Road, Bristol BS8 2RN
Tel 0117 923 8750
Fax 0117 923 8270
Email southwest@bitc.org.uk

Fiona Ackroyd, Principle Economic Development Officer
City of Plymouth
The Civic Centre, Plymouth PL1 2EW
Tel 01752 304338
Fax 01752 307824
Email European@plymouth.gov.uk

Robin Corser-Langford (South West Forum)
Disabled Travel Service
58 Easton Business Centre, Felix Road, Easton, Bristol BS5 0HE
Tel 0117 941 5354
Email Ebaic@lineone.net

Jane Emanuel (South West Forum)
South West Foundation
The Old Railway Station, Sea Mills Lane, Stoke Bishop, Bristol
BS9 1DX
Tel 0117 968 0110
Email jemanuel@swchs.org.uk

Janet Mutch, Objective 1 Equal Opportunities Manager
Castle House, Pydar Street, Truro TR1 2UJ
Tel 01872 241379 Fax 01872 241476
Email jmutch@cornwall.gov.uk

Some young people from Bath played their part at the
Regional Age Discrimination Conference in Taunton on
the 1st July, 2002.



Appendix A Useful Contacts

Age

Age Positive

www.agepositive.gov.uk

Employers Forum on Age

Employers Forum on Age Astral House 1268 London Road
London SW16 4ER

Tel: 020 8765 7597; Fax: 020 8765 7374 www.efa.org.uk

Disability

Disability Discrimination Information

Freepost MID02164, Stratford-upon-Avon CV37 9BR

Tel: 0845 622 633 www.disability.gov.uk

Disability Rights Commission

DRC Helpline, Freepost MID 02164, Stratford-upon-Avon
CV37 9BR

Tel: 0845 7622 633; Fax: 0845 7778 878 www.drc-gb.org

Employers Forum on Disability

Nutmeg House, 60 Gainsford Street, London SE1 2NY

Tel: 020 743 3020; Fax: 020 7403 0404

www.employers-forum.co.uk

Race

Commission for Racial Equality

St Dunstan's House, 201-211 Borough High Street,
London SE1 1GZ

Tel: 020 7939 0000; Fax: 020 7939 0001;

Email: info@cre.gov.uk www.cre.gov.uk

Gender

Equal Opportunities Commission

Arndale House, Arndale Centre, Manchester M4 3EQ

Tel: 0161 833 9244; Fax: 0161 838 8312

www.eoc.org.uk

Women and Equality Unit

10 Great George Street, London SW1P 3AE

Tel: 020 7273 8880; Fax: 020 7273 8813

www.womens-unit.gov.uk

Sexual Orientation

Stonewall

www.stonewall.org.uk

General

ACAS

South West Region, Regent House, 27a Regent Street, Clifton,
Bristol BS8 4HR

Tel: 08457 474747 Fax 0117 946 9501 www.acas.org.uk

Adult Learning Inspectorate

Adult Learning Inspectorate 101 Lockhurst Lane Coventry
CV6 5SF

Tel: 0870 240 7744; Fax: 0870 242 1444 www.ali.gov.uk

Connexions Service

Email: connexions.service@dfes.gsi.gov.uk

www.connexions.gov.uk

Department for Education & Skills

Caxton House, 6-12 Tothill Street, London SW1H 9NA

Tel: 0870 001 2345; Fax: 020 7273 5124 www.dfes.gov.uk

Department for Education & Skills Publications

Sherwood Park, Annesley, Nottingham NG15 0DJ

Tel: 0845 60 222 60; Fax: 0845 60 333 60

Department for Trade & Industry

1 Victoria Street, London SW1H 0ET

Tel: 020 7215 5000; Fax: 020 7215 6740 www.dti.gov.uk

Department for Trade & Industry Publications Orderline

ADMAIL 528, London SW1W 8YT

Tel: 0870 1502 500; Fax: 0870 1502 333;

Mincom: 0870 1502 100 www.dti.gov.uk/pip

Equality Direct Helpline - confidential advice line for business on equality

Tel: 0845 600 3444 www.equalitydirect.co.uk

Equality North West

CT3, Science & Innovation Park, Wigan Investment Centre,
Waterside Drive, Wigan WN3 5BA

Tel: 01942 705506; Fax: 01942 705507 www.equality.org.uk

Health & Safety Executive Books

PO Box 1999, Sudbury Suffolk CO10 2WA

Tel: 01787 881165; Fax: 01787 313995 www.hsebooks.co.uk

Industrial Relations Services

18-20 Highbury Place, London N5 1QP

Tel: 020 7354 5858; Fax: 020 7454 4000 www.irseclipse.co.uk

Inland Revenue Helpline

Tel: 0151 472 6036/6; Form Requisitions: 0151 472 6293/4;

Fax: 0151 472 6034 www.inlandrevenue.gov.uk

Institute of Personnel & Development

IPD House, Camp Road, Wimbledon, London SW19 4UX

Tel: 020 8971 9000; Fax: 020 8263 3333 www.ipd.co.uk

Investors in People

7-10 Charndos Street, London W1M 9DE

Tel: 020 7467 1900; Fax: 020 7636 2386 www.iipuk.co.uk

Learning & Skills Council

Cheylesmore House Quinton Road Coventry CV1 2WT

Tel: 0845 019 4170; Fax 024 76 49 3600 **or**

101 Lockhurst Lane, Coventry CV6 5SF

Tel 024 7670 3241; fax 024 7670 3334 www.lsc.gov.uk

Internet Sites

<http://www.workplacebullying.co.uk>

Resource site for workplace bullying whether you are a target
or employer, trade union activist or personnel specialist.

<http://www.successunlimited.co.uk>

Bully On Line, web site of the UK National Workplace
Bullying Advice Line. Includes information on areas of the law
that apply to bullying particularly constructive dismissal.

<http://www.harassment-law.co.uk/msindex.htm>

Includes descriptions of the provisions under this Act which relates to the workplace.

<http://www.subnet.virtual-pc.com/nia407290/andrea-adams>
Andrea Adams Trust. Research, Training and Good Practice for Workplace Bullying.

<http://www.bbc.co.uk/education/bully/index.htm>
BBC Education: Bullying a Survival Guide includes adult and workplace bullying.

<http://www.gpmu.org.uk/bullyrep.html>
The Graphical, Paper and Media Union – Bullying At Work: Easy to understand information which is for use by anyone.

<http://fairness.freemove.co.uk/bullying.htm>
Bullying in the Fire Service – How to tackle it.

<http://www.suzylamplugh.org/advice/bullying/htm>
The National Charity for Personal Safety: Bullying in the workplace advice.

<http://www.acas.org.uk>
Mediating in employment; advice on good industrial relations practice, including equal pay.

<http://www.cre.gov.uk>
Enforcing and promoting racial equality

<http://www.drc-gb.org>
Working towards a society where all disabled people can participate fully as equal citizens.

<http://www.lg-employers.gov.uk/equal-pol-gen.html>
<http://www.eodirect.com>
<http://www.equalitydirect.org.uk>
Advice for employers on a wide range of equality issues, also providing an England-wide telephone service, telephone 0845 600 3444.

<http://www.esfnews.org.uk/>
Details of the European Community's EQUAL programme to support equality between men and women.

<http://www.employersforwork-lifebalance.org.uk>
Aim to share best practice and demonstrate to large and small employers how work-life policies can be introduced on a practical basis.

<http://www.lowpayunit.org.uk/>
The site contains information on the Low Pay Unit's campaigns, statistics on low pay and inequality, and advice leaflets on employment rights.

<http://www.new-ways.co.uk/>
Information and advice on flexible working arrangements.

<http://www.opportunitynow.org.uk/>
Works with employers to realise the full potential of women in the workforce.

<http://www.tiger.gov.uk>
Department of Trade and Industry site giving guidance and information on UK employment law. Sections on employment relations; the National Minimum Wage and maternity rights.

Books and Reports on Bullying

Ishmael, A. (1999) – A practical guide to combating employee abuse. The Industrial Society £16.99 ISBN 2 8583 5104 9

TUC (1998) Beat Bullying At Work – A guide for TUC reps and personnel managers, Trade Union Congress (HS068) £10/£20 members/non-members

Cooper, C Hoel, H (2000) Destructive interpersonal conflict and bullying at work. – Manchester School of Management (UMIST). Key Findings free, full report £10.00, Fax 0161 200 3623

IPD (1999) Bullying at work – information note – Institution of Personnel and Development (available to download from internet site).

Steel, R and David, SJ (2000) The dark side of bullying – Eversheds Information Briefing May.

Lewis, J (1999) How to ban the bullies. Personnel Today Nov 23.

Resources and Training

Andrea Adams Trust

Maritime House, Basin Road North, Hove BN41 3AW
Tel: 01273 704 900 Email: aa@btinternet.co.uk
Web: <http://subnet.virtual-pc.com/ni47290/andrea-adams>

British Association for Counselling

1 Regent Place, Rugby, Warwickshire CU21 2PJ
Tel: 01788 550899 Fax: 01788 562189
Email: bac@bac.co.uk Web: <http://www.bac.co.uk>

The Work Foundation

Tel: 0870 165 6700
Web: <http://www.theworkfoundation.com>
Training video and guide: No Excuse –beat Bullying – available to hire. This is aimed at Personnel Manager and Trade Union Reps.

Institute of Personnel and Development (IPD)

IPD House, Camp House, London SW19 4UX
Tel: 020 8971 9000 Fax: 020 8263 3400
Email: lis@ipd.co.uk Web: <http://www.ipd.co.uk>

Leaflets on Bullying at Work, Harassment at Work can be downloaded free of charge from the Internet. They provide on harassment procedures and policy writing.

The Suzy Lamplugh Trust

12 East Sheen Avenue, London SW14 8AS
Tel: 020 8876 0305 Fax: 020 8392 1830
Web: <http://www.suzylamplugh.org/>

Training available includes Bullying in the Workplace, training department Tel: 020 8876 0305

Trades Union Congress

Congress House, Great Russell Street, London WC1B 3LS
Tel: 020 7646 4030 Fax: 020 7637 0632
Email: info@tuc.org.uk Web: <http://www.tuc.org.uk>

Their Health and Safety Advanced Certificate offers 2 optional units on Bullying in the Workplace.

Asylum Seeker A person who has applied for political asylum and, pending a decision on his/her application, has been granted permission to work by the Home Office.

Basic Skills The abilities to read, write and speak and use mathematics, at a level to function and progress at work and in society in general.

Capacity Building Improving the skills and confidence of individuals; strengthening the capacity of local groups and organisations to develop and manage their own work and work in partnership with others. Investing in sustainable community services and enterprises that contribute to economic, social and environmental regeneration and improvement.

Cross Cutting Themes The themes of Equal Opportunities, Information Society and Sustainable Development which are mainstreamed across the programme.

Disability The Disability Discrimination Act 1995 describes a person as having a Disability if he or she 'has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry normal, day to day activities'. Guidance on the terms used in the definition and what is meant by 'day to day activities' is given in the Disability Discrimination Act Part 1 and in the HMSO publication 'Guidance on matters to be taken into account in determining questions relating to the definition of Disability'.

Distance Travelled Indicators The progress that a beneficiary makes towards greater employability (and subsequently harder outcomes) as a result of the project intervention.

Economically Inactive People who are out of work but do not satisfy all the criteria for ILO unemployment (see Unemployment). This includes for example most people in receipt of incapacity benefits and those who are not actively seeking work.

EQUAL The Community Initiative to develop and disseminate new ways of delivering employment policies in order to combat discrimination and inequality felt in connection with the labour market.

Equal Opportunities To secure equal access for men and women to what, for them, would be non-traditional sectors of employment and reconciling the demands of economic life. To enhance economic opportunities for the socially excluded, including ethnic minorities, disabled people and older workers.

Ethnic Minorities There is no definition in the 1976 Race Relations Act, or any other, of the phrase "ethnic minority" or "ethnic group". However, in *Mandla v Lee* (1983) IRLR 209, a case brought under the 1976 Act, the House of Lords decided that for a group to constitute an "ethnic group" for the purposes of the Race Relations Act 1976 it must regard itself, and be regarded by others, as a distinct community by virtue of possessing the following characteristics:

1. A long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive;

2. A cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance. In addition, there are other relevant characteristics, one or more of which will commonly be found and will help to distinguish the group from the secondary community;

3. Either a common geographical origin or descent from a small number of common ancestors;

4. A common language, not necessarily peculiar to the group;

5. A common literature peculiar to the group;

6. A common religion different from that of neighbouring groups or from the general community surrounding it;

7. Being a minority or being oppressed by a dominant group within a larger community.

ERDF European Regional Development Fund – a European Structural Fund for reducing regional imbalances and assist disadvantaged regions, particularly run-down areas facing restructuring problems and industrial decline and rural areas.

ESF European Social Fund – a fund aimed at combating youth and long-term unemployment and the integration of the workforce into the changing labour market.

Ex Offender A person who has been in detention as a prisoner, under restrictive order, or on remand in custody, and has just left custody.

Mainstreaming - Promoting adoption of a cross cutting issue, such as equal opportunities, in the 'mainstream' implementation of a programme or policy.

Lone Parent A person who does not live with a partner and who is responsible for, and is a member of the same household as, a child.

LTU Long term unemployed. Defined as unemployment of 6 months duration or more for people up to age 25 and 12 months or more for people over the age of 25

Objective 1 Programme promoting the development and structural adjustment of regions whose development is lagging behind.

Objective 2 Programme converting the regions, frontier regions or parts of regions (including employment areas and urban communities) seriously affected by industrial decline.

Objective 3 Programme combating long-term unemployment and facilitating the integration into working life of young people and of persons exposed to exclusion from the labour market.

Older People For the purposes of structural funds programmes 'older people' will be defined as those over 50.

Outcomes - Any improvement in individual skills resulting from ESF support which cannot be easily measured as a specific output.

Outputs Direct outcome of structural fund intervention. E.g. training places provided; qualifications gained.

Refugee Any refugee with indefinite leave, limited leave or exceptional leave to stay in the United Kingdom.

Returners to the Labour Market People who are currently economically inactive (see definition) who become economically active by either starting work, undertaking training or seeking employment.

Social Economy Social economy is a generic term for those initiatives which combine social objectives with sustainable economic development. Economic development in this context includes developing community involvement, skills and resources (social capital) as well as generating surplus or profit, and creating jobs.

Soft Indicators Achievements which may 'indicate' acquisition or progress toward an outcome.

Sub-Regions These will be geographical and cover a number of local authority areas.

Sustainable Development Sustainable Development is usually defined as 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs'.

Unemployed People who are out of work, want a job, have actively sought work in the previous 4 weeks and are available to start work or self employment in the next 2 weeks; or people who are out of work and have accepted a job that they are willing to start in the next 2 weeks (ILO definition).

Equal Opportunity Terminology

Direct Discrimination – in law, this occurs when an individual is unfairly treated because of their race, sex or disability whether it was deliberate or unintended. It can be blatant or it can be very subtle.

Discrimination – the word “discriminate” means “to make a choice”. If the choice is based on race, sex or disability, and it is to the detriment of the individual concerned, it is unlawful discrimination.

Diversity – this is a term which can be used to refer to multi-ethnic, multi-cultural society, or similarly to an employers workforce.

Equality Targets – this is used as a positive step to work towards achieving a representative workforce through lawful means.

Genuine Occupational Qualifications – there are very limited circumstances where the law allows the employment of a person of a particular racial group (or one or other sex). These are:

For the purpose of authenticity in acting and theatrical performance, photographic modelling and * the serving of food (*only applicable to race), and,

The provision of personal welfare services to persons of that racial group (and/or sex) where a member of that group is best placed to provide those services and the employer cannot already meet those needs.

GOQs – genuine occupational qualifications

Indirect Discrimination – this occurs where a rule, requirement or condition is applied equally to all but some groups in the population find it harder to comply with that rule and that inability to comply is to their detriment and the employer cannot justify the rule for the safe and effective performance of the job. For example, a minimum height

requirement that fewer women than men can comply with, or, a dress requirement that some racial groups would find it harder to meet because of their religion/culture.

Positive Action – the law allows encouragement in advertising or training for groups defined by race and/or sex who are under-represented in the employer's workforce as a whole or in particular occupations. All selection for jobs must be solely on merit.

This concept does not exist under the Disability Discrimination Act – instead the employer is expected to make “reasonable adjustments” if that is what is needed to employ a disabled person.

Positive Discrimination – this is usually seen as giving more favourable treatment to women and ethnic minorities as a means of redressing the effects of past “negative” discrimination. It is unlawful in Great Britain.

Positive Steps – this is not a legal concept. It refers to positive actions (in addition to lawful Positive Action) that an employer can take to help them work towards a representative workforce at all levels.

Quotas – there are no quotas for the employment of any ethnic or racial group, or men or women. The quota that formerly existed for the employment of Registered Disabled People has been abolished.

Representative Workforce – this term is used when an employer wants their workforce to fairly reflect the ethnic mix of the labour market for both moral and business reasons. This is achieved through lawful means.

Targets – see Equality Targets

The Disability Discrimination Act 1976 – makes it unlawful to directly discriminate against a disabled person, for reasons relating to their disability and the employer cannot justify that treatment. It also makes it unlawful to victimise an individual on the grounds of disability but this particular piece of legislation does not include the concept of indirect discrimination.

The Race Relations Act 1976 - makes it unlawful to discriminate directly or indirectly on the grounds of race, colour, nationality, national and ethnic origins. It also makes it unlawful to victimise an individual on the same grounds.

The Sex Discrimination Act 1975 – makes it unlawful to discriminate directly or indirectly on the grounds of sex (the physiological fact of being male or female) and/or marriage (not marital status). It also makes it unlawful to victimise an individual on the same grounds.

Unfair (but not unlawful) Discrimination – this occurs where the discrimination is unfair (i.e. not for a justifiable, job related reason) and is based on a ground not covered by legislation. For example, weight or size.

Unlawful Discrimination – where the discrimination is on the grounds included in current legislation.

Victimisation – this occurs where an individual has exercised their rights under current legislation (or has indicated that they intend to do so) and is treated less favourably as a direct result. This is unlawful. It applies equally to a person who is supporting (or indicates that they intend to support) another person who is exercising their rights under the legislation.

Please note – this is not intended, nor should it be read, as a definitive interpretation of the law. It is intended only as a simple everyday guide. Where definitive information is wanted the appropriate Act should be consulted or qualified legal advice sought.



Equality South West Consultation Conference

Building a stronger voice for equality
communities in the region

Monday 28th June 2011

10.15 - 15.00

The Waterford Media Centre, Brixton



Sponsored by  Equality and Human Rights Commission

Supported by
SWRA, GORS, SWRA, ERFC

- Code of practice on Equal Pay (March 1997) provides employers with guidance and good practice recommendations including: adopting an equal pay policy; pay reviews; taking action on dealing with pay inequality.
- Code of Practice for the elimination of discrimination on the grounds of sex and marriage and the promotion of equality of opportunity in employment provides employers with guidance and good practice including: advertising, recruitment and selection procedures, training, policy development, monitoring.
- Code of Practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment provides employers with guidance and good practice including: advertising, recruitment and selection procedures, training, policy development, monitoring.
- Code of Practice on the Employment of Disabled People provides employers with guidance and good practice on the employment of disabled people including: defining a disabled person, making reasonable adjustments to the workplace and recruitment and selection procedures.
- Code of Practice Rights of Access, Goods, Facilities, Services and Premises (1999) provides those providing goods, facilities and services with the practical guidance they need to ensure their services are fully accessible to disabled customers.
- Releasing the Potential – A Good Practice Guide for the Employment of People with Criminal Convictions (Apex Trust) provides good practice and advice on employing ex offenders.
- Employing Offenders: Advice to Employers (NACRO) provides good practice and advice on employing ex offenders.
- Code of Practice of Age Diversity including guidance and case studies for developing a mixed age workforce.

Useful Documents

1. For small firms – A good practice guide on race, sex and disability CRE (& EOC & DRC)
2. Shap Calendar of Religious Festivals Shap
3. Equal Opportunities guidelines for European programmes in Wales Chwarae Teg
4. Make it Happen – Conference report of the Gender Mainstreaming in UK and Ireland Structural Funds Conference – 13.05.02 WEFO
5. A brief access checklist for conference planners Disability Wales
6. In the Mainstream: Recommendations on removing Barriers to disabled people's inclusion in mainstream labour market interventions. ACDET/DWP
7. Conference facilities for disabled people TUC
8. Trade Unions and Disability – A guide to legal duties and practice TUC
9. Equality and Diversity in Adult and community learning LSDA
10. The Leadership Challenge CRE
11. Guidelines for Equal Opportunities Employers EOC
12. Race Relations Code of Practice – Employment code of practice CRE

