

Introducing an Equal Opportunities Policy Checklist 062



Introduction

This checklist gives a basis for introducing an equal opportunities policy, the advantages of which include the ability to attract the best talent with new ways of thinking. This will create a more diverse work-force with a richer mix of skills and experience. This, in turn, should ensure your organisation has a good reputation and the ability to retain good staff, as the needs of all groups will be well met, and high ethical standards will be maintained.

HR managers should be aware of legislation impinging on equal opportunities. The Equality Act 2010, which came into force in October 2011 replaces and consolidates all the anti-discrimination legislation enacted between 1970 and 2006, from the Equal Pay Act 1970 to the Equality (Age) Regulations 2006. The act is designed to provide a streamlined legal framework for tackling disadvantage and discrimination and to remove inconsistencies between the earlier pieces of legislation.

In addition, the Human Rights Act 1998, a number European Directives should be considered, while further developments and changes may continually evolve out of legal case decisions and ongoing legislation. The phasing out of Default Retirement Age (DRA) in 2011 also has implications for the equal treatment of employees which should be taken into consideration.

Definition

An equal opportunities policy is a statement of organisational procedures and practices which provide genuine equality of opportunity for all employees, regardless of gender, age, ethnic origin, marriage, religion, sexual orientation or disability. Its remit goes beyond strict compliance with the law and ensures the effective use of all human resources within the organisation. Such a policy should focus on preventing discriminatory or harassing behaviour in the workplace and achieving equal access to training, job and promotion opportunities.

Action checklist

1. Secure the commitment of top management

Demonstrate that the organisation is serious about equal opportunities by giving overall responsibility to a senior manager, preferably at board level.

2. Designate a post with specific responsibility for introducing and implementing equal opportunities

Appoint an equal opportunities officer to coordinate actions on a day to day basis. Define the responsibilities and level of responsibility clearly even if the post is not full time.

3. Establish a working party to provide employee input

Set up a working party drawn from representative groups within the organisation, including union or staff associations, management, personnel, women and ethnic minority groups and the disabled. Make it clear that the group is not a lobbying point for special interest groups.

4. Review policies adopted by other organisations

Research good practice. If possible, obtain copies of the policies of other organisations in the same sector. Draw on these to prepare a first draft of your own policy. Take care to include only objectives and commitments that are appropriate to your culture and attainable within a realistic timescale.

5. Decide the scope of your policy and distinguish between law and good practice

The law only covers what should not be done. However, most policies, while laying down what people must not do in terms of the law, go further and include good practice about what they should do. Make clear in yours where it is underpinned by law and where employees will be held liable for their actions.

6. Conduct an 'equality audit' to establish a baseline for action

Conduct a workplace audit to provide information about the composition of the work-force in relation to gender, race and disability. If the information is not already held in personnel records, carry out an employment survey but make it clear that the information collected will be used only for equal opportunity purposes. Review how many women and men you employ: in total; by grade and salary; by hours of work; by marital/family status; by age; and by ethnic origin. Use this information to identify existing patterns of employment and under-representation.

7. Draw up a programme of action

Use the information captured to identify the areas for attention within the organisation. Consider whether you will require positive action: both the Sex and Race Discrimination Acts, for example, allow certain steps to redress any imbalances. At a minimum, the programme will need to cover recruitment, selection, induction, flexible working, careers assistance and training.

8. Set targets for under-represented groups

UK law allows employers to set a numerical objective for the groups which have previously been under-represented in the workforce; for example, that 30% of line managers should be women by the year 2005. Set targets that are challenging enough to stretch the organisation to change but realistic enough to show existing employees they have a fair chance of promotion.

9. Provide equal opportunities training

Provide specific equal opportunities training first to priority groups such as senior executives, personnel specialists, recruiters and selectors, reception staff and other 'gate keepers'. Where applicable, these groups should then cascade training through line managers to all employees.

10. Offer flexible working arrangements, such as part-time work, flexi-time, job-sharing and term-time working, to employees of all grades.

Assume that all jobs can be done on a flexible basis unless there is a clear occupational requirement for a job to be carried out in standard hours. Ensure that flexibility in hours is available to all employees - not just to women.

11. Review job descriptions

Review all job descriptions objectively when a vacancy arises, based on the organisation's needs, not on the needs or preferences of the person currently doing the job.

12. Review selection and recruitment practices

Shortlist candidates only on the basis of whether they meet essential skills and knowledge requirements of the job, rather than personal characteristics. Remove personal details (such as name, date of birth, nationality and marital status) from applications before they are seen by selectors.

13. Provide parental, family or adoption leave and career breaks for female and male employees and assistance with child and elder care

Offer schemes for parental leave, child care and flexible working to all employees, (not just female staff) to combine work and family; otherwise they are unlawful.

14. Regularly review the existing qualifications and training needs of all employees

Monitor take-up of training by different groups of employee. If necessary, provide special training for employee groups that traditionally suffer discrimination.

15. Ensure your training programmes provide for comparable on- and off-the-job training for all employees at every level

Distinguish between training to improve job performance and training to acquire new skills. Clarify the links between gaining new skills and possible re-grading.

16. Introduce a written and accessible grievance procedure which is widely publicised and which employees can use to pursue allegations of gender discrimination, harassment or equal pay

Assume all allegations are well-founded while they are being investigated and deal promptly and sensitively with them.

17. Introduce monitoring and review procedures

Your equality audit will only give details of your current work-force. Set up monitoring systems, to capture details of all job applicants and those recruited; and establish performance indicators to review progress against your targets and action plan. Monitor internal and external appointments by gender, marital status, ethnic origin, disability, sexual orientation and age.

18. Communicate policies and practices clearly

Send a copy of the policy to potential and actual applicants, new recruits and existing employees. Use every opportunity to publicise the policy, including company literature. Be aware of the possibility of creating a dissatisfied work-force if raised expectations are not met in full.

Managers should avoid:

- setting unrealistically high targets
- falling into the trap of positive discrimination
- targeting flexible work and child care schemes only at women.

Glossary

Targets are forecasts of the percentage of particular groups of employees (for example, ethnic minority, women or disabled employees) that employers realistically aim to have by a specific date. Targets are generally lawful in the UK.

Quotas are a fixed percentage of posts reserved for a particular group. They are generally unlawful in the UK.

Positive discrimination means discriminating in favour of someone from a previously disadvantaged group because he or she is a woman or of a particular ethnic origin. It is illegal in the UK, except in exceptional circumstances and where there is a "Genuine Occupational Qualification" (very limited exemptions which allow you to recruit from a particular racial group or sex - for example, where authenticity is required in the serving of food or drink)

Positive (or affirmative) action involves taking action to promote equality of opportunity in access to a post for a previously disadvantaged group (for example, special training to allow ethnic minorities to compete on more equal terms for a particular type or level of work such as management). Positive action is legal in the UK, provided the employer does not guarantee a job or promotion at the end of it.

Direct racial discrimination occurs if a person is unfavourably treated on racial grounds. These are widely defined to include: colour, ethnic or national origin, race or nationality.

Indirect racial discrimination occurs when a requirement or condition is applied with which only a "considerably smaller proportion" of persons in different racial groups can comply (for example, accepting only British qualifications).

Direct sex discrimination occurs if a person is treated unfavourably because: she is a woman; he is a man.

Indirect sex discrimination consists of applying to a woman a condition or requirement the same as that for a man but which is a condition that only a small number of women would be able to comply with.

National Occupational Standards for Management and Leadership

This checklist has relevance for the following standards:
B: Providing direction, units 8, 11, 12

Additional resources

Books

Delivering equality and diversity, Advisory Conciliation and Arbitration Service in association with the Government Equalities Office
ACAS: London, 2009

Discrimination a guide to the relevant case law, 21st ed, Michael Rubenstein
Michael Rubenstein Publishing: London, 2008

Sex discrimination employment law handbook, Incomes Data Services London: 2008

The employers handbook: an essential guide to employment law, personnel policies and procedures, 5th ed, Barry Cushway
London: Kogan Page, 2008

Collapsing careers: how the workplace short-changes mothers, Joanna Grigg
London: Vision Paperbacks, 2007

Age matters: employing, motivating and managing older employees, Keren Smedley and Helen Whitten
Gower: Aldershot, 2006

This is a selection of books available for loan to members from CMI's library. More information at:
www.managers.org.uk/library

Related checklists

Implementing a diversity management programme (152)
Setting up a grievance procedure (054)

Internet resources

ACAS Equality www.acas.org.uk

Section on equality in the A to Z of advice includes details of the Equality Act 2010 and guidance on various aspects of discrimination and equal rights.

Employers Forum on Age: www.efa.org.uk

Includes sections on being 'Age aware' and 'Age: the facts'.

Organisations

Equality and Human Rights Commission, 3 More London, Riverside Tooley Street, London, SE1 2RG,
Tel: 020 3117 8110 Web: www.equalityhumanrights.com

The Commission also has offices in Manchester, Glasgow and Cardiff, and operations public Helplines for England (tel: 0845 604 6610), Scotland (tel: 0845 604 5510) and Wales (tel: 0845 604 8810)

This is one of many checklists available to all CMI members. For more information please contact

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w: www.managers.org.uk

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