



# Tackling discrimination and promoting equality

## Introduction

Employees rightly expect to be treated fairly and considerately and this expectation is generally supported by the law. For instance, it is illegal to discriminate against people on grounds of sex, race, disability, sexual orientation or religion or belief and by the end of 2006 discrimination on the grounds of age will be outlawed as well.

The workforce and working patterns are changing. The working population is getting older and there are more women and people from ethnic minorities at work. Working arrangements are becoming more varied as customers demand goods and services up to seven days a week and twenty-four hours a day. At the same time people have rights at work and interests, duties and responsibilities outside the workplace which they must balance with the needs of their job.

Fair treatment is a moral and legal duty and it is also a business imperative. Employers who treat employees fairly and flexibly will be best placed to recruit and retain staff in an increasingly diverse and competitive labour market. This booklet provides practical advice and guidance on implementing policies and practices aimed at fair treatment.

## An equality policy and action plan

Although not required by law, it is recommended that the starting point for any programme to address fairness at work should be an equality policy with an action plan to back it up.

An equality policy:

- states your values on equality and diversity (fairness) and how they will be put into practice:
- shows your staff, potential recruits and customers that you are serious about fairness and helps them understand:
  - what behaviour you expect and what is not acceptable;
  - what they can expect of you;
- helps win business. Public sector and other large organisations may take equality policies into account when awarding contracts;

- underpins your action plan;
- helps you comply with the law.

### **How should the policy be developed?**

For an equality policy to be effective, it must have the support of everyone in the organisation and be an integral part of the business strategy. Involve managers at all levels to gain their commitment and develop the policy in consultation with employees and their representatives.

### **What should be included in your policy?**

All equality policies have many things in common and you will find a sample policy later in this booklet, however, your policy should relate to your organisation's size and make-up and the nature of your business.

The opening section of your policy should contain:

- a statement of your aim to encourage, value and manage diversity;
- your commitment to providing equality for all;
- your wish to attain a workforce that is representative of the communities from which it is drawn.

You should then identify the areas of discrimination that you will counter, usually:

- gender (including sex, marriage, gender re-assignment);
- race (including ethnic origin, colour, nationality and national origin);
- disability;
- sexual orientation;
- religion or belief;
- age.

All of these are covered by law or will be by the end of 2006. There may be other categories that are relevant to your organisation or local circumstances.

You can then go on to state that you will ensure a working environment in which all people are able to give of their best, that is free from harassment and bullying and that all decisions will be based on merit. (Many companies choose to have a separate policy concerning harassment and bullying.)

The policy should then contain more specific actions such as:

- setting an action plan with clear measurable objectives and targets;
- a strategy for making the policy known to all workers, including all management levels;
- providing training and guidance for all staff;
- dealing with harassment and bullying;
- monitoring the workforce;
- reviewing all personnel procedures including recruitment, selection, promotion, training, discipline and grievance;
- how you will regularly review and update the policy.

### **What about the action plan?**

The action plan that backs up your policy should go into detail about what will be done, by when and by whom. You should:

- set dates on when you will do the things such as monitoring, reviewing procedures, training and guidance mentioned above;
- expand on how these will be done and by whom;
- say how you will tackle harassment and bullying (both preventing and dealing with it) or where this has been covered in a separate policy make clear reference to it;
- consider targets that result from what you find from monitoring, such as increasing the number of management jobs open to job sharing to allow more women to do them, interviewing more disabled people, changing the way you advertise to attract more people from minority ethnic groups;
- consider whether Positive Action measures are appropriate (see page );
- consider targets that specifically refer to the percentage of people from particular under-represented groups that you will aim to have in your workforce after a defined time period. If you adopt this approach you must be careful that such targets do not become misunderstood and seen as quotas that have to be achieved by any means. Quotas are unlawful;
- consider in setting your plan what will be your measures of success and how you will evaluate these and how and when you will review the overall working of your policy.

### **A good action plan therefore:**

- focuses attention on the key tasks to be tackled;
- enables equality to be tackled like any other management task;
- gives an impetus to your policy;
- shows that the implementation of your policy will be monitored and reviewed and is not just a piece of window dressing;
- becomes part of the objectives and responsibilities of named individuals within management.

### **What do the policy and action plan need to support them?**

Consultation with workforce representatives in drawing-up your policy and ownership and commitment from the very top of your organisation are key to the success of your policy and action plan. Ultimate responsibility must rest with the most senior person in the organisation who should ensure that there is a strategy in place for disseminating the policy to everyone in the company. This may mean consultation and involvement at all levels and training for existing and new staff on what it means in practice.

Promoting your policy publicly is also very important so make sure all employees get a copy, you use the policy statement in advertising and other literature and give a copy to all job applicants.

### **Sample equality policy**

(Company name) is committed to eliminating discrimination and encouraging diversity amongst our workforce. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.

To that end the purpose of this policy is to provide equality and fairness for all in our employment and not to discriminate on grounds of gender, marital status, race, ethnic origin, colour, nationality, national origin, disability, sexual orientation, religion or age. We oppose all forms of unlawful and unfair discrimination.

All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. 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 maximise the efficiency of the organisation.

Our commitment:

- To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- Equality in the workplace is good management practice and makes sound business sense.
- We will review all our employment practices and procedures to ensure fairness.

Breaches of our equality policy will be regarded as misconduct and could lead to disciplinary proceedings.

- This policy is fully supported by senior management and has been agreed with trade unions and/or employee representatives. (Insert details if appropriate).
- The policy will be monitored and reviewed annually.
- Implementation.

*(Refer the reader to the action plan (previous pages) for details of what will happen and when and how the policy will be monitored and reviewed over time.) Remember - without an action plan with regular reviews to back it up, no matter how well-written your policy, there is no means of ensuring it has any impact.*

## **Equality training**

Equality issues are relevant in all the training that you do. This means staff that are being trained in for example, recruitment, appraisal, selection for promotion, supervision, resource allocation, etc, should all be made aware of the equality issues relating to those tasks.

In addition there will be a need on occasion for specific equality training. For instance you will want to make all your staff aware of your equality policy and what it means for them as employees. New staff will also need this training and existing staff will need periodic refresher training.

### **Decide your goals**

Equality training can be expensive and you need to be clear about what you want from it. If training is not planned carefully then resources can be wasted, or staff may not support it. So, make sure that you:

- decide the precise aim of the training
- identify the type of approach you want to take, and the important messages you want to get across
- decide how you will measure the impact of the training.

### **Who should be involved?**

All employees within your organisation should receive equality training. Indeed the most important aspect of equality training is that it makes sense to all employees regardless of their level/grade.

For the training to be fully effective it should be conducted by either a HR professional, if you have one within your business, or a senior member of management who is familiar with equality matters or has been trained in them. Alternatively you may seek assistance from external trainers.

### **What to include in your equality training programme?**

An explanation of your approach to equality and why it is important.

- What your equality policy means in practice along with background information, for example, dealing with relevant facts, dispelling various myths about equality, challenging stereotypes.
- The business case for equality, including why it is in everyone's interest to have an effective equality policy, not only in financial terms but also in relation to both customers and staff.
- The law and what this means in practice.
- The roles and responsibilities of staff in making the policy work.
- Relations with fellow workers and dealing with harassment and bullying.
- Provide staff with written materials that they can keep which reinforces the training.
- Specialist training for staff who recruit, select, appraise, supervise, etc., on the practical application of equality principles in these areas.
- Customer service training where appropriate.

- The opportunity for employees to raise concerns.

## Recruitment and selection

The implications of not recruiting fairly can be serious. You may not get the most suitable person for the job and the cost of recruiting again if you make the wrong recruitment decisions can be considerable. In addition you may be contravening legislation and be taken to an Employment Tribunal. A structured approach will not only help you to select the best person for the job but also enable you to justify your decision.

### **Job descriptions and person specifications**

The key to getting the right person depends on having a clear and realistic view of the job in question and the skills needed to do the job well. Setting out your needs in a written job description and person specification will make this easier.

A good job description is concise and straightforward and includes:

- the overall title and aim of the job (e.g. to ensure that quality standards are met, to produce accurate information about stock);
- what the new employee will do (e.g. plan, design, provide ...) and what he or she will work with (e.g. stock, customer requirements).

A good person specification is also concise and straightforward and links directly to the job description.

- it contains the skills and knowledge and experience which a person will need to have, or be able to acquire, in order to do the job well;
- uses explicit terms - for example, instead of 'needs to be physically fit' say 'needs to reach and bend to pick items from shelves', instead of 'needs a good command of spoken English' say 'needs to give clear information to clients by phone';
- avoids subjective or irrelevant criteria.

Putting together a job description and person specification in this way may take a little time, but is a good investment.

- It will help you compare candidates and ensure that your decisions can be justified if they are called into question later. It will make it easier to place adverts and can be used for the interview and selection process, and again in the future for supervision, staff development, promotion or similar recruitment exercises.

## **Advertising**

The purpose of advertising is to bring the opportunities you have to the attention of the widest pool of appropriate applicants. Relying on the company "grapevine" to find candidates will have a very limited reach and, used on its own, can be unlawful but national advertising may be far too wide for most jobs. To ensure reaching all sections of the community it may be necessary to use a combination of methods, not all involve a charge.

Some possible methods are:

- job centre services which are free to all local job seekers and take account of local employers' needs;
- national, local or specialist press, which can help you target particular skills or experience;
- local schools, colleges or universities or those further away with specialist courses.
- commercial employment agencies;
- community organisations and groups;
- website/internet.

Wherever you decide to advertise a vacancy, your method of advertising should relate directly to the skills and experience needed to do the job. Take particular care with the wording.

- draw on the job description and person specification to ensure that you give a realistic picture of the job and are precise about your requirements;
- think carefully about the language and avoid using phrases that for example imply age restrictions such as "young graduates" or "mature person";
- state that you welcome applications from all sections of the community;
- give clear instructions about obtaining the application form and job information;
- be prepared to talk informally about the job and your expectations if, for example, a candidate is visually impaired.

## **Application forms**

An application form should provide the essential information you need to sift out unsuitable candidates quickly and to decide on the best shortlist for interview.

- Ask only for the bare minimum of personal details. Name, address and a telephone number is usually enough.
- Invite candidates to draw from experience gained outside employment where this shows that they have skills needed for the job, for example skills gained in voluntary work or during a career break.
- Ask specifically whether a candidate has a disability as in some circumstances you may need to consider making special arrangements for the interview, however, try to keep the disability question as simple as possible.
- Double check that questions on the form will give you information which relates directly to the job and your requirements. Remember only ask for information that is needed to find out if someone has the skills to match the job description or person specification, e.g., do you really need to know what a persons marital status is?
- You may wish to use a standard application form supplemented with a number of additional questions that relate specifically to the job on offer. Do make sure you leave enough space to enable candidates to demonstrate how they meet your requirements.

Consider, at this stage, how to deal with applications from people with disabilities. Some candidates may need to apply by telephone, tape or video for example. Indeed, this may be a "reasonable adjustment" required by the Disability Discrimination Act.

## **Shortlisting**

Shortlisting involves matching evidence from the application form against the requirements set out in your specification. It is good practice to:

- have more than one person carrying out the sift, to reduce the risk of prejudice or bias;
- adopt a simple marking system to show how far each candidate has presented evidence that they can meet your requirements;
- take each application in turn and work systematically through your requirements, in order of importance, awarding a mark for each;
- carry out a brief review at the end of the exercise, making sure that marks have been awarded on the basis of evidence provided on the

application form, rather than personal or second-hand knowledge about the candidate;

- invite the candidates with the best total scores to interview.

In particular:

- do recognise that skills and abilities can be demonstrated by experience gained outside the workplace;
- count only evidence which is directly relevant to the job. In other words rely on the criteria you identified in the person specification. Changing your criteria to enable you to include someone else at this stage may be unlawful;
- do consider whether adjustments could be made to enable disabled candidates to meet your requirements.

### **Interviewing**

Ideally interviews should be carried out by more than one person. Taken together the job description, person specification and your analysis of the application form should provide a useful framework for the interview, not a restriction. For example:

- it is quite reasonable that you should want to talk about particular points with different candidates and ask questions in various ways having considered the evidence in the application forms; however, you should make sure that you cover the same topics and issues in the same depth with each of the candidates;
- evidence about a candidate's experience outside the workplace can be helpful provided that it relates to the job. It often helps to encourage candidates to give a wide range of examples, which show how they can meet your requirements. Do be careful, though, not to stray into a candidate's personal circumstances (e.g. marital status, sexual orientation); doing this could lead candidates to believe they may not have been fairly treated;
- ask about a disability if it is, or may be, relevant to the candidate's ability to do the job. Talking about the effects of a disability will help the candidate demonstrate how they cope and help you to consider whether there are reasonable adjustments which might be made to help you get the best person for the job.

## **Making your decision**

### **References**

Many companies take up references after interviews, although they can be called in at any stage of the process. Rather than ask for a general character reference from a referee provide them with a copy of your job description and person specification and ask for evidence of the candidate's ability to meet your specific requirements. This is more likely to ensure that you get a reply quickly and that the information is relevant to you.

### **Eligibility**

- Before appointing a person to the job, you will need to check their eligibility to work in this country under the Asylum and Immigration Act (1996).
- Do not make assumptions about candidates. Ask all candidates successful at interview about their eligibility.
- Explain why you are required to ask for this information, and make it clear that it is your policy to ask all successful candidates for this information.

### **Unsuccessful applicants**

Let all candidates know the result of their application and provide brief feedback about their application and performance at interview if they ask for it. Further information on this topic can be found in the Acas [Advisory booklet - Recruitment and induction](#).

## **Training and development**

The cost of recruiting again if you do not offer the training and development to keep the staff you have can be considerable and more than justifies the investment in your workers' future.

The training of staff is something that you will have to consider from before they start with you. It is important that all staff have access to training regardless of whether they are part-time or full-time. All new staff should have an induction to your business that sets out your company rules, including your responsibilities to your employees, as well as theirs to you. You will also need to cover health and safety practices at this time.

There will be a continuing need for staff training and development to advance the skills of your workforce and to enable them to adapt to new

plant, machinery or systems. You should consider the best way of delivering this for your workforce.

- In-house training may be best for skills or knowledge that is specific to your company.
- College based training could be the best solution for more general skills such as business administration.
- Another possibility might be to support your employee in an open and flexible learning course, where they study at home.

Each need should be treated on its merits and you should consider a flexible approach to training. If all training is residential or requires additional time away from home this may disadvantage part-time employees or those with care responsibilities and stop them taking full advantage of any training opportunities. You will need to consider additional or alternative provision in these circumstances.

## Promotion

When selecting for promotion you need to follow the same principles as for recruitment.

- Vacancies that occur at higher levels should be open to existing staff as well as outside candidates.
- Ensure that all your employees, including those who work part-time, have equal access to any promotion opportunities and that no one is excluded.
- Staff movements to higher grades should be by application. You should assess each application against the job needs and hold a full selection process to make your final decision. In this respect it is identical to a recruitment exercise.
- You need to draw up a comprehensive job specification, detailing what the job involves, and a person specification explaining what qualities the successful candidate will have.

Giving equal access to promotion opportunities means that they need to be advertised in a way that is accessible to all staff. There may be situations where some specialised posts are only suitable for people with particular skills but you should still be careful about limiting internal applications to these posts as some of your staff may have skills of which you are unaware, good practice would suggest that it is better to allow people to apply and then consider their applications in the usual way.

When it comes to the interviewing stage if you are seeing a mix of internal and external candidates, then you should ask questions about the same skills and competences of everyone. If an unsuccessful candidate was to find out that you asked questions addressing a different set of issues of internal or external candidates it could be used as evidence of discrimination. At an Employment Tribunal you would be required to justify your difference in approach.

### **Discipline and grievances**

Your equality policy should make clear that breaches of the policy are a disciplinary offence and will be dealt with through your disciplinary procedures. Grievances should be dealt with through your normal grievance procedure except where you have put in a separate procedure for dealing with harassment.

For further information on discipline and grievance procedures see Acas [Advisory handbook - Discipline and grievances at work \(section 1 of 2\)](#).

### **Equal pay**

Equality legislation covers terms and conditions of employment and all employees are entitled to fair pay. Carry out a pay audit to make sure that men and women are getting equal pay and you are not breaking the Equal Pay Act. Providing equal pay means that you provide the same pay and conditions for men and women doing work that is:

- the same or broadly similar;
- has been rated as equivalent under a job evaluation scheme; or
- is of equal value in terms of the effort, skills, knowledge and responsibility required.

Providing equal pay also means that employees should know how their pay is made up. So, for example, if you pay bonuses your employees should know what they have to do to earn a bonus, and how the bonus is calculated.

The Equal Pay Act applies to both full-time and part-time employees. If a female part-time employee is doing equal work to a male full-time employee she should get equal pay on a pro rata basis. This means that they should be on the same hourly rate.

For more information on fair pay systems see Acas [Advisory booklet - Job evaluation: an introduction](#).

## Monitoring

The purpose of monitoring is to enable you to examine how your policy and action plan are working. If your policy is fully effective and has been in operation for some time your workforce should be broadly representative of the population of the geographical area from which it is drawn or demonstrably moving in that direction. Monitoring enables you to assess this. For example, what percentage of your workforce are women and are they represented at all levels of the company? If you have a large Asian population within the travel to work area of your company and you do not employ any Asian people ask yourself why?

If you employ only a relatively small number of people then it may be enough to monitor your workforce from personal knowledge but for larger organisations a more detailed analysis is needed and will give you useful information, particularly as your company grows.

### **What information should be collected?**

The key thing to bear in mind is to collect only information you are going to use. Collecting information for its own sake is pointless and will not help your planning or decision making. What information you collect will largely depend on what you are trying to achieve. Most organizations will try to collect information based around the current UK equality legislation.

These areas include the sex and ethnicity of your workforce and whether they have a disability and under new legislation their religion, sexual orientation and age although sexual orientation is a sensitive matter and it may not be appropriate to ask about this at this time. You might also want to look at how many workers are part-time or have caring responsibilities and the position that these groups of people hold within the company.

It is recommended that applicants and employees be asked to self-classify. If this method is to produce a high response rate it is essential that those asked for the information understand why it is being collected.

It is very important that you consult with staff or their representatives to let them know that you will be carrying out monitoring and to discuss what areas will be monitored.

### **Who do I monitor?**

You should monitor both who is applying to work for your company and also your existing workforce.

## **Applicants**

When monitoring at the recruitment stage it is good practice to ask, when possible, for monitoring data on a sheet that can be detached from the application form. A separate sheet can be analysed away from those carrying out the selection process who will remain unaware of the information it contains. It should be made clear that the information will be kept separately and will only be used for equality monitoring and not in the short-listing process.

It is very important to remember that all applicants must be treated fairly at the point of selection and choosing someone because they are from a particular group or a particular sex is unlawful discrimination.

## **Existing workforce**

When collecting this information it is advisable to make it clear that the reasons behind this are to ensure fairness within the workplace and that every employee has the same access to training, promotion and other opportunities.

You will be collecting the same data as at the application stage. This information should give you a picture of your organisation and allow you to see whether there are any inequalities, for example, you may find you have few or no women in managerial positions.

## **Categories of ethnic groups**

The Commission for Racial Equality recommends that employers should use the 2001 Census categories in order to monitor the ethnicity of their staff.

(a) White : British : Irish : Any other White background please specify.\*

(b) Mixed : White and Black Caribbean : White and Black African : White and Asian : Any other mixed background please specify.

(c) Asian or Asian British : Indian : Pakistani : Bangladeshi : Any other Asian background please specify.

(d) Black or Black British : Caribbean : African : Any other Black background please specify.

(e) Chinese or Other ethnic group : Chinese : Any other ethnic group please specify.

\*The 2001 Census had separate categories for the Welsh (in England and Wales) and Scots (in Scotland) and you may wish to consider these separately rather than grouping as British.

You may find it useful to adapt the Census categories to correspond with your particular recruitment areas. For example, if you have a large number of Somali people in your local area you might want to reflect this in your statistics.

### **What to do with the information?**

By setting aims and objectives for your monitoring schedule you can keep your staff informed at each stage of the process. You should decide who is going to be responsible for the information and ensuring its confidentiality and keeping it up to date as the company changes. An annual review, along with your equal opportunities policy, should be adequate.

In order to make sense of the data compare your statistics to regional, national or local statistics relating to your recruitment area and where you have premises.

You should break the profile down into grades or job types but avoid over complication.

You can find data for comparison purposes from the census, labour force surveys, your local authority or the Office for National Statistics.

### **What action to take?**

If you find that your organisation is not representative, or it appears that sections of your workforce are not progressing within the company, do not impose rapid, false solutions.

Keep in mind that equality is always about finding the most suitable person for the job.

You can, however, look at your recruitment and selection procedures and consider whether they are benefiting one group over another or to put it the other way round whether any particular group appears to be disadvantaged.

You might ask yourself whether higher grades within the company are open to job share or part-time employees, which may encourage more women to apply. You might look at where you advertise when you recruit new staff. The wider you advertise the more chance you will have of receiving applications from a true cross section of the population in the areas from which you recruit.

You should also consider whether to publish the results internally. Being 'transparent' will reassure your staff that you are not carrying out the

process for ulterior motives and may generate debate about any shortcomings in your systems but keep in mind that if you have a small company this may risk individuals being identified and this is not permissible.

You have a duty to keep the information confidential at all stages. Individuals should not be identified and records should be produced in a statistical form only.

Further information on this topic and the Data Protection Act can be found in the Acas [Advisory booklet - Personnel data and record keeping](#).

### **A positive approach**

Taking the actions so far mentioned should enable you to recruit, train and develop people effectively and fairly. Monitoring, however, may show that you still do not attract applicants from all sections of the community. To overcome this you may wish to adopt a more open, outward reaching approach to help people unfamiliar with your company feel welcome. Actions that you could take include:

- offering work experience opportunities
- mentoring for students from the local community
- open days
- working with community groups
- local community sponsorship.

If monitoring shows that people from some groups do not appear to succeed as well as others within your business, as well as reviewing your procedures and practices, you should consider whether legal Positive Action measures are appropriate.

### **Positive action**

Equality legislation allows you in limited circumstances to take Positive Action to tackle the marked levels of historical under representation of women/ethnic minorities in particular occupations or professions, e.g., senior management. These provisions of the legislation enable you to encourage applications for jobs or promotion from specific sections of the community that are under-represented in your workforce as a whole or at particular levels.

You can also provide training courses to, for example:

- develop skills to the required level to compete for jobs and promotion opportunities;

- better complete application forms;
- develop interview techniques;
- develop confidence or assertiveness;
- retrain women whose skills have become rusty or out-of-date;
- develop management skills to encourage women/ethnic minorities to apply for promotion;
- provide career counselling and guidance for working women, or those wishing to return to work.

It does not allow you to positively discriminate, i.e., to recruit or promote people on the basis of, for example, their gender or race. It is important that no favouritism is shown or help given during the actual recruitment or promotion process. All help must stop as soon as a vacancy is advertised and it is up to each individual to apply for that job and get it on their own merit.

## Countering bullying and harassment

### What is harassment?

Every individual member of staff has the right to be treated fairly and with dignity and respect. Harassment occurs when someone engages in unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. 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.

Bullying is just as unacceptable as any other form of harassment.

### Conduct that could constitute harassment

This includes:

- any physical contact which is unwanted
- coercion, isolation or 'freezing-out'
- display of offensive material, e.g., 'pin-ups'
- offensive jokes
- unwelcome remarks about a person's dress, appearance, race or marital status
- shouting at staff
- personal insults
- persistent criticism
- setting impossible deadlines.

### **The effect of harassment and bullying at work**

Harassment and bullying at work can cause fear, stress, anxiety and physical sickness amongst employees. It may also put a 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 your organisation.

### **Policy statements**

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

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

### **Dealing with harassment**

Managers need to be aware that where they see unacceptable behaviour, whether or not a complaint is made, they need to treat the matter seriously and take appropriate action to eliminate the particular behaviour.

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

Often the solution may be as simple as pointing out to someone the effect that their behaviour has on others and getting them to stop the behaviour concerned. For a variety of reasons victims of harassment are often reluctant to invoke formal procedures to resolve matters. It is therefore preferable for all concerned that, whenever possible, complaints are dealt with internally and informally. This is likely to produce solutions that are speedy, effective and minimise embarrassment and the risk of breaching confidentiality.

Where the informal process proves ineffective or where the individual being harassed prefers or in serious cases such as assault it will be necessary to take formal action within the normal disciplinary procedures of the company or within the guidelines laid down by a specific anti-harassment policy. Such policies should give the complainant the right to

register their complaint with someone outside their direct management line as the complaint may be against their line management.

Further information on this topic can be found in the Acas [Advice leaflet - Bullying and harassment at work: a guide for managers and employers](#) and Acas [Advice leaflet - Bullying and harassment at work: guidance for employees](#).

### **Adapting working practices**

Many employers have found that making adaptations to their working practices makes good business sense. It makes their business more attractive to both potential employees and customers and helps them recruit and retain the best people. This is not only good business sense but helps them meet the requirements of legislation.

Some provisions that have helped in this respect are:

- extended leave
- religious holidays
- adaptation to hours of work (see Work/Life balance below)
- reasonable adjustments as required by the Disability Discrimination Act.

The introduction of the Regulations on Religion and Belief and Sexual Orientation give further scope for such flexibility including:

- provision of prayer rooms with appropriate hygiene facilities
- meeting dietary requirements in staff canteens and restaurants
- time off to observe religious festivals/ceremonies
- dress requirements
- sensitivity in wording invitations to social gatherings.

Employers will need to give serious consideration to all these and similar requests.

### **Work/Life Balance**

Striking the balance between work and other areas of life makes good business sense.

People, with their skills and abilities, are your most valuable resource. In an ever-changing society and with ever-changing working practices you need to keep ahead of the game. Flexible working is about recognising individuals' personal lives outside of work. It can help people to integrate their parental and other caring responsibilities and their working life more effectively.

In addition to meeting the statutory rights of working parents (see the Acas leaflet "Parents at Work") a flexible approach to working arrangements can have advantages for you and your staff and could help your business. You are already required by law to consider applications for flexible working from employees with young children (or disabled children under the age of 18) and you should give such requests careful and objective consideration and accommodate the request if it works for the employee and can work for you. Flexible working is suitable for other circumstances too, such as caring for older family members or to meet disability or religious needs.

Your business will prosper and employees flourish if they are enabled to strike a proper balance between work and their personal lives. Giving people flexible working options that fit in with their lives and your business needs will enable you to reap the benefits of improved productivity and performance.

Below are some of the different types of flexible working that are available. You could use just one option or have a mixture of several to suit your business needs and staff circumstances.

### **Job sharing**

Job sharing is where two or more people share the responsibility for one full-time job. The pay and benefits of the full-time job are shared on a pro rata basis. Jobs can be shared on a daily basis, with one partner working mornings and the other working afternoons, or on a weekly basis, with partners working half a week each. Another option would be for partners to work alternate weeks. There is usually a changeover period when both are present. Through job sharing you gain a wider range of skills and experience than would be possible with a single employee.

### **Part-time working**

Part-time working is where staff work fewer hours per day or per week than those on a full-time contract. It is usually defined as less than 30 hours per week. Salary, leave and benefits are calculated on a pro rata basis. This is a rapidly growing working pattern especially in the service sector as it has moved towards extended hours. Part-time work should be equally available to both men and women. Part-time staff have the same rights as full-time staff and as such should be offered the same access to training and promotion. Employees have a right to request to go part time and for the request to be seriously considered.

### **Flexible hours**

Flexi-time schemes allow your staff to choose the hours they work within defined limits. Usually there are set core times during the day, typically 10 am until 4pm, when staff must be present. Start and finish times can vary. Contracted hours are made up by staff working the core time plus hours

of their choice within the flexible time at the beginning and end of the day. This is calculated over an agreed period of time, usually four weeks. Approximately 11 per cent of employees currently have some form of flexi-time arrangement. Flexi-time should be open to both full and part-time staff. If your business provides a service, flexi-time enables you to extend your opening hours and can help to reduce staff absence and punctuality problems.

### **Term Time Working**

An option that allows staff to take time off during school holidays to look after their children. Staff usually work all of their hours during term time and take unpaid leave during the holidays. Sometimes they may prefer to work reduced hours during the school holidays. Salary is usually paid evenly across the year. The scheme may give you increased flexibility to cope with seasonal fluctuations in demand.

### **Working from home**

Employees work from home or from a location away from the main base. They may or may not communicate with the main base via a computer link. Rapid changes in information technology and data communications make it easier to work away from the normal place of work and still retain close links. They have also opened up the types of work that can be carried out at home. Currently, more than two million people are estimated to work from home or use their home as a base. Such arrangements could help you keep trained and skilled staff that would otherwise have to give up work because of family commitments. Homeworkers should have access to the same benefits as work based colleagues. As a result of home working you may be able to recruit and attract well-qualified staff who would find it difficult to travel to your place of work. This might include people with disabilities.

### **Flexible rostering**

Flexible rostering allows your staff to plan their working times and patterns to match predicted staffing needs over a set period of time. This can help to reduce staff absence and reduce time taken off for sickness. Hours earned or owed may be stored in a 'time bank'.

### **Shift swapping**

Shift swapping allows staff to re-arrange shifts amongst themselves to provide cover for colleagues and to take time off without using up their holiday allowance. It can provide some flexibility in situations where flexi-time schemes would not be suitable. It makes it easier for your staff to meet their out of work commitments. This also can help in reducing absenteeism and time taken off for sickness.

### **Voluntary reduced hours**

Voluntary Reduced Work Time, often referred to as 'V' time, is a scheme which allows employees to trade pay for time off. Staff are given the option of reducing full time working hours for an agreed period, usually a year, with the right to return to full-time work afterwards. Time off can be negotiated as a reduction in the working week, or as a block of time during the year. It can help you to retain staff who may be facing a difficult personal situation or a medium term domestic emergency.

### **Annualised hours**

Working hours are agreed for the whole year rather than for the week. The agreed yearly hours are usually arranged into a schedule, typically as a number of basic rostered hours with a number of hours kept in reserve to be used when the employer and employee agree. Salary is usually paid in equal weekly or monthly instalments regardless of the number of hours worked in a specified period. Annualised hours can be applied to all workers but, in the UK, it is mostly associated with shift working and 24 hour industries.

How do I get it right?

- Be clear about your aims, and the benefits that you expect from a more flexible workforce.
- Listen to your staff. You might carry out a brief survey to gauge how they would like to balance work and the rest of their lives.
- Appraisals can also be useful in this context.
- Let your staff know about your flexible working strategy and encourage your most senior staff to lead by example.
- Have a trial period and involve your staff in reviewing the arrangement. Be prepared to adjust, or extend, your approach to get the right balance for your company.
- Don't stop there. Many companies say that open, two-way communication is critical in finding and keeping the best approach which brings benefits for both the company and its workers.

Further information on this topic can be found in the Acas [Advisory booklet - Changing patterns of work](#) and Acas [Advice leaflet - Flexible working](#).

## Annex 1: The Law

There are several pieces of legislation that combat discrimination and promote equal opportunities and diversity. These are:

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Employment Rights Act 1996
- Race Relations (Amendment) Act 2000
- Employment Act 2002
- Race Relations Act 1976 (Amendment) Regulations 2003
- Religion or Belief Regulations 2003
- Sexual Orientation Regulations 2003
- (Age Discrimination Regulations to be introduced in 2006).

Guidance on the legislation can be obtained from the relevant Commission and further general guidance on good practice in the workplace from Acas. Their addresses are in [Annex 3](#).

## Annex 2: Glossary of terms

### **Disability**

A disabled person is described in the Disability Discrimination Act of 1995 as one who has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

### **Diversity**

Diversity is about recognising, valuing and taking account of people's different backgrounds, knowledge, skills, and experiences, and encouraging and using those differences to create a productive and effective workforce.

### **Ethnicity**

A strict definition of an ethnic group is a group regarded as a distinct community by virtue of certain essential characteristics - a shared history which distinguishes it from other groups and a cultural tradition of its own. Sikhs and Gypsies are examples. However, it has come to have a broader meaning and the expression "ethnic monitoring" is used in reference to groups defined by colour, race or national origin as well.

### **Gender**

The word 'gender' is often used in place of the word 'sex' in equality issues. 'Gender' does not appear in legislation (except for 'gender re-assignment' - see below) but 'sex discrimination' and 'gender

discrimination' are generally interchangeable.

### **Gender Reassignment**

Gender re-assignment is a process undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex. The Sex Discrimination Act was extended in 1999 to make it unlawful to discriminate in employment on the grounds of an employee intending to, undergoing or having undergone, gender reassignment.

### **Genuine Occupational Requirements**

The Sex Discrimination Act and the Race Relations Act and the Religion or Belief Regulations and the Sexual Orientation Regulations allow for circumstances where a person's sex, racial group, religion or sexual orientation is a genuine requirement for a particular job.

### **Harassment**

Behaviour which is unwelcome or unacceptable and which results in the creation of a stressful or intimidating environment for the victim amounts to harassment. It can consist of verbal abuse, racist jokes, insensitive comments, leering, physical contact, unwanted sexual advances, ridicule or isolation.

### **Liability**

Employers have legal liability for any act of discrimination (including harassment) carried out by their employees unless the employer can show that they have taken all reasonably practicable steps to prevent it.

### **Quotas**

It is unlawful to select a person for a job on the basis of their gender or race in order to achieve a fixed quota of employees of that gender or race.

### **Sexual Orientation**

Whether a person is attracted to people of their own sex, the opposite sex or both sexes. Assumptions and perceptions of a person's sexual orientation are also covered by law.

### **Targets**

These can be percentages of underrepresented groups that employers aim to achieve in the make up of their workforce as part of their equality action plan. It is unlawful to use a target as a reason for selecting someone, but it is not unlawful to take steps to get more qualified applicants from particular groups (see 'Positive Action' in Employment Practices section).

## **Transsexual**

See 'Gender Reassignment'

## **Victimisation**

If a person has made or is making an accusation of discrimination in good faith, it is unlawful to discriminate against them for having done so, or because they intend to do so or it is suspected that they intend to do so.

## **Annex 3: Useful contacts and publications**

### **Acas National**

Brandon House  
180 Borough High Street  
London SE1 1LW  
Web Site: <http://www.acas.org.uk/>  
Helpline: 08457 47 47 47

### **The Commission for Racial Equality**

St Dunstan's House  
201 - 211 Borough High Street  
London SE1 1GZ  
Web Site: <http://www.cre.gov.uk/>  
Tel 020 7939 0000

### **The Disability Rights Commission**

DRC Helpline  
Freepost MID 02164  
Stratford-upon-Avon CV37 9BR  
Web Site: [www.drc.org.uk](http://www.drc.org.uk)  
Tel: 08457 622 633  
Fax: 08457 778 878

### **The Equal Opportunities Commission**

Arndale House  
Arndale Centre  
Manchester M4 3EQ  
Web Site: [www.eoc.org.uk](http://www.eoc.org.uk)  
Helpline: 0845 601 5901

### **Acas Equality Direct Helpline**

Tel: 08456 00 34 44  
Web Site: <http://www.acas.org.uk/index.aspx?articleid=454>

## **Othere useful websites**

### **Department of Trade and Industry**

Website covers in detail the points of employment law including equality legislation and a good section on maternity rights.

Web Site: <http://www.dti.gov.uk/employment/index.html>

### **Multifaithnet**

This is an excellent website detailing the cultural differences and customs of different religions. Can help employers understand the different requirements of various religions.

Web Site: [www.multifaithnet.org](http://www.multifaithnet.org)

### **Stonewall**

Works to achieve legal equality and social justice for lesbians, gay men and bisexual people.

Web Site: [www.stonewall.org.uk](http://www.stonewall.org.uk)

### **Age Positive**

Web Site set up by the Government to help employers tackle the issues raised by the forthcoming legislation on age.

Web Site: [www.agepositive.gov.uk](http://www.agepositive.gov.uk)

### **Maternity Alliance**

Information on all aspects of maternity.

Web Site: [www.maternityalliance.org.uk](http://www.maternityalliance.org.uk)

Tel: 020 7588 8583

### **Office for National Statistics**

The official UK statistics site

Web site: [www.statistics.gov.uk](http://www.statistics.gov.uk)

### **Redundancy Payments Service**

Tel: 0500 848 489

Advice line that will help employers calculate the levels of redundancy payments due to employees.

### **Human rights and Public Law Telephone Advice Line**

Tel: 0808 808 4546

To help employers with the recent Human Rights Act.

### **Information Commissioner**

Wycliffe House

Water Lane

Cheshire SK9 5AF

Web Site: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Tel: 01625 545700

**For information on the Data Protection Act**

**Small Business Service**

Kingsgate House

66-74 Victoria Street

London SW1E 6SW

Web Site: [www.sbs.gov.uk](http://www.sbs.gov.uk)

Tel: 0114 259 7788

**Federation of Small Businesses**

Head Office

Whittle Way

Blackpool Business Park

Blackpool

Lancashire FY4 2FE

Web Site: [www.fsb.org.uk](http://www.fsb.org.uk)

Tel: 01253 336000

**Trades Union Congress**

Congress House

Great Russell Street

London WC1B 3LS

Web Site: [www.tuc.org.uk](http://www.tuc.org.uk)

Tel: 020 7636 0632

**The Confederation of British Industry**

Centre Point

103 New Oxford Street

London WC1A 1DU

Web Site: [www.cbi.org.uk](http://www.cbi.org.uk)

Tel: 020 7395 8247

**Chartered Institute of Personnel and Development**

IPD House

35 Camp Road

Wimbledon

London SW19 4UX

Web Site: [www.cipd.co.uk](http://www.cipd.co.uk)

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