

EQUAL OPPORTUNITIES ARE YOUR BUSINESS TOO



FOR SMALL / MEDIUM SIZED ENTERPRISES & THIRD SECTOR ORGANISATIONS

**GOOD PRACTICE ON EQUALITY AND DIVERSITY WHEN CONTRACTING WITH
BRACKNELL FOREST COUNCIL**

Version – July 2013

**WHAT?**

This sets out basic guidance for small firms on avoiding unlawful discrimination – on the grounds of race, sex, disability, sexual orientation, and religion or belief – in the way you recruit and manage your staff. The advice and information given here on general good practice can help you to act lawfully, and will also make good business sense. This leaflet is too brief to be an authoritative statement of the law, but it does tell you where to go for more detailed information.

WHO?

Whether you are an employee, a manager, or a sole trader who may become an employer, this leaflet is for you. The law applies to all aspects of employment, from recruitment right through to retirement, redundancy or dismissal. It may also apply to services you provide, and to any role you have as a contractor to a public authority.

WHY?

With an annual expenditure of around £175 billion on goods and services, the public sector has an important opportunity to promote equality where possible, and it has legal obligations to consider the need to do so in respect of race, disability and gender equality under the public sector equality duties. Unlawful discrimination is not just wrong – it can also be very expensive. There is no limit to how much an employment tribunal can require you to pay someone if, as an employer, you have discriminated against them.

Remember, you are also responsible for the actions of your employees, so make sure they know what is expected of them. Keeping your employment practices within the law will benefit your business generally; adopting good practices will help you recruit and keep the best people, and save time and money in the long run. Making your premises and services more accessible to everyone will widen your recruitment base, and could open up new markets, leading to more custom and, possibly, greater profits.

HOW?

The following points will help you to ensure you are well placed to improve your business and keep within the law.



GETTING YOUR STAFF

- Be clear what the job entails and what the key duties are
- Ask applicants for information that will tell you they can do the job
- Don't ask questions unrelated to the job – get the facts and be open-minded
- Treat people on their merits
- Don't make assumptions about who won't 'fit in'
- Advertise a vacancy openly, as this will help you attract better applicants – don't simply rely on friends and family of current employees.
- Where reasonable to do so, adapt your methods of recruitment so that people with disabilities can apply and attend for interview
- If you use a recruitment agency, make sure you do not ask them to act unlawfully
- If you are not doing the recruitment yourself, keep track of what's happening
- Ensure starting pay is set fairly and equitably and verify the successful applicant's former pay level with their formal employer

KEEPING YOUR STAFF

- Keep open channels of communication with all your staff – it will make things easier for everyone
- Make sure opportunities for promotion and training are made known to all staff and are available on a fair and equal basis
- Make new recruits feel welcome by showing them around the workplace, introducing them to their colleagues, and familiarising them with 'house rules'

HARASSMENT / BULLYING

A firm stance will benefit all your staff and help your business to run smoothly

- Make it clear to everyone that harassment and bullying will not be tolerated – and tell them who to go to if it does occur
- Don't be tempted to blame the person being harassed or bullied, and don't discipline or sack them; deal with the person causing the problem
- Don't ignore the situation – it won't go away

DISCIPLINE / GRIEVANCES

- Have procedures for handling discipline and grievances. These should apply to all staff. This will help you to resolve problems quickly and before they become too serious.
- Apply disciplinary action fairly and consistently regardless of race, sex, disability, sexual orientation, religion or belief and age.

MONITORING / KNOWING YOUR STAFF

Keeping basic information on your staff will improve business effectiveness and will also be useful if a complaint is ever made against you. It is good practice to keep information on:

- How your staff group is made up – for example by sex, ethnic origin, and disabilities. When asking for this information, respect people's sensitivities and let staff know why you want the information;
- Job applicants and appointments;
- Sick leave / absences and reasons;
- Disciplinary action / grievances;
- Hours that staff work;
- Rates of pay; and
- Training received

Remember: some of this information is personal and should be kept confidential

FLEXIBILITY / REASONABLE ADJUSTMENTS

- Make reasonable changes to overcome physical and non-physical barriers that make it difficult for customers with a disability to access your services. Some changes will also help others; for example, people with pushchairs and older people.
- Similarly, where reasonable, 'more favourable treatment' can be used to achieve positive action for individuals with disabilities. This may be required in order to promote genuine equality of opportunity and should always be considered at the planning stage.
- 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, but the law will soon be amended to incorporate additional areas such as employees with older children / carers. You should consider such requests carefully and objectively and, unless it would cause real difficulties for your business or the employee, you should accommodate them. This could mean offering flexible hours, or time off for family or religious needs. You must also allow eligible employees time off for parental or adoption leave, or to deal with an emergency involving their child, partner or anyone who relies on them for care. Flexibility also means accommodating religious or cultural dress codes, particularly if you have uniform requirements.

MATERNITY / PATERNITY LAW

When an employee becomes pregnant you must:-

- Allow her paid time off for antenatal care
- Provide additional health and safety protection for her and her child during her pregnancy, while she is a new mother, or as long as she is breastfeeding; and
- Allow her to return to her job after a period of maternity leave



You must not:

- Dismiss her because she is pregnant or penalize her for any pregnancy-related sickness absence, or for any reason connected with pregnancy or maternity leave.

This applies to your employee no matter how short a time she has been working for you and regardless of how few hours she works.

Fathers who have been working for you at least a year are entitled to two weeks paid paternity leave when their child is born. You can reclaim the cost of statutory paternity pay.

EQUAL PAY



Check your pay arrangements to make sure that men and women are getting equal pay. 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

Employees should know how their pay is made up. It should be clear, for example, how any bonuses can be earned, and how they are calculated.

This applies to both full-time and part-time employees. The same work should be paid the same hourly rate, whether it is done by men or women, and whether it is done by full-time or part-time.

SOCIAL VALUE ACT 2012

Public sector organisations all have to work in accordance with the Social Value Act 2012, and therefore in order to trade with us, you may be asked to provide information on how your organisation actively looks to improve the economic, social and environmental well-being of the 'relevant area.'

It is important that you are aware of the Social Value act and how your organisation can contribute to making it part of your every day considerations.

Further guidance on this act can be found on:

<http://www.legislation.gov.uk/ukpga/2012/3/enacted>

WHAT NOW?

As a good business manager, you should let your customers, suppliers and employees know that you aim to treat people fairly, by ensuring that they have equal access to your goods, services and contractual and employment opportunities.

Think through your position and produce a statement that will make this clear. The equality agencies listed at the end of this leaflet will be able to advise you.

You may also need more information on the main laws relating to equal opportunity. A description of what the legislation covers can be found overleaf. This leaflet is not meant to be an authoritative statement of the law; more detailed advice and definitions can be found in the acts, regulations, codes of practice, and advisory leaflets, and other information that can be found on the web.

THE LAWS ON EQUALITY

Equality Act 2010

The Equality Act 2010 is the law that bans discrimination and helps achieve equal opportunities in the workplace and in wider society.

The Act brought together and replaced previous equality legislation, such as the Disability Discrimination Act 1995 (DDA), the Race Relations Act 1976 and the Sex Discrimination Act 1975. It simplified and updated the law and strengthened it in important ways. Most of the Act came into force on 1 October 2010; some provisions were introduced later and some have not yet been introduced, or may not be.

The Act protects people from discrimination on the grounds covered by the previous equality laws. These grounds are now called 'protected characteristics'. They are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief
- sex
- sexual orientation.

The Act also promotes equality of opportunity to prevent discrimination arising in the first place.

This factsheet focuses on disability.

NB – The Equality Act does not apply to Northern Ireland, where the DDA still applies; visit the NI Direct website to find out more: www.nidirect.gov.uk

For detailed information on the Equalities Act, please refer to:-

<https://www.gov.uk/equality-act-2010-guidance>

FURTHER HELP

NATIONAL CONTACTS

Acas

The independent employment relations service provides information, good practice advice, and guidance to employers and employees on a wide range of employment relations issues. Acas equality and diversity advisers specialise in providing practical help to businesses of all sizes and sectors on equality and diversity in the workplace.

Equality and Human Rights Commission

The new Equality and Human Rights Commission opened on 1 October 2007.

The new commission works to eliminate discrimination, reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society.

The previous commissions – the Equal Opportunities Commission, the Commission for Racial Equality, and the Disability Rights Commission – have made enormous advances, but the new commission brings together the work of the three previous equality commissions and also takes on responsibility for the other aspects of equality: age, sexual orientation and religion or belief, as well as human rights.

Website: www.cre.gov.uk

OTHER SOURCES OF ADVICE

Sources of further assistance include the following (where no number is given, check your phone book for your nearest office):

Business Link

An easy-to-use business support, advice and information service managed by the DTI. Call 0845 600 9006 to be connected to your nearest Business Link.

Website www.businesslink.gov.uk

Business Gateway

A partnership between Scottish Enterprise, the Scottish Executive and local authorities, offering a wide range of information and advice.

Helpline: 0845 609 6611

Website: www.bgateway.com

Contact: network.helpline@scotent.co.uk

The above is not intended to provide you with an exhaustive list, but simply to offer some additional guidance.

EQUALITY POLICY FOR SMALL / MEDIUM ENTERPRISES CONTRACTING WITH BRACKNELL FOREST COUNCIL

(Organisation 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, belief or age. We oppose all forms of unlawful and unfair discrimination and try to advance equality within our organisation where possible.

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.
- To comply with the principles of the Equality Act 2010 (see guidance document for further information)

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.

We also undertake to continually monitor and adhere to the guidance and policies provided by the Council with regards to Equal Opportunities and Diversity, and where appropriate work with the Council to improve our organisations current procedures and processes.

(Details of these can be found on www.bracknell-forest.gov.uk under 'Your Council' and then 'Community Cohesion and Diversity')

PLEASE ENSURE A COPY OF THIS IS SIGNED AND RETURNED TO THE COUNCIL PRIOR TO THE COMMENCEMENT OF THE CONTRACT.

Name:

Position held within Organisation:

Organisation Name:

Date:

Date this policy shall be reviewed (set date 1 year from date of Contract commencement):

Please note further guidance listed below, if looking to develop your own policy.

Taken from *Tackling discrimination and promoting equality - good practice guide for employers* – ACAS. Click here to download the complete guide - <http://www.acas.org.uk/index.aspx?articleid=818>