

John O'Conner's Equality and Diversity Commitments

Equality and diversity forms a key part of our business ethos and this is supported through a robust Equality of Opportunity and Diversity Policy which outlines the following commitments:

- All people are entitled to be treated with dignity and respect at all times. No form of intimidation, bullying or harassment will be tolerated.
- Where practicable, the teams assigned to our contracts will be made up of diverse individuals.
- Breaches of our Equality of Opportunity & Diversity Policy will be regarded as misconduct and could lead to disciplinary proceedings.
- Our policy is fully supported by senior management.
- The policy is monitored and reviewed annually.
- To promote equality and diversity throughout all our business activities and services provisions.

Communicating our Policy

It is mandatory for everyone employed by John O'Conner to abide by our Equality of Opportunity & Diversity Policy and to assist the company meet its commitment to provide equality and diversity in employment, avoid unlawful discrimination and create a working environment which is founded on equality and diversity. To implement and make our personnel aware of our policy we:

- Openly communicate the policy to employees and job applicants.
- Develop strong HR policies and practices covering recruitment & selection, terms & conditions of employment, disciplinary, harassment and grievance.
- Limit person and job specifications to only those requirements that are necessary for the effective performance of the job.
- Provide equality and diversity training and guidance as appropriate including training on induction and management courses.
- Ensure that those who are involved in assessing candidates for recruitment and promotion are trained to use non-discriminatory selection techniques.
- Obtain commitment from other persons or organisations such as sub-contractors or agencies that they too will comply with the policy in their dealings with our organisation and our workforce.
- Ensure that adequate resources are made available to fulfil the objectives of the policy.
- Regard any breach of the Equality of Opportunity & Diversity Policy as misconduct that may result in disciplinary action or dismissal. Employees who commit serious breaches may be guilty of a criminal offence and will be reported to the police.
- Ensure the Equality of Opportunity & Diversity Policy is implemented across every site through regular reviews and audits.

Equality Training

To promote equality and diversity we provide a wide range of training which includes formal training and practical workshops. The training spans induction, site specific and continuous professional development and ensures that all our people:

- Understand the requirements of our Equality of Opportunity and Diversity Policy.
- Understand the requirements set out by law.
- Are kept up to date with changes in legislation.

- Receive regular refresher training.
- Ensure the dignity of others is respected at all times.
- Treat others well and do not cause offence.

Detailed below is an overview of the training we provide to our personnel:

Induction – All Staff

Training covers:

- What is equality?
- What is diversity?
- Equality Act 2010.
- Staff diversity.
- The current UK population and how it is changing.
- Recognising the different aspects of discrimination.
- Understanding the different types of discrimination.
- Recognising the consequences of discrimination.
- Identifying lawful and positive forms of discrimination.
- Key equality documents:
 - *Equality of Opportunity & Diversity Policy.*
 - *Staff rights and responsibilities.*
 - *Anti-Bullying and Harassment Policy.*
 - *Whistleblowing Policy.*

Management Training

All management personnel are required to undertake the following compulsory training:

- Implications of bad management practice.
- The manager's role in implementing diversity and equality action plans.
- Delivering equality outcomes in service provision.
- Equality Act 2010.
- Treatment of others.
- Your behaviour.
- Communication guidelines.
- Tackling discrimination and harassment.
- Developing excellent service and an inclusive working environment.
- Human resource planning, staff surveys and training & development planning.

All personnel are required to undertake refresher training on a regular basis (at least annually).

Reviewing and monitoring the effectiveness of our Equality of Opportunity Policy

To review and monitor the effectiveness of our Equality of Opportunity & Diversity Policy, we conduct regular equality monitoring of our workforce. We record and review the employment records of all personnel in order to monitor the progress of our policy and commitments. This includes:

- Asking all job applicants to complete our equality and diversity monitoring form.
- Reviewing training and promotion records, the decisions made and the reasons for those decisions.
- Evaluating the make-up of the workforce in terms of diversity.

- Conducting full investigations into any equality related complaints (we are pleased to state that we have never received a complaint of this nature).

The results of these monitoring procedures are reviewed at regular intervals to assess the effectiveness of the implementation of our Equality of Opportunity and Diversity Policy. Where necessary, the policy is amended to afford greater equality of opportunity to all staff and job applicants.

Recruitment of Specific Groups

Our recruitment practices are as open and as barrier free as possible. An overview is provided below:

- Application forms etc are free of personal questions or requests for information from which inferences could be drawn as to the status of an individual that are irrelevant to the job description.
- More than one person is involved in shortlisting and selection for interview, and all involved receive training in equality and diversity.
- Interviews are conducted on competency basis.
- Only questions which relate to the requirements of the job are asked.
- Reasons for selection or rejection of applicants are recorded.
- Any applicant who wishes to declare that they have a disability and who satisfies the job description/person specification is guaranteed an interview.

Targeted Recruitment Campaigns

When we focus on employing a specific group we implement a targeted campaign, including:

- Working closely with Jobcentre Plus personnel such as disability employment advisors.
- Advertising roles with appropriate charities and on specialist job boards for example, Evenbreak.
- Advertising in publications which specially target our campaign, such as Disability Now.
- Directing campaigns at particular schools and colleges.

Publicising and Advertising Vacancies

All recruitment material is made available/offered in a variety of media that reflects the basic requirements of the post.

Advertisements draw attention to John O'Conner's Equality of Opportunity Policy and includes statements encouraging specific groups of people to apply for the role.

John O'Conner strives to provide people with disabilities or from disadvantaged background with employment and training opportunities, schemes include:

Work Taster Placements Scheme

We are currently participating in the Work Taster Placements Scheme, the main objective of which is *'to offer people less able to compete for jobs the chance to experience different working environments and help them identify their skills, abilities and strengths'*.

We believe this scheme will help remove the barriers that disadvantage and disablement puts in front of those who might otherwise be capable of making a valuable contribution to society.

Our first participant in the Work Placement Scheme was Peter, who was affected by the mental health condition schizophrenia. Peter worked closely with our Park Warden, during his fourth week placement, and undertook a variety of manual tasks including edging flower beds, weeding and litter-picking.

“In my role you always hope that you will walk into an environment where you feel that there is a genuine desire to want to help, in my experience that is not always the case so, how refreshing it was to work with a company such as John O’Conner! ”

Eva Rodriguez, Hertfordshire County Council Work Solutions

ChoiceS Supported Employment Service

We support volunteer placements and have worked closely with ChoiceS Supported Employment Service (part of East Sussex County Council, Adult Social Care, Learning Disability Directly Provided Services). It provides guidance and support for adults with learning disabilities, who want to work on a full-time, part-time or voluntary basis. We have developed a strong relationship ChoiceS over last 4 years.

“JOC personnel have welcomed ChoiceS clients & included them in day to day work routines as valued equals. This has supported a growth in confidence and the development of skills of those clients. ”

Liz Mellor ChoiceS Employment Service Manager

Extended Work Experience Scheme

We were the first company in Hertfordshire and Bedfordshire to sign up to the government’s new extended work experience scheme working in partnership with Jobcentre Plus. The programme gives young people an introduction to the work place and helps them get a decent entry on their CV. The first placements were run in Hertfordshire and following the early success of the programme the concept has been extended to other contracts across the UK. To date we have provided opportunities for over 80 individuals.

Apprenticeship Scheme

To maximise effectiveness, opportunities are targeted at local young people (aged 18–21) who have little or no work history, or a low skills base. To date, we have provided over 70 apprenticeships and work placements and we are delighted to say that around 40% have been converted to permanent employees.

MANAGER'S GUIDE TO EQUAL OPPORTUNITIES

1. Introduction

1.1. *Why we have an Equal Opportunities Policy*

We have a commitment to make full use of the talents and resources of all employees and to provide an environment which will encourage good and productive working relationships within the organisation.

Discrimination affects our commercial success. In addition to the potential costs and damage to our reputation of claims of discrimination, by failing to consider certain groups when we are recruiting and promoting employees, we restrict the number of potential candidates for a position and we may fail to consider the best candidate for a job.

1.2. *How to use the Guide*

This guide is designed to assist managers in applying the Company's Equal Opportunities Policy by explaining the policy, detailing the relevant legislation, explaining their responsibilities in terms of training their staff and recommending measures to improve equality of opportunity in the workplace.

2. Training your Team

As a manager you are responsible for ensuring that your team are aware of the Company's Equal Opportunities Policy. As part of induction you should inform all new employees that the Company is committed to Equal Opportunities and make them aware of the Company's Equal Opportunities Policy in the Staff Handbook.

All employees should be aware that acts of discrimination and harassment may be treated as Gross Misconduct and could lead to their dismissal.

All employees should be told how to raise a complaint about discrimination or harassment by either colleagues, managers or customers. They should be assured that all such complaints will be taken seriously and will be treated sensitively.

3. The Law

3.1. *Background*

The Company strives to be a good employer and even where there is no relevant legislation, we would want all our employees to have the same opportunities at work. The fact that there is legislation to outlaw most forms of discrimination at work simply adds weight to the importance of the Equal Opportunities Policy.

As recently as the 1970s, a woman could be dismissed as soon as she became pregnant or even got married; a man was automatically paid more than his female colleagues on the assumption that he was the breadwinner, and applicants could be refused a job simply because of the colour of their skin or nationality.

Since the mid-1970s, successive Governments have introduced legislation to protect people from such treatment in various aspects of life, including the workplace.

3.2 *The Legislation*

In 2010, these separate pieces of legislation were consolidated into one Act, the Equality Act.

The Equality Act forbids discrimination on the grounds of:

- Age
- Disability
- Gender Reassignment
- Marital status
- Pregnancy and Maternity
- Race
- Religion
- Sex
- Sexual Orientation

These are called protected characteristics

There is also legislation outlawing discrimination against part time and fixed term workers, trade union officials and on the basis of spent criminal convictions.

3.3. *Legal Remedies*

A person who believes that they have experienced discrimination in the workplace can make a claim to an Employment Tribunal. Any employee, casual or agency worker (irrespective of their length of service) can make a claim of discrimination to an Employment Tribunal. You could even receive a claim from a candidate for a job.

The claim has to be made within 3 months of the alleged discriminatory action. The claim can be against the individual who committed the discrimination as well as the Company.

4. What is Discrimination?

There are two main types of discrimination; direct and indirect discrimination.

Direct discrimination is when someone is treated less favourably than another person because of a protected characteristic.

A claim of direct discrimination could succeed even if the individual does not actually have the characteristic. This could be because people think that they do (perceptive discrimination), for example, when an employee is treated less favourably because people think that they are gay, even though they aren't.

Or, it could be associative discrimination, when a person is treated less favourably because of their association with a person with a protected characteristic. For example, because they have a disabled child.

Direct discrimination can occur at all stages of an individual's career with the Company, even before they join us and are applying for a job.

Examples of direct discrimination could be:

- Not offering a job to a black person who was the best qualified for the job, because no other black people work in the team.
- Not sending a woman on a management development course because she has just got married and will probably be leaving to start a family soon.
- Selecting a person for redundancy because they are 60 and will be retiring soon anyway.
- Dismissing a woman when she tells you that she is pregnant.
- Not employing someone because they have a disabled child.

Indirect discrimination is when there is a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic, and that condition, rule, policy or practice cannot be justified as a proportionate means of achieving a legitimate aim. For example;

- Stating that female workers must wear skirts. This would disadvantage women whose religion requires them to cover their legs.
- Requiring all employees to pass a written test. This could be indirect race discrimination for people who have not been educated in the UK or disability discrimination for people who have learning difficulties.
- Not being flexible about breaks or hours could be indirect discrimination against people whose religion requires them to pray or attend services at a particular time.
- Requiring particular qualifications could discriminate against people who were educated abroad or who are older and therefore less likely to have formal qualifications.

If you have requirements that may disadvantage particular groups, then you must be able to justify them. The written tests could be justified if they relate to the work the employee does. Set hours may be required to provide the required level of service to the client. But in all cases the employer will have to be able to give a business related justification for any condition that they impose.

In very limited circumstances it may be possible to specify that an employee is of a particular sex, race or religion. For example, it would be justified for a religious school to say that their chaplain had to be of a particular religion, or for a girls' boarding school to say that they only have housemistresses, not house masters. But it is unlikely to apply to our business, however, if we were recruiting for an employee to work abroad in a country where the law or custom states that women cannot work, we could restrict applicants to men. This is called a Genuine Occupational Requirement.

Other than in the case of a Genuine Occupational Requirement, you must never make a recruitment decision on the basis of a person's sex, race, disability, age, sexual orientation or religion. Explanations such as 'all the other staff in the department are Asian so we thought a white person would not fit in' or 'our client wants a mature, male manager' will not help you in a Tribunal.

Asking questions about a person's domestic circumstances at interview should be avoided as it should be irrelevant and could be perceived as a basis for discrimination on the grounds of a person's marital status or sexual orientation.

5. Harassment

5.1. What is harassment?

Harassment is defined as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The Company regards any form of harassment as unacceptable and our Disciplinary Procedure classifies it as Gross Misconduct.

Examples of harassment include:

- Offensive comments, jokes or nicknames relating to a person's race, sex, disability etc.
- Unwelcome physical or verbal advances
- Demeaning or patronising abuse
- Offensive emails, texts, pictures or graffiti

Harassment may not necessarily refer to the individual's characteristics. It would be harassment if you made offensive comments about a person's son being gay or their partner being black.

The harassment does not have to come from an employee or worker in the organisation. An employer could be liable for harassment by a third party such as a client.

5.2. Preventing Harassment

As a manager, there are a number of ways you can prevent harassment happening in your team, such as:

- Set an example. Never make discriminatory comments yourself, even in jest.
- 'Pull up' staff who make offensive comments, explaining that such comments are not acceptable here.
- As part of induction and during refresher training inform all staff that we have a Equal Opportunities Policy and that any form of discrimination or harassment is unacceptable and could lead to disciplinary action up to and including dismissal.
- Tell all employees how they should complain if they are being harassed at work. Reassure them that any complaints will be treated seriously and in confidence.
- You are responsible for protecting your employees from harassment by third parties, such as customers and client staff. If you see or hear any of your staff being harassed by a customer intervene to protect them and support them if they wish to make a complaint.

5.3. Dealing with a Complaint of Harassment

If a member of your team approaches you to say that they are being harassed at work, make time to listen to their complaint.

In most cases the best advice that you can give is to suggest that they make it clear to whoever has harassed them that they find their behaviour unacceptable or unwelcome and that they want it to stop. They can do this verbally or in writing. They can ask a colleague to help them or you can 'have a word' yourself. Research shows that in 70% of cases this will stop the harassment.

Make a note of this discussion and speak to the employee again in a couple of days time to see if the harassment has stopped. Keep a record of the action that you have taken in response to their complaint.

If the harassment continues or if you think that the behaviour is too serious to be dealt with informally, get HR advice.

Never ignore a complaint of harassment. It is important to remember that what might seem to be a bit of fun to one person may be deeply upsetting to someone else.

6. Sex Discrimination

Sex discrimination is less favourable treatment based on a person's gender or marital status. Men and women can claim sex discrimination.

The use of gender specific job titles such waitress or manageress, in advertisement could lead to a claim of sex discrimination as they imply that you are looking for a woman.

Do not use gender stereotypes for particular jobs. For example, if you are recruiting for an employee to do a physical job don't assume that the best candidate is a man.

Do not assume that a woman with young children will not be interested in training or promotion. All employees should have equal access to opportunities to further their career.

If you are using criteria such as the ability to work overtime at short notice or travel to other parts of the country in an advertisement or your selection process, make sure that the actual duties of the job make such requirements absolutely necessary as they could be indirect sex discrimination. This is because women are more likely to have responsibility for caring for children or elderly relatives that make it difficult to work extra hours or away from home.

Claims of indirect sex discrimination can also arise when a woman's shift is changed in such a way that she faces problems fitting her work round her childcare responsibilities. When faced with such a claim you will have to be able to show that you had good business reasons for changing the person's hours of work.

6.1 Frequently Asked Questions

Q: You are looking for a person to work on a parks contract in a city location where there is a history of criminal activity. The job will involve some working alone. You are worried that this is not a suitable job for a young woman, and would prefer to employ a man. Is this OK?

A: No. Although an employer has a duty of care towards their employees, this does not excuse refusing to consider a female applicant. All applicants for the post (male and female) should be made aware of the requirement to work on their own and the measures that are taken to protect them, but should not be discouraged from accepting the post because of their sex.

Q: An employee who is returning to work after maternity leave has asked to start work an hour later because her child's nursery does not open until 8am.

A: You must consider any request from parents of young children who want to change their hours to fit with their childcare arrangements. Your manager will be able to advise you on the process to follow when you receive such a request. If you refuse the request you must be able to present a good business case for a refusal. An unreasonable refusal of such a request could lead to a successful claim of sex discrimination.

Q: A female worker has approached you to complain about an employee of the client who keeps asking her out. She has refused, but he keeps asking. What do you do?

A: Ask her how she would like you to approach this problem. Can another employee speak to the customer and ask him to stop 'hassling' her? Can you speak to the client contact to see if they can help or can you adjust her duties or transfer her so that she does not have any contact with him? Never ignore such a complaint.

7. Race Discrimination

Race discrimination is less favourable treatment based on a person's race, ethnic or national origin.

The use of different requirements in terms of proving an applicant's right to work in the UK can be indirect race discrimination. The law requires employers to check that all employees have the right to work here. Therefore all potential employees should be asked to provide such proof, not just applicants who weren't born in this country.

Requiring applicants to have a particular UK qualification could be indirect race discrimination. You should not exclude candidates who have overseas qualifications, if they can demonstrate that they are equivalent to the UK one.

Recruiting by word of mouth or 'introduce a friend' schemes can also be race discrimination because it may mean that you only get applicants who are the same race as existing employees. If you are recruiting externally try to use methods that reach the widest range of applicants such as the Job Centre, local papers or cards in local shops.

7.1 Frequently Asked Questions

Q: You have just issued an employee with a written warning for lateness; he has accused you of race discrimination. Can he make such a claim?

A: In order to prove race discrimination he would have to show that you treated him less favourably than others on the grounds of his race when you decided to issue the warning. Have you applied the same rules and disciplinary action to him as you do to other employees who have been late? He will have difficulty succeeding in making such a claim if you followed the correct procedure and have treated other employees similarly.

Q: You overhear one of your staff making a joke about Asians, what should you do?

A: It is your responsibility to ensure that people working for you are not subjected to racist comments. Even if no one has complained about the joke, you should take the employee aside and explain that such jokes/comments are not acceptable as they are racist and some people might find them offensive. Warn them that they might be subject to disciplinary action if they continue to make such comments.

8. Disability Discrimination

People with disabilities are particularly vulnerable to discrimination in the workplace. A major cause of this remains the negative assumptions held by able bodied people, and their doubts about whether disabled people have the capacity to perform a wide variety of jobs; even when their disability bears no relation to the skills required by the job.

Not considering people with disabilities excludes a vast pool of potential employees. Research has shown that disabled people are usually more productive, have fewer accidents and less time off than other groups of workers.

The Equality Act has banned the use of medical questionnaires as part of pre-employment procedures. Although you can ask a person to complete a medical questionnaire once you have offered them the job. However, it is permissible to ask specific medical questions during the recruitment procedures if they are disabilities or medical conditions that would exclude a person from doing the job advertised.

The Act is relevant when you are recruiting and when a person becomes disabled due to illness or an accident while they are employed. The Act requires employers to take reasonable steps to allow a person to continue working once they have become disabled.

8.1. Who is disabled?

When we imagine a person with a disability, we tend to think of someone in a wheelchair or a person who is deaf or blind. Such people will be covered by the Equality Act, but it also includes anyone with a long term physical or mental impairment. Therefore people with conditions such as learning difficulties, epilepsy, mental illness or chronic asthma are protected from discrimination in the workplace on the grounds of their condition.

The definition was amended to specifically include people with MS and most forms of cancer from the point of diagnosis, irrespective whether their condition is causing impairment.

8.2. Reasonable Adjustments

The Act states that if someone is unable to do a job as it stands because of a disability, the employer must consider whether there are any adjustments they could make to the job to allow the disabled person to do it.

For example, this may arise when someone applies for a job, and is unable to do the job purely because they can't lift a particular piece of equipment. In such circumstances the employer would be expected to look into changing the way the work is done or buying a lighter piece of equipment. If the cost of such a change is not too high or if the changes to duties will cause minimum disruption then the employer would be expected to make the adjustment.

More frequently the question of adjustments arises when someone becomes disabled while working for us and is unable to return to their old job because of their disability. In these circumstances the employer has a duty to consider whether it is possible to adjust the job to allow the employer to continue working. Possible adjustments could be:

- Changing the duties, perhaps swapping some duties with another employee
- Using different equipment or buying specialist equipment; for example, a magnifying glass for someone with a visual impairment
- Changing the hours. An employee with conditions such as ME or MS might prefer to do split shifts or work part time.

Only when the employer has considered such adjustments and found that they are either impractical, would not help the person to do the job or would cost too much (after having investigated the possibility of obtaining grants), can they safely turn the applicant down or retire the employee on the grounds of ill health.

8.3. Where to go for help

Government schemes such as 'Access to Work' are designed to help people with disabilities to work. The scheme can help pay for support workers, special equipment or alterations to the premises.

8.4. Frequently Asked Questions

Q: A long serving employee has approached you to say that they are having problems doing their job due to a back injury and may be forced to leave, how do you respond?

A: A chronic back injury could be classified as a disability covered by the Act; therefore you should consider whether there are any reasonable adjustments you can make to their job to allow them to continue working. You should first establish the extent of their problem either by discussing it with them or by asking HR to assist you in obtaining a report from their doctor. You need to know what they can and can't do, such as how much they can lift. Once you have obtained this information you should

consider whether it is possible to adjust their job to remove the duties that they can't do

Q: You are interviewing for an employee, one candidate has performed well at interview. At the end of the interview he states that he is epileptic. You are concerned that this might be a problem.

A: This candidate may well be covered by the Equality Act. As they seem to be the best candidate for the job you should obtain more information on their condition before making a decision. Ask them when they last had a seizure; if they have not had one for years then there is no reason not to employ them. You might want to know about the medication they are taking and HR can help you to obtain more advice on this. You could ask their previous employers if their condition caused any problems when you take up references. If you do employ a person with epilepsy it is sensible to make sure that someone in the Department knows what to do if the employee has a seizure. This would be covered in standard First Aider training.

9. Discrimination on the Grounds of Sexual Orientation

Less favourable treatment on the grounds of sexual orientation could be harassment such as making offensive or humiliating remarks about a person's sexual orientation.

A heterosexual person could claim discrimination as well as a homosexual person.

10. Discrimination on the Grounds of Religion or Belief

It is neither acceptable nor legal to refuse to employ or promote someone because of their religious belief. Imposing unjustified conditions that prevent people from practising their religion is also illegal. This could be relating to hours of work or when breaks can be taken.

10.1 Frequently Asked Questions

Q: One of your employees is an orthodox Jew and he wishes to finish work early on Fridays in the winter.

A: Refusing to allow employees to vary their hours for religious reasons is potentially indirect discrimination, but could be justified if taking a break at a particular time will cause operational problems. You should consider such a request, which will only apply when it gets dark early. Can he make up the hours at another time? Will it affect other people if he works in a team?

11. Age Discrimination

Legislation forbidding discrimination on the grounds of age came into force in October 2006. The significant implications of the legislation include:

- Outlawing discrimination in terms of recruitment, promotion and training. This means that employers should not use preferred age ranges in advertisements or person specifications. The use of words that suggest that you are looking for older or younger workers such as 'dynamic' 'bubbly' or 'mature' could also lead to claims of discrimination. If an employer states that they are looking for a person with a number of years' experience then they should be able to justify this requirement in order to avoid claims of indirect discrimination.
- Benefits that are age related will be illegal. Employees should be offered the same contractual terms for the same job, irrespective age. The only exception is the National Minimum Wage, where lower rates for younger workers will remain.
- Harassment based on age is be illegal. This could include ageist jokes and comments.

- The most contentious area has been the use of retirement ages. In the original Regulations it was still permissible to force an employee to retire at 65. However, after much lobbying, the concept of a compulsory retirement age has been banned, unless it can be objectively justified and employees can now choose how long they continue working.
- Employees who continue to work over the age of 65 retain an entitlement to claim unfair dismissal and redundancy pay.

11.1 Frequently Asked Questions

Q: Am I allowed to reject a person for a job because there are age restrictions on the job that they will be doing?

A: There are certain jobs that can't be done by young people for legal reasons such as bar work, driving jobs or work involving dangerous equipment such as slicing machines. In such circumstances it would be legal to refuse to employ a young person.

Q: Can an employee retire when they are 65?

A: Yes, they can choose to retire, but you cannot force them to retire. If an employee is entitled to claim their pension when they are 65, they may well choose to retire at that age.

12. Discrimination on the Grounds of Pregnancy

Treating someone less favourably because they are pregnant or have recently had a baby is also discrimination, for example, not offering them a job or training because they are pregnant, dismissing them due to pregnancy related absence or selecting them for redundancy due to their pregnancy.

This does not mean that you should always offer a pregnant woman a job or never dismiss them, you must simply ensure that their pregnancy does not affect your decision.

13. Promoting Equality of Opportunity

As stated earlier, equal opportunities is not just about complying with the law, it is also about ensuring that we have the best people working for us by not excluding particular groups. This means choosing the best person for the job based on their skills and experience rather than their race, sex etc. We also wish to retain the best employees, so we should ensure that the workplace is somewhere where all employees can feel comfortable and accepted.

14. Recruitment and Selection

In order to achieve our objective of offering equality of opportunity, we must ensure that we apply our Equal Opportunities Policy at all stages of the recruitment process.

Before starting the recruitment process consider whether you need to fill the position and if you do, whether you need to change the job and the requirements. Could it be done part time or job share?

You should then review the Job Description. Does it reflect the duties that will be performed? Consider the Person Specification; are all the requirements relevant to the duties the employee will be performing? Are any of them potentially indirect discrimination? If so, are they justified?

14.1 Advertising a Vacancy

Where will you be advertising the job? You should always advertise vacancies internally.

Make sure that any internal advertisements are accessible to all staff. If you have employees who cannot read English, either because it is not their first language or because they have learning difficulties, make sure that they are told about any job that might be of interest to them.

If you are advertising externally, does the method that you are using give maximum access for all potential candidates? Job centres and local papers will reach the widest range of candidates. Avoid using 'word of mouth' as your sole recruitment method, as this restricts the potential pool of candidates and may perpetuate the existing social mix in the unit.

Make sure that your advert does not include gender specific job titles such as 'Waitress' or 'Manageress'. Do not use preferred age ranges and if you are asking for qualifications say 'or equivalent' to show that you would consider overseas qualifications.

14.2 Short listing

You may be lucky and receive a number of applications for the job. You may decide to shortlist i.e. reject some applicants before the interview stage. If you do this make sure that you have clear, non-discriminatory grounds for rejecting them.

If you have invited applicants to telephone for an application form, make sure that any member of staff who answers the telephone is briefed on how to respond. All enquiries should receive a polite, informed response. Never state that the job has been filled if it has not. This would leave you very vulnerable to claims of discrimination.

If you are screening applicants over the telephone by checking, for example, whether they have the appropriate qualifications or experience, make sure that you ask all candidates the same questions and that you make notes of the names and the responses of all callers. This will help you to defend any claims of discrimination from candidates who were rejected at this stage.

If you are rejecting candidates on the basis of their application form or CV, make sure that you reject them for non-discriminatory reasons. Ideally, these should be based on their failure to fulfil the requirements of the Person Specification. Make a note of the reasons for rejection, either on their application or on a summary sheet. Make sure that you notify any unsuccessful candidates. Be prepared to give rejected applicants the reasons for their rejection if they ring to ask. Any refusal to give a reason could be interpreted as you 'having something to hide'.

Retain all applications and reasons for rejection for 6 months. This is because individuals have 3 months from the date of rejection to make a claim of discrimination.

14.3 Interviews and Tests

Applicants can be selected on the basis of an interview alone or an interview with tests. If you are using any tests make sure that they are non-discriminatory and are only testing for skills that are relevant to the job. When inviting people to an interview where they will be expected to complete a test, inform the candidates of the nature of the tests and invite them to contact you if they will require any assistance or adjustments to complete them. For example, a person who is dyslexic may ask for longer to complete the test; a person with a visual impairment may want to do the test verbally as might a person for whom English is not their first language.

You must always prepare for interviews. Have a list of core questions that you will ask all candidates. These should relate to the job that they are applying for. Avoid closed questions which are questions that will give a 'yes' or 'no' answer. Try to devise questions that will encourage candidates to talk and show you what they know. Some questions may be testing

a candidates knowledge of the job role such as what does a particular technical phrase mean or how do you complete a particular task; others may ask them how they would respond to a particular situation or deal with a problem. Asking all candidates the same core questions will make it easier to compare their performance. You can follow the core questions with more personalised questions for each candidate about their skills and previous experience.

You should not ask candidates about their domestic circumstances, such as do they have children, who cares for them, what does their partner do. This could be interpreted as discrimination on the grounds of sex or sexual orientation. Questions about interests outside work could also be interpreted as discriminatory. A candidate may think that you will be prejudiced against them or favour them if they practise a particular religion or play a particular sport.

Before you start the interviews and tests decide what are the key criteria on which you will rate the candidates and the weight that you will give to each criterion. When you have interviewed a candidate you can assess them against these criteria and use the scores to select the successful candidate.

Make sure that you keep all interview notes, test papers and results and assessment sheets for at least 6 months, so that you can respond to any request from a candidate for the reasons for their rejection or to any claim of discrimination.

15. Promotion and Training

Putting an Equal Opportunities Policy into practice involves providing equal access to training, development and promotion.

- Part time workers should not be excluded from opportunities for training and promotion.
- There should be no upper or lower artificial age restrictions on opportunities
- Training should, wherever possible, be provided in such a way that allows people with disabilities or family responsibilities to participate. Courses should be held in locations that are accessible to people with disabilities. Alternatives to residential courses should be considered to allow people with caring responsibilities to attend.
- Women who are pregnant or on maternity leave should be informed of any opportunities for training and promotion.
- Women returning to work from maternity leave should be given training to update them on any changes that have occurred while they were on leave.
- Training should be available to people who have difficulties reading and writing in English, either by delivering the training verbally, using training materials in different languages or using interpreters.

In order to ensure equality of access to promotion opportunities, all vacancies should be advertised internally unless there is a nominated successor for the post or it is suitable for someone who would otherwise be redundant.

When selecting employees for promotion you should apply the same procedures that you would use for an external recruitment exercise, see section 14 above.



Matthew O'Conner

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