

Delivering equality and diversity



booklet

inform

advise

train

work
with you

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We answer your questions, give you the facts you need and talk through your options. You can then make informed decisions. Contact us to keep on top of what employment rights legislation means in practice – before it gets on top of you. Call our helpline **08457 47 47 47** or visit our website www.acas.org.uk.

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We give you practical know-how on setting up and keeping good relations in your organisation. Look at our publications on the website or ask our helpline to put you in touch with your local Acas adviser. Our Equality Direct helpline **08456 00 34 44** advises on equality issues, such as discrimination.

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Foreword

Fairness and equality for many people is now no longer an aspiration but an expectation. We all get on so much better in the workplace if everyone is treated with respect and issues are dealt with fairly and as openly as possible.

To help achieve this in the workplace it is vital that organisations not only have a policy on equality and diversity but also know how to use it to best effect.

Jonathan Rees, Director General of the Government Equalities Office says:

"We cannot tackle inequality if it is hidden. That is why the new Equality Bill will ban secrecy clauses that stop people discussing their pay and allow businesses to use positive action to tap into the widest possible talent pool. This is important for individuals, society and the economy, particularly when times are tough."

"Getting these issues right helps organisations improve their workplaces and productivity which is vital especially in difficult economic circumstances" says John Taylor Chief Executive of Acas.

This guide gives managers practical help in establishing equality in the workplace and making the most of the opportunities to ensure employees are treated fairly.

This advice has been developed with the support of the Equality and Human Rights Commission.

Contents

1	About this guide	4
2	Review your equality policy and action plan	6
	What should my equality policy look like?	6
	Equality training	8
	Key equality issues:	8
	– Recruitment and selection	9
	– Training and development	9
	– Promotion	10
	– Discipline and grievances	10
	– Equal pay	10
	– Bullying and harassment	10
	– Adapting working practices	11
	– Flexible working	11
3	Monitor how the policy is working in practice	12
	What is monitoring and why should I do it?	12
	What information should I collect?	12
	How do I involve employees?	14
	What questions should I ask?	15
	How do I ask these questions?	15
	Understanding the data – what does monitoring tell me?	16
	Equality impact assessments	17
4	Take action	18
	What action should I take?	18
	What is 'Positive Action'?	19
5	Appendix 1	20
	Some frequently asked questions about monitoring	20
6	Appendix 2	21
	Sample equality policy	21
7	Appendix 3	23
	Sample monitoring form	23

8	Appendix 4 Equality impact assessing	29 29
9	Appendix 5 Equality and the law	31 31
10	Appendix 6 Glossary of terms	32 32
11	Appendix 7 Useful contacts and websites	34 34

About this guide

The 2004 Workplace Employment Relations Survey revealed that the majority of workplaces have some kind of policy on equal opportunities or managing diversity. Many of these policies are aimed at:

- **protecting employees** from discrimination on the grounds of sex, race, disability, sexual orientation, religion or belief and age
- **promoting the diversity** of the workforce
- **responding to changing demographics and working patterns** – for example, many employers use flexible working to meet customer demands and retain valuable employees with caring responsibilities.

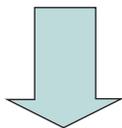
Your equality policy reflects your commitment to equal opportunities. It is your promise to treat all employees, and potential employees, fairly and considerately. To make sure that your promise becomes a reality we recommend that you:

1.	Review your existing equality policy and action plan – or write a new policy if you don't have one.
2.	Monitor how the policy is working in practice – this is the critical stage in delivering equality in the workplace.
3.	Take action , where it is needed, to address inequality or promote diversity.

This guide takes you through each of these stages. It also has a useful question and answer section, along with a sample equality policy and monitoring form.

Monitoring is the key to delivering diversity

The Equality Policy sets out your commitment to promote equality and diversity in areas such as recruitment, training and pay to tackle discrimination. It is backed up by an action plan.



Monitor your policy and action plan. Are they working in practice?

YES

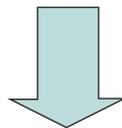


Keep reviewing your policies and monitoring for any changes in the future.

NO



Why is this so?
An equality impact assessment may help you to find the answer.



Take action:

- ✓ Encourage more people to apply for posts by considering part-time working or job-sharing
- ✓ Advertise widely to attract a diverse workforce
- ✓ Work with the community and offer opportunities to students
- ✓ Review the targets in your action plan.

Review your equality policy and action plan

The starting point for any programme to address fairness at work is an equality policy with an action plan to back it up. If you do not have an equality policy there is a sample policy at Appendix 1 to help get you started. Your action plan should always include a stage to review your policy and check the action points are working effectively – see the section on ‘Monitoring’ p12.

What should my equality policy look like?

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 to secure the widest pool of talent possible.

Your equality policy should:

- ✓ have the support of everyone in the organisation
- ✓ be part of the business strategy
- ✓ be developed in consultation with employees and their representatives
- ✓ have commitment from the very top of the organisation
- ✓ be promoted widely and circulated to all employees and job applicants

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

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

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

State that you will aim to create a working environment in which:

- all people are able to give of their best
- there is no harassment and bullying
- all decisions are based on merit.

Many companies choose to have a separate policy concerning harassment and bullying. There is a sample equality policy at Appendix 1, p20.

What about the action plan?

Your action 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, and training
- expand on how these will be done and by whom
- say how you will tackle harassment and bullying

- consider targets for action points 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 is appropriate

- set your measures of success – how you will evaluate them and how and when will you review the overall working of your policy?

Equality training

Equality should be an integral part of all the training you do – whether it's training for recruitment, appraisal, selection for promotion, supervision, or resource allocation.

There may also be a need for specific equality training. You will want to make all your staff aware of your equality policy and what it means for them as employees.

Your equality training programme should provide:

- ✓ an explanation of your approach to equality and why it is important
- ✓ the business case for equality
- ✓ the law and what this means in practice
- ✓ the roles and responsibilities of staff in making the policy work
- ✓ your policy for dealing with bullying and harassment
- ✓ written materials to reinforce the training
- ✓ specialist guidance for staff who recruit, select, appraise etc
- ✓ the chance for staff to raise their concerns.

For the training to be fully effective it should be conducted by either an 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.

Key equality issues

Fairness at work should apply to an employee throughout their working life: from recruitment and selection right through to retirement. The table on the next page provides good practice advice for some key equality issues.

When you come to monitor how well your equality policy is working in practice (see p12) you will need to ask questions about these issues. For example, who:

- have you recruited?
- have you trained?
- have you promoted?
- is making grievances?
- is leaving?
- is absent?

In the public sector it is a legal requirement to monitor race, disability and gender in your workforce.

Key equality issues

Issue:	Good practice advice:
<p>Recruitment and induction</p> <p>see the Acas guide <i>Recruitment and induction</i></p>	<ul style="list-style-type: none"> ● A good job description should be concise and straightforward and include: the title of the job, the aim of the job, the main tasks and who the employee will work with ● A person specification should link to the job description and give the skills, experience and knowledge a person needs ● Be explicit with your use of language: ‘needs to reach and bend to pick items from shelves’ is better than ‘needs to be physically fit’, and ‘needs to give clear information to clients by phone’ is better than ‘needs a good command of spoken English’ ● Job adverts should state that you welcome applications from all sections of the community ● Remember that terms like ‘mature person’ or ‘young graduate’ in your job adverts may be discriminatory ● Your application forms should ask whether a candidate has a disability as you may need to make special arrangements for the interview ● To avoid prejudice or bias more than one person should carry out the sift. Review the process at the end of the sift to check points have been awarded on the evidence alone ● At interview do not ask questions of a personal nature – eg about marital status, sexual orientation or gender identity ● 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).
<p>Training and development</p>	<ul style="list-style-type: none"> ● All staff should have the same access to training – regardless of whether they are part-time or full-time ● Be flexible about your training – residential training may not suit those with caring responsibilities or those who work from home.

Key equality issues

Issue:	Good practice advice:
Promotion	<ul style="list-style-type: none"> ● Promotion opportunities should be advertised to all staff ● Ask the same questions to internal and external candidates – it may be discriminatory not to.
Discipline and grievances	<ul style="list-style-type: none"> ● Your equality policy should state that any breaches of the policy will be dealt with through your disciplinary procedure.
Equal pay see the Acas guide <i>Pay systems</i>	<ul style="list-style-type: none"> ● An equal pay audit may help to make sure men and women are getting equal pay ● Your employees are entitled to know how their pay is made up – for example, how are bonuses earned? ● The Equal Pay Act covers the right of women to equal pay with men for equal work, both for full-time and part-time employees.
Bullying and harassment See the Acas guide <i>Bullying and harassment – a guide for managers and employers</i>	<ul style="list-style-type: none"> ● Your organisation should have a clear management commitment to prevent unacceptable behaviour at work ● Your policy should explain that: <ul style="list-style-type: none"> - 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’ - harassment may include offensive jokes, personal insults, persistent criticism, unwanted physical contact or ‘freezing’ someone out - 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 - it is not the intention of the perpetrator which defines a particular type of harassment but the effect it has on the recipient.

Key equality issues

Issue:	Good practice advice:
<p>Adapting working practices</p>	<ul style="list-style-type: none"> ● The Disability Discrimination Act requires you to make ‘reasonable adjustments’ to the working environment to give employees or potential employees with disabilities equal opportunities. If you have employees with disabilities ask them about changes that might help them. This might mean: <ul style="list-style-type: none"> - providing an adequate, ergonomic chair - providing a power-assisted piece of equipment, or - changing hours to ease travel to and from work. <p>Reasonable adjustments also include re-deploying an employee to a different type of work if necessary.</p> <ul style="list-style-type: none"> ● Many employers respond sensitively to the religion or beliefs of their employees and provide prayer rooms, time off to observe religious festivals, flexible dress policies etc.
<p>Flexible working –</p> <p>See the Acas guide <i>Flexible working and work-life balance</i></p>	<ul style="list-style-type: none"> ● Consider different forms of flexible working – such as job sharing, part-time working, flexible hours, homeworking and annualised hours. Can they help you to maximise available labour and improve customer service? ● A trial period might be a good way of testing if a form of flexible working is right for you and your employees. <p>Where parents of children and carers of adults are entitled to apply for flexible working, you are obliged to give serious consideration to these requests.</p>

Monitoring

What is monitoring and why should I do it?

The purpose of monitoring is to enable you to examine how your policy and action plan are working. If they are not working well you need to ask yourself 'why?' and do something to put it right.

Monitoring involves:

1. gathering individual personal information on the diversity of your potential recruits or existing employees
2. comparing and analysing this against:
 - other groups of employees in your company
 - jobseekers in your local community
 - the broader national labour market.

It is unlikely that you will find exactly the same proportions of men and women or other groups. Monitoring is about looking for significant differences between groups or identifying trends over periods of time then asking yourself the question, **why is this so?**

Answering this question is at the heart of monitoring equality.

What information should I collect?

Only collect information you are going to use. Collecting information for its own sake is pointless and will not help your planning or decision-making. Most organisations will try to collect information based around the current UK equality legislation. This protects people from discrimination on the grounds of:

- gender
- race
- disability
- sexual orientation
- religion or belief
- age.

The table on pages 13 and 14 sets out the legal position regarding monitoring and gives you some useful good practice pointers.

	Legal position	Good practice pointers
Race and ethnicity	<p>Legal requirement for public bodies to monitor ethnicity.</p> <p>Use the ethnic groupings set out in the 2001 Census standards as a minimum (see Appendix 2).</p>	<ul style="list-style-type: none"> ● Do your employees know why you are asking them about ethnicity? ● Have you explained what you mean by ‘ethnicity’?
Gender	<p>Legal requirement for public bodies to monitor gender – male and female.</p> <p>The law also protects married people, and those in civil partnerships, against discrimination.</p>	<ul style="list-style-type: none"> ● Are there more of one sex in certain jobs? ● Flexible working can help to promote gender equality.
Gender identity	<p>Not a legal requirement to monitor.</p> <p>Disclosure of a person’s gender reassignment is a criminal offence.</p>	<ul style="list-style-type: none"> ● Do not monitor if a trans person is likely to be identified. ● Do not monitor if you consider there is animosity in your workplace to trans people. ● If monitoring is carried out, confidentiality should be guaranteed.
Disability	<p>Legal requirement for public bodies to monitor disability.</p> <p>You are required to make reasonable adjustments to help a disabled person give their best.</p>	<ul style="list-style-type: none"> ● Don’t make assumptions about a person’s capabilities – talk to them. ● Maintain confidentiality – many disabled people do not want to disclose their disability. ● In some cases you can discriminate in favour of a disabled person when recruiting (see EHRC guidance).

	Legal position	Good practice pointers
Sexual orientation	Not a legal requirement to monitor. Acas research shows discrimination on the grounds of sexual orientation is common – see our website.	<ul style="list-style-type: none"> ● Are there any unvoiced barriers that prevent gay and lesbian colleagues giving their best or accessing opportunities? ● Make sure you don't inadvertently identify gay or lesbian people. ● Make sure your workplace environment is inclusive of gay/lesbian people.
Religion and belief	Not a legal requirement to monitor. Acas research show discrimination on religious grounds does occur (see our website).	<ul style="list-style-type: none"> ● Consider some awareness training in faiths and beliefs. ● Review your dress policy – some employees may wish to manifest their faith or beliefs in the way they appear.
Age	Not a legal requirement to monitor.	<ul style="list-style-type: none"> ● Monitor agreed age bands and not individual ages. ● Focus on training and development opportunities.

How do I involve my employees?

Involve your trade union equality reps or staff council in persuading employees of the benefits of monitoring. They are valuable partners. If you do not have a representative group in your organisation, then consider setting up a working group that can take on board the views of employees.

Some employees may feel uncomfortable about filling in monitoring forms. You can allay their fears by explaining that the monitoring process is solely designed to make your equality policy a reality (see FAQ on p20).

Encouragement of staff who refuse to complete the form or those who select the “prefer not to say” box is always good practice but there is little to be gained through compulsion.

What questions should I ask?

You need to monitor your employees at every stage of their employment life: from recruitment right through to retirement. This means asking who:

- applies to work for you?
- you interview and who you finally recruit?
- you promote?
- you train and in what work areas?
- takes out grievances at work?
- you discipline and what for?
- is absent or sick and for what reasons?
- you dismiss?
- leaves the organisation?

Preparation is the key to effective monitoring. You need to:

- ✓ Explain to staff why you are monitoring
- ✓ Decide on the best way to communicate your message – eg magazine articles, intranet site
- ✓ Provide a point of contact if employees have concerns
- ✓ Select a senior manager or member of staff to champion the monitoring process
- ✓ Encourage external recruits to complete the monitoring form
- ✓ Reassure staff that all information collected will remain strictly confidential.

How do I ask these questions?

Ask applicants for monitoring data on a sheet that can be detached from the application form. That way the information can be kept separate from the selection process. It should be made clear that the information

will only be used for equality monitoring and not for short-listing.

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.

To get an accurate picture of your organisation and to identify any inequalities you will also need to monitor the **existing workforce**. Once again, explain your reasons for monitoring. Make it clear that:

- you are trying to ensure that every employee has the same access to training, promotion and other opportunities

- all information will be treated as strictly confidential.

Sometimes it may be more appropriate to monitor anonymously. For example, a small company may find it difficult to ensure confidentiality or an issue may be too sensitive. You can use a staff attitude or customer satisfaction survey for this purpose.

Understanding the data – what does monitoring tell me?

Monitoring is about making comparisons between groups of employees or recruits and, if there is a real difference, asking the question “why is this so?”.

It is important to bear in mind that any difference in itself is not bad, indeed it would be more surprising if all the figures were the same!

Scenario 1

Williams and Co, a call centre operation, recruited for 30 new posts and interviewed 200 people who were equally split between men and women. 20 men and 10 women were offered appointments.

- Male success rate $20/100$ (as a percentage) = 20%
- Female success rate $10/100$ (as a percentage) = 10%
- $4/5$ ths of highest success rate = 16%

In the example, there is significant disparity because the female success rate (10%) is less than four-fifths the male success rate (16%). Further investigation is needed to understand this difference. But remember, there may be entirely reasonable and non-discriminatory reasons for this difference. Do not jump to conclusions!

A widely used rule of thumb to assess difference is known as the 'four-fifths rule'. The four-fifths rule suggests that if any group is less than four-fifths of the rate of the group with the highest success rate, it may be indicate bias.

The four-fifths rule can be used at each stage of a selection process to identify any particular difference. It is not intended to be an absolute measure, but is a simple and easy way to measure whether the differences in rates are worth investigating further. Some small firms may find it more practical to use their judgement rather than relying on this calculation.

Equality impact assessments

Equality impact assessments (EIAs) are a way of getting to the root causes of any inequalities. They can be used proactively at any stage to alert you to the kind of differences found at Williams and Co (scenario 1, p16). Rather than just telling you

that you have recruited more men than women, EIAs can tell you why this is happening.

EIAs are a legal requirement for public bodies for race, disability and gender (but it is also good practice to use them for sexual orientation, religion and belief and age). Use them to monitor:

- your polices – in other words, how you do things
- your services and products.

Remember to focus on the experiences of your employees and customers.

Appendix 4 tells you how to carry out an equality impact assessment.

Take action

What action should I 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.

Look at your recruitment and selection procedures. Is one group benefiting at the expense of another? Does any particular group appear to be disadvantaged?

If monitoring shows that people from some groups do not appear to succeed as well as others within your business:

- review your procedures and practices
- consider taking legal Positive Action (see below).

Take action:

- ✓ Encourage more people to apply for posts by considering job-sharing and part-time working
- ✓ Advertise widely to attract a diverse workforce
- ✓ Publish recruitment results internally where appropriate – it will help promote transparency
- ✓ Maintain confidentiality – individuals should not be identified
- ✓ Offer work experience opportunities or mentoring for students
- ✓ Work with community groups and arrange local sponsorships
- ✓ Consider 'Positive Action' – see below.

What is ‘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 and other groups in particular occupations or professions, eg, senior management. Monitoring can help you identify under-representation.

This means you can 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, like the example below of Green and Co.

You can also provide training courses for specific groups to:

- 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 employees 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, ie, 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.

Scenario 2

Green and Co, a transport company, see from their internal monitoring processes that the company has a mature age profile with disproportionately few workers under 40. Not wanting to miss out on the talents of all the local community, they include a statement in their next adverts saying “We welcome applications from everyone irrespective of age but, as we are under-represented by people under 40, would especially welcome applications from these jobseekers. Appointment will be on merit alone”. They also support this with a story in the local paper and consequently attract an increased range of job applicants.

Appendix 1: *Some frequently asked questions about monitoring*

Q Why should I monitor?

A A successful workplace utilises the full abilities and attributes of all employees based on their competence, not who they are. To ignore this is to put you at a potential commercial disadvantage. Discrimination is totally unacceptable and must be eliminated.

Suspicious, perceptions and rumour are not enough to persuade any organisation to change the way it works. There is a famous phrase, "what gets measured gets done!" Only real evidence is a driver for change and this is why you should monitor your workforce.

Q Is monitoring an invasion of my privacy?

A It may be perceived in this way, but monitoring is always confidential and your details will not be made available to unauthorised people. Such data will only be used to ensure your organisation lives up to its equality policy.

Q Why bother, nothing changes anyway?

A We need to make ensure equality is a reality in workplaces and any failings in the past must not prevent us from striving to get it right. Effective monitoring helps you make sure that as many employees as possible benefit from your equality policy.

Q What difference does it make? If you practise equality, it shouldn't matter what I am?

A It shouldn't and that is what we are working to overcome. We all have a heritage and different personal circumstances that affect how we perceive the world around us and how it perceives us. These perceptions, real or otherwise can become barriers to us. Monitoring is the best way of removing these barriers.

Q Will monitoring mean that employers will positively discriminate in favour of under-represented groups to meet their own equality targets?

A No, this will not happen. Positive discrimination is illegal. Where employers identify under-represented groups they should ask "why is this so?". There may well be very good reasons for it that are not to do with discrimination or access issues.

Appendix 2:

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.

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.

Appendix 3:

Framework monitoring form

How to use this form

Each section of this form contains an explanation of the specific issues that affect the equality area concerned. These are similar but with key differences. They help set the scene with staff and applicants and explain why you are gathering this information. Each section then has a set of recommended questions.

You can use the whole form or only use particular sections of it to construct your own monitoring form tailored to your company requirements.

Monitoring form

Employee Pay Number ----/----- (please enter)

Our guidance throughout recognises that monitoring is strictly confidential but not anonymous. Pay numbers are a way to identify employees for monitoring purposes to ensure fairness and access to opportunity.

Monitoring ethnicity

The following sets out categories for monitoring ethnicity. We ask you to respond to this information request positively as it will help us ensure that our policies and practices do not inadvertently discriminate against you because of your ethnicity.

(company name) assures you that any information you provide here will only be used to monitor the effectiveness of our policies and we will take steps to ensure this information remains confidential to a limited number of staff in our HR directorate.

Monitoring questions:

How would you describe yourself?

Choose *ONE* section from A to E, and then tick the appropriate box

A Asian or Asian British

Bangladeshi

Indian

Pakistani

Any other Asian background, please write in box

B Black or Black British

African

Caribbean

Any other Black background, please write in box

C Chinese or other ethnic group

Chinese

Any other, please write in box

D Mixed Heritage

White and Asian

White and Black African

White and Black Caribbean

Any other Mixed background, please write in box

E White

British

English

Irish

Scottish

Welsh

Any other White background, please write in box

F Prefer not to say

Disability monitoring

To make positive changes, (company name) wants to address the different barriers faced by disabled people. Many people who do not consider themselves to be disabled may be covered by the Disability Discrimination Act 1995 (DDA) because they have a health condition that has an impact on their lives.

What do we mean when we say disability?

- Do you have a physical or mental impairment or long-term health condition?
- Is this expected to last, or has it lasted, for a year or longer?
- Does this make it difficult for you to do the things that most people do on a fairly regular and frequent basis?

If so, you may have rights under the Disability Discrimination Act. This includes people who are receiving treatment or using equipment (except glasses or contact lenses) that alleviates the effects of an impairment or a condition, people with an impairment or condition that is likely to recur, people who have conditions that will get worse over time and people with severe disfigurements.

Employees with a disability or health condition are entitled in law to 'reasonable adjustments' to address their needs for support in the workplace. Therefore we are interested in any disability or health condition that may require a reasonable adjustment to overcome any such barriers.

Monitoring questions:

Do you consider yourself to have a disability or a long-term health condition? Yes/No

What is the effect or impact of your disability or health condition?

Prefer not to say

If you would like to discuss your response, or are unsure of the types of reasonable adjustment that might be possible, please contact your manager who is trained to help and support you.

(Company name) is committed to creating an environment where barriers are removed for disabled people and they can give of their best to succeed in our organisations.

(Company name) gives a commitment that this information will remain confidential within HR.

Gender monitoring

Concentrations of either men or women into certain jobs, the impact of family commitments are some reasons why men and women experience the workplace differently. Gender monitoring is key to ensuring that all employees have access to the same opportunities and (company name) is committed to work at achieving this.

Monitoring question:

Would you describe yourself as:

Male?

Female?

Prefer not to say

Gender identity

(company name) is committed to ensuring that people whose gender presentation may have changed (or is changing) are protected in our workplace.

The 2004 Gender Recognition Act gives a person who has made the transition from one gender to the other, and has applied for legal recognition, enhanced privacy rights. To enable us to ensure that our policies and practices do not work against transgender colleagues, we ask you to complete the following:

Monitoring questions:

Is your gender identity the same as the gender you were assigned at birth? Yes/No

Do you live and work all the time in the gender role opposite to that assigned at birth? Yes/No

Prefer not to say

Sexual orientation

Monitoring sexual orientation in our staff and in our recruits is a significant step towards acknowledging gay, lesbian and bi sexual staff within (company name).

(Company name) seeks to become an exemplar employer and make sure our processes and practices are fair to all staff.

Please help us and do this by completing the following questions around your sexual orientation.

Monitoring question:

What is your sexual orientation?

- Bisexual
- Gay man
- Gay Woman / Lesbian
- Heterosexual / Straight
- Other
- Prefer not to say

(Company name) will only use this information for ensuring its staff policies work fairly for all and that your sexual orientation does not count against you. We will ensure in any analysis that is made public that it will not be possible to identify you.

Age monitoring

We all have an age. Age discrimination regulations in the workplace are designed to ensure that you are judged only by your abilities and not your age. Greater experience does not always associate itself with greater ability and neither does older age and inability to learn new skills. By monitoring age we seek to uncover these and other assumptions in the way we work in (company name).

We intend to set up a database to review and adjust annually for age. To help us confirm your age please state your date of birth.

Monitoring question:

What is your Date of Birth? __/__/____ (dd/mm/year or age bands – see Acas guidance on *Age and the workplace*)

Religion and belief

Whether or not you have a religion and what you do or don't believe in is likely to make difference to you and how you perceive the world. These perceptions are carried across into our workplaces.

It is said by some that what you do or don't believe is a private matter that should have no effect on your job. It is indeed a private matter but it would be disingenuous to say that it had no effect on your employment. For example, (company name) running training events or promotion panels during periods of religious fasting for some colleagues may well place them at a disadvantage in these instances.

(Company name) is committed to ensuring fairness and equal access to all employees whatever their faith or beliefs.

Below is a list of religions that are the most commonly found in Britain. They are listed in alphabetical order and not intended to signify rank in terms of importance, furthermore we acknowledge that the list is not exhaustive and if your religion is not specifically listed then we ask you not to take offence as none was intended.

Monitoring question:

Please tick the box that best describes you:

- Buddhist
- Christian
- Hindu
- Jew
- Muslim
- Sikh
- Other Religion or Belief (please state) _____
- No Religion
- Prefer not to say

Appendix 4:

Equality Impact Assessing

What is it?

Equality impact assessments are a way of examining what effect your policies (ie, the way you do things) and your services or products may have on the people who experience them.

Assessments are based on evidence. This can be from monitoring data, discussion and feedback from colleagues or various groups, staff and customer feedback and many other sources.

Principles

Equality Impact Assessments are always based on four key questions, these are:

- (1) What is the purpose of the policy (or service/product)?
- (2) How is it seeking to achieve this?
- (3) Who benefits and how?
- (4) What are any associated aims attached to the policy?

Applying the principles

Being clear regarding the purpose of the policy at question 1 is the most important part of the assessment. It is the purpose that you will be seeking to measure (impact assess) so you need to be sure this is the right one!

You are measuring your answer to question 1 by gathering evidence to the answer to question 2. This is about the way your policy (or service) works in reality. It will involve you in examining the delivery path of the policy or service.

Question 3 is asking you what evidence you have (or need to gather). It looks at people's experience of consuming the policy or service. The word 'benefit' is meant to mean those who experience the service or policy **as intended** at question 1. By looking at who benefits you may find some groups do not benefit as much as might have been intended.

The final question takes into account that policies rarely operate in isolation and that you need to take account of the influence one policy may have over another.

Involvement

Throughout an equality impact assessment you will need to consult and involve others, both colleagues as employees and customers as service users.

Involving others in the assessment will help to ensure that there is consensus regarding the purpose of policies and avoid your own value judgements influencing your findings.

Decision-making

Your findings at question 3 may point to some groups who have experienced your policy or service in an unwanted or less beneficial way. Applying the four fifths rule may give you an indication as to the importance of this difference, as not all difference is bad.

Where you have identified difference, you have three options:

- (a) Stop what you are doing!
- (b) Adjust your policy or service/product to remove any identified barrier to those who do not benefit sufficiently.
- (c) Continue with your policy or service and seek to justify the difference and potential discrimination as a proportionate response to a legitimate aim.

Publishing

Finally it is good practice to be transparent regarding your assessments and publish them in a format that is easily readable to all interested people. Public organisations have a legal requirement to publish their assessments regarding disability, gender and race. An organisation's Annual Reports and Website are effective ways to publish your assessments.

Appendix 5:

Equality and 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 (as amended)
- Race Relations Act 1976 (as amended)
- Disability Discrimination Act 1995 (as amended)
- Employment Rights Act 1996
- Employment Act 2002
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Work and families Act 2006
- The Equality Act 2006
- The Equality Act (Sexual Orientation) Regulations 2007

Guidance on the legislation can be obtained from the Equality and Human Right Commission (EHRC) and further general guidance on good practice in the workplace from Acas. The EHRC address is in Appendix 7.

Appendix 6:

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: A person with gender dysphoria who feels a consistent and overwhelming desire to live their life in the gender that is opposite to that assigned to them at birth.

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.

Appendix 7: Useful Contacts and websites

Acas National

22nd Floor
Euston Tower
London NW1 3JJ

Website: www.acas.org.uk

Helpline: 08457 47 47 47

Equality and Human Rights Commission

The Equality and Human Rights Commission champions equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and to build good relations, ensuring that everyone has a fair chance to participate in society.

Website:
www.equalityhumanrights.com

Acas Equality Direct Helpline

Tel: 08456 00 34 44

Website:
www.acas.org.uk/index.aspx?articleid=454

Other useful websites

www.businesslink.gov.uk

www.direct.gov.uk

BERR

Website covers in detail the points of employment law including equality legislation and a good section on maternity rights. BERR is also responsible for small business issues.

Website: www.berr.gov.uk

Multi-faith net

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

Website: www.multifaithnet.org

Stonewall

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

Website: www.stonewall.org.uk

Age Positive

A government supported employer focused initiative to promote good practice on age issues at work.

Website: www.agepositive.gov.uk

Office for National Statistics

The official UK statistics site

Website: www.statistics.gov.uk

Redundancy Payments Service

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

Tel: 0500 848 489

Human rights and Public Law Telephone Advice Line

To help employers with the Human Rights Act.

Tel: 0808 808 4546

Information Commissioner's Office

For information on the Data Protection Act.

Wycliffe House
Water Lane
Cheshire SK9 5AF

Website: www.ico.gov.uk

Tel: 01625 545700

Federation of Small Businesses

Head Office
Whittle Way
Blackpool Business Park
Blackpool
Lancashire FY4 2FE

Website: www.fsb.org.uk

Tel: 01253 336000

Trades Union Congress

Congress House
Great Russell Street
London WC1B 3LS

Website: www.tuc.org.uk

Tel: 020 7636 0632

The Confederation of British Industry

Centre Point
103 New Oxford Street
London WC1A 1DU

Website: www.cbi.org.uk

Tel: 020 7395 8247

Chartered Institute of Personnel and Development

IPD House
35 Camp Road
Wimbledon
London SW19 4UX

Website: www.cipd.co.uk

inform

advise

train

work
with you

Notes

Information in this booklet has been revised up to the date of the last reprint – see date below.

Legal information is provided for guidance only and should not be regarded as an authoritative statement of the law, which can only be made by reference to the particular circumstances which apply. It may, therefore, be wise to seek legal advice.

Acas aims to improve organisations and working life through better employment relations. We provide up-to-date information, independent advice, high quality training and we work with employers and employees to solve problems and improve performance.

We are an independent, publicly-funded organisation and many of our services are free.

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Cross House, Westgate Road,
Newcastle upon Tyne NE1 4XX

North West

Commercial Union House,
2-10 Albert Square, Manchester M60 8AD

Pavilion 1, The Matchworks, Speke Road,
Speke, Liverpool L19 2PH

Scotland

151 West George Street, Glasgow G2 2JJ

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Waterfront Business Park, Fleet,
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Suites 3-5, Business Centre,
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South West

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Bristol BS1 4SB

Wales

3 Purbeck House, Lambourne Crescent,
Llanishen, Cardiff CF14 5GJ

West Midlands

Apex House, 3 Embassy Drive,
Edgbaston, Birmingham B15 1TR

Yorkshire & Humber

The Cube, 123 Albion Street,
Leeds LS2 8ER

www.acas.org.uk

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08457 47 47 47

08456 06 16 00
helpline for Minicom users

08456 00 34 44
for questions on managing
equality in the workplace

08457 38 37 36
Acas customer services team for details
of training and services in your area

08702 42 90 90
for ordering Acas publications



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