



CONSTRUCTION CONFEDERATION

EQUAL OPPORTUNITIES

GUIDANCE NOTES

Generic advice and other useful information including CIJC pay rates, holiday dates and other information on the Working Rule Agreement is available on the CC website at www.thecc.org.uk. Please remember you will need your password to gain entry to the members section of the website.

All members are able to access the ACAS (Advisory Conciliation Arbitration Service) free helpline on 08457 47 47 47

This document is intended to give general advice and guidance and is not a definitive statement of the law on the particular subject. If in doubt consult your trade association or professional advisor.

EQUAL OPPORTUNITIES GUIDANCE NOTE

GUIDANCE NOTES FOR MANAGERS INVOLVED IN JOB ADVERTISING

This guidance has been prepared on the basis of advice provided by the Equal Opportunities Commission and the Commission for Racial Equality and from a review of cases that have appeared before Employment Tribunals.

Under employment legislation it is unlawful to publish or cause to be published, an advertisement which indicates, or might reasonably be understood as indicating, an intention to discriminate. Discrimination can be direct or indirect, the following definitions apply.

Direct Discrimination

Treating a person less favourably on grounds of colour, race, nationality, ethnic or national origin, sex, marital status, disability, religion, belief, sexual orientation or age. An advertisement which indicates an intention to discriminate on these grounds is unlawful unless covered by one of the exceptions. The two main exceptions are: (a) Where being of a particular racial group, sex or marital status is a genuine occupational qualification for the job concerned, and (b) where discrimination is permitted by virtue of the positive action provisions of the Acts such that certain positive steps can be taken for the benefit of members of particular groups to redress the effects of past discrimination and disadvantage. Where an advertiser claims that a proposed advertisement is exempt from the provisions of the Acts the appropriate section of the act under which exemption is claimed needs to be specified in the advertisement.

Indirect Discrimination

This is the imposition of a requirement or condition which although applied to all applicants/respondents, is such that a substantially smaller proportion of persons of a particular group can comply with it and the advertiser is unable to justify the requirement by the necessities of the job concerned. Possible sources of indirect discrimination are: specific religious requirements, academic requirements, ability to speak a specific language were these requirements are not justified by the needs of the job concerned.

In order to comply with the legislation it is recommended that:

1. Job advertisements, recruitment and career literature should include the phrase "This company is an equal opportunity employer and as such welcomes applicants regardless of colour, race, nationality, ethnic or national origin, sex, marital status, disability, religion, belief, sexual orientation or age."

2. That the requirements as summarised within the advertisement are not more stringent than is necessary and that a distinction is made between essential and desirable elements.
3. Ensure that the language used in advertisements and other literature is not discriminatory. For example use “he/she” and make sure that job titles do not have a sexual connotation.
4. In order to ensure a good range of applicants and to guard against the dangers of narrow and unsystematic recruitment, vacancies should, wherever possible, be advertised internally and externally. With regard to internal advertising, all employees should be notified of any vacancies. When placing advertisements externally care should be taken not to confine advertisements to areas or publications which could exclude or lead to a proportionately smaller number of applicants from a particular group. Thought should also be given to the placement of advertisements in job centres, local community centres and careers offices.
5. Reliance solely on word of mouth recruitment through personal contact with existing employees and reliance solely on unsolicited applications whether by letter or telephone should be avoided.
6. Should job advertisements or other recruitment literature contain photographs it is essential that the sexes are not presented in stereotypical roles and that such photographs include individuals of different racial groups.
7. Copies of advertisements must be kept for at least one year.

GUIDANCE NOTE FOR MANAGERS INVOLVED IN RECRUITMENT

This Guidance Note applies not only to managers involved in the recruitment of new employees, but also those involved in promotion. The recruitment process is not confined to the interview and selection decisions based on the interview. Recruitment begins with the establishment of the job and person specifications, includes advertising (dealt with separately), short listing, selection tests, selection interviews, appointment and rejection. At any stage in the recruitment process discrimination, whether direct or indirect, could occur. This guidance has been prepared by reference to the EOC and CRE code of practice and aims to eliminate the possibility of discrimination occurring in recruitment.

1. Job and Person Specification:

When a vacancy occurs it is worth considering whether or not the job is still needed and if so whether or not the job is needed in its present form. Having established that there is a vacancy, it is necessary to write a job description. For some jobs individual job descriptions will be necessary providing a clear

picture of the main purpose or function of the job and a concise list of its main elements. For other jobs a more general description will suffice. It is important that the job description is written in sufficiently wide terms to cover not just the precise work involved when the new employee starts but the range of work which may be involved over a much longer period. At the same time as producing a job description it is also necessary to review the conditions attached to that job. For example, wage and grade, working environment, hours of work etc. It is worth considering whether the hours of work could be altered to make it possible to consider for employment persons whose domestic commitments might make it difficult for them to work conventional hours. Consider whether or not the job might be suitable for job sharing or splitting.

Once the job and its conditions have been defined the next step is to consider and specify the qualities and characteristics to be looked for in applicants. This “person specification” should list such factors as: educational standard, qualifications, experience, personal qualities, aptitudes or skills. The specification should schedule only those factors which are clearly necessary if the job is to be done satisfactorily. The emphasis should be on minimum satisfactory standards, rather than over specifying on such factors as educational standard and length of experience. Avoid age limits and consider very carefully criteria about standards of written or spoken English. All factors in the specification must be capable of assessment through whatever selection procedure is followed (ie tests, interviews). It is not possible to prescribe a standard format for a person specification as different jobs and occupational categories vary so widely. Person specifications can only be designed in conjunction with the appropriate job description.

2. Application Forms:

Application forms need to be examined in order that discriminatory questions are removed. In order to meet the company’s commitment to monitor the effectiveness of the Equal Opportunities Policy, it would be helpful for the application form to contain a section on ethnic monitoring. In order to standardise the basis on which job applicants are selected for interview, all applicants should be requested to complete an application form even though they may already have submitted a Curriculum Vitae.

3. Short Listing:

This is the process by which candidates are selected for interview on the basis of the initial written application. The initial ‘sifting’ needs to be based on a set of criteria. The larger the number of applicants, the more detailed the criteria may need to be in order to produce an interview schedule of an acceptable size. The criteria for producing a short list should:

- i) Be based on the job definition and person specification,
- ii) Be capable of assessment on the basis of the application document

- iii) Not be based on any generalised assumptions or traditions as to which jobs best suit men or women.
- iv) Be carried out by at least two managers or supervisors, one of whom should be the person to whom the post holder reports.
- v) Consider standards of literacy and powers of expression as assessed by the quality of written applications only against whatever such standards (if any) are required for the job.
- vi) Not attempt to achieve any form of quota of men/women or British/non-British. Such quotas are unlawful.

All applications received should be acknowledged unless the advertisement or application document specifies otherwise. In addition, if applicants have not been selected for an interview shortlist they should be notified in writing. Applications from candidates should be kept for a minimum of 6 months; the period in which there is a right of complaint to an Employment Tribunal about race or sex discrimination.

Because of this right, it is also important that a notice be kept of the criteria used in short listing so that short listing decisions can be explained and supported by documentary evidence in the event of a formal complaint.

4. Selection Tests:

Where aptitude and ability tests are used, care needs to be taken to ensure that their suitability to assess those qualities set out in the person specification. If there is any doubt about the reliability of a test and its freedom from bias, expert advice should be sought before they are used. Applicants should always be told why tests are being used and given assurances about the confidentiality of the results.

When making and processing the final selection decision, there are three points to bear in mind:

- i) Decisions need to be based solely on the criteria previously defined in the person specification and on the needs of the job.
- ii) A brief written assessment of each interviewed candidate should be produced and kept with other papers relating to the selected candidates applications for at least six months from the date of the offer of appointment. (If a rejected candidate makes a formal complaint about unlawful discrimination, the Employment Tribunal will ask for such assessments.)
- iii) A candidate should not be rejected solely on the assumption that their prospective colleagues may resent the appointment of a candidate of a particular sex or ethnic origin or on any other generalised grounds.

GUIDANCE NOTE FOR MANAGERS INVOLVED IN TRAINING

1. Training of Staff involved in Recruitment and Selection:

All personnel (reception staff, personnel staff, line managers, secretaries) should receive training on equal opportunities and the company policies and procedures. Training could be provided in house or by outside agencies.

2. Training Opportunities:

The guidance note needs to reaffirm the company's commitment to training and development as stated in the EOC. Ensure that selection for training is on the basis of merit and job and career requirements. Selection methods should be monitored. Mechanisms may need to be introduced to encourage employees to undertake training for personal development. Systems need to be developed to ensure that all training opportunities are made known to all employees.

Training methods, materials and procedures must be regularly reviewed in order to ensure that they do not discriminate either directly or indirectly. In deciding whether or not to provide training in-house or make use of outside agencies, consideration should be given to individuals difficulties in participating in training opportunities which require attendance, for example, outside normal working hours, being away from home overnight, long distance travel.

Induction courses and training must be provided for all employees and must take into account the needs of those employees who may not be familiar with technical and specialist terms used within the company.

Where necessary special courses should be provided to encourage under-represented groups to enter other jobs or departments.

Further help :-

For more detailed information on all the relevant organisations that will be able to assist further on equality the national contacts are:

Equal Opportunities Commission

Advice and information on sexual discrimination issues and equal pay.

Head Office:

Overseas House

Quay Street

Manchester M3 3HN

Tel: 0161 833 9244

Web:

EOC Scotland Tel: 0141 248 5833

EOC Wales Tel: 029 20 343552

Commission for Racial Equality

Helps with issues on racial discrimination.

Head Office:

Elliot House

10-12 Allington Street

London SW1E 5EH

Tel: 0207 828 7022

Web: www.cre.gov.uk

Can also be contacted by phone in

Birmingham: 0121 710 3000

Manchester: 0161 835 5500

Leeds: 0113 389 3600

Scotland: 0131 226 5186

Wales: 029 20 388977

Race Relations Employment Advisory Service (RREAS)

An advisory service for employers on inequality issues in employment and education.

Tel: 0121 244 8141
0121 244 8142
0121 244 8143

Disability Discrimination Act Helpline

Provides informative advice on the Disability Discrimination Act.

DDA Help

Freepost MIDO2164

Stratford-upon-Avon CV37 9BR

Tel: 0845 622 633

Text Phone: 0845 622 644

Employers' Forum on Disability

Provides information on disability rights and advice on the Disability Discrimination Act.

Tel: 0207 403 3020

ACAS

Provides general information on employment matters. **Tel:** 08457 47 47 47

Other Sources of Advice

These are a selection of other avenues of information one may use to find links to further information.

- Training and Enterprise Councils – TEC (England and Wales)
- Local Enterprise Companies – LEC (Scotland)
- Racial Equality Councils – REC
- Chambers of Commerce
- Fair play Agencies – FPA
- Local Authorities
- Employment Service
- Home Office Immigration Helpline provides information to employers on job seekers' right to work.

Tel: 0208 649 7878

A Model Equal Opportunities Policy Monitoring of Applicants

The accepts its responsibility as an equal opportunities employer, and has adopted an Equal Opportunities Policy. This is supported by a Code of Practice, which includes provision for monitoring the effectiveness of our policy. Our aim is to ensure the fair and equal treatment of all job applicants, and to meet the requirements of equal opportunities legislation.

You are therefore requested to complete fully the questions overleaf and return this Monitoring Form in the enclosed addressed envelope; this will ensure that the details on the form will not be seen by any person involved in the recruitment process. You should send your completed Application Form to the address indicated in the job advertisement – do not seal it in the same envelope as this form, as this will cause a delay in your application being received

We wish to give you the following assurances in relation to the information you provide:

1. The data from this form is for statistical purposes only, and will not be used in any way in connection with shortlisting.
2. The monitoring form will be received by the Employee Resources Officer who is not in any way involved in the recruitment process, and will not be kept separate from your Application Form at all times; and
3. The information you provide will not be used in any way against you, and will be treated in the strictest confidence

If you have any queries regarding the completion of the Monitoring Form, please do not hesitate to contact

Monitoring Form

**EQUAL OPPORTUNITIES POLICY
STRICTLY PRIVATE & CONFIDENTIAL**

Please complete the following details in block capitals:

NAME: -----

-

POST APPLIED FOR: -----

-

LOCATION OF POST: -----

-

WHERE DID YOU SEE THE ADVERTISEMENT FOR THIS
POST: (If in a newspaper, please specify which one): -----

1. I would describe my ethnic origin as:

Bangladeshi	...
Black – African	...
Black – Caribbean	...
Black – Other	...
Chinese	...
Indian	...
Other	...
Pakistani	...
White – European	...
White – Other	...

2. Do you consider yourself disabled

Yes	...	No	...
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3. Please indicate your gender

Female	...	Male	...
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4. Please indicate which age group you are in:

Under 25	...
25 – 34	...
35 – 44	...
45 – 54	...
Over 54	...

A Model

Equal Opportunities Policy

STATEMENT OF POLICY

The company wholeheartedly supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on the grounds of colour, race, nationality, ethnic or national origin, sex, marital status, disability, religion, belief, sexual orientation or age. We believe that it is in the company's best interests, and those of all who work in it, to ensure that the human resources, talents and skills available throughout the community are considered when employment opportunities arise. To this end, within the framework of the law, we are committed, wherever practicable, to achieving and maintaining a workforce that broadly reflects the local community in which we operate.

Every possible step will be taken to ensure that individuals are treated equally and fairly and that decisions on recruitment, selection, training, promotion, and career management are based solely on objective and job related criteria.

Action to Implement Policy

In order to put this policy of equal opportunities into practice in the day to day operation of the business we will:

- Set an action plan containing explicit, measurable and achievable objectives and targets;
- Provide training and guidance for key decision makers such as managers and supervisory staff and those involved in personnel and management practices;
- Monitor the existing workforce, and the application and effects of the policy;
- Examine and review existing procedures for recruitment, selection, promotion and training;
- Development mechanisms for resolving grievances about unfair discrimination and harassment;
- Identify any scope for using lawful positive action training and encouragement, and then put the necessary arrangements in hand;
- Review the policy on a regular basis.

Senior managers fully support this policy statement. All employees are responsible for playing their part in achieving its objectives.