

## **Equality of Opportunity in Employment**

### **1. POLICY STATEMENT**

- 1.1 The Loughborough College Further Education Corporation is committed to the establishment and maintenance of a culture wherein current and potential employees regardless of status are treated solely on the basis of their merits, abilities and potential regardless of gender, race, colour, nationality, ethnic or national origin, age (subject to normal retirement policies), socio-economic background, disability, religious or political beliefs, trade union membership or non membership, family circumstance, sexual orientation or other irrelevant distinction. It seeks to ensure that no-one is disadvantaged by application of a rule, condition or requirement which cannot be justified in job-related terms or as a requirement of law.
- 1.2 The Corporation confirms its commitment to succeed in this through a programme of action which will develop employment practices consistent with the spirit of this statement, and through the review of such practices on a regular basis, taking remedial action where necessary.

### **2. APPLICATION AND SCOPE**

- 2.1 The Corporation's commitment will apply not only to current employees but also to prospective employees.
- 2.2 This statement is applicable to any employment matter in which equitable treatment may be at issue. In particular it relates to recruitment, selection, promotion, access to training, redundancy and the handling of disciplinary and grievance matters.

### **3. GENERAL PRINCIPLES**

- 3.1 Everyone has a right to equality of opportunity. Discrimination, direct or indirect, which cannot be justified in law. Sexual or racial harassment are a form of discrimination and will be regarded as such.
- 3.2 All staff should be made aware of this Policy and of the requirement to comply with it, while the Corporation is committed to the implementation of the Policy through training and good Personnel practice, it will not hesitate to enforce it through disciplinary action if appropriate.

- 3.3 Training and guidance will be provided for staff to ensure that they understand their position in law and under the Corporation's policy.
- 3.4 Management will discuss with staff representatives and trade unions the policy's content and implementation.
- 3.5 Procedures and practice will be regularly reviewed and changed in Consultation with recognised trade unions where they are found to be actually or potentially unlawfully discriminating.
- 3.6 Codes of practice will be produced which establish within this policy standards which are acceptable to the Corporation.
- 3.7 Every effort will be made to identify and promote positive role models and to avoid stereotyping (including job titles which suggest this).

#### 4. **GENERAL GUIDANCE ON MEANING**

- 4.1 **Direct Discrimination**: This takes place when one person is treated less favourably than others in the same or similar circumstances. For example - the refusal to appoint someone because they belong to a particular ethnic group or because they are male/female or because they are married.
- 4.2 **Indirect Discrimination** : This means applying a rule, condition or requirement of employment which, although applied equally to all persons, is such that a considerably smaller proportion of one particular racial or sexual group can comply with it, and the rule, condition or requirement cannot be justified on other than racial or sexual grounds.

Note: In exceptional circumstances, discrimination will not be unlawful if being a member of a particular sex or racial group is a 'genuine occupational qualification' for the post because the essential nature of the job would be different if carried out by anybody other than a member of that particular group, or expect standards or privacy and decency would be infringed.

- 4.3 **Abuse or Harassment**: Discrimination also covers action which amounts to abuse and/or harassment; such action would constitute less favourable treatment by creating a hostile environment likely to affect the work, personal well being or job security of employers.

#### 4.4 Rehabilitation Of Offenders

The provisions of this Act enable an individual, who has been convicted of an offence, to be treated for all purposes in law as a person who has not committed the offence which was the subject of that conviction once she / he has completed the appropriate rehabilitation period defined by the Act.

An employer should not attempt to obtain information about such 'spent' offences, nor take account of any information which is obtained. Similarly the (prospective) employee shall not be prejudiced by any failure to acknowledge or disclose a 'spent' conviction. In Education certain posts are exempt from the provisions of the Act and this will be made clear in recruitment documentation. This will also apply to contractors.

### 5. **RESPONSIBILITIES**

5.1 Overall responsibility for this policy lies with the Corporation. Within this, specific responsibilities are as follows:-

5.2 The Director of Personnel will:-

- i) Continually review employment procedures and practices and introduces revisions as appropriate.
- ii) Co-ordinate the provision of guidance and training for employees on equality of opportunity in employment.
- iii) Develop and maintain systems for monitoring employment procedures and practices and the composition of the workforce.
- iv) Advise the Corporation on any revision to the policy in the light of changes in legislation, codes of practice, and personnel practices.
- v) Quality assure the applications of this Policy.

5.3 Managers, as primary decision makers, must recognise their responsibility to adopt practices which are consistent with this policy, and should promote within their staff an awareness of the principles involved.

5.4 All employees have a duty to:-

- i) Co-operate with any measures introduced by Management to develop equality of opportunity.
  - ii) Refrain from taking discriminatory actions or decisions which are contrary to the spirit of equality of opportunity.
  - iii) Refrain from placing pressure on other employees to act in a discriminatory manner.
  - iv) Refrain from harassing, abusing, or intimidating other employees on account of their race, sex, etc.
  - v) Resist any pressure to discriminate which is placed on them by other employees.
  - vi) Inform management if they suspect discrimination is taking place in employment decisions.
- 5.5 The Equal Opportunities Co-ordinator is mainly responsible for student curriculum activities but may be approached by Managers and staff for advice on the application of good practice.
- 5.6 The Equal Opportunities Committee is mainly responsible for student and curriculum activities but will, in addition monitor and advise on equality of opportunity in employment.

## **6. ANALYSIS AND MONITORING**

- 6.1 The Personnel Director will make an initial analysis of the workforce to establish the number of men/women, disabled and members of ethnic minority groups in each job category.
- 6.2 Details will be collected on the number in each category who apply for, are shortlisted and are appointed to each vacancy. Similar records will be maintained in respect of training opportunities.
- 6.3 These records will enable investigation of whether equality of opportunity is being achieved and the identification of areas where positive action may be appropriate.

## **7. POSITIVE ACTION**

- 7.1 The corporation is committed to positive action, as distinct from positive discrimination, to enable all individuals to develop their full

potential and to overcome the effects of discrimination. Section 37 and 38 of the Race Relations Act 1976 and Section 48 of the Sex Discrimination Act 1975 allow steps to be taken by which people from particular groups are either encouraged to apply for jobs in which they have been under represented or given training to help them to develop their potential and so increase their prospects when competing for particular work. This is not reverse discrimination, which would be illegal. The aim of positive action is to promote fair competition. It recognises that because of circumstances beyond their control some people may start from a disadvantaged position and set out to redress that imbalance.

## **8. REDRESS**

- 8.1 Any member of staff who considers that they have been discriminated against shall have resource to the Corporation's Grievance Procedure. Initiating these procedures shall not restrict an individual's statutory right of reference under current legislation to an Industrial Tribunal.

## **9. STUDENTS**

- 9.1 This policy relates to equality of opportunity in employment, the Corporation has a separate policy relating to equality in the access and treatment of students and the embodiment of the principles of equality in the curriculum.
- 9.2 The policy is concerned with the relationship between staff and between Management and staff. However, the Corporation will not accept behaviour by students which is seen as the abuse or harassment of a member of staff because of their race, colour, sex, disability etc. This is addressed in the Code of Practice on Harassment.

## **APPENDIX 1**

### **RELEVANT LEGISLATION**

The Sex Discrimination Acts 1975 and 1986

The Race Relations Act 1995

The Disability Discrimination Act 1995

The Equal Pay Act 1970

The Rehabilitation of Offenders Act 1974

sex The Code of Practice for the elimination of discrimination on grounds of and marriage and the promotion of equality of opportunity in employment (Equal Opportunities Commission).

Racial The Code of Practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment (Commission for Equality).

The Code of Practice for the Employment of Disabled People (Equal Opportunities Commission).