



equalitychecklist



EQUALITY EXCHANGE
Working Together For Sex Equality



Europe and Scotland
Making it **work together**



partnerships for equality and economic development

Produced by Enterprising Approaches to Equality Project
Funded by ESF Objective 3

This publication has been produced by ‘Enterprising Approaches to Equality’, a Fair Play Scotland project part-funded by ESF Objective 3, in association with EOC Scotland Equality Exchange.

Fair Play’s ‘Enterprising Approaches to Equality’ project, promoted the business case for equality practice and policy within the small and medium enterprise sector in Scotland.

We hope that you find this checklist useful in helping you to take important steps forward towards better equality practice.

Scottish Business in the Community

PO Box 408, Bankhead Avenue,
Edinburgh, EH11 4HE

Tel: 0131 442 2020

www.sbcscot.com

Centre for Accessible Environments

Useful source of information about grants
and physical audits

www.cae.org.uk

Equality Direct

Help line advice on a range of equality issues.
Also useful website. Help line only covers
England and Wales

www.equalitydirect.org.uk

Business in the Community

www.bitc.org.uk

The site map links to 4 of their ‘sub-groups’:
Race for Opportunity, Opportunity Now,
Employers Forum on Disability, and Employers
Forum on Age. The Equal Pay Forum is
accessed from the Opportunity Now site.
These fora all provide information and support
to their members.

useful addresses and websites

Equal Opportunities Commission

St. Stephen's House,
279 Bath Street, Glasgow G2 4JL

For information and advice on sex equality issues in employment, including equal pay reviews

Tel: 0845 601 5901

www.eoc.org.uk

Fair Play Scotland

Ground floor, St Stephen's House,
279 Bath Street, Glasgow G2 4JL

Promoting Equality in Economic Development

Tel: 0141 245 1850

www.fairplayscotland.com

Commission for Racial Equality

The Tun, 12 Jackson's Entry, Holyrood Road,
Edinburgh EH8 8PJ

For information and advice on race equality issues in employment, including Race Equality Schemes

Tel: 0131 524 2000

www.cre.gov.uk

Disability Rights Commission

Riverside House, 502 Gorgie Road,
Edinburgh EH11 3AF

For information and advice on disability equality issues in employment

Tel: 08457 622 633

www.drc-gb.org

ACAS

Farnborough House, 123-157, Bothwell Street,
Glasgow G2 7JR

For information and advice on all aspects of employment law

Tel: 08457 47 47 47

www.acas.org.uk

Federation of Small Businesses

(Scottish Office)

74 Berkeley Street, Glasgow G3 7DS

Direct members organisation recognised as authoritative voice of the small and medium sized business sector

Tel: 0141 221 0775

www.fsb.org.uk

CBI Scotland

16 Robertson Street, Glasgow G2 8DS

Membership organisation giving voice to industry and business

Tel: 0141 222 2184

www.cbi.org.uk

Scottish Council Development and Industry

23 Chester Street, Edinburgh EH3 7ET

Independent membership network strengthening Scotland's competitiveness by influencing Government policies.

Tel. 0131 225 7911

www.scdi.org.uk

Scottish Enterprise

150 Broomielaw, Glasgow G2 8LU

Promoting enterprise and economic development throughout lowland Scotland

Tel: 0141 248 2700

www.scotent.co.uk

Highlands and Islands Enterprise

Cowan House, Inverness Retail and Business Park, Inverness IV2 7GF

Promoting enterprise and economic development throughout the Highlands and Islands of Scotland

Tel: 01463 234171

www.hie.co.uk

Promoting equal opportunities is of crucial importance to all businesses regardless of size, sector or location. New and changing equality legislation, European Directives relating to equality, the changing composition of the labour market and greater international competition means that all businesses need to ensure that they are able to respond to needs of the diverse market as well as able to recruit and retain staff of the highest calibre.

This checklist for small and medium sized businesses aims to highlight the business benefits of promoting equality. It also outlines some of the steps that can be taken to ensure that the business's equal opportunities practice is of the highest calibre.

THE BUSINESS CASE FOR EQUALITY

Being an equal opportunities employer is good for business. Apart from the need to comply with the anti-discriminatory legislation and thus avoid potentially damaging lawsuits, there is growing recognition that **people** are a business's most valuable asset. Integrating equal opportunities policies and practices into employment and management practices brings many benefits both to relationships with staff, to customers, and to the wider community.

The benefits of promoting equality in recruitment, selection and staff retention:

- Staff are confident they work for a fair employer and that appointments and promotion are made on merit and ability
- There is a reduced turnover of staff – saving in recruitment and retraining costs
- Businesses comply with the legislation – saving on legal costs, avoiding bad publicity, saving time on preparing the 'case' and the time of senior managers attending a tribunal, and reducing the risk of a costly settlement (there is no ceiling on some awards)
- The business has a culture where people know they will be treated with respect and dignity
- Advantages include low levels of absenteeism, low levels of grievance and disciplinary action and a sense of loyalty, leading to an increase in effectiveness and productivity
- The more diverse a work force is, the more creative it will be
- The business image is enhanced in the wider community – contributing to making it an employer of choice, thereby attracting high calibre applicants for jobs

the self assessment checklist

YOUR BUSINESS COMMITMENT

For equality policies to be effectively integrated into business culture there needs to be clear **leadership** on the issue. There needs to a visible commitment to promoting equality and diversity from the most senior level of the company. The commitment can be demonstrated in a number of ways including public statements about the importance of the policies to the successful running of the business, and a commitment to make resources available to actively pursue the actions required.

| PLEASE TICK THE APPROPRIATE BOX | No, still to do | It's being done | Yes, it's done |
|--|--------------------------|--------------------------|--------------------------|
| 1 Is your equal opportunities policy statement endorsed at the highest level of the business? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2 Is your policy statement well publicised throughout the business? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3 Is your policy statement made well known to all new and potential employees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4 Do managers have the capabilities to implement and provide leadership on the policy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5 Are there training opportunities available for all staff to ensure that they are aware of their responsibilities in this area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6 Does the Board (or equivalent) receive regular monitoring reports on the implementation of the policy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7 Is there an action plan to implement the policy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8 Does your publicity and promotional material demonstrate positive images of the diversity of your workforce? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

YOUR POLICIES

One way that employers can demonstrate their commitment to equality is to have policies and procedures that actively promote equality. Policies should cover **sex, race, disability, religion or belief, sexual orientation** and **age** as a minimum. These are the areas where there is, or soon will be, **legislation** in place (see page 11). There may be other groups that your policies should include e.g. political beliefs, membership of trade unions.

RELATED REGULATIONS

The **Sex Discrimination (Gender Reassignment) Regulations 1999** extend the provisions of the SDA to make it unlawful to discriminate on the grounds of gender reassignment in employment and vocational training.

The **Part-Time Working Regulations 2000** require employers to offer the same terms and conditions, pro rata, to part-time workers as full-time workers.

For more information about discrimination law and your business, please contact the relevant organisation shown on page 13.

legislation

The main legislation in the field of equality in Great Britain at present relates to discrimination on the grounds of **sex, race, and disability**. The European Employment Directive provides a common framework of protection against discrimination on the grounds of sexual orientation, religion or belief, and age. The UK Government is committed to having new legislation in place on **sexual orientation** and **religious discrimination** by December 2003, and on **age** discrimination by 2006.

MAIN ACTS

The **Sex Discrimination Act 1975 and 1986 Amendment** makes it unlawful to discriminate on the grounds of sex or marital status in employment, education, housing and the provision of goods, facilities and services.

The **Equal Pay Act 1970** makes it unlawful to discriminate between women and men in their contracts of employment, including pay and all other contractual benefits.

The **Race Relations Act 1976** makes it unlawful to discriminate on the grounds of colour, race, nationality, or ethnic or national origin in employment, education, housing and the provision of goods, facilities and services.

The **Race Relations (Amendment) Act 2000** places enforceable duties on public bodies' to assess the impact on racial equality of proposed policies, and to consult on them, to monitor the impact of existing policies and to monitor staff on the basis of ethnic origin.

The **Disability Discrimination Act 1995** makes it unlawful for an employer to treat a disabled person less favourably, because of their disability, than they would treat a non-disabled person.

The **Employment Relations Act 1999** gives working parents the right to unpaid parental leave and time off to deal with emergencies.

The recent **Employment Act 2002** is a wide ranging package, covering work and parents, dispute resolution in the workplace, improvements to employment tribunal procedures, including the introduction of an equal pay questionnaire, and a number of other provisions. The provisions concerning maternity leave and pay, paternity leave and the right to request flexible working are implemented through Regulations effective from April 2003.

Equal Opportunities

| PLEASE TICK THE APPROPRIATE BOX | No, still to do | It's being done | Yes, it's done |
|---|--------------------------|--------------------------|--------------------------|
| 9 Do you have an Equal Opportunities Policy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10 Does your policy have: | | | |
| • a brief statement of commitment and intent? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • an implementation strategy which makes it clear to all employees and prospective employees what is expected of them in all aspects of their work? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11 Does the implementation strategy cover: | | | |
| • Communication? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Recruitment and selection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Training and staff development? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Terms and conditions (e.g. opportunities for flexible working)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Monitoring? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Policy review? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Harassment and Bullying

| PLEASE TICK THE APPROPRIATE BOX | No, still to do | It's being done | Yes, it's done |
|--|--------------------------|--------------------------|--------------------------|
| 12 Do you have a Harassment Policy? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13 Does your policy explain that harassment and bullying can take many forms e.g. name calling derogatory comments, ignoring someone's presence etc? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14 Is your policy well publicised? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 15 Does it make it clear how to get help and complain? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 16 Does it state that harassment will be treated as a disciplinary offence? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 17 Does it make it the duty of managers to ensure that the policy is implemented and understood? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Equal Pay

| PLEASE TICK THE APPROPRIATE BOX | No, still to do | It's being done | Yes, it's done |
|---|--------------------------|--------------------------|--------------------------|
| 18 Do you have an equal pay statement? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 19 Have you carried out an equal pay review (see page 10) in the past 12 months? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 20 Did this review cover the pay and benefits received by all employees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 21 As part of the review did you check for disparities in access to: | | | |
| • Starting Pay? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Grading? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Progression? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Equal Pay for like work? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Bonus payments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • Performance related pay? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 22 Do you have a job evaluation scheme covering all employees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

POSITIVE ACTION

The term ‘positive action’ is often taken to mean a variety of measures designed to counteract the effects of past discrimination and to help eliminate stereotyping on the grounds of sex or race. However, the term also applies specifically to two provisions of both the Sex Discrimination Act 1975 (SDA) and the Race Relations Act (1976) (RRA), allowing for positive action in **particular circumstances**. These circumstances are defined by the Acts and relate to the provision of training, including vocational training, education or instruction, and **encouragement** to persons from a particular racial group or sex to apply for employment where they are not represented or are under-represented.

During a recruitment exercise, remember that positive action does not allow for discrimination on the grounds of sex or race at the point of selection - this is illegal under the SDA and RRA.

For more information about positive action please contact the Equal Opportunities Commission or the Commission for Racial Equality (see page 13).

EQUAL PAY REVIEW

The only way that you can be sure that women and men are receiving equal pay for equal work in your business is to carry out an **equal pay review**. This is a systematic way of comparing the pay of women and men doing equal work, explaining any pay gaps, and developing a plan to close any pay gap that cannot be explained on the grounds other than the difference in sex. The **pay gap** is often expressed by showing the average earnings of women as a percentage of the average earnings of men in a particular group - for example, employees at a particular grade, or full time employees in Scotland.

To help businesses of all sizes to carry out an equal pay review, the Equal Opportunities Commission has produced an Equal Pay Review Kit for larger businesses and a Guide to Fair Pay, Equal Pay for small businesses. Both contain a 5-step model to guide business through the process, and supporting information on the ‘why and how’ for each step, and can be obtained from the Equal Opportunities Commission.

For more information on carrying out an equal pay review contact the Equal Opportunities Commission or ACAS (see page 13).

some key terms

Many employment and human resources journals use a range of terminology when discussing policy development and equality. Some of these terms are explained below -

MAINSTREAMING

Based on the European Commission’s definition, mainstreaming can be defined as ‘the systematic consideration of the differences between the different conditions, situations and needs of disadvantaged groups in all policies, at the point of planning, implementation and evaluation. It should aim to ensure that opportunities are genuinely available and accessible to the spectrum of potential participants and that current initiatives do not have a negative impact on disadvantaged groups.’

Mainstreaming aims to make the delivery of services and opportunities to the whole community a reality. It is about recognising that any policies that affect people (and most do) are unlikely to be ‘equality neutral.’ It is not about treating everybody the same, but about taking account of different needs and different realities and, through that process, developing policies that are sensitive to the diversity of the community.

MANAGING DIVERSITY AND PROMOTING EQUALITY

Managing diversity requires that we take account of the differences that exist between people and that we recognise that these differences can be a source of strength to any business. There are benefits to having a diverse workforce including being in tune with a broader customer base or market trends and having a broader pool of experience to draw upon. There is also evidence that a workplace where people feel valued and respected is likely to have greater productivity and employee loyalty.

However, it has to be recognised that although differences can be a source of strength, some differences are also the source of inequality, disadvantage and exclusion. If a ‘managing diversity’ approach focuses solely on individual differences, at the expense of recognising collective experiences of institutional discrimination, there is a danger that the dynamics of the power relationships between certain groups will be ignored. In order to be effective, managing diversity policies and strategies need to take conscious steps to eradicate the effects of current and past discrimination.

Recruiting Your Staff

Having robust recruitment and selection policies, procedures and practices mean that you are drawing applicants from as wide a pool as possible. Recruiting by word of mouth will restrict the pool. The more diverse the workforce the more productive it is likely to be.

| PLEASE TICK THE APPROPRIATE BOX | No, still to do | It’s being done | Yes, it’s done |
|---|--------------------------|--------------------------|--------------------------|
| 23 Before advertising for jobs do you have procedures for reviewing the job description? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 24 Before advertising for jobs do you have procedures for reviewing the person specification? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 25 Is there a policy to ensure those on interview panels are prepared for their role as interviewers and are: | | | |
| • briefed about the job description? | | | |
| • involved in drawing up the person specification? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • briefed about the legal requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 26 Do your job adverts make it clear that: | | | |
| • you welcome applications from all sections of the community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • you appoint on the basis of merit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 27 Have you considered the opportunities offered by the legislation for positive action in relation to opening out your job vacancies to the groups who are currently under-represented? (See page 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 28 Are all full and part-time jobs advertised openly and widely? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

KEEPING YOUR STAFF

Staff are a valuable asset and a business that is able to retain staff not only saves money in the short term (e.g on recruitment and training costs) but is also one that becomes an employer of choice.

| PLEASE TICK THE APPROPRIATE BOX | No, still to do | It's being done | Yes, it's done |
|---|--------------------------|--------------------------|--------------------------|
| 29 Do you have clear procedures in relation to: | | | |
| • maternity pay? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • parental leave? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • carers' leave? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| • part-time workers rights? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 30 Are these communicated to all staff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 31 Where possible, do you offer flexible working arrangements to all staff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 32 Do all staff have equal access to development and training opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 33 Are all staff aware of the criteria for promotion? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 34 Have you considered positive action to address any imbalances (for example, targeted management development training)? (See page 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 35 Do you have a written, known and accessible grievance procedure which employees can use to pursue allegations of discrimination and unequal pay? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

REVIEWING YOUR POLICIES

Reviewing policies using monitoring data is one way of assessing the impact of policies. Monitoring can provide the information necessary to help companies to identify whether or not there may be unconscious discrimination going on within the business's recruitment and progression systems.

Public authorities are required by the Race Relations Amendment Act to produce a **Race Equality Scheme** and are required to report on progress. If private companies are carrying out a function on behalf of a public body, the duty falls to them as well.

| PLEASE TICK THE APPROPRIATE BOX | No, still to do | It's being done | Yes, it's done |
|---|--------------------------|--------------------------|--------------------------|
| 36 Does your monitoring system disaggregate the data about your work force on the basis of sex, race, disability and age? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 37 Does your monitoring system include information about pay and benefits? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 38 If not, is information about pay and benefits readily available? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 39 Are there systems in place that monitor staff turnover (including reasons for leaving) and are comparisons made on the basis of sex, race, disability and age? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 40 Are there consultative mechanisms in place for reviewing your policies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 41 Have your policies been reviewed and/or updated in the last two years? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 42 Do you regularly update your implementation/ action plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |