

19 July 1995

Your Ref:

To: Chief Executives of
Regional, Islands and District Councils

Our Ref: CS/1/1 - CMCL/AM

Chief Executives of New Councils

Dear Chief Executive

EQUAL OPPORTUNITIES GUIDE

The views of authorities are sought on a new Guide to Equal Opportunities and its proposed adoption by Scottish local authorities jointly with the trade unions. The Guide, a copy of which is attached as an Appendix to this letter, has been developed by the National Joint Councils for APT&C and Manual Workers and is intended to be a reference document which sets out practical principles which authorities can adopt to further equal opportunities. It is designed to provide a framework for equal opportunities but does not seek to supplant specialist sources. A list of sources and publications which develop practical approaches to the detailed aspects of implementing equal opportunities in local government are included in the Guide.

The Guide is to be annexed to the schemes of conditions of service for APT & C and Manual Workers which apply in England and Wales. COSLA's Personnel Services Committee has confirmed its intention that Scottish local authorities should be in the forefront of work on equal opportunities and COSLA's Equal Opportunities Committee has also been advised of the new proposals. Authorities are now being consulted about the Guide prior to discussions taking place with the trade unions.

It is recognised that there is a wide variation between the size of existing and new councils, the make up of councils' populations and the committee systems and management structures which councils have adopted and will adopt to pursue their policies. Each council will need to select the appropriate measures to match its own circumstances but it is important that the principles in the Guide are widely discussed at this time to ensure that new councils, in particular, are provided with a sound basis for equal opportunities policies and receive every encouragement to promote best practice.

WHEN CALLING PLEASE ASK FOR: Cathy McLean

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CMCL

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Subjects covered in the Guide include:-

- Equal Opportunities Policy and its Implementation.
- Recruitment and Selection Procedures.
- Training.
- Pay, Grading and Conditions of Service.
- Analysis Monitoring and Review.
- Dealing with Harassment.

Following consultation with authorities and members and advisers to the Personnel Services and Equal Opportunities Committees the Guide will be discussed with the Scottish trade unions with a view to reaching joint agreement. Circumstances in Scotland differ from those in England and advice is being sought, for example, on the application of Scottish legislation in cases of harassment.

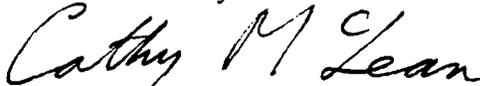
Authorities are asked for their views as follows:

1. Does your authority approve the overall approach of adopting a Guide jointly with the trade unions (a more detailed joint advisory booklet was agreed in 1988 but is now outdated)
2. Does your authority propose any additions/deletions to the Guide?
3. Does your authority have any suggestions for promoting policies and best practice in Equal Opportunities which could be endorsed and taken forward as COSLA recommended best practice ?

A short Statement of Principles to accompany the Guide is under consideration at national level but agreement on the content of the wording has proved more difficult than for the Guide. Authorities will be advised of the terms of any Statement which is agreed at national level.

The results of the consultation exercise will be summarised for consideration by members of COSLA's Personnel Services and Equal Opportunities Committees. I should therefore be grateful if you would let me have your authority's response by **Friday 18 August 1995**.

Yours sincerely



Cathy McLean
Assistant Secretary
Personnel Services
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Copies to: Members of COSLA's Personnel Services Committee
Members of COSLA's Equal Opportunities Committee
Directors of Personnel
Advisers to COSLA's Equal Opportunities Committee

EQUAL OPPORTUNITIES GUIDE**INTRODUCTION**

The National Joint Council(s) believe that it is important for public bodies such as local authorities to give a lead on good equal opportunities practice. Both local authorities and trade unions intend to be at the forefront of work on equal opportunities and this Guide is part of that commitment. If local councils are to retain the confidence of all the communities they aim to serve they should reflect the make-up of these communities within their workforce. And, as a focal point of community opinion, they should lead the drive for equal opportunities by example. As employers they are covered by the sex discrimination legislation and the legislation aimed at improving the employment opportunities of people with disabilities. Additionally local authorities have a specific duty to promote racial equality in employment.

Equality of opportunity makes good business sense. Making equal opportunities a cornerstone of their work helps councils to:

- * use resources efficiently and effectively to deliver quality services;
- * combat discrimination against particular groups in the workforce and the community;
- * make the most of their greatest asset - the workforce;
- * recruit and retain quality staff;
- * improve motivation and performance;
- * reflect the composition and diversity of the local community at all levels of the workforce;
- * break down the barriers of discrimination and nurture cooperation.

Although steps have been taken to reduce direct discrimination in recent years, indirect discrimination is still a major problem. Inferior conditions of service for part-time workers (who are mainly women), access to employment and services for disabled people and other less obvious but no less important areas of discrimination exclude groups of people from the workforce or deny them equal employment rights, opportunities for advancement and career progression.

This Guide is intended to be a reference document which sets out practical principles local authorities can adopt as employers to further equal opportunities. It is also written as guidance for elected members, managers, employees (and potential employees), and trade unionists. Personnel managers, equal opportunities specialists and other experts who need to implement personnel policies have their own sources, and advice. It is not the purpose of this Guide to supplant those sources, and a list of publications which develop practical approaches to the detailed aspects of implementing equal opportunities is included as an Appendix.

Each Section of the Guide is set out to convey a range of actions to achieve each aim. However, the National Council(s) acknowledge(s) that there is a wide variation between the size of authorities, the make-up of their populations and the committee systems and management structures authorities have adopted to pursue their policies. The National Council(s) therefore acknowledge(s) that local councils will need to select the appropriate measures to match their circumstances - a single approach by all authorities would not be sensible.

THE EQUAL OPPORTUNITIES POLICY AND ITS IMPLEMENTATION

AIM

To produce a framework for equal opportunities practice across the authority and the means of implementing it.

ACTIONS

- * Develop a **policy** which suits the needs of the authority, by consulting senior managers, trade union representatives and local community organisations along with the recognised sources of advice;
- * Establish effective mechanisms for putting the policy into effect. Whatever the mechanism chosen there should be a requirement to present an annual progress report;
- * Decide on **targets** which promote equality of opportunity. These will vary between authorities as no two authorities will start from the same position or have the same challenges. This may require an equalities audit done in consultation with the trade unions;
- * Set **realistic deadlines** to achieve the targets. The disciplines of a timetable are important but the deadlines must be achievable;
- * Build in ways of **monitoring** progress;
- * **Identify those accountable** for implementing the elements of the plan. No one should be in doubt about who is doing what;
- * Write into the plan **review dates and criteria**. As targets are achieved or other issues arise, the action plan may need to be modified, other priorities set.

COMMENTS

The Equal Opportunities Policy

The policy will contain a **statement of commitment** which sets out its scope and can be used as a summary of the council's position. It will describe clear **objectives and priorities** and include **measurable targets**. The **commitment** of the council, its top managers and its trade unions must be demonstrated. Finally the policy needs to be **publicised** to managers and supervisors, to staff, potential employees and the local community.

The Measures Covered by the Action Plan

The targets within the action plan are aimed at measures to promote equal opportunities which generally fall into two categories -

Authority - wide measures directed at the workforce as a whole, for example running training courses, seminars etc. to raise awareness of equal opportunities and equalities issues; assembling the data on which to plan for equality; recruitment and selection procedures.

Measures aimed at specific groups, for example, eliminating problems of access for disabled people, introducing flexible working conditions for employees with caring responsibilities; adopting HIV policies; providing prayer rooms; setting equality targets. Authorities should consider using the positive action provisions of race and sex legislation, for example in training for women, which can promote equality and increase the participation of particular groups in the workforce in areas where they are under-represented.

The measures taken by authorities need to be appropriate to the size of the organisation and make-up of the population served by the authority.

RECRUITMENT AND SELECTION PROCEDURES

AIM

To ensure that there are no discriminatory barriers to the employment and promotion of members of any group.

ACTIONS

- * When a post becomes vacant an accurate **job description**, either a new one or an existing one which has been reviewed, should be drawn up before the job is advertised. No unnecessary duties should be included.
- * **Person specifications** should be written to cover only the qualities essential to the post. Unnecessary physical or language requirements should be avoided. The value of skills gained through non-traditional work e.g. voluntary work should be considered. The competence gained through experience should be balanced against that gained through more formal routes.
- * **Application forms** should elicit the information about the applicant's suitability for the job. Where other information is collected for equal opportunities monitoring purposes it should be in a form which ensures anonymity. Special provision for those unable themselves to complete a form should be considered e.g. whether a recorded application might be acceptable for someone with a visual handicap.
- * **Advertise** the vacancy so as to promote equal opportunities. Generally this will mean advertising internally and externally at the same time. Make use of media which reach all parts of the community.

- * Ensure **recruiting agencies**, if they are used, operate to the same standards to the authority and comply with the authority's policy.
- * **Avoid stereotyping** in recruitment literature.
- * **Criminal offenses** should not be in themselves a reason for debarring an applicant from equal treatment in the recruitment and selection process where the offence is irrelevant to the duties of the individual as an employee. The only consideration should be whether the offence is one that makes the individual unsuitable for his or her type of work.
- * **Shortlisting** should take place against the criteria in the person specification.
- * **Record** reasons for rejecting/selecting applicants.
- * **Interviews** should be carefully structured around a common core of questions and only relevant questions should be asked. Where tests are used, these should be non-discriminatory and should be ones that have been shown to be appropriate to the task. Facilities for people with disabilities should be provided for interviews and tests where appropriate.
- * **Record** the reasons for decisions taken by the interview panel.
- * Ensure that a confidential **feedback procedure** is available for candidates and that they are aware of it.
- * Authorities should consider setting up a confidential procedure to deal with **complaints of discrimination** in recruitment;
- * **Medical screening** should concentrate on health factors pertinent to the tasks.

COMMENT

Most authorities practice the above measures according to the LGMB's 1993 survey of local government's equal opportunities record. However, as with other aspects of equal opportunities, the importance of reviewing existing practice should be recognised to ensure that procedures have developed along with best practice and to ensure that all employees regardless of employment status are included.

TRAINING

AIMS

- * To develop greater understanding of equal opportunities issues and the council's policy among members and the workforce generally.
- * To ensure those staff the council have identified as needing to implement the equal opportunities measures are capable of doing so.
- * To encourage and train members of groups who are under-represented in the workforce or who have been traditionally excluded from training programmes e.g. part-time and temporary workers.

ACTIONS

- * The appropriate department e.g. central personnel, chief executive's, should be made responsible for a programme of courses which address discrimination, so that all of the council's workforce is reached;
- * The programme of courses will need to be prioritised;
- * Induction courses for new employees should include training on the local authority's equal opportunities policy;
- * Those who need a more detailed knowledge of the anti-discrimination measures the authority has adopted, for example, those with a part to play in recruitment and management of staff, should be given appropriate training;
- * Pre-employment training, which is directed at the long-term unemployed where disadvantaged groups are often over-represented should be investigated. (Grants are available from the Employment Service for such courses);

- * A programme of positive action training for employees of an under-represented racial group or sex should be developed;
- * Local authorities should facilitate training for disabled people to open up opportunities for employment and career advancement for which grants may be available;
- * In designing occupational and career progression courses the needs of disabled people should be borne in mind. As well as accessibility, there is the question of the format of materials, for example in braille or on tape.

COMMENTS

A programme to raise awareness of equal opportunities issues and thus combat discrimination is a long-term project and is often best achieved if participation is voluntary. The priorities the council sets in this programme will depend on the make-up of the local community and its own progress along the equal opportunities path.

The law provides for positive action in training for areas where one racial group or one sex is under-represented. Positive action training to develop potential supervisors or managers, or to develop specialist skills or provide for special needs (for example, an English language course for speakers of a different language) benefits both employees and the local authority alike as well as sending strong signals about commitment to equal opportunities. To avoid legal pitfalls, however, authorities need to be sure that the group targeted by the positive action is under-represented and are advised to consult their legal advisers before implementing their proposals.

Equal opportunities awareness training should be available to all employees and arrangements made to ensure that they can participate fully.

PAY, GRADING AND CONDITIONS OF SERVICE

AIM

Pay, grading and conditions of service, at both national and local level, should seek to ensure consistency, transparency and equality.

ACTIONS

The aim may be achieved by:-

- * evaluating jobs by the same analytical and non-discriminatory method
- * using criteria for assessing salary at appointment which are consistent and non-discriminatory
- * including pay and grading in the equal opportunities monitoring process and reviewing on a regular basis
- * training managers and personnel involved in decision-making on pay, grading, appointment and promotion to be aware of potential direct and indirect discrimination
- * ensuring that equal pay and equal treatment initiatives are extended to casual, temporary, full-time and part-time staff

COMMENTS

Pay

The local authority's pay structure should comply with the 1984 Regulations on 'Equal Pay for Work of Equal Value'. Job evaluation schemes, bonus schemes and merit payments must be free of sex and race bias. Alongside these issues authorities will want to consider reviewing the content of low-paid jobs traditionally done by women to introduce more variation, making them more rewarding.

Grading

Grading criteria should be non-discriminatory so that comparisons can be made between levels of skills across different job types. This is not the simple process it sounds, for example, the use of qualifications in the grading process may appear to be non-discriminatory, but in practice, where there is unequal access to qualifications, it can indirectly discriminate.

Conditions of Service

Conditions of service are generally expressed in equal terms but they should also be non-discriminatory in their application. The provision of fringe benefits such as removal expenses, car leasing and performance related pay should be on the basis of non-discriminatory criteria. Access to overtime, bonus and other enhanced payments should be reviewed in the light of good equal opportunities practices.

ANALYSIS, MONITORING AND REVIEW

AIM

To be able to assess the effects of introducing equal opportunities measures and to ensure the policy continues to be relevant.

ACTIONS

- * Collect information from the workforce covering age, gender, ethnic origin, registered disability, grade, actual earnings, department. This information provides the database;
- * Similar information can be sought from job applicants (although methods should be used to ensure that this is done on an anonymous basis);
- * Local authorities seeking to collect other, more sensitive information for the purpose of promoting equality, should do so following discussions with the recognised trade unions and should ensure confidentiality and that the information is not used for other purposes.
- * Ensure employees leaving the authority are interviewed to find out why they are leaving and that the details are recorded;
- * Update the database regularly to check progress towards equality targets;
- * The council should review the equal opportunities policy annually in terms of its scope and the effectiveness of measures taken.

COMMENTS

The basic numerical databases for equal opportunities monitoring purposes will overlap with others the council has established e.g. for training needs.

Other initiatives might require one-off surveys.

The sensitivity of monitoring makes it important for surveys to be developed in consultation with the trade unions.

DEALING WITH HARASSMENT

AIMS

To reduce and prevent harassment and ensure a safe and non-threatening working environment.

To provide employees who believe they have been subject to harassment and/or discrimination with a means to have that complaint addressed and to deal with those employees who are accused of breaching the authority's equal opportunities policy.

ACTION

- * Agree between the authority and the trade unions positive and clear policies and procedures to deal with complaints of harassment and discrimination;
- * Agree between the authority and the trade unions how harassment on the grounds of any disadvantage can be tackled. Whilst sex and racial harassment procedures are now relatively widespread, they may need adapting to deal with harassment affecting other groups such as older workers, workers with disabilities or lesbians and gay men;
- * Consider how counselling of harassed workers can be best introduced;
- * Include training in dealing with harassment and accompanying procedures in training given to managers and supervisors;
- * In proven cases of harassment decide how subsequent disciplinary action will be proceeded with;

COMMENTS

Harassment can be defined as behaviour or remarks which cause offence and which threaten, humiliate or embarrass. Harassment can be unlawful* and employers may be liable for the behaviour of their staff. All forms of harassment can have an adverse effect on job performance, attendance, staff turnover, morale and health. It is a serious issue which requires recognition and action.

As part of the health and safety risk assessment that employers are obliged by law to carry out in each workplace, any foreseeable sources of harassment should be identified and action taken to deal with them.

All complaints of harassment should be dealt with in a confidential and sympathetic manner.

Employees working in direct contact with the public, sometimes in their own homes, may be particularly vulnerable and procedures should be in place to investigate any complaints. Harassment is not just an issue between employees. Elected members, clients and members of the public may be guilty of harassing staff or may be harassed. Procedures should be designed to deal with these eventualities.

The whole area surrounding complaints about discrimination and harassment is an extremely sensitive one. It is essential to involve the recognised trade unions in agreeing the procedures for dealing with it.

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[Ref: [/u/rekha/reports/EOppsGuide](#)]

* The Criminal Justice and Public Order Act 1994 created a criminal offence of intentional harassment. As "harassment" is not defined, all forms may be covered by the legislation. Convictions are punishable by 6 months imprisonment and/or up to £5000 fine. Only harassment within a dwelling is exempt, therefore intentional harassment in the workplace would fall within the legislative provision.

SOURCES AND PUBLICATIONS

GENERAL

A Model Equal Opportunity Policy
EOC (free)

EOC Code of Practice
HMSO for the EOC

Equal Opportunities : A Guide for Employers
EOC (free)

Guidelines for Equal Opportunities Employers
EOC (free)

A Good Equal Opportunities Guide : Policies and Practices in a Sample of Local Authorities
(1992)
LGMB

Maximising Human Resources : Through Equal Opportunities (1990)
LGMB

Working Together : Good Practice in Equal Opportunities
Cambridge Training and Development Limited

County Councils and Equal Opportunities
ACC

Equal Opportunities Review
Industrial Relations Service

Equal Opportunities Statement and Guide
Confederation of British Industry (CBI)

Discriminate on Ability
CBI

City Action - Business, Skills and Jobs
Employment Department

Equal Opportunities Code
Institute of Personnel and Development (IPD) formerly
Institute of Personnel Management (IPM)

WOMEN

The Best of Both Worlds
Employment Department

Sexual Harassment in the Workplace - A Guide for Employers
Employment Department

Code of Practice for the elimination of discrimination on the grounds of sex and marriage and the promotion of equality of opportunity in employment
EOC

RACE

Implementing Equal Employment Opportunity Policies - An Information Note for Employers and Employees (1984)
CRE

Race Relations Code of Practice (1984)

Racial Discrimination : A Guide to the Race Relations Act, 1986
CRE (free)

Race Discrimination and Grievance Procedure (1989)
CRE

Indirect Discrimination in Employment : A Practical Guide (1989)
CRE

Equal Opportunity in Employment - A Guide for Employers (1990)
CRE

Race Relations Code of Practice : For the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment (1984 - to be updated 1995)
CRE

Racial Equality Means Business. A Standard for Racial Equality for Employers (1995)
CRE

Racial Equality Means Quality : A Standard for Racial Equality for Local Government in England and Wales (1995)
CRE

Local Authorities and Racial Equality : A Summary Report
CRE

Young and Equal - A Standard for Racial Equality in Services for Young People (1995)
CRE

PEOPLE WITH DISABILITIES

Code of Good Practice on the Employment of Disabled People (1994)
Disablement Advisory Service, Sheffield (free)

People with Disabilities : Models of Good Practice for Local Authorities
Disability Resource Team

Employment Good Practice Pack
Royal National Institute for the Deaf (RNID)

Employing Disabled People
CBI

Building on Ability - A Guide for Training People with Disabilities
Employment Department

Monitoring People with Disabilities
Employers' Forum on Disability

Disability Etiquette
Employers Forum on Disability

MONITORING

Monitoring an Equal Opportunities Policy : A Guide for Employers (1986)
CRE

A Measure of Equality - Monitoring and Achieving Racial Equality in Employment
CRE

Why Keep Ethnic Records? Questions and Answers for Employers and Employees
CRE

RECRUITMENT

Recruitment and Selection : A Good Practice Guide (1993)
LGMB

Fair and Effective Selection
EOC

Selection Tests Free of Sex Bias
EOC

Recruitment Code
IPD (formerly IPM)

The Code on Occupational Testing
IPD (formerly IPM)

TRAINING AND POSITIVE ACTION

Training : The Implementation of Equal Opportunities at Work (Volumes 1, 2 and 3)
CRE

A Guide to Education and Training for the 21st Century
Employment Department/Department of Education and Science

Positive Action and Equal Opportunity in Employment
CRE

Positive Action and Recruitment Advertising
EOC

Positive Action in Vocational Education and Training
EOC

What Is Positive Action?
Race Relations Employment Advisory Service (Department of Employment)

Positive Action - Resource Pack for Trainers, Personnel Officers and Managers (1991)
LGMB

HIV AND AIDS

Developing Services for Gay Men and Bisexual Men (1993)
LGMB

HIV Infection and the Workplace (Confidentiality, employment and occupational health)
(1989)
LGMB

HIV & AIDS : Continued Employment Guidelines for Employers
LAGER (Lesbian and Gay Employment Rights)

SEXUALITY

Equal Opportunities for Lesbians and Gay Men : Guidelines to Good Practice in Employment.
LAGER

All Things Being Equal? : Local Authority Services for Lesbians and Gay Men
LAGER