Ofcom
OFFICE OF COMMUNICATIONS

Promoting equal opportunities and diversity:
A toolkit for the communications sector

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FOREWORD

As a society we are committed to ensuring equality of opportunity for all our citizens, and this is reflected increasingly in law. Ofcom, like all public bodies, is tasked through legislation with promoting equality of opportunity both within our organisation and in the industries we regulate. Setting out in policy terms how equality can be improved is the easy part; delivering on those policies challenges all organisations, and particularly smaller companies whose resources are often limited.

All communications companies, however small or large, are obliged to meet a range of equal opportunities legal requirements. Increasingly, communications companies and others beyond the sector are also realising business benefits from improving equal opportunities and increasing the diversity of their workforce. For this reason, we decided to put together this diversity toolkit to help all communications companies learn from the experiences of others. This is not a set of rules, but rather examples of policies, procedures and templates that can be easily adapted to different circumstances and help you meet your legal obligations and work towards best practice in this area. We hope this will prove a useful toolkit for all communications companies and contribute to creating a more inclusive and diverse industry.

David Currie
Chairman

INTRODUCTION

Everyone in our society should have an equal chance to benefit from training and work opportunities. At Ofcom, we are committed to promoting equal opportunities and diversity within our own organisation and helping the industries we regulate to do the same.

Under the Communications Act 2003, Ofcom has a duty to promote the importance of equal opportunities to all radio and television broadcasters. As our industry converges, we want to promote best practice across the broader communications sector.

That's the reason for this 'toolkit'. We want to promote equal opportunities and diversity by helping you, the communications sector, to put good systems in place. We hope you'll find that it's a useful source of effective methods, and that it suggests a range of activities for you to use or adapt.

What do we mean by 'equal opportunities' and 'diversity'?

Whether an employer of a few or of thousands, all communications businesses are obliged to meet the requirements of equality legislation[2]. The legislation prohibits discrimination, harassment and victimisation of employees and others on the grounds of:

- Race;
- Gender;
- Gender identity;
- Sexual orientation;
- Religion or belief;
- Disability; or
- Age.

This applies to how you recruit, train and promote individuals and to their terms and conditions of employment. These areas should be regularly reviewed to ensure that their operation and scope are free from unlawful discrimination. Your procedures must make sure that every job applicant, and employee, is treated as an individual. This may mean treating people **differently**, for example by making a reasonable adjustment, in order to ensure that they are treated **fairly**. In some areas, this may need positive action from you – for example, with targeted training – to help people who are under-represented in your organisation or in a specific job. Training can also equip employees with the skills they need to compete equally for jobs.

It is also important to note that should one of your employees commit an act of discrimination or harassment in the course of their employment with you, **both the employer and the employee are legally liable**, unless the employer can show they took **'reasonable steps' to prevent it**. Implementing a comprehensive equality policy, strategy and action plan can help to demonstrate your commitment, as an employer, to avoiding discrimination and harassment.

Any policy should apply to all staff (including permanent and temporary workers) as well as to any other individuals who are not employed by the company but who carry out work at, or provide services to, the company. The staff should abide by the principles of non-discrimination set out in the policy in respect of their current and former colleagues, visitors, clients, customers and/or suppliers to the company.

For more information on how equality legislation affects your business, see the Equality and Human Rights Commission website: **www.equalityhumanrights.com**.

Some businesses within the communications sector are also affected by legislation that makes it unlawful to discriminate in the provision of goods, facilities or services to the public on the grounds of sex, race, disability, gender, sexual orientation, age, sex, religion or belief. Discrimination in providing services means:

• refusing to provide a service;
• providing a lower standard of service; or
• offering a service on different terms than you would to other people.

This legislation affects businesses that provide goods or services directly to members of the public. It does not affect those that supply goods, facilities or services to other businesses. However, it is important to recognise that both public and private organisations are increasingly looking to work with suppliers that can demonstrate a commitment to equal opportunities. For example, public sector procurement generally asks for information about the company's equal opportunities policy. There are signs that this requirement might be extended in the future. The Equality Bill, planned for the 2008/2009 Parliamentary session, aims to introduce an 'Equality Duty' to the public sector which will require organisations to tackle discrimination and promote equality through their purchasing functions[3]. There are also examples of private sector firms building requirements to demonstrate a commitment to equal opportunities and diversity into their procurement process and into their service contracts. For example, Tyco and Du Pont have taken this step with their appointed law firms .

Diversity refers to the differences and similarities that exist among an organisation's workforce, potential employees, customers and other stakeholders. It includes - but is not limited to - the legally defined groups: race; gender; gender identity; sexual orientation; religion and belief; disability and age. Diversity refers to an organisation's ability to meet

its legal obligations in ensuring **equal opportunities** for members of each of these groups and to move beyond this towards best practice.

Best practice requires an organisation to understand and value the complexity of diversity – that few individuals can be defined as belonging to a single group and that not all individuals belonging to a group have the same needs or aspirations. The best practice diversity organisation values high performance and outputs and encourages all employees to reach their full potential – regardless of identity. It constantly works to overcome subtle biases, prejudices and assumptions. It positions diversity as a business priority and understands how diversity best practice can support its overall business objectives and what poor performance on diversity can cost the organisation.

The scope of this toolkit

This toolkit is not intended to be a set of rules. Rather, it's to help you take effective action and make fast progress by learning from the experiences of others.

The activities in this toolkit aren't compulsory. But they will help you to avoid discrimination, ensure equal opportunities and build on the benefits of diversity. Steps such as having an equal opportunities statement and supporting policies, and monitoring and recording the gender, ethnicity, disabilities, age, religion or belief, and sexual orientation of your staff, are important in showing your commitment to equal opportunities and are a start to making suitable arrangements to promote them.

Throughout this toolkit we've provided practical suggestions for action and links to other useful sources to help get you started or to extend your good practice.

Equal opportunities and diversity are good for business

Any industry will benefit from offering equal opportunities and developing a diverse workforce, but the communications sector has, potentially, more to gain than others. In a rapidly changing, highly competitive environment, being agile and drawing on talent from the widest possible pool can help provide the advantages needed to meet the diverse needs of customers. Indeed, the diversity of individual and business customers and of the UK talent pool is growing:

Customer diversity

- 45% of the ethnic minority population are under 25, compared to a third of the White population; and they have a faster-growing rate of spending[5].

- 10% of business start-ups in the UK are from ethnic minority groups[6]

- Black Minority Ethnic-owned businesses in London employed 560,000 people, generating a combined sales turnover of £90bn, in 2004[7]

- 26% of all businesses are owned by women[8]

- 4 in 10 gay people invest heavily in technology, compared with 25% of heterosexual people[9]

- In 2007, gay people spent £70bn in the UK[10]

- There are over 9.7 million disabled adults in the UK with a spending power estimated at £45 – £50bn[11]

- 95% of Black African adults and 90% of Indian adults in the UK use mobile phones, compared with 85% of all UK adults[12]

- 74% of Indian and 72% of Pakistani adults have home internet access, compared to 62% of all UK adults[13]

Workforce diversity

- By 2030, 8% of the workforce will be from an ethnic minority[12]

- 1 million disabled people on incapacity benefit say they want to work[16]

- By 2050, two-fifths of the population will be over 50; more people will have caring responsibilities for older relatives and may choose flexible working to make this possible[17]

- Retiring baby boomers are predicted to restructure their work, phasing it out over time rather than retiring completely[18]

- The 'Millennials, or 'Generation Y', account for 11% of the European workforce and want to have a range of experiences before committing to full-time work. Men and women want to be able to take time out of their careers at various points in their lives without damaging their careers[19]

- One in eight fathers of children under 6 years old has made a formal request in the past two years[20] to work flexibly.

- 13% of current UK university first-year undergraduates have a disability, and 24% are from an ethnic minority background[21].

A growing number of organisations, both within and outside the communications industries, are talking about the benefits they have realised from investing in equal opportunities and diversity. These benefits include:

- making it easier to find new talent;

- increasing employee satisfaction, making it easier to retain existing talent and improve productivity;

- generating new opportunities for creativity and innovation from a broader mix of people;

- developing a stronger, more positive corporate identity;

- improving understanding of how diverse customers think, what drives their spending habits, and how to access markets they have previously been unable to effectively tap into; and

- building a positive reputation as a socially responsible business.

'Equal opportunities' and 'diversity' may mean different things to different people. It is therefore important that you define what it means for your organisation. It can set the standard to judge how well your company is doing. So put it in writing and publicise it to everyone who's part of your business.

Part A: **Getting Started…**

SECTION 1

Laying the foundations for equality and diversity

1.1 Your own vision for equality and diversity

A written equal opportunities statement should set out your organisation's equal opportunity objectives and the policies and actions that you will develop to meet them and to create a culture that encourages and values everyone's differences. You may be able to get some useful equal opportunities definitions from other companies within your industry or sector.

Creating a vision, communicating what your organisation will be like once it has achieved its equality and diversity objectives, and the benefits it will experience are important parts of the change process. Achieving some equality and diversity objectives can be lengthy. It is important that everyone in your organisation maintains a sense of purpose during this journey. Involving employees at all levels in building a shared vision can be a strong motivating exercise and helps to ensure that everyone understands the key equality and diversity challenges facing your organisation.

1.2 Building a business case

Identifying why equal opportunities and diversity is important to your organisation, and how it can help achieve your core strategic objectives, helps to position it as a mainstream policy and development issue rather than as an 'optional extra'.

The Introduction section provided some information on changing demographics in the labour and customer markets and examples of the benefits that can accrue from equal opportunities and diversity action. This information might help you determine your business case. The best business cases are customised and move with the changing context of the organisation. Therefore it is important that you consider what are the current key issues facing your company and how equal opportunities and diversity might help to address them. For example, one UK company needs to overcome a skills shortage to achieve its growth objective. The company is using its diversity programme to help attract talent from a much wider pool than it has traditionally drawn from. Another UK company is using its diversity programme to help target female customers as a way to increase revenue and market share.

For your business case to be effective, it is important that you assess its contribution to your business over time. So don't just argue that it's important, set some indicators by which you can **demonstrate** its importance. These indicators might be qualitative and/or quantitative.

Useful sources:

- **Talent not Tokenism: the business benefit to workforce diversity: www.equalityhumanrights.com**

- **Customising the business case for diversity: www.cipd.co.uk (go to tools section)**

- **Business case for diversity and equality: www.equalities.gov.uk/research/bus_case_div.pdf**

- **The business case for diversity: good practices in the workplace: ec.europa.eu/employment_social/ fundamental_rights/pdf/events/busicase_en.pdf -**

- **Managing Diversity, Measuring Success: www.cipd.co.uk/subjects/dvsequl/general/_ mngdivmscs.htm**

1.3 Involvement and accountability

To achieve real progress with equal opportunities and diversity, it is important that everyone in your organisation understands their role in the change process. This might involve their responsibilities in how they behave with colleagues and/or customers. For line managers, it might involve considering equality and diversity issues when recruiting or promoting. For senior managers it might involve considering the equality and diversity implications and/or opportunities of their key business and policy decisions.

Different departments/functions within an organisation may have specific issues to consider. For example, consider the impact of the images and language used in internal and external publications and how they reflect the organisation's commitment to diversity. Procurement might consider how to ensure equality for minority-owned businesses in the

tendering process and how to be certain that suppliers match the organisation's own commitment to equal opportunities. IT should consider the accessibility of your systems, internet and website(s).

In building involvement it is important to ensure that first, everyone understands their role and second, they have the knowledge and support they require to fulfil this role. To make sure that involvement is embedded, some organisations now include 'contribution to equal opportunities and diversity goals' in the personal performance assessment process.

Useful sources:

- **Line managers and diversity: making it real, Opportunity Now**

- **Line manager guide, Employers' Forum on Disability**

1.3.1 Someone to champion the cause

Many companies have a senior executive who is given the job of championing equal opportunities within the business. This is a good thing; he or she can make sure that the issues are aired at a senior level. It also shows that a company is genuinely concerned about creating a culture based on equality, and employing a wide range of people.

Even better, make sure your champion has an ally at Board level who can press equality issues to the directors of the company. However, remember that if he or she leaves the company, these issues run the risk of being put to one side.

Practical activities:

- **Think about the possible benefits of having someone senior to champion equality in your company;**

- **Set up a diversity group that touches every part of your organisation, chaired by a senior executive;**

- **Sign up a Board director to get the issues aired at Board level – or, better still, get two directors in case one leaves;**

- **Think about strengthening your approach by forming an equality group, drawn from all levels of the company, to act as a communication channel between the Board and the staff;**

- **Consider setting up an advisory group, which could include external stakeholders.**

1.3.2 Diversity leaders

For equality and diversity to become embedded in the day to day running of your company, you need leaders who understand the challenges and opportunities it brings to your business. Put simply, they should be able to apply their leadership skills to meeting equality and diversity objectives and to drawing benefits from diversity, just as they would to any other business issue.

Practical activities:

- **Offer equality and diversity training to your current leaders;**

- **Build equality and diversity into your training for future leaders;**

- **Add equality and diversity objectives to the key indicators you use to measure your leaders' contribution to the business.**

1.3.3 The backing of the Board

Although it's important to show everyone that your Board is serious about equal opportunities, words must be backed up with actions. Turning a good policy into an everyday habit depends on active support from the directors in everything the company does.

Your company should be able to show how equal opportunities and diversity lie at the heart of its plans for the future. The directors should also insist on regular progress reports, with genuine statistics that show how the workforce is changing and that people from under-represented groups are holding jobs at all levels.

Equal opportunities and diversity should be every senior executive's challenge, with individual directors, and the Board as a whole, leading by example.

Practical activities:

- **Put some ideas in front of the Board for their support;**

- **Run a series of masterclasses or provide coaching to the Board to ensure they understand the equality and diversity issues affecting their business;**

- **Commission a diversity audit, if you haven't done so already;**

- **Carry out an analysis of employees' skills by different identity groups;**

- **Encourage the Board to support work shadowing-schemes or to participate in mentoring programmes.**

Your approach to recruitment can have a big effect on your success in attracting and keeping people who traditionally miss out.

Part B: **Employees…**

SECTION 2

Recruitment and selection

2.1 How you describe jobs and people

A job description should paint a clear picture of the role that needs to be filled, its main demands and what you expect from a candidate. However, the pressure to fill a vacancy quickly can lead to running tired old advertisements, often with job requirements that have long since changed.

Updating job descriptions gives you the chance to think again about what skills, knowledge and experience you actually need. This in turn could lead you to a review of how the job can be done and, perhaps, encourage you to widen the net to include potential applicants with different qualities.

Make sure your job descriptions concentrate on the outputs required from the person rather than the process for achieving them, as some people, particularly those with a disability, may do things differently. For example, ask for the ability to produce accurate word processed reports quickly rather than the ability to touch type at 80wpm. This will mean that someone who uses voice recognition software because they have arthritis is not discouraged from applying for the post.

Some disabled people, ethnic minorities and women often miss out on roles because of their untypical education or career experience. This isn't surprising; in the past, many recruiters have had fixed ideas on the 'right' background for particular jobs. You should strive to look beyond this and focus on skills and abilities.

If employees are required to wear a uniform or follow a dress code, consider how this might impact on people from different religions and how their needs can be accommodated.

Your candidate specifications should be written down. They should outline the skills, knowledge, abilities, qualifications, experience and qualities that are necessary and desirable for a person to be able to do the job well. Don't use an existing or past post holder as a model for this. Only use age restrictions if the job specifically demands this. For example, a driver will have to be old enough to hold a licence. Steer clear of words like 'young', 'youthful', 'old', 'mature', etc to describe the person you are looking for. Instead use words like 'enthusiastic', 'drive' or 'responsible', for example. Only ask for a period of experience if you can justify why this is necessary. For example, asking for eight years of experience might indirectly discriminate against some women, disabled people and people of different ages — and you might miss out on the best person for the job. Concentrate instead on the skills, knowledge and abilities you need.

Use the job descriptions to help you decide on what is needed for each task. By being clear in your own mind about the type of person you need for this role, you will find it easier to draft the advertisement, carry out

the shortlisting, decide on the interview questions and ultimately determine which is the best candidate.

A consistent, fair, open and systematic procedure will help to prevent discriminatory practices and decisions creeping into the recruitment process. It can also protect you and your organisation against claims of discrimination if you are able to demonstrate an open, fair and consistently applied set of criteria throughout the recruitment and selection process.

By regularly reviewing job descriptions, and focusing on the qualities that you're really looking for, you can help to break down prejudices and stereotyping.

Practical activities:

- **If you don't have them already, introduce job descriptions and written candidate specifications;**

- **Take a fresh look at each job and, if needed, update your job description and candidate specifications;**

- **Make sure your advertisements still reflect the role;**

- **Make application forms available in accessible formats;**

- **Ensure web-based recruitment is accessible to disabled people;**

- **Draw on the experience of staff members from under-represented groups;**

- **Join bodies that set standards on race, gender, sexual orientation, gender identity, age, religion and belief, and disability; and**

- **Investigate what you'll need in order to register for Investors in People (IIP) accreditation.**

2.2 Where and how to look

Making sure that all potential candidates are aware of employment opportunities within your organisation and are made to feel that they can reach their full potential there is essential in attracting the best talent from the widest pool. Choose the language and images for your advertisements carefully. Ensure they accurately reflect the person specification and job description and are welcoming to all potential candidates.

To attract under-represented applicants you might find it useful to explore less tried-and-tested sources, such as networks, clubs and associations, and advertising in media and publications aimed at specific groups and communities.

However, don't expect a sudden surge of applications just because you've invited them. People are much more likely to be interested in your company if they see that you have a genuine commitment to equal opportunities. An advertisement alone isn't enough; your commitment needs to be shown through other company activities that these under-represented groups see in their daily lives.

Practical activities:

- **Build relationships with groups and organisations that represent for example, disabled people, different religious and belief groups, lesbian, gay and bisexual people, women working in technology, minority ethnic groups etc.;**

- **Support and attend events hosted by these groups;**

- **Invite their representatives to your own company events;**

- **Make sure your advertisements still reflect the role, and contain welcoming and inclusive language and images;**

- **Participate in recruitment fairs and events - even if you have no vacancies – and make sure your stands and the people staffing them are appealing to people from different backgrounds;**

- **Build relationships with specific universities, colleges and schools to help encourage people who are under-represented in your company to consider a career in the job areas you offer;**

- **Ask the advice of your own staff from under-represented groups;**

- **Place advertisements in publications, websites, press or radio specifically aimed at the people you are trying to encourage applications from;**

- **Set up web links with minority websites;**

- **Offer work experience and shadowing opportunities to members of under-represented groups; and**

- **Always send vacancies directly to these groups.**

2.3 Using recruitment agencies

Agencies can be very useful. They know the recruitment market and, since they're experts in providing clients with a good range of applicants, it can be a good use of time and money to get their help. However, unless you make a point of telling them, they may tend to put up only applicants who have followed traditional career paths.

Make sure that the recruitment agency is familiar with your company's culture and beliefs – particularly on equal opportunities and diversity. In particular, ensure that the agency will not discriminate on your behalf by obtaining confirmation from them that they will make reasonable adjustments for candidates, for example by providing information about posts in alternative formats such as on tape or by plain text email.

2.4 Accepting CVs in the recruitment process

When teams and Human Resources departments are under pressure, it can be tempting to fill vacancies quickly by working from CVs. However, CVs only reveal so much; relying on them means that you won't, at the early stage, get the personal information you need to monitor equal opportunities.

So if you're planning to work only from CVs, consider gathering this information from everyone you invite to the second stage of the process. (You should also tell

applicants in advance that you'll be doing this, why, and how the information will be used.)

Even so, you're going to miss out on important information from everyone who doesn't make it through the first stage. That's data that could be useful; for example, it would show whether your advertising is attracting replies from people who are not well represented in your company. That's why using CVs alone works against being able to check on equal opportunities. We suggest you avoid it, unless you can find other ways to get around the drawbacks.

Practical activities:

- **Choose your recruitment agencies carefully and work with the ones that will best support your equal opportunities and diversity commitments. As part of your procurement process, they should be able to tell you, for example:**

- **What their policy and practices on equal opportunities and diversity are and what training they provide on this to their staff;**

- **How they ensure that the recruitment process is accessible to candidates with a disability;**

- **How they source candidates from a broad range of backgrounds and particularly from groups that are currently under-represented in your company;**

- **Make it clear to recruitment agencies that you want applications from a wide range of candidates. The fact that you have an equal opportunities policy may not be enough;**

- **If CVs are coming from a recruitment agency, ask them to back this up with separate information to help your equal opportunities checking; and**

- **consider requesting a minimum diversity quota when shortlists are being prepared.**

2.5 Recruitment and selection training

It takes training and skill to draw up a good shortlist of candidates, and to interview them properly. If you cut

corners here, you'll waste a great deal of time and, of course, a lot of expensive advertising.

Everyone involved in recruitment and selection should have a record of experience or training in equal opportunities. This includes your most senior executives and, for that matter, experienced interviewers who may have developed bad habits. Refresher training should be provided regularly.

Practical activities:

- **Check on the level of skills you have in your company to recruit and select new people;**

- **Provide training or refresher courses for everyone involved in the process;**

- **Consider using your intranet, and online tools, to run refresher courses;**

- **Check the various video and off-the-shelf packages available for refresher training; and**

- **Ideally, insist that everyone new to recruitment and selection first receives training.**

2.6 Shortlisting and interviewing

You may need to change the way you shortlist and interview if you are to get the best results. Regular reviews of your shortlisting procedure can help to identify shortcomings and lead to better results by, for example, providing suitable arrangements for applicants with specific needs.

Make sure that you (and anyone that you're short-listing with) are agreed on the shortlisting criteria and are clear about the relative importance of each criterion. These should be based on the relevant criteria in the advertisement, which should in turn be based on the job description and candidate specification. It can be useful to have a list of 'essential' and 'desirable' criteria. You should also agree on how you will determine whether an applicant has met the criteria. You may find that you still have too large a shortlist at the end of the first sift and need to cut it down further. If so, then you might develop more

detailed criteria based on the original ones. However, don't introduce new and unrelated criteria.

This may seem obvious but don't use applicants' personal data, such as their age, marital status, gender, disability, or the address on their application form or CV, to make assumptions about their ability to get to work or to do the job. You should also avoid rejecting applicants simply because they appear to have gaps in their employment history. These could be for a number of justifiable reasons which could include the short-term impact of a disability, caring responsibilities or past discrimination. Don't make assumptions about someone's physical fitness based on age and don't assume that someone is too qualified or experienced for the job or that it is not well enough paid for them. As long as you have clearly identified the salary range in the advert you should trust the reasons the candidate has for applying.

It is in your interest to adopt a structured and consistent approach to the shortlisting process and to record the reasons for your decisions. This may protect you against subsequent complaints from unsuccessful applicants. There are other risks in not having an open and fair shortlisting procedure, including:

- missing the best candidate;

- damaging your company's image and reputation;

- breaking the law; and

- facing claims for discrimination.

When you invite someone to come for an interview, ask them if they require any reasonable adjustments and make sure these are put in place. Remember that the Access to Work scheme can pay for things such as communication support for disabled people at interviews, as well as many of the support costs for a disabled employee (see Appendix 2). It is also good practice to allow some flexibility around interview times to avoid significant religious times, such as Friday afternoons, or evenings, which might disadvantage people with caring responsibilities.

If the interview is not taking place in your workplace, it is also important to consider the accessibility and

appropriateness of the location. For example, being in proximity to alcohol may be prohibited for some candidates on the grounds of religion or belief. Or a noisy environment might disadvantage a candidate with a hearing impairment.

Appendix 3 provides templates for shortlisting and interviewing.

Practical activities:

- **Consider using a process for shortlisting that removes any personal information such as age, gender, nationality or marital status.**

- **Only use assessment methods that fit the job.**

- **Make sure you ask candidates at the start of the interview if they require any adjustments to be made to the room, for example the layout or lighting.**

- **Only ask questions that are related to the job and avoid personal questions, such as asking if someone is married.**

- **Do not ask questions or make reference to a person's colour, disability, age, race, national origin, religion, racial origin, gender, gender identity or sexual orientation. If a disabled candidate wants to discuss their impairments, do so, but let them know that you are not assessing them on this.**

- **Ask the same questions of each candidate, but be prepared to probe so that you get as much information from the person as possible.**

- **If you already have an employee from a particular minority group, consider including them (and training them) in the recruitment process.**

- **Make a special section on your application form where people can show skills and experience they've gained outside of work.**

- **Consider joining organisations and schemes such as 'Two Ticks' (see more information in Appendix 4).**

- **Provide one-to-one coaching support as an emergency refresher in interviewing skills.**

- **Look again at your application forms to make sure that information to track equal opportunities can be separated.**

- **It is best practice to have an interview panel with a balance of gender and ethnic backgrounds.**

2.7 Personal contacts: the effect on equal opportunities

The 'who you know' method of filling jobs remains very common, particularly in smaller organisations but also in some larger companies, and it's not hard to see why. Using your contacts gives you a short cut to finding good people, quickly, and without agency fees or advertising. The problem is that using a 'little black book' instantly excludes anyone who is inexperienced, or who is not already in the industry. This is a form of discrimination, particularly as under-represented groups tend to be less likely to have contacts in the industry. The result is that many jobs are filled without these groups of people even having had the chance to apply. This in turn leads to a vicious circle, where people have little possibility of a job, and therefore little chance of experience, and therefore little chance of new opportunities.

Practical activities:

- **Check how many permanent and short-term job vacancies you fill without a formal interview being held.**

- **Use this information to shape your recruitment policies and procedures.**

2.8 Targeted recruitment and 'positive action'

A number of organisations have deliberately aimed their advertising, and taken 'positive action' to increase opportunities for people that are under-represented in their company or in particular job roles. The law allows this, provided these companies are offering the chance of training (rather than jobs)

in particular types of work, to people who would otherwise have little chance of being hired. Once they have been trained, people then apply and compete for jobs in the normal way.

Please note that 'positive action' is not a legal requirement and the law only allows positive action in relation to training, to give a 'leg-up' where particular groups would otherwise be poorly represented. Provisions for 'positive action' exist under the Sex Discrimination Act, 1975, Race Relations Act, 1976, Disability Discrimination Act, 1995, Employment Equality (Religion and Belief) Regulations, 2003, Employment Equality (Sexual Orientation) Regulations, 2003 and Employment Equality (Age) Regulations, 2006.

The law permits for companies with an under-representation of a particular group at certain levels or in specific job roles to include a statement in their job advertisements that they welcome applicants from the groups that are under-represented to encourage applications. It has also become 'good practice' to include a strapline in advertisements, such as *'we are working towards equal opportunities'* to communicate your commitment on this issue.

Positive discrimination with regard to race, gender, age, sexual orientation, gender identity and religion and belief is illegal. This is when a company offers someone a job mainly because they want to increase the number of staff for example, in a particular ethnic group or gender.

Conversely, the Disability Discrimination Act does not prohibit, but nor does it require, positive discrimination in favour of disabled people. Employers can treat disabled people more favourably than those who are not disabled. This is because the DDA is asymmetrical in that it only provides protection for disabled people; non-disabled people on the whole are not covered by the Act.

Practical activities:

• **Collect monitoring data as early in the recruitment process as possible; and**

• **Monitoring disability is particularly challenging – you may wish to look at the Employers Forum on Disability's publication 'Monitoring for Change'.**

Useful sources:

• **Mind your language – a guide to getting recruitment right: www.efa.org.uk**

• **Recruitment and job advertisements: www.equalityhumanrights.com**

• **The Stonewall Lesbian and Gay Recruitment Guide: www.stonewall.org.uk**

• **Recruitment that works, Barrier-free e-recruitment: www.efd.org.uk**

SECTION 3

Retaining talent

3.1 Providing support and an inclusive working environment

Bringing in talented people from all walks of life is only the beginning. Many of your recruits may find themselves 'the only one' in their group; for example, the only woman in a typically male department, or the only disabled person. It's a good idea, then, to make sure they have someone to support them.

Diverse talent will only thrive in an inclusive environment which is a great place to work for everyone.

Practical activities:

- Consider introducing a 'buddy' system where people are teamed up with someone who can offer them support and advice. This could be an on-going part of their induction programme;

- Mentoring is another useful form of support for new or promoted staff. This should work alongside other programmes, and not replace the relationship with a person's line manager;

- Consider including a general question asking every employee if they need a reasonable adjustment at appraisals and reviews in order to make it easier for them to do their job;

- Consider setting up different employee networks e.g. multicultural, faith, disability, lesbian, gay, bisexual and transgender and gender networks. These can be a great vehicle for providing collegiate coaching and support as well as consulting staff from different groups about their needs and the successful implementation of your equal opportunities and diversity actions; and

- Introducing equal opportunities and diversity awareness training can help to improve awareness and understanding of the legal and practical context around this issue and address individual's assumptions and stereotypes. It can also communicate your business case for taking action on this issue, your progress and successes as well as what involvement and support the company is asking from its employees.

Useful sources:

- Setting up networks for lesbian, gay and bisexual employees: **www.stonewall.org.uk**

- Making good connections: best practice for women's corporate networks: **www.opportunitynow.org.uk**

3.2 Flexible working

"Flexible working can help you recruit and retain the best people for your organisation, increase productivity and lower absenteeism"[22]. There is a growing body of evidence that greater flexibility in how, when and where people are allowed to meet their contractual obligations, together with family-friendly working practices is seen as a cornerstone of attracting and retaining employees and improving company performance[23]. Many working parents and carers of the sick and older or disabled people have caring responsibilities that do not fit well with standard working patterns. Both men and women can benefit from a culture that encourages flexible working, and a positive approach to flexible working can be good for employers as well as employees. Flexible working can help to reduce turnover and

absence costs. The cost of replacing staff can be up to 150% of their annual salary and stress – often a major cause of absence – can result when individuals struggle to balance work and personal commitments[24].

Some other benefits include:

- Improved attraction and retention of staff;

- Reduced absenteeism – casual and sickness;

- Attracting the market of skilled women looking to return to work after maternity leave;

- Competitive advantage;

- Improved morale and commitment.

There are many forms of flexible working patterns that can be introduced into the workplace which can help employees to work effectively and efficiently as well as manage outside commitments. In any case, in addition to the benefits to your organisation, there are also a number of legal obligations on employers in respect of flexible working including:

- Considering flexible working requests from employees;

- Avoiding discrimination on the grounds of gender, disability, religion or belief;

- Setting the terms and conditions of work for non-standard workers;

- Leave arrangements.

Useful sources:

- **www.workingfamilies.org.uk**

- **www.employersforwork-lifebalance.org.uk**

- **Flexible working: the right to request and the duty to consider: www.berr.gov.uk**

3.3 Preventing bullying and harassment

Your company is legally obliged to protect all your employees from bullying and harassment. Moreover, when an individual experiences bullying and harassment it can adversely affect not only their well-being but also their performance at work.

When bullying or harassment is linked with an aspect of an individual's identity, it is highly personal and can sometimes be difficult to report. It is important that you set out a clear policy and system for tackling any bullying and harassment and take a zero-tolerance approach that is clearly communicated to everyone.

Practical activities:

- **Develop anti-bullying and harassment policy and procedures and ensure these are clearly communicated to all employees;**

- **Provide training for managers and staff on how to overcome any bullying and harassment; and**

- **Ensure everyone understands what is acceptable and unacceptable behavior in your company.**

Useful sources:

- **Bullying: preventing the bullying and harassment of gay employees: www.stonewall.org.uk**

- **Anti-bullying and harassment resources: www.cipd.co.uk**

- **Bullying at work: beyond policies to a culture of respect, Opportunity Now, 2005.**

3.4 Faith at work

Since the extension of employment laws to religion and belief in 2003, this issue has become the focus of increasing attention. As an employer there are several practical issues to consider, including for example, dress codes and uniforms, providing prayer space and holiday leave.

Providing a multi-faith prayer space or a quiet room is becoming more common in organisations across the UK. Indeed, this may become standard practice in the future for organisations over a certain size. Although companies are not currently required to provide a quiet or prayer room, it is good practice to do so if space is available and its use for prayer does not cause problems for other workers or the business. If your company operates a uniform or a 'dress code',

it's important that this doesn't discriminate against religious groups.

In a multi-faith workplace it is important for colleagues to have information on the different practices, observances and obligations of their colleagues to help promote mutual understanding and respect.

Practical activities:

- **Consider how you can support staff whose religions may require extended periods of fasting and ensure that unreasonable extra burdens are not placed upon them during these times;**

- **If your company has a dress code, ensure that it accommodates people from different religions as far as is safe and reasonable and does not conflict with the dress code – required or traditional – of some religions;**

- **Consider setting up an employee faith network to help develop support and inclusion among employees with different religious beliefs and non-beliefs – this is also a good way to consult staff on their needs (remember not everyone from the same religious group will share the same practices);**

- **Use calendars of religious festivals, talks, social events and exhibitions to foster greater understanding of different faiths; and**

- **Audit policies and practices to ensure they do not directly or indirectly discriminate against particular faith groups (e.g. holiday entitlement).**

Useful sources:

- **Information on religious festivals – www.bbc.co.uk/religion/tools/calendar**

- **Employers' Forum on Religion and Belief – www.efrb.org.uk**

- **The Business of Faith – www.thebusinessoffaith.org**

3.5 Maximising potential

Maximising employee potential refers to the opportunities individuals have for career development, training and promotion. While promotion refers to moving vertically up the organisation, career development doesn't necessarily imply promotion but also refers to opportunities to broaden an individual's skills and experience so they can grow professionally and personally. Investing in your employees can help them feel more valued, increase staff satisfaction and retention as well as increasing the productivity and skills of your workforce. It can also make your company more attractive to potential employees.

Under-represented groups in the workforce can face barriers to maximising their potential. For example, several groups have been found to experience barriers to informal networking, which is often an important way of gaining opportunities for career development and promotion. Some lesbian and gay staff may be anxious about the potential homophobic attitudes of some senior heterosexual colleagues or clients. Networking centred around pubs or alcohol can exclude some people whose religious beliefs prevents them from participating. Women have also been found to be less confident in networking and some prefer more formal opportunities for career development.

It is also important to consider the implications of the location and timing of training for different employee groups. For example, off-site training requiring overnight stays may disadvantage employees with care responsibilities or certain religious beliefs. It is important to ensure that the training venue can accommodate any reasonable adjustment needs of participants as well as their dietary requirements.

Assumptions about the 'right' way to get work done, rather than focusing on outputs, can also disadvantage some employees in the performance assessment process. For example, home, flexi-, or part-time workers are often seen as 'less committed'. Assumptions or stereotypes about an individual's aspirations can also be career limiting: for example, the stereotype that all women will have children

within a certain age group and slow their career down or that people with a disability will not seek or be able to progress to more senior roles. Research also shows that turnover among older workers tends to be lower than among younger ones, which means it is just as important and worthwhile to invest in their training and development.

To avoid directly or indirectly discriminating against an employee and ensure that your company's approach to maximising potential is applied to everyone, it is important to ensure that opportunities and processes are as formal and objective as possible, and a culture is created where difference is understood and valued.

Practical activities:

- **Make sure that opportunities for training and promotion are widely communicated to all staff and are available to everyone on a fair and equal basis;**

- **Review the training and development needs of all your employees on a regular basis and ensure that managers have the skills they need to help identify the training needs of others;**

- **Consider providing specific career development opportunities such as training or mentoring for under-represented groups;**

- **Monitor the training participation and promotion rates of minority compared with majority groups to ensure no indirect discrimination is occurring; and**

- **Provide everyone involved in appraisal and promotion decisions with training which specifically includes advice on how to avoid bias, assumptions and discrimination.**

3.6 Terms and conditions

Your company is legally obligated to ensure that, in general, you provide people doing the same job with the same terms and conditions of work. This doesn't just refer to their basic pay but also to the full range of benefits you provide, such as bonus pay, pensions, company health insurance, etc.

It is illegal to pay someone less than their peers or not to offer them equivalent benefits due to their age, disability, race, sexual orientation, religion or beliefs. The Equal Pay Act, 1970 specifically deals with equal pay between men and women.

If you employ part-time workers you must not treat them any less favourably in their terms and conditions than full-time workers.

Useful sources:

- **Pay, benefits and workforce conditions: www.equalityhumanrights.com/en/ forbusinessandorganisation/employers/pages/ paybenefitsandworkplaceconditions.aspx**

- **Equal Pay: www.cipd.co.uk/subjects/dvsequl/equpay/**

If your company provides a product, facility or a service *directly* to members of the public, no matter how large or small you are, you are legally bound to ensure that they are not disadvantaged on the grounds of gender, race, disability, sexual orientation or religion and belief.

Part C: **External Stakeholders…**

Customer diversity

Service providers are obliged to make 'reasonable adjustments' to ensure that disabled people are not prevented from using their services. The Code of Practice on access to goods and services, available on the Equality and Human Rights Commission (EHRC) website, helps disabled people and service providers understand how to make reasonable adjustments.

There is also potential for you to increase revenue by better understanding the diversity of your customer markets. How they respond to advertising and marketing, where it is most productively placed, whether they have specific needs etc. can all help to improve targeting and sales.

There are also implications for business-to-business companies. Public sector organisations now have a duty to ensure their suppliers support their equal opportunity commitments and, increasingly, private sector companies are looking to only work with suppliers with good credentials on equal opportunities and diversity. In a survey of 80 large private and public sector organisations, 70% said they are moving towards ensuring that their suppliers can prove high standards of performance and practice on equality and diversity .

Being able to demonstrate your commitment to equal opportunities, your future plans and the progress you have achieved might help you to win business away from your competitors.

Practical activities:

- **Consider evaluating the potential value of different customer groups to your business (e.g. ethnic minority, disabled, gay, lesbian and bisexual, different age groups, female customers, etc;**

- **Work with diverse community groups and/or your client companies to better understand their needs; and**

- **Ensure that your staff have all the skills and information they require to meet diverse customer needs.**

Useful sources:

- **Welcoming disabled customers: www.efd.org.uk**

- **Service providers – Areas of responsibility: www.equalityhumanrights.com/en/ forbusinessandorganisation/serviceproviders/ pages/areasofresponsibility**

SECTION 5

Working with industry and other bodies

You are not on your own. You can speed up the progress of your plans by joining forces with groups who are already working to promote equality and diversity within and beyond the communications sector.

Some of these organisations charge a membership fee – for example, Opportunity Now, Race for Opportunity, Stonewall, the Employers' Forums on Age, Disability and Religion and Belief but each of them also offer - free resources. Other organisations are free to participate within and are focused more specifically on the communications sector, such as Equalitec, which seeks to address gender inequality in the IT, electronics and communications industries by providing services and resources for more effective implementation of diversity policies.

Information on each of these organisations and how to contact them is provided in Appendix 7.

SECTION 6

Supplier diversity and third-party contracts

More organisations are now taking action to increase the number of minority-owned businesses that supply them with goods and services. Minority-owned businesses refer to those that are at least 51% owned, controlled and operated by one or more members of minority groups such as ethnic minority, disabled or GLB people as well as women, who are under-represented as business owners and directors[26].

The benefits of working with minority-owned businesses include[27]:

• A more competitive supplier base;

• Better access to strategically important market segments;

• Better business solutions and second sourcing alternatives;

• Potential for improved quality, enhanced service and lower cost; and

• Assistance in creating a supplier base that reflects the community.

In addition to increasing the diversity of your supplier base, it is important that your suppliers support your own company's commitment to equal opportunities and diversity. Just as your company might be asked to demonstrate its commitment to diversity, you can ask the same of your suppliers.

Practical activities:

• **Ask your suppliers to demonstrate their commitment to equal opportunities and diversity;**

• **Consider meeting with minority businesses to understand the barriers that might deter tender applications and how they can be overcome in the future;**

• **Ensure that all procurement and tender information is appropriately available equally to all prospective suppliers; and**

• **Find minority-owned businesses by using local networks such as Business Link, local Chambers of Commerce and Local Authorities.**

SECTION 7

Corporate Social Responsibility and the community

Good employers know that they have responsibilities – and that living up to them, it can also be good for business. Corporate Social Responsibility, or CSR, is something many large businesses are taking seriously. In fact, around 80% of FTSE 100 companies now provide information on either their effects on the environment, or their approach to the people they hire, or both.

A report by DTI's Business Impact Task Force[28], suggested how businesses can benefit from CSR activities:

- A better reputation can be earned through the way a business treats its people, the environment, its record on human rights, its investment in local communities and even how quickly it pays its bills;

- A business can be more competitive through good relationships with suppliers and customers; by having a workforce drawn from all walks of life; by offering a good work/life balance; and through managing its effects on the environment; and

- It can get a tighter grip on risks, whether they come from financial dealings, regulators, environmental problems or the opinions of ordinary people.

The move towards CSR has grown because:

- Word spreads quickly, and people vote with their feet. A good reputation is vital, whether it's a global brand or your neighbourhood corner shop;

- There are no 'jobs for life' these days. People move around, and a company with a good record on looking after its staff will attract the best people, and keep them for longer;

- Marketplaces are more specialist, with companies needing to respond to local communities and cultures; and

- Customers are worried about the growing power of businesses – especially the big ones – and are asking if they're behaving responsibly.

The Employers' Forum on Disability is encouraging companies to include disability in their CSR strategies. For further information, contact Global Inclusion Benchmark, or see **www.employers-forum.co.uk**[29].

7.1 Working with community groups

It is not only the major corporations that have woken up to the world outside. A MORI survey of small and medium-sized enterprises found that 61% were involved "a great deal" or "a fair amount" in the local community. It's a good way for a business to raise its profile in its community – the same community where it also looks for talent, and business.

Community mentoring is another way to make contact. Businesses 'lend' experienced members of staff to community businesses, clubs and groups – anyone who can benefit from their professional expertise.

Promoting equal opportunities

Practical activities:

- **Encourage and help your staff to take part in community projects, for example, by giving time and lending skills to community mentoring schemes. Their involvement can provide them with personal development and satisfaction as well as enhancing your company's reputation and profile.**

7.2 Working with colleges and universities

You may find it useful to make contact with educational institutions in your area. It will introduce you to possible future employees. Work that you do now could pay dividends in the future when it comes to recruitment and marketing. You may also find you can influence the content of student courses.

Useful sources:

- **The employer-led organisations listed in Appendix 7 can help to direct you to existing programmes and projects that link with educational institutions.**

You can promote your company's commitment to better policies in many ways. A very simple step is to add an equal opportunities strapline to your recruitment advertising. Again, give careful consideration to where you will place each advertisement. (See Section 2.2 "Where and how to look" above.) A larger step might be to add a new clause in your suppliers' contracts, encouraging them to use good equal opportunities practices in their work for you.

Practical activities:

- **Make sure that suppliers such as recruitment agencies understand your company's beliefs and values; and**

- **Mention your equal opportunities policy in your recruitment advertising.**

Any company that's serious about welcoming people from all walks of life will want to check whether its policies are actually working. There is no 'right' way to do this: you need a system that suits your company, and can be operated with the resources you've got and any systems you already have. You should communicate positively to staff about monitoring and provide assurances regarding the confidentiality of the information obtained. They should know that you are using the information to ensure that your company is a great place to work for everyone.

Part D: **Tracking Progress...**

Monitoring equal opportunities and diversity

The important thing is to know how well you're doing in meeting the goals you set, and seeing what needs changing. But that also means more than just collecting a bunch of statistics. It means finding out how people feel they're treated, and how well processes are working.

9.1 Gathering monitoring data

While employees may be comfortable and used to data being gathered on their gender, they may be less sure about you asking for other personal details. It is therefore important that you have taken steps to create an inclusive working environment before you ask for monitoring data and are clear about how they will and won't be used. This will help to elicit a good response rate and provide you with valuable data to help progress your equal opportunities and diversity programmes.

It is legal (though not a requirement) in the UK to ask for monitoring data on gender, gender identity, race, disability, sexual orientation, age and religion and belief. While sexual orientation is often thought to be a highly personal issue, it is the basis of discrimination in the workplace and is therefore important to monitor. However, language around this issue is extremely important. Stonewall has produced a guide to monitoring, available in the 'workplace guides' section on its website.

Gender identity (transgender status) is not a sexual orientation and Stonewall recommends that it is not included in the section on sexual orientation but is instead in a section on its own or in the gender section.

The 2001 Census provides the most comprehensive and reliable data about the population currently available. The former CRE recommends that you use the same ethnic categories as those in the Census questionnaire to collect information about ethnic background. This level of detail may be of particular value to companies with a large number of staff, but less relevant to you if you are a small to medium-sized employer.

Disabled people must feel secure about disclosing their disability and asking for support to enable them to continue working effectively. Potentially, this will reduce problems with performance, sick leave and staff turnover.

Practical activities:

- **Be sensitive about when you gather monitoring statistics – try to avoid holiday periods or times when redundancies are being made; and**

- **Make sure you clearly communicate how and why this information is being gathered – as part of your commitment to equal opportunities and diversity – and how it will be used.**

9.2 Application forms

This is usually the first tool, along with asking for CVs, that employers use to narrow down job seekers into a shortlist. At first glance, it's a good leveller; everyone is asked to answer the same questions, but in their own way.

However, application forms can also lead to discrimination, even by accident. Personal information can cause companies to make assumptions or jump to conclusions about a job seeker, and weaken his or her chances of making it to the next stage. For this reason:

• Personal information should go on a form that can be detached or separated, and kept back from the people who decide on the shortlist; and

• If possible, only ask personal questions that are important to the role. For example, do you really need to know where someone went to school, or their age?

9.3 Monitoring the equal opportunities climate and culture

It is important to monitor the extent to which your company has a culture that values and supports equal opportunities and diversity. One useful way to do this is through the employee survey. By including an option for everyone to anonymously disclose information about their identity groups on the survey, you can cross-analyse how each identity group responded to each survey question. This will help you compare and understand if any differences are occurring between groups of employees. You can also include some specific questions about equal

opportunities within the survey. For example, you can ask about opportunities for working flexibly, perceptions of the commitment of your company and senior management to diversity, or whether employees have experienced bullying or harassment.

Consulting with your employees, either through networks or by forming focus group discussions, is also an important and rich source of feedback. It can tell you how policies and procedures are working in practice and what it is really like to be from a minority group working in your company.

9.4 Collecting data for reporting

There's a saying that "only the things that get measured get improved", and this tends to be true in improving equal opportunities. The first step to monitor how you're doing is to track hirings, internal movements, information from exit interviews and other relevant changes among your staff. Trends in promotions are also important; these will tell their own story about whether groups that are often excluded are being attracted and recognised.

But do these kinds of results paint a meaningful picture? Not entirely. While it's important to count how many women are represented or disabled people or people from minority ethnic backgrounds, it's also vital to check whether they are playing a part at every level in the company. Monitoring is, however, a complex activity and should not be undertaken without considering carefully whether it is the right time to collect this information, how questions will be framed and whether or not the information will be collected anonymously. If the time is not right for your organisation a monitoring exercise may cause mistrust and anxiety and your employees will not answer your questions honestly. Remember, there is no legal obligation on employees to answer monitoring questions.

The full picture comes together once you check both the quantity and quality of your opportunities for people from a whole range of backgrounds.

The results should then be shown regularly to your directors, like any other figures that report on the health of the business.

Practical activities:

- **Your measuring systems should pick up on changes to your employees, including status, grade and training; and**

- **Remember that useful information can also be picked up through staff surveys, rates of absenteeism and any harassment or discrimination complaints.**

9.5 Exit interviews

An exit interview (an interview that takes place when someone's leaving) gives you a one-off opportunity to hear employees at their most open and honest.

However, some people may be reluctant to be open and honest in an exit interview. Concerns over getting a good reference or the next temporary contract may stop them from giving their genuine opinion. They may need to be reassured before they open up. Others may be frank (sometimes, very) about how they see the company. So make the most of this opportunity. It can give you priceless information on what's good and not so good about your equal opportunities policy. For further information on exit interviews see Appendix 5.

Practical activities:

- **If you don't already do so, introduce an exit interview with everyone who leaves your company.**

9.6 Communicating progress and impact

Making successful progress with equality and diversity will depend greatly on the understanding, commitment and involvement of all your employees. So it's important that they also get feedback on the overall progress being made. As well as reporting changes in statistics, sharing success stories about individuals' progress brings this issue to life. But don't just communicate your progress internally, individual and business customers and other stakeholders are interested too. Publicly sharing your progress and plans can help attract diverse talent, customers and business.

Practical activities:

- **Include regular updates on your equality and diversity progress and plans in employee newsletters;**

- **Consider celebrating your progress with annual internal awards for employees who have made an outstanding contribution to equality and diversity; and**

- **If you are particularly proud of something you have accomplished, consider applying for one of the many national and regional external equality and diversity awards open to small, medium and large businesses.**

SECTION 10

Evaluation

With all the information in front of you, you can reach some informed conclusions about how well your policies are working, and the reasons behind trends and issues. You should also analyse how your company's approach affects particular groups, and try to spot trends and practices for the future. For example, you could:

- Identify whether people with broad types of impairment are experiencing inequality;

- Identify what is causing this and take remedial action; and

- Make positive changes to improve understanding and diversity.

The results of your conclusions should be open for all to see.

Your Board should receive regular progress reports. These studies should show how many people you have hired from under-represented groups, and a check on whether they are clustered around the lower job grades. This information may be important when you firm up your plans for the future.

In Appendix 6, you'll find ways to measure how well, or otherwise, your company is doing in creating equal opportunities and a culture for all.

Practical activities:

- **Assess your company's performance by using a mixture of statistics you've gathered and personal viewpoints (collected during staff surveys and focus groups);**

- **Look into the contract status of staff from under-represented groups and review how they are distributed by grade and general staff turnover; and**

- **Compare their opportunities for training and development, rewards and promotions with that of their colleagues.**

GLOSSARY OF TERMS

Baby boomer

This term refers to a person born during the temporary peak in the birth-rate that occurred following World War II.

Discrimination

Both 'direct' and 'indirect' discrimination are referred to within anti-discrimination legislation. Direct discrimination occurs when a person is treated less favourably on grounds of their race (including colour, nationality, ethnic or national origin), sexual orientation, gender reassignment], religion or belief, age, gender, civil partnership or marital status, pregnancy, disability, trade union membership or fixed-term or part-time status.

Indirect discrimination occurs when a rule, condition or requirement is applied to everyone but has a disproportionately adverse effect on people of a certain race (including colour, nationality, ethnic or national origin), sexual orientation, gender reassignment, religion or belief, age, gender, civil partnership status or marital status, pregnancy, disability, trade union membership or fixed-term or part-time status, and where there is no objective justification for this. While the concept of 'indirect discrimination' is not referred to in the Disability Discrimination Act 1995, there is a duty within the Act to make reasonable adjustments to reduce or remove disadvantage.

Diversity

Diversity refers to the differences and similarities that exist amongst an organisation's workforce, potential employees, customers and other stakeholders. It includes - but is not limited to - the legally defined groups: race, gender, gender identity, sexual orientation, religion and belief, disability and age. Diversity refers to an organisation's ability to meet its legal obligations in ensuring **equal opportunities** for members of each of these groups and to move beyond this towards best practice.

Best practice requires an organisation to understand and value the complexity of diversity – that few individuals can be defined as belonging to a single group and that not all individuals belonging to a group have the same needs or aspirations. The best practice diversity organisation values high performance and outputs and encourages all employees to reach their full potential – regardless of identity. It constantly works to overcome subtle biases, prejudices and assumptions; it positions diversity as a business priority and understands how diversity best practice can support its overall business objectives and what poor performance on diversity can cost the organisation.

Equal opportunities/equality

Equal opportunities refers to practices that enable everyone in the workplace to develop to their full potential. It includes the removal of barriers which may lead to discrimination and disadvantage being experienced by certain groups. It includes specific reference to the identity groups covered by current UK anti-discrimination legislation: race; gender; gender identity; sexual orientation; religion and belief; disability and age. Equality is a shorthand term for equal opportunities.

Generation Y

This refers to people born between 1978 and 1998. For more information and research on Generation Y, refer to **www.askgeny.co.uk**

Positive action

Positive action describes measures targeted at a particular group covered by anti-discrimination legislation that are intended to redress past discrimination or to offset the disadvantages arising from existing attitudes, behaviours and structures. Lawful measures can include training and special encouragement, such as targeted advertising and recruitment literature. For more information on when positive action can be used, please refer to the Equality and Human Rights Commission - **www.equalityhumanrights.com**

Reasonable adjustment

Reasonable adjustment is a legal term introduced under the Disability Discrimination Act 1995. It refers to an action that helps alleviate a substantial disadvantage to a disabled person, enabling them to carry out their work or use a service. Making a reasonable adjustment might involve changing policies, procedures, providing additional services (e.g. materials in large print, or altering the physical environment. The Act does not exactly define what reasonable adjustments are as this will relate to the circumstances of each business and individual, considering factors such as cost, practicality, health and safety, etc. The Equality and Human Rights Commission provides further information on reasonable adjustments – **www.equalityhumanrights.com**

Transgender

Transgender is used to describe the diversity of gender identity and expression and can be used when someone does not conform to common ideas of gender roles. This includes, for example, transvestites, transsexual people (who have changed their gender as their identity is opposite to the gender assigned them at birth), and intersexed people (who are born with chromosomal anomalies or ambiguous genitalia)[30]. UK anti-discrimination legislation does not permit discrimination against an individual on the grounds that he/she intends to undergo, is undergoing or has undergone gender reassignment.

For more information on transgender, refer to Stonewall – **www.stonewall.org.uk** and Press for Change – **www.pfc.org.uk**

ABBREVIATIONS

BME:	Black, minority ethnic
GLB:	Gay, lesbian, bisexual
CV:	Curriculum Vitae
CSR:	Corporate Social Responsibility
FTSE:	Financial Times and the London Stock Exchange (UK Stock Index)
DTI:	Department for Trade and Industry (now BERR – Department for Business, Enterprise and Regulatory Reform)

Appendix 1

EQUALITY LEGISLATION AND REGULATIONS

Acts of Parliament

Equal Pay Act, 1970

Sex Discrimination Act, 1975

Race Relations Act, 1976

Sex Discrimination Act, 1986

Disability Discrimination Act, 1995

Protection from Harassment Act, 1997

Human Rights Act, 1998

Race Relations (Amendment) Act, 2000

Civil Partnership Act, 2004

Gender Recognition Act, 2004

Disability Discrimination Act, 2005

Equality Act, 2006

Regulations

Sex Discrimination Act (Amendment of Legislation) Regulations, 2008

Sex Discrimination (Gender Reassignment) Regulations, 1999

Race Relations Act, 1976 (Amendment) Regulations, 2003

Equal Pay Act, 1970 (Amendment) Regulations, 2003

Employment Equality (Sexual Orientation) Regulations, 2003

Employment Equality (Religion or Belief) Regulations, 2003

Employment Equality (Sex Discrimination) Regulations, 2005

Employment Equality (Age) Regulations, 2006

Appendix 2

ACCESS TO WORK

What is Access to Work?

If you are thinking about recruiting a disabled person, you will know they have the skills and potential to do the work, but there may still be practical problems to overcome.

Access to Work (AtW) is available to help overcome the problems resulting from disability. It offers practical advice and help in a flexible way that can be tailored to suit the needs of an individual in a particular job. AtW does not replace the normal responsibilities of the employer to implement Health and Safety regulations or replace the responsibilities required by the Disability Discrimination Act.

How does it do this?

As well as giving advice and information to disabled people and employers, Jobcentre Plus pays a grant, through AtW, towards any extra employment costs that result from a person's disability.

How does the programme work?

AtW can offer a grant towards the approved costs that arise because of an individual's disability.

For people who are starting a job with you, the grant is up to 100% of the approved costs. For those who already work for you, the grant is up to 80% of the approved costs over the first £300.

If you have a disabled employee or if you want to recruit someone with a disability, contact your local Disability Employment Adviser (DEA) through your nearest Jobcentre Plus Office or Jobcentre. The DEA will put you in touch with an Access to Work Adviser who will discuss your particular circumstances with you.

What type of help can be provided through Access to Work?

AtW can help in a number of ways. For example, it can help pay for:

- Communicator support at interview (CSI) which meets the full cost of hiring an interpreter to remove barriers to communication at interview;

- A support worker, which allows the applicant to use the services of a helper. Types of support might include reading to a visually impaired person, communicating for a hearing-impaired person via sign language (other than at interview, which is covered by CSI), providing specialist coaching for a person with learning difficulties or helping a person with care needs;

- Special aids equipment to help a disabled person function in the work place;

- Adaptation to premises or to existing equipment; and

- Help with the additional costs of travel to, or in, work for people who are unable to use public transport.

How are the disabled person's particular needs assessed?

The AtW Adviser will normally speak to you and your employee to arrive at the most effective solution. In the majority of cases, this can be done over the telephone; however, a visit can be arranged if necessary. Sometimes specialist or technical advice may be needed, which the AtW Adviser will help arrange.

How long will it take to put the assistance in place?

The aim will be to get you the help that you need in the shortest possible time. However, if it is likely to take some time, the AtW Adviser will explore temporary alternatives with you, for example a support worker or reader, while the permanent solution is sorted out.

Who will purchase the help needed?

It is usually you, the employer, who arranges to purchase the agreed support and then you claim back the grant from AtW.

How much is the Access to Work grant?

Access to Work makes grants towards costs. If you take on an unemployed person or have recruited someone less than six weeks ago, the grant is up to 100% of the costs approved by the AtW Adviser. Whatever the employment status of the applicant, **AtW pays up to 100% of the approved costs** of help with:

• Support workers and fares to work; and

• Communicator support at interview.

AtW also pays additional travel costs incurred due to a disability.

For people working for an employer, and who have been in the job for six weeks or more and need special equipment or adaptations to premises, **AtW pays a proportion of the costs of support**, as follows:

Approved Cost	Maximum Access to Work contribution
Less than £300	Nil
Between £300 and £10,000	80% of the cost over £300
Over £10,000	80% of the cost between £300 and £10,000 and 100% of the cost over £10,000

All help is for a maximum period of three years, after which the AtW Business Centre will review the support and the circumstances. Access to Work may provide help for a further period if your employee continues to be eligible for help under the rules that then apply.

Remember, Access to Work is available when additional costs are incurred because of a disability. It cannot be used to provide support usually provided by employers or required under legislation for all their employees. Access to Work solutions are individually tailored to meet the disability needs of the disabled employee in the workplace.

The Disability Act 1995 puts a duty on employers to take any steps that are reasonable to reduce or remove any substantial disadvantage that a physical feature of their premises or their employment arrangements causes a disabled employee or job applicant compared with a non-disabled person. This is known as 'reasonable adjustment'. Jobcentre Plus cannot give legal advice on this matter. The fact that Jobcentre Plus is providing help for a disabled employee through Access to Work does not mean that you have satisfied this duty.

Appendix 3

TEMPLATES
for shortlisting and interviewing

On the following pages are a number of templates
that you can use, or adapt, to help you in your
recruitment and selection activities.

3A

Shortlisting Record Sheet

Job Title:

Name of Shortlister:

Name of Applicant	Essential Requirement 1	Essential Requirement 2	Essential Requirement 3	Essential Requirement 4

3B

Interview Assessment Form

Candidate name:

Job Title:

Assessment Area	Ess/Des	Rating	Notes
1. Work Experience i) Ability to demonstrate relevant work experience which has involved...		A B C D E	
ii) Ability to demonstrate relevant work experience which has involved...		A B C D E	
2. Working Relationships i) Ability to deal with a range of people externally with tact, patience and credibility		A B C D E	
ii) Ability to build good constructive internal relationships, and contribute to team working		A B C D E	
3. Communication Skills i) Spoken communication skills – e.g. manner, attitude, confidence, accuracy, conciseness, conviction		A B C D E	
ii) Presentation skills		A B C D E	
iii) Written communication skills – e.g. clear and concise writing style. (Have they brought in a sample report?)		A B C D E	
4. Personal Skills i) Innovative - e.g. the ability to generate new ideas, ability to push through solutions		A B C D E	
ii) Adaptability – e.g. the ability to adapt to new situations, take on new responsibilities		A B C D E	
iii) Judgement – e.g. evidence of decision-making skills		A B C D E	
iv) Planning and organisation – e.g. the ability to make sure that priorities and deadlines are met, and to anticipate problems		A B C D E	
5. Professional and Technical Skills i) Knowledge and understanding of contemporary [sector/industry] issues...		A B C D E	
ii) IT skills – in particular...		A B C D E	
iii) Commitment to personal training and development		A B C D E	

Interview Assessment Form

Assessment Area	Ess/Des	Rating	Notes
6. Management Skills i) Resource management skills – e.g. the ability to plan resources, manage budgets, meet agreed deadlines and quality requirements		A B C D E	
ii) Project management skills – e.g. the ability to use particular project management tools		A B C D E	
iii) People management skills		A B C D E	
iv) Information management skills		A B C D E	
7. Other		A B C D E	
OVERALL ASSESSMENT			

Post:

Candidate:

Assessment by: **Date:**

Assessor initials:

Rating

A = Excellent
demonstrates high level of ability/knowledge required in
area and practical and successful experience utilising that
knowledge/skill in work-based situations

B = Very Good
demonstrates ability/knowledge in area and experience
in applying it in work-based situations

C = Acceptable
has adequate level of knowledge/skill in area and some
experience of applying it in work-based situations

D = Limited
demonstrates some of the knowledge/skill required but
limited experience in applying it in work-based situations

E = Weak
does not demonstrate knowledge/skill required/has no
experience in applying it in work-based situations

Ess/Des

Ess = criteria essential for the job/difficult to acquire
in post. Candidates who do not meet this (scoring less
than C) should not be appointed.

Des = criteria which are desirable for the job/easily
acquired in post.

3C

Selected Candidate Form

Details of Participant

Title:

Vacancy Ref:

Interview date:

Interview location:

Panel

Name: Signature:

Name: Signature:

Preferred Candidate

Name:

Reasons for selection:

For HR use only

Conditional offer date:

Reference checks:

1.

2.

Formal offer date:

Start date:

3D   Summary Record of Unsuccessful Candidates

Vacancy title:

Ref:

Name	Reasons for regret	Keep Details? Y/N

Appendix 4

THE DISABILITY SYMBOL[31]

How will I recognise the Disability Symbol?

The Disability Symbol (seen above) is a circular symbol, usually green, with two ticks.

What am I promising if I use the Two Ticks symbol in our job ads?

It means that you will guarantee to interview a disabled applicant if he or she meets the minimum standards for that job. It's therefore important to make it clear what those standards are. That way, applicants will have a good idea of whether it's worth applying and what to expect.

Where else is the Disability Symbol used?

You may see it in the vacancy section of a newspaper, or on a vacancy displayed on a Job-point, or on application forms or papers produced by an employer.

What if we're already using the symbol?

It means that any of your employees with disabilities can speak up if they feel you could be doing more to help them use their abilities fully. It also means that the guaranteed interview you promise to people outside applies to internal candidates as well (again, if they meet the minimum standards for the job).

What happens if one of our employees becomes disabled, or his/her disabilities change while working for us?

In either case, using the symbol means that you will do all you can to make sure your employee can stay with you in a suitable job.

Does the Disability Discrimination Act (DDA) have any effect on companies using the symbol?

No; all employers must still act in line with the DDA. The obligations you agree to meet by using the symbol are extra to the demands of the Act, and in no way alter the rights of an employee with disabilities. For more information about the DDA contact the EHRC website **www.equalityhumanrights.com**

What more can you tell me about the 'Two Ticks' scheme?

The Two Ticks symbol is awarded by Jobcentre Plus to employers who have agreed to make five commitments. These concern the hiring, keeping, training and developing of employees with disabilities. By using the symbol, they show that they have agreed:

- To interview all disabled applicants who meet the minimum standards for a job vacancy and consider them on their abilities;

- To discuss at any time – but at least once a year – anything that can be done to make sure they can develop and use their abilities to the full;

- To make every effort, should an employee become disabled, to keep a job for them;

- To make sure that all their employees are aware of issues surrounding disability, so that they are fully equipped to make these commitments work; and

- To review the five commitments every year, to see what has been achieved and to plan improvements. Both employees and Jobcentre Plus should be kept fully informed.

www.jobcentreplus.gov.uk/JCP/Customers/ HelpForDisabledPeople/DisabilitySymbol/index.html

Appendix 5

EXIT INTERVIEWS

Exit interviews are an excellent opportunity to hear honest feedback. Here are some thoughts on how to make the most of them.

- Before the interview, think carefully what you want to get out of it.

- A good interviewer is, above all, a good listener. Don't get drawn into debates or arguments.

- Be prepared for some bombshells. Expect the unexpected and, throughout, stay focused on the employee.

- Consider asking questions such as "what would have made you stay?" and "if you had a magic wand, what would you change?"

- If you don't already know, ask openly "why are you leaving?" Try to find out what he or she thinks would improve your working culture, employment conditions and the organisation's morale.

- Ask "what did you like most (and least) about your job with us?"

- Work up to the tougher stuff. Save the hardest questions until last.

- Leave time at the end of the interview for general comments.

- Take notes of the main points, but remember that it's more important to listen than to write.

- Be sure you make good use of what you discover in exit interviews. There's little point in having them otherwise.

Appendix 6

EQUAL OPPORTUNITIES: PERFORMANCE INDICATORS

Here are some of the signs that may show how well your company is performing in offering equal opportunities to people from all walks of life. Clearly, only some will be relevant to your particular business.

1. The readiness of your company to recognise people's efforts towards equality, and to praise achievements, through your performance appraisals process.

2. The amount of involvement your employees have in steering groups, interview panels, and working parties, and in developing and achieving work plans.

3. The amount of work that goes on to raise awareness of equality issues in individual departments.

4. The change you have seen in the type of people who work for you, including:

   • Numbers of people from minority groups in specific roles, including senior level employment;

   • How particular groups are represented in different types of jobs and salaries;

   • The take-up in part-time and job-sharing opportunities;

   • How many people have been recruited and promoted;

   • How many are staying, how many are leaving;

   • The number of mothers coming back to work from maternity leave;

   • Training patterns including applications for training and those who received training;

   • How many reasonable adjustments have been made for disabled recruits or employees who become disabled; and

   • Information from exit interviews.

5. The trends shown in grievances, disciplinary interviews and people leaving or absent from work.

6. How happy people are with the way you fill jobs.

7. How satisfied people are, shown in appraisals or staff surveys, with the help you give them to balance the demands of work and home life (for example, through having flexible working hours).

8. The company being committed to look into particular equal opportunity initiatives, and giving feedback on them.

9. Carrying out surveys that pinpoint issues with job satisfaction, career development, management, support, and discrimination or harassment at work.

10. Reviews and discussion groups which paint an accurate, unbiased picture of how staff and managers are performing.

Appendix 7

SOURCES OF FURTHER INFORMATION

You'll find more information about Ofcom's work on our website: **www.ofcom.org.uk**

Equality and Human Rights Commission
Equality statutory body
www.equalityhumanrights.com

Government Equalities Office
www.equalities.gov.uk

Department for Business Enterprise and Regulatory Reform
www.berr.gov.uk/employment

ACAS
Working to improve organisations and working life through better employment relations. Providing information and advice.
www.acas.org.uk

Business in the Community
A member organisation for businesses committed to improving their impact on society.
www.bitc.org.uk

Disability

RNIB
Disabled people use a wide range of specialist hardware and software to access computers. It is important that websites are designed to be compatible with this. Websites can also have 'access features' built into their design, such as a choice of font sizes or colour schemes.

RNIB's online Web Access Centre can provide more information on designing and evaluating websites.
www.rnib.org.uk

Employers' Forum on Disability
Employers' member organisation focused on disability in the workplace.
www.efd.org.uk

RNID New Technologies
The research and development group of the RNID.
www.ict.rnid.org.uk

Jobcentre Plus (including Access to Work and the Disability Symbol)
There is a wide range of practical help and advice to assist employers in the recruitment and employment of disabled people available from Jobcentre Plus. Telephone numbers and addresses of local Jobcentre Plus offices can be found in local telephone directories or through the Jobcentre Plus website.
www.jobcentreplus.gov.uk

Age

Employers' Forum on Age
Campaign against age discrimination in the workplace.
www.efa.org.uk

Age Positive
Campaign to promote the benefits of employing
a mixed-age workforce.
www.agepositive.gov.uk

Religion and Belief

Employers' Forum on Religion and Belief
Employers' network to share good practice.
www.efrb.org.uk

The Business of Faith
A project to help businesses and individuals in the
City of London to engage with issues of religion
and belief in the workplace and in commercial life.
www.thebusinessoffaith.org

Sexual Orientation

Stonewall
Working for equality for lesbians, gay men and bisexuals.
www.stonewall.org.uk

Gender

Opportunity Now
Employer membership organisation focused on
increasing the quality and quantity of women's work.
www.opportunitynow.org.uk

Women in Technology
An online job board, networking and event group
for women working in technology jobs in the UK.
www.womenintechnology.co.uk

Equalitec
Seeks to address gender inequality in the Information
Technology, Electronics and Communications (ITEC)
industries by providing services and information.
www.equalitec.org.uk

Transgender

Press for Change
A campaign organization to achieve equality
for transgender people in the UK.
www.pfc.org.uk

Race

Race for Opportunity
A national business network of UK organisations
committed to promoting the business case for
race and diversity.
**http://www.bitc.org.uk/take_action/in_the_workplace/
diversity/race/champions.html**

Work-Life Balance

Employers and Work-Life Balance
Aimed at helping UK employers implement
and improve work-life balance strategies.
www.employersforwork-lifebalance.org.uk

Working Families
Helping working parents, carers and their employers find
a better balance between resources at work and home.
www.workingfamilies.org.uk

REFERENCES

2   A list of the relevant legislation and Regulations is provided in Appendix 1.

3   For more information, refer to 'Framework for a Fairer Future – The Equality Bill', June 2008, **www.equalities.gov.uk/ publications/FRAMEWORK%20FAIRER%20FUTURE.pdf**

4   'Tyco adds new demands in second Eversheds deal', **www.thelawyer.com/cgi-bin/item.cgi?id=132779**

5   Op cit

6   Race for Opportunity **www.bitc.org.uk/take¬_action/ in_the_workplace/diversity/race/index.html**

7   Op cit

8   Department for Business, Enterprise and Regulatory Reform; **www.berr.gov.uk**

9   Outright 2006, OMD Insight, Channel 4, Gaydar Radio.

10 Op cit

11 Employers' Forum on Disability; **www.efd.org.uk**

12 These data are drawn from Ofcom research due to be published in September 2008. The research provides detailed information about the behaviours and attitudes of adults from the largest ethnic minority groups within the UK – Indian, Pakistani, Black Caribbean and Black African communities. The research forms part of Ofcom's remit under Section 11 of the Communications Act 2003 to promote media literacy.

13 Op cit.

15 Op cit

16 Employers' Forum on Disability

17 Employers' Forum on Age; **www.efa.org.uk**

18 Op cit

19 Ask Gen Y

20 Britain's hidden brain drain, Equal Opportunities Commission, September 2005.

21 Higher Education Statistics Agency, **www.hesa.ac.uk**

22 Equal Opportunities Commission, August 2004.

23 'Flexible Working and Performance', Cranfield School of Management and Working Families, 2008, **www.workingfamilies.org.uk**

24 'Equality and excellence: the business case', Opportunity Now, **www.opportunitynow.org.uk**

25 Employers' Forum on Disability Standard Benchmarking Survey Results, 2005.

26 Based on the definition in **www.btplc.com**.

27 Supplier Diversity, Race for Opportunity, June 2004.

28 'Winning with Integrity', published by Business in the Community.

29 Businesses can benefit by addressing disability as a CSR issue. By doing so, a company will:
    - Ensure it manages disability in the most efficient and ethical way in all areas of business;
    - Exploit the benefits of working with disabled people and respond to growing markets; and
    - Manage financial, legal and reputational risk.

30 This definition has been drawn from the Stonewall website: **www.stonewall.org.uk**

31 Taken from the Jobcentre Plus website.