

EQUAL OPPORTUNITIES POLICY



CONTENTS

1. Principles
2. Aims
3. Equal Opportunities and The Law
4. Industrial Tribunals
5. Implementation
6. Monitoring

1. PRINCIPLES

It is the objective of Forward Emphasis' Equal Opportunities Policy to ensure that no employee or job applicant receives less favourable treatment on the grounds of

- sex
- race
- colour
- nationality
- ethnic origin
- marital status
- caring responsibilities
- disability
- sexuality
- age
- trade union activity
- religion
- or employee category.

The purpose of this policy is to

- expose any existing discriminatory practices
- remove discrimination and discriminatory practices
- achieve a workforce that is representative of the diversity of our membership and the community
- promote good employment practices which are non-discriminatory.

The advice and procedures it contains take account of Forward Emphasis' statutory obligations as an employer; case law and the development of good practice in several areas of equality; and affirms a commitment to promote equal opportunities through the use of appropriate codes of practice.

Forward Emphasis accepts its responsibility to ensure that this policy is implemented at all levels and that overall responsibility lies with managers and supervisors. It also recognises its obligations in law and will meet in full statutory requirements.

All employees are to be made aware, by training and by good example, of their own responsibilities under this policy and the law, and the requirement to comply with its subsequent initiatives and procedures.

Forward Emphasis is committed to develop employees' and managers' awareness needed to make this policy work.

Forward Emphasis will seek to implement this policy through consultation with employees and their union representatives. However, it retains the right to enforce this policy when necessary.

2. AIMS

It is the aim of Forward Emphasis to be an equal opportunities employer and to support and promote good employment practices as an integral part of its approach to personnel management. In order to achieve this in all areas of employment a number of policies and schemes have been drawn up covering

- recruitment and selection
- training and development
- disability
- maternity, paternity, and child care provisions
- harassment

It is the intention of Forward Emphasis that as far as possible staff reflect the composition of the communities within which it works and the diversity of its membership.

It is Forward Emphasis' aim to reach as wide a recruitment field as possible and to actively encourage applications from all sections of the community in order for them to be better represented within the staff.

Forward Emphasis is committed to assist its employees achieve their full potential by providing training opportunities and career development together with the necessary support to enable full participation.

3. EQUAL OPPORTUNITIES AND THE LAW

This section contains general information about equal opportunities and the law, but does not attempt to provide strict definitions or up-to-date legal interpretations of statute and case law.

In recognition of the fact that various forms of prejudice and practices result in acts of discrimination against particular groups of people, a number of Acts of Parliament have been passed making specific discriminatory acts unlawful. These are designed to encourage employers to take direct and positive action to address past patterns of discrimination and to enhance the promotion of equality of opportunity.

The Acts impose certain legal obligations on all employers in relation to most aspects of employment and oblige them to take such steps as are reasonably practicable to prevent their employers from carrying out acts of discrimination.

The Acts apply to the recruitment of staff, terms and conditions offered, opportunities for promotion, training or to any other benefits, facilities or services. This covers arrangements made for selection, promotion, transfer or training as well as the actual selection process itself. It is also unlawful for an employer to discriminate by dismissing an employee or by treating her or him more or less favourably in any other way.

The Acts provide remedies for individuals to secure redress through the legal system for unlawful acts of discrimination.

Employers, who act unlawfully, irrespective of their intentions, run the risk of legal proceedings, initiated either by an individual or in certain circumstances through formal investigations by the Equal Opportunities Commission, the Commission for Racial Equality or the Fair Employment Commission (Northern Ireland).

Acts and Definitions

Direct discrimination occurs when a person is treated less favourably than others in similar situations.

Indirect Discrimination occurs when a condition or requirement is imposed which adversely affects one particular group considerably more than another and cannot be strictly justified in terms of requirement for performing a job.

Harassment is a form of discrimination and can be defined as unwanted, unsolicited, unwelcome, offensive and humiliating behaviour, practices or conduct, which may threaten a person's job security, create an intimidating, unwelcome and stressful work environment or cause personal offence or injury. It should be recognised that anyone can be harassed because of their race, age, gender, sexuality, creed, physical or mental ability / disability, HIV status or for any other reason.

Unlawful discrimination

The Employment Equal Act 1998 makes it unlawful to discriminate against a person, directly or indirectly, on the grounds of race or ethnic origin in the field of employment.

Sex Discrimination, The Sex Discrimination Act, 1975, 1986; Sex Discrimination Order (Northern Ireland) 1976. In a case brought before an Industrial Tribunal an employer would be required to show that the requirement complained of is necessary for the job irrespective of sex. Unless it can be justified it will be unlawful, whether or not it was the intention of the employer to discriminate. The complainant would have to show that it is to her/his detriment that s/he cannot comply. The Sex Discrimination Act and the Race Relations Act also outlaw discrimination in the way services are provided.

The Disability Discrimination: Equal Status Act 2000 makes it unlawful for employers with twenty or more employees to discriminate against current or prospective disabled employees because of a reason relating to their disability.

4. INDUSTRIAL TRIBUNALS

There is no qualifying period of employment for claims of sex discrimination including sexual harassment, race discrimination including racial harassment and for equal pay.

There is a strict time limit for making an application to an Industrial Tribunal. A complaint must be lodged within three months from the date of the last alleged act of discrimination and for equal pay claims it must be lodged within six months of leaving the relevant employment.

5. IMPLEMENTATION

Forward Emphasis will seek to implement this policy through consultation with staff and union representatives, by training and by good example and practice.

Forward Emphasis accepts the responsibility to ensure that this policy is implemented at all levels. It retains the right to enforce it where necessary.

Management responsibility

The overall responsibility for the policy lies with the directors and senior management.

Management and supervisors will receive appropriate training and will ensure that this policy is implemented within their own spheres of responsibility, including in the recruitment, selection, training, promotion and management of the staff.

Responsibility for implementation of this policy rests with the appropriate senior management and the directors who will endeavour to:

- make sure that the policy is known to all members of staff and job applicants and take appropriate action in accordance with the established procedures to ensure that no aspect of the policy is infringed;
- inform all members of staff of their opportunities under this policy and provide training and guidance for all employees to ensure that they understand their responsibilities under the law;
- ensure that all employees are encouraged to provide feedback on how they wish to improve equality of opportunity and highlight any areas of concern over existing and / or proposed practices. All such communication to be dealt with in confidence;
- provide practical guidance and assistance to managers on implementing the policy;
- examine and monitor existing procedures and criteria and recommend changes where practice is found to be actually or potentially discriminatory;
- make an initial equal opportunities audit of the workforce in order to identify possible areas for action;

- monitor the composition of the workforce and of job applicants in respect of sex, race, disability and age on a regular basis
- promote employment opportunities for people with disabilities and monitor to evaluate progress
- evaluate this policy
- All aspects of this policy must be implemented by managers. All grades of managers are expected to apply this policy in the day-to-day execution of their duties. Senior managers and supervisors must:
- promote and disseminate Forward Emphasis' equal opportunities employment policy within their departments;
- ensure that job descriptions and person specifications are drawn up for vacant posts following consultation with the Personnel Officer;
- assist in the development and promotion of positive action programmes within departments
- advise employees of procedures under which complaints and grievances concerned with discrimination can be made;
- ensure that all employees are made aware of this policy;
- deal promptly and correctly with complaints brought to their attention;
- advise the Personnel Officer of the appropriate remedial action taken

Employee responsibility

While the main responsibility for providing equal opportunities is that of Forward Emphasis, individual members of staff at all levels have responsibilities too. Effective implementation of this policy depends very much on the attitude of the members of staff as much as on the role of the managers. In particular, individual employees are expected to co-operate with measures introduced by the company to ensure that discrimination does not take place.

Employees are responsible for ensuring that they do not discriminate unfairly in the way they provide services on behalf of Forward Emphasis.

Employees involved in recruitment, promotion and selection and / or supervision of staff must ensure that discrimination does not occur in the execution of any of these activities.

Employees must not, in any way whatsoever, encourage other employees to discriminate, pressure or instruct others to discriminate or practice any discriminatory act.

The law places certain legal obligations upon individual employees not to be involved in acts of discrimination or to place Forward Emphasis in a position of liability to legal action arising from discrimination.

6. MONITORING

Forward Emphasis supports the principles and use of monitoring as a key part of its equal opportunities commitment. This principle will apply in respect of both employees and job applicants. Data will be collected on the basis of sex, race, age and disability.

All monitoring will maintain the confidentiality of all the individuals concerned.

Personnel and management will:

- produce an annual report outlining achievements and failures of the policy;
- suggest areas where positive action can be implemented;
- maintain up-to-date statistics on:
 - composition of the workforce
 - recruitment and selection
 - training and development
 - promotions
- and present these findings to the Directors