

# Racial Equality and the Smaller Business

A practical guide



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## **The SME advisory group**

Acas

Confederation of British Industry

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Disability Rights Commission

Equal Opportunities Commission

Federation of Small Businesses

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Small Business Service

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# FOREWORD

Britain is a diverse society. Smaller businesses have a crucial role to play in ensuring that equality of opportunity is provided to all its citizens.

I believe that there are proven advantages to having a racially diverse workforce and customer base. Many companies already acknowledge that having a diverse workforce helps them benefit from the best talent available, and thereby have a competitive edge over their business competitors.

As a member of the Ministerial Ethnic Minority Task Force working to raise the employment rate among ethnic minority groups, and to embed the need for racial equality into cross-Government thinking, I was delighted to be asked by the Commission for Racial Equality to introduce this guide.

The guide stems from a recognition that smaller businesses are faced with particular challenges such as limited resources and time. The guide provides practical advice on how to adopt effective and appropriate practices in the workplace.

Being positive about racial equality makes good business sense and I am confident that businesses that begin to adopt the recommendations contained in the guide will start to see the benefits for their business.



**Nigel Griffiths MP**

Parliamentary Under Secretary of State for Construction,  
Small Business and Enterprise

# WHAT IS THE GUIDE ABOUT?

## Smaller businesses

As a smaller business, you are part of a sector that is vital to the British economy. At the start of 2002, businesses like yours employed over half of Britain's working population. By 2010, according to a UK government report, there will be more than 4.5 million smaller businesses, up from 3.7 million today, potentially creating two million new jobs.

We have produced this guide to help smaller businesses, especially those without specialist personnel help, to introduce ways of working that avoid unlawful discrimination, ensure equal opportunities and fair treatment for everyone, and strengthen their reputation as a good employer.

Business success depends on finding and keeping talented people with the right knowledge and skills, irrespective of their race,

colour, nationality, ethnic or national origins, sex, sexual orientation, age, disability, or religion or belief.

## How this guide can help you

This guide explains how the principles of equality and fairness, made real through good working practice, can help you to find the best person for the job, and to count on the loyalty of the people you employ.

You will find the advice in this guide useful, even if you employ only a handful of people. The guide recognises the heavy demands you face on your time and resources and suggests simple but effective procedures that should help ensure that everyone – workers (*see the glossary for a definition*), customers, clients, and the public – is treated fairly and equally. It also suggests extra steps for businesses that might have the resources to do more.

The guide covers important aspects of employment and customer services, such as recruitment and complaints, and explains the law on racial discrimination and harassment, with examples of real-life cases. We have also included:

- sample policies and procedures, which you can adapt to your particular circumstances;
- a glossary; and
- answers to the questions we receive most frequently from smaller firms.

The guide does not provide an authoritative statement of the law, and is not a substitute for legal advice. It is based on the CRE's statutory code of practice in employment,

which employment tribunals use as a benchmark when deciding claims of unlawful racial discrimination.

As a smaller business, you may not have the resources to adopt very sophisticated procedures. However, the law applies equally to you and we strongly recommend that you use this guide together with the code, so that you are aware of its recommendations.

The focus of this guide is on racial equality and racial discrimination, but its principles can be used to develop policies and procedures for other forms of equality.

If you cover racial equality matters through a general equality or diversity policy, you need to make sure the advice in this guide is reflected in the policy you use.



# WHY RACIAL EQUALITY IS IMPORTANT

## Today's job market

Racial equality in employment is about recognising and building on the strengths

that people from different ethnic and cultural backgrounds can bring to your business. It means finding and holding on to people who have the right knowledge and skills for the job, regardless of their race, colour, nationality or ethnic or national background. It means operating within the

law and making sure your business is free of racial discrimination or harassment.

The principles of equality and fairness apply to all businesses, whatever their size.

To be competitive in today's world, you need to position yourself so that you are able to take full advantage of the opportunities open to you in a rapidly changing labour market.



- Nearly 10 per cent of the population of England (and around 2 per cent each in Scotland and Wales) are from ethnic minorities.
- People from ethnic minorities will account for half of the growth in Britain's working age population over the next decade.
- Eighteen per cent of people from ethnic minorities have degrees or the equivalent, and over 40 per cent of 18-25 year-olds from ethnic minorities are busy acquiring degrees, compared with the national average of 23 per cent.
- Many are fluent in two or more languages.
- They also have invaluable knowledge of communities, whose total disposable wealth has been estimated at £32 billion a year.

## The benefits of equal opportunities

Running your business on the principles of racial equality offers a number of benefits.

- It gives you more choice in recruiting the best person for the job.
- It benefits from new ideas, by drawing on the talents, skills and different cultural perspectives of a diverse workforce.
- It contributes to a working environment where people feel they are respected and valued, and are ready to give of their best.
- It helps you to hold on to your best workers and avoid the costs and disruption of recruiting new staff.
- It strengthens your reputation as a good employer.
- It stimulates the development of new products for new markets, and attracts investment.
- It improves customer service and satisfaction.
- It reduces the risk of legal liability and costly and time-consuming disputes – racial discrimination is unlawful, and there are no limits to the compensation that an employment tribunal can order you to make, if you lose a case.
- It makes you a serious competitor for public contracts – local authorities alone spend more than £40 billion a year on procurement. Public authorities have a legal duty to promote race equality in all their activities, including those they contract out to suppliers. A good record on equality will put you in a strong position to bid for contracts where you have to show you can meet any race equality requirements.

# WHAT THE LAW SAYS

## The Race Relations Act

The Race Relations Act 1976 (the Act) is the law that provides protection from racial discrimination. It makes it unlawful to treat anyone who works for you – or who used to work for you – including casual workers, self-employed contractors and workers hired through employment agencies, less favourably than others on racial grounds.

Racial grounds are grounds of race, colour, nationality, and ethnic or national origins. Groups of people defined by these characteristics are called racial groups.

This means it is as unlawful to discriminate against a white person as it is against a black or Asian person. Customers and clients are also protected.

African Caribbeans, Gypsies, Indians, Irish, Pakistanis, Bangladeshis, Irish Travellers, Jews,

and Sikhs are among the groups recognised as racial groups protected from racial discrimination under the Act. However, Sikhs, Jews and all other religious groups are now also protected from religious discrimination in employment and training under the Employment Equality (Religion or Belief) Regulations, which came into effect in December 2003.

Discrimination takes place in different ways, many of which are subtle, and often unintended. It can therefore be overlooked, unless employers actively build fairness and equality into all their business procedures and practices. Failure to prevent discrimination could result in qualified individuals being turned down for jobs, or overlooked for promotion, or earning less, or not being encouraged to take up training opportunities, or being treated differently on the basis of stereotypes, or experiencing unpleasantness or even harassment as a result of colleagues' actions.

### Links

▶ [Low pay due to prejudice](#)

## Who is covered by the Race Relations Act?

The law against racial discrimination protects all workers, not just employees, irrespective of their length of service or the number of hours



they work each week. Former workers are also protected, for example from discriminatory references.

The Race Relations Act applies to all employers in England, Scotland and

Wales, whatever their size. It makes it unlawful for them to discriminate in:

- advertising for staff;
- the arrangements they make for recruitment and selection (including training and promotion);
- the terms and conditions on which they offer employment (for example, pay,

entitlement to bonuses, and benefits such as holidays and sickness leave); and

- deciding who should be offered employment or training.

The Act also covers other areas of employment such as:

- performance assessment;
- transfers; and
- redundancy and termination of contract, including dismissal.

The Act makes it unlawful to discriminate on racial grounds when providing goods, facilities and services, and applies to retailers, hotels, restaurants and bars, real estate agents, travel agencies, partnerships and landlords, among others. For example, an accommodation agency which refuses to let a flat to a Roma Gypsy family because other tenants might object will be acting unlawfully.

### Links

- ▶ [Discriminatory service](#)
- ▶ [Barred because they were not white](#)
- ▶ [Record of dismissing black employees](#)
- ▶ [Other equality and employment laws](#)

# WHAT IS RACIAL DISCRIMINATION?

## Types of discrimination

Racial discrimination can arise in any of three ways:

- direct discrimination;
- indirect discrimination; and
- victimisation.

## Direct discrimination

If you treat a person less favourably than someone else, you are discriminating against them. However, if the discrimination is on racial grounds – that is on grounds of race, colour, nationality or ethnic or national origin, it is unlawful.

For example, if you refuse to consider applications from Bangladeshi candidates because you presume they will want long holidays, you may be discriminating unlawfully. Your motives for discriminating are immaterial and no explanations as to why it happened will make any difference. Direct discrimination cannot be justified. The fact that you have treated someone less favourably on racial grounds is all that counts.

**Harassment and segregation** on racial grounds are forms of direct discrimination. However, since July 2003, harassment on grounds of race, ethnic or national origins is expressly prohibited by the Act. This [LINK](#) will take you to the section on harassment.

### Links

- ▶ [Harassed and sacked](#)
- ▶ [Discriminating with impunity](#)



It is also unlawful to instruct or pressurise a person to discriminate unlawfully. The Act protects the person who has been disadvantaged because they have refused to carry out instructions that they believe will discriminate against someone else on racial grounds.



Discriminatory advertisements, or advertisements that indicate an intention to discriminate on racial grounds, are unlawful. The CRE has the power to take legal action against both advertisers and publishers of these advertisements.

The Act applies to all forms of advertising, including internal circulars or newsletters

announcing staff vacancies, and displays on notice boards. For example, an advertisement in the local newspaper for a Turkish machinist for a dress manufacturing company would be unlawful. Or again, an advertisement asking

for the ability to speak Bengali would discriminate indirectly against people who don't speak Bengali and would be unlawful, unless it could be justified by the nature of the job.

## Indirect discrimination

This type of discrimination is less obvious than direct discrimination. It occurs when a formal requirement or condition or a practice – even an informal practice – that applies equally to everyone puts people from a particular racial group (or groups) at a disadvantage, and there is no good business reason for it. In other words, indirect discrimination takes place when a seemingly unbiased policy or practice that has nothing to do with race has a racially biased outcome, and it cannot be justified. For example, if your business has a dress code, requiring all female staff to wear skirts, this could be indirectly discriminatory. There is no business case for such a rule, nor any other way of justifying it. Also, it could discriminate against women from some south Asian groups, since a larger percentage of them than women

### Links

▶ [Instructed to discriminate](#)

in other groups observe religious or cultural requirements to keep their legs covered.

## **Victimisation**

The Act protects anyone who is victimised for bringing (or intending to bring) a complaint

of racial discrimination, or for giving evidence in someone else's complaint. For example, if a white worker agrees to be a witness in her Asian colleague's racial discrimination case and is subsequently penalised in any way, she may have a case of victimisation against her employer.

# THE COSTS OF RACIAL DISCRIMINATION

## Links

▶ [£33,000 racial discrimination award](#)

## The penalties for discriminating

Anyone who believes you have discriminated against them on racial grounds, as their employer, former employer or prospective employer, can take their complaint to an employment tribunal. If the tribunal finds in their favour, it can order you to pay them compensation. It can also make a declaration about the rights of the parties, or a recommendation as to the steps you need to take to prevent discrimination.

There is no limit to the amount a tribunal can order you to pay in compensation for racial discrimination. Compensation normally includes an award for injury to feelings, and an award to take into account any loss suffered, for example lost wages. Few tribunals need much persuasion that the distress caused by discrimination or harassment can injure a worker's feelings.

Complaints of racial discrimination in the way employers provide services are heard in a county court (or a sheriff court in Scotland).

## Who is legally liable for racial discrimination?

Once a worker has established that there has been less favourable treatment, it is up to you, as the employer, to prove there was no discrimination. For example, if one of your workers claims that she was refused promotion on racial grounds, and the evidence points to the possibility of racial discrimination, the tribunal will ask you for an explanation that proves you did not discriminate. If you are unable to provide a satisfactory explanation, the tribunal will find that the discrimination was on racial grounds. It may be no defence to say that you did not know what was happening or that you would not have approved of it had you known.



You may also be legally liable for any discrimination or harassment by your workers that takes place in the course of employment. This means, for example, that if one of your workers racially abuses another, the victim could take legal action against you as well as against the person who harassed him or her. The size or nature of your business is no defence.

However, you do have a defence. If you can show that you took reasonably practicable steps to prevent racial discrimination or harassment by your workers, the tribunal will take this into account. It is in your interest therefore to take all practical steps to prevent unlawful discrimination or harassment.

#### Links

▶ [Driven out by harassment](#)

# PRACTICAL STEPS TO ENSURE RACIAL EQUALITY

## The race relations code of practice in employment

To get the full benefits of adopting racial equality principles for your business, you need to take practical steps to make these a regular part of the way you run your business.

How much you do may depend on the size of your business, and the resources you can make available. However, whatever procedures you decide to use, do remember that the laws on discrimination apply to your business, however small it is.

The CRE has published a statutory code of practice on eliminating discrimination and promoting equal opportunities in employment. The code is not legally binding, but failure

to follow its recommendations will be taken into account by tribunals hearing claims of racial discrimination.

If your business is very small, you may not have the resources or administrative systems to follow the code's detailed recommendations on formal procedures. However, the Race Relations Act still applies, whatever the size of your business, and you should make sure your business practices are consistent with the general purpose of the code – to help employers stay within the law, by putting policies and procedures in place that ensure equal opportunities and fair treatment in all employment situations.

Whatever the size of your business, we recommend you use this guide together with the code, so that you are aware of its recommendations.



## Operating principles

All businesses, whatever their size, need to:

- identify any business practices that don't provide equal opportunities;
- take action to open out recruitment, training and promotion opportunities;
- make sure selection criteria are entirely job-related; and
- select for employment or promotion solely on the basis of merit.

As a minimum, you should have the following:

- a written racial equality policy;
- an action plan, describing the steps you will take to give effect to the policy;
- a plan for communicating the policy;
- good recruitment and selection procedures;

- a procedure for dealing with complaints of discrimination and harassment – Acas has produced a statutory code of practice on disciplinary and grievance procedures, which you must have by law, from October 2004;
- fair customer services; and
- a way of monitoring progress on your action plan, and taking steps if you are not seeing results.

Businesses with more resources should also consider:

- providing training for racial groups that are under-represented in your business or in particular types of work in the population of the area from which you normally recruit – this is permitted under the Race Relations Act and is known as positive action (this [LINK](#) will take you to the section on positive action); and



- setting up a system for monitoring the effectiveness of your policy, by collecting and analysing information about your workers and job applicants, including information about their ethnic background.

## Drawing up a racial equality policy

A racial equality policy is a statement of how your business will ensure equal opportunities and fair treatment, regardless of race, colour, nationality or ethnic or national origin. It may

be a separate policy or part of a more general policy covering all types of equality.

Your policy should be brief and clear, and should contain the following information:

- the aims of the policy;
- who is responsible for making sure the policy is put into practice – this should be the owner/manager of the company or a named senior manager;
- the steps you plan to take to publicise the policy – for example, by giving a copy to all workers and job applicants, and by displaying it on notice boards;
- the areas of your business covered by the policy – for example, recruitment, training, marketing, services and customer relations;
- how you will put the policy into practice;
- how you will make sure the policy is achieving its ends; and
- how you will enforce the policy.

### Links

▶ [Sample racial equality policy](#)



As far as possible, depending on the size of your company, you should involve your workers (and trade unions, if there are any) in drawing up the policy.

## Putting your policy into action



Once you have a policy, you will need to decide what steps you will take to put it into practice. Your action plan does not have to be too elaborate, but it should explain clearly what you will do, for example, in the areas of:

- recruitment, promotion and training;
- harassment and discrimination;
- employment contracts or relationships; and
- client and customer relations.

The sample racial equality action plan focuses on the steps you need to include to prevent racial discrimination and ensure equal opportunities and fair treatment.

## Making the policy known

All your workers, and everyone associated with your business, should know about the company's racial equality policy. They should know what is and isn't acceptable behaviour at work, and what their rights and responsibilities are.

You can make sure of this by:

- displaying your racial equality policy on company notice boards;
- circulating the policy to all staff, including new recruits;
- making the policy part of any induction you give new staff;
- referring to the policy in job advertisements;
- including the policy in the job application pack; and
- holding staff meetings to explain the policy and discuss it.

### Links

- ▶ [Sample racial equality action plan](#)
- ▶ [Sample racial equality action plan for businesses with more resources](#)

Businesses with more resources should also consider:

- providing training courses on the policy for all staff; and
- discussing the policy and its effectiveness regularly in staff newsletters, or through email bulletins.

## Racial equality training

If your business has the resources to provide training, you should make sure your racial equality policy is a standard component of all your training courses. Your aim should be to explain to your workers why you have adopted a racial equality policy, and what it means in practice for them.

It is your responsibility to make sure all your staff, whatever their ethnic background, can expect to work in an environment that is free from racial prejudice, discrimination and

harassment. The attention you give to training will be an important factor for an employment tribunal in deciding whether you have taken all reasonable steps to prevent racial discrimination, should you face legal action. When developing training courses, you need to think about the following questions.

- Should you use in-house or external trainers, or a mixture of the two?
- Should you cover the racial equality policy within other training courses (including management training) or deal with it separately?
- Who is the training for? Basic racial equality training should be compulsory for all workers. It should be customised for your business and for the specific jobs your staff do. Some staff, for example managers responsible for recruitment and selection, and those responsible for handling complaints, may need more intensive training.

# RECRUITMENT AND SELECTION

## Appointing new staff

How you recruit your staff and encourage their development is vital to the success of your business. Getting this wrong could be costly.

Fair and effective recruitment and selection procedures are the key to appointing the best

people. They also provide you with a defence if any complaints are made.

It is important to think carefully about all the steps you need to take to make sure all the different stages of the recruitment process

reflect your commitment to racial equality and fair treatment. These include:

- job descriptions and person specifications;
- advertising;

- positive action;
- applications;
- short-listing;
- selection tests;
- interviews; and
- appointments.

## Job descriptions and person specifications

It is worth taking time to work out exactly what a particular job entails, and the skills or knowledge needed to do it well. Take a fresh look at the role and functions of the job rather than just run with what the previous post-holder did. Drawing up a job description and a person specification will help you do this.

Links

▶ [Recruitment and selection flowchart](#)





You can then ask applicants to provide evidence that they meet the person specification for the job.

A job description describes the role and duties of the post. Make sure that each duty is actually necessary. The job description should always be written in clear English, avoiding any jargon, and should include:

- the title and main purpose of the job;
- an outline of the job – that is, the main duties and tasks;
- salary;
- hours of work; and
- location.

A person specification describes the skills, knowledge, abilities, experience and qualifications needed to do the job satisfactorily. You should

also consider the weight to be given to each criterion, and make this clear. A person specification should include:

- only the criteria needed to do the job – avoid any irrelevant requirements; and
- criteria that can be objectively tested.

If possible, the person specification should be drawn up in discussion with another manager, to avoid a line manager or supervisor listing personal qualities they feel comfortable with.

Preparing a job description and person specification will take some time. However, it will enable applicants to decide whether they are eligible for the job, and possibly save you from looking at unsuitable applications. It will also help you to compare applicants on an objective basis, which can reduce the risk of unintentional discrimination, and you can use this to justify any decisions, if challenged.

We recommend that all businesses, regardless of size, should use job descriptions and person specifications.

#### Links

- ▶ [Sample job description and person specification](#)



## Advertising

Finding the best person for the job depends on how widely you cast your net. Employers who depend on recommendations from staff or friends risk falling foul of the law, especially when their workforce and circle of acquaintances are not fairly representative of the catchments from which they recruit.

You should think carefully about the skills and experience you are looking for, and where candidates you want to attract are likely to look for a job, before deciding where to advertise vacancies. You can then match this up with the types of service available locally. These may include:

- local and specialised media, which can help you to reach people with particular skills and experience; for example trade press and ethnic minority media;
- community organisations and groups such as local racial equality councils;
- internet-based recruitment services;

- Job Centre Plus services;
- commercial employment and recruitment agencies; and
- local schools, colleges and universities.

If you use recruitment agencies, give them a copy of your racial equality policy and the job description and person specification for the post, and make sure they understand that you are recruiting solely on the basis of merit.

Wherever you decide to advertise, you should make sure the advertisement:

- is lawful – the Race Relations Act prohibits publication of advertisements that discriminate on racial grounds or that can be taken by an ordinary member of the public to be discriminatory;
- does not stipulate requirements that might indirectly discriminate against some racial groups – for example length of residence or experience in the UK;

Links

▶ Failure to advertise

- is clear, concise, and written in plain English;
- gives a realistic picture of the job and what is required;
- mentions the skills, qualifications and experience you are looking for;
- refers to your racial equality policy or makes it clear that you are committed to equal opportunities; and
- says that you welcome all applicants, regardless of race, colour, nationality, ethnic or national origin, sex, disability, sexual orientation, religion or belief or age.

If you are finding it difficult to attract job applications from a wide range of groups, you might consider some or all of the following steps.

- Contact your local council for information about the different racial groups in your area, and advice about how to reach them.

- Look at the methods you use to hire people, and ask if they could be unfairly benefiting one group over another.
- Consider different recruitment methods.
- Depending on your resources, consider taking positive action. This [LINK](#) will take you to the section on positive action.
- Contact your local Job Centre Plus for advice as to why you may be failing to attract applicants from some groups.
- Look at relations between your staff – is discrimination or harassment a problem?

Don't forget to make sure your own staff know about any opportunities.

Lastly, remember always to evaluate the process, to see what works, and what you might do differently next time.

#### Links

- ▶ [Sample equality statement for job advertisements](#)



## Tackling inequalities

**Positive action** should not be confused with positive discrimination, or affirmative action, or the setting of quotas. These are all illegal in the UK. In other words, you cannot select someone on the basis of their race, colour, nationality or ethnic or national origins. This would be discrimination on racial grounds, and unlawful.

However, the Race Relations Act does allow you to take positive action in a small number of very specific circumstances, as a way of tackling racial inequality. You can provide training for people from a particular racial group (or groups) to equip them for particular work, and you can encourage them to apply for that work. You need to show that they have been under-represented in that work in the previous year, either in your company or in the population of the area from which you recruit for that work.

For example, if you have no managers of Pakistani descent but some at junior level, you can arrange training for them or mentoring, so that they can apply for promotion when

a vacancy comes up. You can also include statements in your advertisements, encouraging people of Pakistani descent to apply for management jobs, because they are under-represented in this area of work. Or you might print leaflets in Urdu to encourage them to apply.

It is also lawful to discriminate when a person's race or ethnic or national background is a genuine requirement for a particular job. For example, a Somali women's refuge may lawfully advertise for a Somali woman for the post of a support worker. A theatre may also make arrangements to audition only black actors for the part of Nelson Mandela, and a Chinese restaurant may advertise for Chinese waiters, to achieve authenticity. (Further advice on genuine occupational requirements and qualifications is available on the CRE website at [www.cre.gov.uk](http://www.cre.gov.uk).)

**Businesses with more resources** could consider taking the following positive action steps as part of their racial equality policy.

- Include statements in job advertisements, encouraging people from under-represented groups to apply.

### Links

- ▶ [Sample positive action advertisements](#)

- Provide training courses for under-represented groups, to give them the skills they need to apply for jobs or promotion opportunities in the company.
- Offer mentoring to staff from under-represented groups.
- Give advice to applicants on filling out application forms, and on interview techniques.
- Send information about careers and vacancies to schools in areas where there are large numbers of people from the under-represented groups you want to reach.
- Ask the business development manager at the local Job Centre Plus for advice on other ways of reaching under-represented groups.

Remember, whatever steps you take to encourage applications from under-represented groups, all selection decisions during the recruitment process itself must be made on the basis of merit alone.

## Applications

People look for jobs in various ways: by sending in their CVs, by phoning around to see if there are any vacancies, by registering with the local Job Centre Plus, or by answering advertisements. As far as possible, you should ask all job applicants to fill out a standard application form. This means you are giving all applicants the same opportunity to provide the information you need in order to make an objective assessment of their ability to do the job.

Some people may need help with filling out an application form. You should not disqualify an applicant because they are unable to complete an application form unassisted, unless completing the form personally is a valid test of the standard of English needed to do the job safely and effectively.

An application form does not need to be specially printed. A simple word-processed document with questions and space for answers will do.



You should not ask for photographs from job applicants, unless absolutely necessary. For example, if you are looking for actors or models.

We recommend you include an ethnic monitoring form with the application form. The information from this will help you keep track of your decisions at different stages of the recruitment process. This [LINK](#) will take you to more advice on ethnic monitoring.

The question about disability will allow you to make any special arrangements for the interview, should the candidate be short-listed. For more advice on equality of opportunity for disabled people, contact the Disability Rights Commission.

Otherwise, the questions on the form should ask only for information that relates directly to the job and your requirements.

We recommend that the personal details section of your application form – including the details of ethnic origin and disability – should be detachable from the rest of the form, and not made known to members of the selection panel before the interview, in order to reduce any chance of unlawful discrimination.

For some jobs, qualifications will be essential, but you may also invite applications from people with equivalent experience. If qualifications are required, you should consider not just UK qualifications but also comparable qualifications obtained overseas.

Candidates may have acquired relevant experience outside paid employment. Invite them to draw on such experience – for example, voluntary work or community involvement – when this shows that they have the skills needed for the job.

#### Links

▶ [Sample questions for an application form](#)

## Short-listing

The application form should give you the essential information you need to sift out weaker candidates quickly and decide which people you want to see for interview. Your choice should be based strictly on an applicant's ability to do the job, not on irrelevant factors such as their race, colour, nationality, ethnic or national background, sex, sexual orientation, age, religion or belief, or whether they have a disability. If you stick to the criteria you have listed in the person specification, and apply them consistently to each applicant, there should be little risk of racial or other bias coming into play.

You should try to follow the guidelines below.

- Make sure that more than one person is involved in short-listing candidates. This has the benefit of ensuring more than one viewpoint. However, for small businesses this may not always be possible.
- Staff serving on selection panels should have received guidance or training (depending on your resources) on your racial equality policy, and on your recruitment and selection procedures.
- See that the same staff do both the short-listing and the interviewing, to ensure consistency.
- Use a simple marking system for scoring each requirement in the person specification.
- Make sure staff on the selection panel have agreed the relative importance they will place on each requirement.
- Make sure marks are based on evidence provided in the application form – not on personal or second-hand knowledge about the candidate, or on assumptions about the applicant and the type of work they would be capable of doing or willing to do, based on negative stereotypes of different racial groups.

- Consider only evidence that is directly relevant to the job – in other words, to the criteria listed in the person specification.
- Make sure the criteria are not changed during short-listing in order to include someone who would otherwise not be short-listed. This could lead to claims of unlawful discrimination.
- Review the marks after going through all the forms, to make sure they have been applied consistently and fairly.
- Make sure the candidates with the best total scores are the ones invited for interview.
- Keep the notes made during short-listing, in case applicants ask for a copy under the Data Protection Act.

## Selection tests

Used properly, tests of ability can be a valuable way of getting information from applicants, by fairly accurately predicting their performance

in a particular job. However, tests that are badly designed, or unsuitable for the job concerned, or poorly administered or incorrectly scored will not only result in an unsatisfactory selection decision but may also be a cause of indirect racial discrimination. For example, tests that include questions about English literature will be irrelevant if you are looking for van drivers, and may put applicants from some racial groups at a disadvantage.



If you use tests to bring down the number of applicants for interview, you should make sure they measure only the skills and abilities needed for the job, and listed in the person specification.

Make sure all staff involved in setting or choosing, administering and marking the tests have received guidance or training (depending on your resources). They should also be familiar with your racial equality and recruitment policies.

## Interviews

It is easy subconsciously to draw favourable or unfavourable conclusions about a candidate, based on irrelevant factors. An interviewer may be impressed by a particular quality, or by something they have in common with the candidate, which then creates a rapport. Conversely, something about the candidate may leave a negative impression, and nothing that the candidate says during the interview can undo that impression. If the person's colour, name or accent subconsciously creates such a negative impression, this may lead to a racially discriminatory decision being made.

The underlying principle of fair and effective interviewing is that the employer selects the person who is best able to do the job, based on fair and objective job-related criteria, not on any personal or subjective factors. You should therefore assess each individual solely according to his or her ability to do the job.

The job description and person specification should provide the framework for the interview. You should make sure that the same topics are

covered with each of the candidates (although within this framework, you may want to clarify or explore particular points with different candidates).

Information about a candidate's experience outside the workplace can be helpful, provided it relates directly to the job. Ask the candidates questions that encourage them to draw on this experience when giving examples of how they meet the requirements. However, be careful not to stray into a candidate's personal circumstances, such as their sexual orientation, or whether they are married or have children. This could lead to claims of unlawful discrimination.

You should try to follow the guidelines below.

- Staff serving on selection panels should have received guidance or training (depending on your resources) on your racial equality policy and on your recruitment and selection procedures.
- Make sure the same staff do both the short-listing and the interviewing.



- Base the interview questions on the job description and person specification, and on the information supplied in the application form. The same topics should be covered with each of the candidates.
- Encourage candidates to draw on their experience outside the workplace when giving examples of how they meet the requirements.
- Make sure all candidates are allowed equal time for the interview.
- Do not ask candidates questions about their personal circumstances, such as whether they are married, or have children.
- Make sure the marking system is based on giving scores for each of the criteria listed in the person specification, according to the weight it carries – this will make it easier to make a decision.
- Make sure marks are strictly based on the evidence candidates give of how they meet each requirement in the person specification, not on new criteria or on personal knowledge of their previous work.
- Review marks after the interviews have been completed, to make sure they have been applied consistently and fairly.
- Make sure any tests candidates have to do during the selection process are relevant to the job duties and don't contain unrelated questions or exercises.
- Keep notes of the interview questions and answers and hold all documents on file for 12 months. This will help you to justify your selection decisions, if they are challenged.
- Give the interviewees the name and number of someone they can contact (if they wish) for feedback on their application and interview performance.

## References

Many companies seek references after interviews, although they can be requested at any stage of the process. Don't ask referees only for a general character reference. Instead, send them a copy of the job description and person specification, and ask for evidence of the candidate's ability to meet your specific requirements. This is more likely to provide you with information that is relevant to the job.

## Eligibility to work

The Nationality Immigration and Asylum Act 2002 gives you responsibility for making sure the person you appoint is eligible to work in the UK. The best way of doing this is to include an eligibility question in the application form so that you don't find yourself short-listing applicants who are not eligible.

The Immigration and Nationality Directorate has produced a 'code of practice' on avoiding racial discrimination in recruitment.

You can download the code from the website [www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk) or ring 020 8649 7878 for a copy.

## Appointments

It is unlawful to discriminate on racial grounds in the terms and conditions of work you offer or in any business practices and procedures. These include pay, hours of work, bonuses, holiday entitlement, sickness leave, maternity and paternity leave.

You should also make sure all workers have equal access to any other benefits, facilities or services, such as luncheon vouchers or discount travel schemes. And remember to give all new staff written statements within eight weeks of starting work.

## Probation

This is an especially vulnerable time for workers – they know they are ‘on trial’, both by their supervisors and their colleagues.

You need to make sure the induction you provide is adequate, to help the new recruit become familiar with the work environment, and company policies and procedures, including your racial equality and harassment policies.

Workers on probation have the same protection against unlawful racial discrimination as other staff and you should make sure you treat all staff equally. You should be alert to complaints that new recruits aren’t ‘getting on’ with existing staff, or that they don’t ‘fit in’, and make sure these are not reactions to the recruits’ ethnic or racial background.

If you don’t have one already, you might consider adopting a policy on probation,

to make sure you treat all workers consistently and fairly. The policy should include:

- a clear statement of the length of the probation period, and possible extensions;
- what is to be achieved in that time;
- specific training for the job;
- performance standards that can be objectively assessed;
- guidance for supervisors on avoiding subjective judgements, based on negative stereotypes about particular racial groups;
- monthly meetings to assess performance; and
- the probationer’s right to be represented, if she or he is facing dismissal.

# RACIAL EQUALITY AS PART OF THE JOB

## Performance assessment

The danger of performance assessments in any job is that they can very easily turn into assessments of the person, based on unconscious assumptions about their ability as a member of a particular racial group, or as a woman, or as a disabled person. For example, a production line worker received the following comment in her annual appraisal: 'Kamla does not speak good English, so she can't understand instructions given by her supervisor.' In fact, Kamla's work rate was better than average, and her level of spoken English did not affect her understanding of instructions or her ability to do the job.

Your reputation as a fair employer depends on being seen to be impartial and objective in assessing your staff's performance, especially if it is linked to pay. Performance assessments should always be based on actual performance, measured against clearly stated standards.

You should try to ensure the following.

- Assessments take place regularly against an agreed job plan, based on the worker's job description.
- The criteria for measuring performance are objective and measurable.
- The annual assessment report is based on actual performance, and refers to specific tasks and achievements.
- The worker has an opportunity to comment on the annual assessment report, and to discuss any concerns.
- The end-of-year assessment includes discussion of training opportunities and career development.

### Links

▶ [Racist appraisal and dismissal](#)

## Promotion

When selecting for promotion you should follow the same principles as for recruitment.

Try to ensure the following.

- Vacancies are open to staff as well as outside applicants.
- All workers (including those on leave) can apply for any promotion opportunities. No one is excluded. Promotion opportunities are advertised widely, so that all staff know about them.
- A job description and a person specification are available for the job.
- Promotion is by written application. Each application is assessed against the job description and person specification and interviews are held before making an appointment.

- As far as possible, the selection panel does not include the applicant's supervisor.

If you are interviewing a mix of internal and external candidates for the vacancy, you must

make sure you cover the same topics with everyone.

If an unsuccessful candidate finds out that you covered different areas with other candidates, this could be used as evidence of discrimination if the candidate believes that people from other ethnic backgrounds were treated more favourably. If the complaint reaches an employment tribunal, you will have to justify your actions.



## Dealing with racial harassment

In its Statement on Harassment at Work, the Chartered Institute of Personnel and Development advises:

*No employer should underestimate the damage, tension, and conflict within the workplace that harassment causes. The result is not just poor morale, but higher staff turnover, reduced productivity, lower efficiency and divided teams. Although the effects may be difficult to quantify, this will eventually show through in the performance of the organisation.*

Harassment is also unlawful under the Race Relations Act. Not only are the workers who harass others at work liable for their own actions, but you, as their employer, can also be liable. Unlawful harassment may be based on a person's race, colour, nationality, ethnic or national origin, sex, married status, sexual orientation, disability, or religion or belief. Other forms of harassment count as bullying.

All businesses should therefore have:

- a clear policy on harassment which everyone in the business is aware of and understands; and
- fair and effective procedures for investigating and resolving complaints quickly.

A person harasses someone else on racial grounds if his or her behaviour is unwanted and it has the effect, intentionally or not, of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Anyone can be a target of racial harassment and abuse at work, but most of the complaints brought before tribunals have been from people from ethnic minorities, for example Asian, African-Caribbean, Jewish and Irish people. Employers often assume that if there are no complaints, there can't be a problem – but workers may feel too intimidated to complain, or may believe nothing will be done.

### Links

▶ [Sample policy on racial harassment](#)

Racial harassment or discrimination in the workplace can take many forms, such as:

- verbal insults or ridicule;
- racist comments;
- racist 'jokes', banter or taunts;
- graffiti or racist literature;
- shunning individuals because of their race, colour, nationality, or ethnic or national background;
- imposing unrealistic targets or excessive workloads that are not imposed on others from a different ethnic or racial background; or
- picking on an individual unnecessarily because of their ethnic or racial background.

Harassment may be deliberate and conscious, but it can also be unintentional. 'I meant no offence' or 'It was just a joke' is a common protest when someone has been oblivious to another person's feelings or sensitivities.

Prompt action is vital as soon as you realise there is a problem and that discrimination or harassment may be taking place. Any delay is likely to demotivate staff, and undermine your business. Productivity, service delivery and morale will all suffer.

From October 2004, under the Employment Act 2002, you will be legally required to have a written disciplinary and grievance procedure. Acas has produced a statutory code of practice on disciplinary and grievance procedures.

The CRE has published a useful guide, *Racial Harassment at Work: What employers can do about it*, which you can download from its website [www.cre.gov.uk/pdfs](http://www.cre.gov.uk/pdfs)

#### Links

- ▶ 'Just jokes'
- ▶ Vicious harassment, not jocular banter

## Racial harassment complaints procedure

All businesses, whatever their size, should have a complaints procedure to deal with racial discrimination and harassment. You may decide to make this part of your disciplinary and grievance procedure (which you are required by law to have from October 2004; see the Acas code of practice on disciplinary and grievance procedures for more information). However, because of the sensitivity of complaints of discrimination, especially harassment, we recommend that you deal with them through a separate procedure.

We recommend the following.

- Set out the procedures clearly, step by step, and in plain English, so that anyone wishing to make a complaint knows what to do and whom to approach.
  - Make sure your workers know whom they can turn to if they want to talk about a problem informally and in confidence,
- or want to discuss their rights. This might be a manager, or some other person who is given this specific responsibility (unless they are the subject of the complaint).
  - Ensure strict confidentiality at all stages.
  - Allow the complainant to decide whether he or she wants the matter to be dealt with informally or formally. The most important thing, however, is to act quickly once a complaint of racial harassment or discrimination has been received.
  - Make sure the complainant knows he or she can have a representative or friend at all discussions.
  - Investigations are part of the formal procedure. Make sure the complainant knows that disciplinary action will only be taken following formal consideration of the complaint. Set time limits for each stage of the investigation, and use open procedures throughout.

### Links

- ▶ [Sample racial harassment complaints procedure](#)
- ▶ [Sample racial harassment complaints procedure for businesses with more resources](#)



- Make sure the complainant is aware that using the internal complaints procedure will not affect his or her statutory right to take the complaint to an employment tribunal.
- If you decide to separate the parties involved in a harassment or discrimination complaint, always move, transfer or suspend the accused person, not the person who has been harassed or discriminated against.
- Make sure the complainant is not victimised in any way during or after the investigation.
- If the complaint is upheld, tell the alleged harasser why his or her behaviour is unacceptable.
- Make every effort to prevent further harassment.
- Keep a record of all complaints, in order to identify problem areas, training needs and possible future action.

## Customer services

The success of any business, from the smallest to the largest, depends on attracting and retaining the widest possible customer base for its products and services.

Try to ensure the following.

- Advertise your services and products as widely as possible (consider using local ethnic minority press or media).
- Make sure all staff who have contact with customers understand your racial equality policy and what this means for the way they provide services.
- As part of any market research you carry out, make sure you consider the needs of potential customers, including people from ethnic minority communities (this may also help to develop new products or services).

- Make sure your publicity material presents a business that is diverse, both in its workforce and customers.
- As a player in the local economy, you could offer work experience to school or college students, hold open days, or sponsor local cultural and other events.
- Consider widening the range of suppliers you use for goods and services – for example, ethnic minority businesses have the advantage of knowing those communities well.

## Public sector contracts

If you are interested in securing public contracts, you need to understand what your clients want and how they do business.

Public authorities have a statutory duty to promote race equality. This duty applies to all their functions, including functions they contract out.

When a contract for goods, works or services is relevant to a public authority's duty to promote race equality, the authority has to make sure it selects a contractor who can meet any race equality requirements. For example, a council may want a contractor who can monitor the way the service it is providing affects users from different ethnic backgrounds.

To stand a better chance of being successful, you should:

- have a written racial equality policy; and
- be able to show evidence of your business's record on ensuring equal opportunities, both in employment and in the services you provide.

### Links

▶ [Public contracts](#)

# IS YOUR RACIAL EQUALITY POLICY WORKING?



## Three quick steps

There is no point in having a policy, unless you know it is achieving its aims. You can do this by taking a few simple steps.

- Check if your workforce reflects the ethnic mix of people in the job markets you use. The local council will be able to give you information about the local populations and the different racial groups in those areas.
- Ask your staff for their views on the policy and whether it is effective.
- Make sure you are attracting customers from all sections of the communities you serve.

## Ethnic monitoring

Monitoring is the process by which information is collected, stored and analysed, in order to measure performance, progress and change. The purpose of monitoring people's ethnic backgrounds is to:

- disclose possible inequalities;
- investigate their underlying causes; and
- remove any unfairness or disadvantage.

We recommend that you collect and analyse information about the ethnic backgrounds of your workforce, at all levels in the company, and of applicants for jobs, training and promotion. This should tell you whether you are attracting a wide range of job applicants, whether your workforce is representative of the job markets you recruit from, and

### Links

- ▶ [Ethnic monitoring categories](#)

whether some groups among your workers are taking longer to reach senior levels in your company.

If you have the resources, you might also consider monitoring your customers, to know if your products and services are reaching the widest possible markets.

When introducing monitoring, we suggest you take the steps listed below.

- Explain clearly why you have decided to introduce monitoring – that it is part of your racial equality policy and that the information will help you to tackle any inequalities.
- Ask your staff and all job applicants to fill out a monitoring form. The form should be anonymous. For job applicants, you should keep the form separate from the application form, and from the entire selection process.
- If your analysis of the data shows that some racial groups are under-represented, both in your business as a whole and at certain levels of the company, take a thorough look at your various policies, practices and procedures – for example, in recruitment, promotion, appraisal, and training – and consider different approaches.
- Monitor complaints of discrimination or harassment by ethnic background and use the information when you review company policy and practice.
- Keep the information strictly confidential at all times. You should only use the information to produce statistical analyses, making sure that individuals are not identifiable.
- Make sure your staff are kept informed about what you are doing and any progress you have made.

# FREQUENTLY ASKED QUESTIONS

The questions below have been taken from the many inquiries the CRE receives from smaller firms each year.

## I always treat my workers fairly – so why should I have a racial equality policy?

- A written policy will help you to make sure that everyone who works for you, or does business with you, knows that you are committed to running your business on the principles of racial equality.
- If a case of discrimination is brought against you, under the law, you will have to convince an employment tribunal that you did not discriminate unlawfully. A written policy, and evidence that you have followed it, will help you to show that you take equality seriously.
- A written policy will put you in a better position to secure public sector contracts.

## The law says I can only employ people eligible to work in the United Kingdom – so can I ask about a person’s nationality when recruiting?

- Yes, you can – but the answer will not necessarily provide the information you need. Someone could be a national of another country, but still be allowed to work in the UK. If you turn someone down because of their nationality, you may be discriminating unlawfully.
- The best way to ask about an applicant’s right to work in the UK is to include a simple question in the application form, asking ‘Are you eligible to work in the UK?’ You should only take steps to verify their answer (you are required to do this under immigration law) if you decide to offer them the job.

Links

▶ Useful contacts

**Our company is in an area that has a large ethnic minority population, but nearly all our workers are white. We find that people from ethnic minorities don't apply for jobs with us. What can we do?**

- Think about why people from ethnic minorities are not applying.
  - Is it because they don't hear about vacancies?
  - Is it because they think it is an 'all-white' company, so they will have no chance?
  - Is it because you have been relying on recommendations from your staff?
  - Is it because you are including requirements for the job that people from ethnic minorities might not be able to meet, for example that they were born in the UK? (Requirements like these could be unlawful because they indirectly discriminate against some racial groups.)

- Consider advertising more widely, for example at local community centres or through local radio stations.
- Ask your local Job Centre Plus for advice.
- Include the following sentence in your job advertisements: 'We particularly welcome applications from people from ethnic minorities, as they are currently under-represented in our workforce.'

**One of our workers is always telling jokes. Another worker came to see me and complained that the jokes were racist. What can we do about it?**

- Racist 'jokes' can amount to racial harassment, and racial harassment is against the law. As the employer, you are legally liable for any discriminatory actions and harassment by your workers. Even one 'joke' can be one too many.

- Make sure you have a policy on harassment and that all your staff are aware of it. You should also have a complaints procedure, and a disciplinary procedure, so that you can take steps even if you don't receive a formal complaint.
- Take prompt action, as soon as you become aware there is a problem.
- Make sure your workers know their statutory rights – to be accompanied by a friend or representative at all stages of the complaints process; and to take their complaint to an employment tribunal.
- Give every support to workers who have had to put up with racist behaviour, and make sure they are not victimised.

**We have an equality policy, but we don't monitor our workers by ethnic background. The business is very small and we don't have the resources for this.**

- As long as you keep track of the ethnic profile of your workforce as part of your employment records, and keep paper records of recruitment exercises, you should be able to pick up any problems with your recruitment and selection procedures. For example, if you find yourself hiring only people from a particular ethnic background, you may want to look at your procedures – how you shortlist and interview – and make sure you are not rejecting qualified applicants for reasons of race.
- You should remember that a tribunal could find against you if you are unable to show that you treated a job applicant fairly at each stage of the selection process, compared with other applicants.

### Should we give time off for prayers for workers who request it?

- Yes, if possible. Workers can make up the time during lunch breaks or by working late. For example devout Jews need time off on Fridays, especially in winter when it gets dark earlier, because they need to leave before sundown. Devout Muslims pray five times a day, which may mean around three times at work, for five minutes each. All that's required really is a little flexibility in the working day and about when workers take holidays. Whatever you decide, be sure to apply your policy consistently, whatever racial group your workers are from or whatever their religion or belief.
- You could refuse the request if it conflicts with legitimate business needs that you are unable to meet in any other way. However, you may be acting unlawfully if you don't take reasonable steps to accommodate your workers' religious and cultural needs. They may claim they have been discriminated against if they believe they have been treated less favourably than other workers on racial grounds or grounds of religion or belief.

### I am considering offering a job to someone of Bangladeshi descent. But I am worried that he might want longer holidays, to visit relatives abroad. Do I have to allow him the extra time?

- Job applicants should be judged solely on the skills needed to do the job and not on any assumptions you might make about their holiday requirements. The idea that people from ethnic minorities all go on long holidays overseas is a stereotype and could amount to discrimination, if you don't appoint someone for this reason.
- If the question of longer holidays does come up, you should make it clear that all workers, regardless of their background, are bound by the same terms and conditions of service, including holiday entitlement. However, you may be able to reach an arrangement by which a worker who wants to extend his holiday builds up sufficient annual leave, or makes up the extra time later, or takes some leave in advance.



**I own a shop and employ two staff. I have had a complaint from a customer that one of my staff members was rude and unhelpful. She thinks the rudeness is because she is a Gypsy and lives on a local Traveller site. How should I deal with this?**

- The last thing you want is an unhappy customer, so you should take all complaints seriously and try to resolve them promptly. Ask your staff member what happened. If you think she was at fault, make a full apology to the customer and assure her that it will not happen again.
- If you are satisfied your staff member did not treat the customer properly, you should make it clear to her that such behaviour is not acceptable.
- Gypsies and Travellers are groups that are protected by the Race Relations Act. If your customer believes she was treated badly because of her racial group, she would be within her rights to take her complaint to the courts.

**I own a local night club. A group of young black men have complained that they were refused entry by the door staff because of their colour. The door staff are supplied through a security agency. Am I liable for their actions?**

- Yes. Under the law, you are liable for any discriminatory behaviour by your workers, even if they are recruited through an agency.
- You should give your door staff clear instructions on when they can legitimately refuse entry (for example, because the customer is abusive or drunk, or does not meet the dress regulations). To refuse someone entry because of race, colour, nationality or ethnic background is unlawful and may leave you open to claims of racial discrimination in a court. You should remind staff that they could face disciplinary action, and even dismissal, if they discriminate unlawfully against customers.

**We have asked to be considered for a council contract as part of their tendering process. The council has asked for information about our racial equality policy. Why are they asking this, and do we have to give them the information?**

- Local authorities (and all public bodies) have a legal duty under the Race Relations Act to promote race equality in all their activities, including those carried out by others on their behalf.
- The council has asked you for information about your race equality policy, in order to be sure you will be able to meet any race equality requirements in the contract.
- Failure to provide the information may mean you don't win the contract.

# CHECK YOUR PROGRESS

Use this checklist to find out if your business is meeting its responsibilities. Asterisks indicate questions for businesses with more resources.

- 1 Do you have a written racial equality policy?  
 Yes     No
- 2 Do you have a racial equality action plan?  
 Yes     No
- 3 Do you have a harassment policy?  
 Yes     No
- 4 Do you have a procedure for dealing with complaints of racial discrimination or harassment?  
 Yes     No
- 5 Do you take account of racial equality opportunities in the following areas:
  - a) Advertising job vacancies?  
 Yes     No
  - b) Recruitment and selection?  
 Yes     No
  - c) Customer services?  
 Yes     No
- 6 If you have a written racial equality policy, have you taken action to make sure all staff have read and understood it and know where to get copies?  
 Yes     No

- 7** Have you taken action to make sure all workers understand what is and isn't acceptable behaviour in the workplace?  
 Yes       No
- 8** Is someone responsible for racial equality in your business?  
 Yes       No
- 9** Do your staff know who this is?  
 Yes       No
- 10** Do you check to see if your racial equality policy is achieving its aims?  
 Yes       No
- \*11** Do you give your staff training on your racial equality policy?  
 Yes       No
- \*12** Do you monitor
- a)** your racial equality policy and action plan?  
 Yes       No
- b)** recruitment, training and promotion?  
 Yes       No

**c)** racial discrimination and harassment complaints?

Yes       No

**\*13** Have you taken positive action to tackle under-representation of any groups?

Yes       No

### Small businesses

12      YES answers - brilliant  
 8-11    YES answers - good start  
 4 - 7    YES answers - some way to go  
 0 - 3    YES answers - get started!

### Businesses with more resources

17      YES answers - brilliant  
 11 - 16   YES answers - good start  
 5 - 10   YES answers - some way to go  
 0 - 4    YES answers - get started!

# **EXTRA INFORMATION**

# GLOSSARY

## **business**

Any private or voluntary organisation, such as a company, partnership, charitable trust or other type of body, which can enter into a contract to provide goods, works or services.

## **diversity (or equality) policy**

A statement of commitment to equality of opportunity and fair treatment, regardless of race, colour, nationality, ethnic or national origins, sex, sexual orientation, disability, age or religion or belief.

## **duty to promote race equality**

The duty placed on public authorities under section 71(1) of the Race Relations Act to have 'due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between people from different racial groups'.

## **employee**

Someone who works under a contract of employment. See 'worker'.

## **ethnic minorities**

People who have classified themselves as members of ethnic groups other than 'white British'.

## **ethnic monitoring**

A process that involves collecting, storing and analysing information about people's ethnic backgrounds, to measure performance, progress and change.

## **genuine occupational requirement**

A provision of the Race Relations Act which allows employers to restrict a job to members of a particular racial group because it is a 'genuine and determining requirement of the job'.

## **monitoring**

A process that involves collecting, analysing and evaluating information, to measure performance, progress and change.

### positive action

In certain circumstances, the Race Relations Act permits discrimination as a way of overcoming racial inequality. Employers can provide training for people from a particular racial group (or groups) to equip them for particular work, if in the previous year they have been under-represented in that work, either in their company or in the population of the area from which they recruit. Employers can also encourage people from this racial group (or groups) to apply for that work.

### procurement

The process by which a public authority enters into a contract with an external supplier to carry out works or provide goods and services. The term covers all public authority contracts, including Private Finance Initiative projects and Public Private Partnerships. It does not include the decision to 'buy' from an external supplier.

### public authority

All central government departments and their executive agencies and non-departmental public bodies, all NHS institutions, the governing bodies of schools and of further

and higher education institutions, the Scottish Executive and the Welsh Assembly government.

### racial discrimination

Discrimination on racial grounds. It takes place in any of three ways:

- **Direct discrimination** occurs when a person is treated less favourably on racial grounds than someone else is treated, or would be treated, in similar circumstances.
- **Indirect discrimination** *on grounds of colour or nationality* occurs when a requirement or condition, which applies equally to everyone, can only be met by a considerably smaller proportion of people from a particular racial group, and when it cannot be objectively justified. Indirect discrimination *on grounds of race, or ethnic or national origins* occurs when an apparently neutral 'provision, criterion or practice' puts people of a particular racial or ethnic or national group at a particular disadvantage, unless the 'provision, criterion or practice' can be justified as a 'proportionate means of achieving a legitimate aim'.

- **Victimisation** occurs when someone who has brought a claim of unlawful racial discrimination, or given evidence or information on behalf of someone else's claim, is then treated less favourably as a consequence.

### racial equality policy

A statement of commitment to equality of opportunity and fair treatment, regardless of race, colour, nationality, or ethnic or national origins. This may be a separate policy or part of a general policy on diversity and equality.

### racial grounds

Reasons of colour, race, nationality or ethnic or national origin.

### racial group

A group of people defined by colour, race, nationality or ethnic or national origin.

### racial harassment

Actions or words directed at someone on racial grounds, which are unwelcome, or violate that person's dignity, or create an environment that is intimidating, hostile, degrading, humiliating or offensive for them.

### Race Relations Act 1976

The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000.

### services

Includes goods, facilities and services provided by businesses or public organisations.

### smaller business

Includes micro businesses (which employ 0 – 9 people), small businesses (which employ 10 – 49 people) and medium-sized businesses (which employ 50 – 250 people).

### supplier

A private or voluntary organisation that provides goods, works or services to a public authority.

### worker

A broader term than 'employee'. It covers all employees (including managers), former employees, and others who personally carry out work on contract, including some agency staff.



## USEFUL CONTACTS

### **Acas (Advisory, Conciliation and Arbitration Service)**

The independent employment relations service. Acas also runs Equality Direct, a helpline for managing equality in the workplace.

Website: [www.acas.org.uk](http://www.acas.org.uk)

National helpline: 08457 474747

Equality Direct: 08456 003444

### **Age Positive**

Website set up by the government to help employers tackle the issues raised by the forthcoming legislation on age.

Website: [www.agepositive.gov.uk](http://www.agepositive.gov.uk)

### **Business Eye**

A free information service for businesses in Wales.

Website: [www.busesseye.org.uk](http://www.busesseye.org.uk)

Helpline: 08457 969798

Contact: [assistance@busesseye.org.uk](mailto:assistance@busesseye.org.uk)

### **Business Gateway**

For enquiries about starting and running a business in Scotland.

Website: [www.bgateway.com](http://www.bgateway.com)

Helpline: 0845 609 6611

Contact: [network.helpline@scotent.co.uk](mailto:network.helpline@scotent.co.uk)

### **Business Link**

An easy-to-use business support, advice and information service managed by the DTI

Website: [www.businesslink.org](http://www.businesslink.org)

Tel: 0845 600 9006 (Minicom 0845 606 2666) to connect you to your nearest Business Link

### **Chambers of Commerce**

Check your phone book to find your nearest office.

**Commission for Racial Equality (CRE)**

Provides information, advice and guidance on issues of racial discrimination and racial equality.

Website: [www.cre.gov.uk](http://www.cre.gov.uk)

London (head office): 020 7939 0000

Birmingham: 0121 710 3000

Manchester: 0161 835 5500

Leeds: 0113 389 3600

This guide can be downloaded in PDF or RTF large print format from

[www.cre.gov.uk/smallbusiness](http://www.cre.gov.uk/smallbusiness).

A leaflet for small firms, *Equal Opportunities Is Your Business Too*, is also available from the publications section of the CRE website:

[www.cre.gov.uk/publs/cat\\_employ.html](http://www.cre.gov.uk/publs/cat_employ.html)

**Commission for Racial Equality (Scotland)**

Website: [www.cre.gov.uk](http://www.cre.gov.uk)

Tel: 0131 524 2000

**Commission for Racial Equality (Wales)**

Website: [www.cre.gov.uk](http://www.cre.gov.uk)

Tel: 0292 072 9200

**Confederation of British Industry (CBI)**

Website: [www.cbi.org.uk](http://www.cbi.org.uk)

**Department of Trade and Industry (DTI)**

The DTI Employment Relations website covers employment law, including equality legislation.

Website: [www.dti.gov.uk/er](http://www.dti.gov.uk/er)

Tel: 020 7215 5000 (Enquiry Unit)

See also Small Business Service

**Disability Rights Commission (DRC)**

Provides information, advice and guidance on issues relating to disability discrimination.

Website: [www.drc-gb.org](http://www.drc-gb.org)

Helpline: 08457 622633

Minicom: 08457 622644

Email: [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org)

Fax: 08457 778878

**The Diversity Directory**

A list of diversity consultancies. Note that this is a commercial directory and that no validation procedure governs inclusion in the directory.

Inclusion does not imply validation by the CRE.

Website: [www.diversityuk.co.uk](http://www.diversityuk.co.uk)

**Equal Opportunities Commission (EOC)**

Provides information on issues of sex discrimination and equal pay.

Website: [www.eoc.org.uk](http://www.eoc.org.uk)

Tel: 0845 601 5901

Email: [info@eoc.org.uk](mailto:info@eoc.org.uk)

Email in Wales: [wales@eoc.org.uk](mailto:wales@eoc.org.uk)

**Equality Direct**

See Acas

**Federation of Small Businesses**

Website: [www.fsb.org.uk](http://www.fsb.org.uk)

Tel: 01253 336000

**Highlands & Islands Enterprise – Scotland**

Provides support for businesses in Scotland, largely through local enterprise companies.

Website: [www.hie.co.uk](http://www.hie.co.uk)

Tel: 01463 234171

Contact: [hie.general@hient.co.uk](mailto:hie.general@hient.co.uk)

**Inland Revenue**

Website: [www.inlandrevenue.gov.uk](http://www.inlandrevenue.gov.uk)

**Racial Equality Councils (RECs)**

Check your phone book to find your nearest REC.

**Scottish Enterprise**

Promotes enterprise and economic development in lowland Scotland.

Website: [www.scotent.co.uk](http://www.scotent.co.uk)

Helpline: 0845 607 8787

**Small Business Service**

An agency of the DTI championing the interests of small businesses.

Website: [www.sbs.gov.uk](http://www.sbs.gov.uk)

Tel: 0845 001 0031

Contact: [gatewayenquiries@sbs.gsi.gov.uk](mailto:gatewayenquiries@sbs.gsi.gov.uk)

**SME Equality Project**

Run by the Welsh Development Agency, to provide free advice on development and implementation of equal opportunities policies.

Welsh Development Agency

Plas Glyndwr

Kingsway

Cardiff CF10 3AH

Tel: 08457 775577 (English)

or 08457 775566 (Welsh)

## ETHNIC MONITORING CATEGORIES

As you may want to compare the information you collect with information collected and published by others (such as local councils or other public authorities), we recommend you use the ethnic categories that were used in the 2001 census, or categories that match them very closely.

You may find it more practical to combine certain individual groups into broad headings. Conversely, your business may operate in an area where there is a large ethnic minority group that is not represented in the broad census categories. In this case, you may want to add an extra sub-category, to suit your circumstances. But make sure that your sub-category fits within one of the broad categories, or it will not be possible to compare your data with any other data based on the census framework.

### England and Wales

- A**      **WHITE**
  - British
  - Irish
  - Any other White background (Please write in...)
- B**      **MIXED**
  - White and Black Caribbean
  - White and Black African
  - White and Asian
  - Any other Mixed background (Please write in...)
- C**      **ASIAN OR ASIAN BRITISH**
  - Indian
  - Pakistani
  - Bangladeshi
  - Any other Asian background (Please write in...)
- D**      **BLACK OR BLACK BRITISH**
  - Caribbean
  - African
  - Any other Black background (Please write in...)
- E**      **CHINESE OR OTHER ETHNIC GROUP**
  - Chinese
  - Any other background (Please write in...)

**Scotland****A****WHITE**

- Scottish
- Other British
- Irish
- Any other White background  
(Please write in...)

**B****MIXED**

- Any mixed background  
(Please write in...)

**C****ASIAN, ASIAN SCOTTISH, OR ASIAN BRITISH**

- Indian
- Pakistani
- Bangladeshi
- Chinese
- Any other Asian background  
(Please write in...)

**D****BLACK, BLACK SCOTTISH, OR BLACK BRITISH**

- Caribbean
- African
- Any other Black background  
(Please write in...)

**E****OTHER ETHNIC BACKGROUND**

- Any other background,  
(Please write in...)

## OTHER EQUALITY AND EMPLOYMENT LAWS

### Equal Pay Act (1970)

This recognises the principle of equal pay for men and women for work of equal value. The Equal Opportunities Commission has produced a useful CD-ROM on this law and on good practice for small businesses: *Equal Pay, Fair Pay: A small business guide to effective pay practices*.

### Sex Discrimination Act (1975)

This prohibits discrimination on the grounds of sex, marital status and gender reassignment. The Equal Opportunities Commission will be able to give you more information about this law, the law on equal pay, and good practice.

### Disability Discrimination Act (1995)

This prohibits discrimination on the grounds of a person's disability. By October 2004, the rules will apply to businesses of all sizes. The Disability Rights Commission, which is the statutory body responsible for this area, has produced an introductory booklet for small and medium-sized businesses on its code of practice on rights of access to goods, facilities, services and premises.

### Employment Rights Act (1996)

This provides the right to a balanced approach to work and life. It covers, for example, maternity rights for women, including the right not to be unfairly dismissed on grounds of pregnancy.

### **Employment Act (2002)**

This amends the Employment Rights Act 1996 and introduces a number of new provisions, including the right of parents of young children to request flexible working hours, improvements to maternity leave, the introduction of paternity and adoption leave, and the right to paid maternity and paternity leave. The Act comes fully into force in October 2004.

### **Employment Equality (Religion or Belief) Regulations (2003)**

These regulations, which came into effect in 2003, make it unlawful to discriminate in employment and training on the grounds

of religion or belief. The regulations define religion or belief as being any religion, belief or similar philosophical belief. Acas has produced a useful guide to the regulations.

### **Employment Equality (Sexual Orientation) Regulations (2003)**

This makes it unlawful to discriminate in employment and training on the grounds of sexual orientation. Acas has produced a useful guide to the regulations.

### **Age discrimination**

By October 2006, discrimination in employment and training on the grounds of age will be unlawful.

# EXAMPLES



## HARASSED AND SACKED

Mr B, who is of mixed ethnic origins, was 16 when he worked for a car wash company. In the two months he was there, he had to endure increasingly provocative racial insults by the other young men working with him. Mr B finally became ill and was advised by his doctor to stay away from work for two days. He rang his boss to tell him this, but was told not to bother coming back as his job had already gone to someone else. Mr B took his employer to the tribunal, claiming that he had been directly discriminated against.

It was clear at the tribunal hearing that both the other young men working at the car wash company, and their supervisor, thought that racial insults and banter were quite acceptable. The tribunal rejected the company's explanation that Mr B had been dismissed because of his attitude to work. It also dismissed its argument that the tribunal should give special consideration to the size and type of business and ordered the company to pay Mr B a total of around £2,800 in compensation.

## RECORD OF DISMISSING BLACK EMPLOYEES

A Birmingham employment tribunal ruled that a firm of architects, which had a record of dismissing black and Asian professional employees after short service, unlawfully discriminated against an Asian architect. The tribunal said the firm had criticised him without reason during his employment,

marginalised him and then dismissed him after nine months, for poor performance. He was the third consecutive ethnic minority employee to be dismissed in under 12 months.

Source: *Equal Opportunities Review*  
[www.eordirect.com](http://www.eordirect.com)

## DISCRIMINATING WITH IMPUNITY

Mr J, a black Jamaican, applied for a job as a wood machinist in response to an advertisement in the local paper. He was interviewed and told he would be notified in a couple of days as to the outcome.

Mr J did not hear from the company and was eventually told, after calling several times, that the vacancy had been filled.

That evening, an advertisement for wood machinists again appeared in the local paper. Mr J applied again, but was told that the vacancy had been filled. There was a third advertisement, a third application and a third rebuff.

Mr J's claim of racial discrimination was upheld in the Nottingham employment tribunal. The tribunal was not impressed by the company's argument that it could not have discriminated because it already employed a West Indian and two Asians. 'To take an extreme case', it said, 'any employer could employ one West Indian or one Jew or one Chinese and then discriminate against all others of similar race or colour with impunity.'

Source: *Equal Opportunities Review*

[www.eordirect.com](http://www.eordirect.com)

## LOW PAY DUE TO PREJUDICE

Mr B was one of a number of ethnic minority production workers employed by a Wolverhampton-based company. In 1989, a Mr E joined the company as a director, and soon after, appointed two white supervisors. One of Mr E's first steps was to introduce a scheme for rewarding workers according to their individual skills, merit and attitude. This resulted in a Mr H, who performed the same job as Mr B, being paid £40 a week more.

Mr B complained, but to no effect. He was upset and felt demotivated, but each time he complained the company used his demotivation to continue to refuse him a rise. Three years on, Mr B discussed with the managing director the possibility of taking voluntary redundancy. This was refused, but it was left that if redundancies arose later in the year he would be considered.

Some six or seven months later, the company decided that it needed to make redundancies and Mr B was one of those chosen. At the time he

was dismissed, only one ethnic minority worker was left at the company. Mr B successfully claimed that his dismissal amounted to discrimination on racial grounds.

While the tribunal was satisfied that Mr B was selected for redundancy at his request, it said that the request was the direct result of his discriminatory treatment by the company. When asked to explain why the company employed so few ethnic minority workers in an area such as Wolverhampton, Mr E replied that 'coloured people' tended to be more poorly trained in skills, and their aptitudes were generally lower. It was these stereotyped and discriminatory views, 'that persons of ethnic minorities are likely to be somewhat inferior to white people', said the tribunal, that were largely responsible for the difference in pay rates between Mr B and Mr H.

Source: *Equal Opportunities Review*  
[www.eordirect.com](http://www.eordirect.com)

## £33,000 RACIAL DISCRIMINATION AWARD

Mr Z, who was employed as a part-time waiter in Glasgow, claimed that he was the victim of racial discrimination, victimisation and unfair dismissal. Mr Z is of Pakistani nationality and a Muslim. His employers at the restaurant were Indian Sikhs. Mr Z claimed he was harassed, humiliated and demeaned by his employers, on racial grounds, and that his employers also made derogatory comments about his religion. The employment

tribunal upheld Mr Z's claim and awarded him a total of £33,000 in compensation.

This case was heard before December 2003, when it became unlawful to treat a worker or a job applicant less favourably on grounds of religion or belief. If the case had come up after that date, Mr Z could have claimed discrimination on religious as well as racial grounds.

## INSTRUCTED TO DISCRIMINATE

When Mrs S, who is white, began her job as a receptionist for a van rental firm in Cwmbran, as part of an induction course on how people should be assessed for risk, she was told that the company had a special policy on ethnic minority customers: 'We have got to be careful who we hire the vehicles to. If you get a telephone call from any coloured or Asians – you can usually tell them by the sound of their voice – you have to tell them that there are no vehicles available.'

Mrs S was so upset about this that she decided she could not continue in the job. She phoned the director and told him simply that she could

not do the job. She put her reasons in a letter she wrote subsequently. She then took the company to the tribunal claiming unlawful racial discrimination. The case went all the way to the Court of Appeal. The court confirmed the employment tribunal's finding that Mrs S had been discriminated against on racial grounds when she resigned in response to being given an instruction to discriminate against black and Asian customers. The tribunal awarded £5,000 in compensation.

Source: *Equal Opportunities Review*  
[www.eordirect.com](http://www.eordirect.com)

## DISCRIMINATORY SERVICE

A customer, who was black, made a booking by telephone with a car hire company. However, when he visited the offices of the hire company, the firm refused to confirm his booking.

He suspected that this was because he was black, so he asked a white friend to book a similar journey,

which the friend did without any difficulty. The car firm denied that they operated a 'colour bar', but the customer took the firm to court, where he was awarded £3,000 in compensation.

## BARRED BECAUSE THEY WERE NOT WHITE

A nightclub in Birmingham refused to admit a group of four young people from ethnic minority backgrounds. They said the club was full. Meanwhile, a group of white people just

walked in. The club had to pay £20,000 in compensation when the court decided that it had directly discriminated against the young people on racial grounds.



## RACIST APPRAISAL AND DISMISSAL

Mr S, who is of Indian descent, started working for a car retail company as an assistant sales manager in September 1999. In November that year, another worker, Mr M, received a warning about racist remarks he made to Mr S.

Mr S successfully applied to be manager at the company's new retail outlet in Bradford when it opened, estimated at the time to be in the summer of 2000.

Mr M was appointed general manager of the Manchester premises in April 2000, 'leapfrogging' Mr S in management terms.

In mid-April, Mr S was assessed by another manager as doing well. However, within days, Mr M conducted a second, very negative appraisal. On 24 May 2000, Mr S was informed that he was to be made redundant, with effect from 26 May.

The Manchester employment tribunal upheld Mr S's claim that he had been racially discriminated against. It found that no other worker had been assessed twice in one month, and that Mr S would not have received a second appraisal, or such a malicious, racist, and unjustified appraisal, had it not been for his ethnic origins. Nor did the tribunal think there was any redundancy – no other salesman had been made redundant in Manchester. Mr M had quite simply wanted to get rid of Mr S, and his main reason was Mr S's ethnic origins.

The company was ordered to pay Mr S a total of around £38,000 in compensation.

Source: *Equal Opportunities Review*  
[www.eordirect.com](http://www.eordirect.com)

## 'JUST JOKES'

After weeks of being told by his workmates that he was a 'typical thick Paddy', an Irish worker at a foundry finally complained. The company's managing director told him to ignore the comments, because they were 'just jokes'. Finally, when he was dismissed – because he kept asking the manager to do something – he took his case to a tribunal.

The tribunal decided that the company had directly discriminated against the Irishman when they sacked him, 'because he was an Irishman who would not take Irish jokes lying down' – in other words, he did not 'fit in'.

The company was ordered to pay nearly £8,000 in damages.

## FAILURE TO ADVERTISE

A Manchester tribunal ruled that an employer who promoted a worker to a newly-created post without advertising the vacancy, with the result that no-one was given the opportunity

to apply, unlawfully discriminated against a black worker who would have applied for the post if he had known about it.

## DRIVEN OUT BY HARASSMENT

Mr M, a worker of Serbian origin, who had lived in Britain for over 40 years, was one of 25 workers at a dyeing company.

He complained of numerous incidents of persistent harassment based on his ethnic and national origin, especially after the Bosnian war began. He faced comments like, 'Go back

to Bosnia or wherever you belong, and fight and die like a dog instead of our lads'; and, 'If all foreigners and blacks go back to their own country we would have a better environment in this country.' It finally all became too much for Mr M and he gave his notice and lodged a complaint in the tribunal. He won his case and the tribunal awarded around £3,800 in compensation.

## VICIOUS HARASSMENT, NOT JOCLAR BANTER

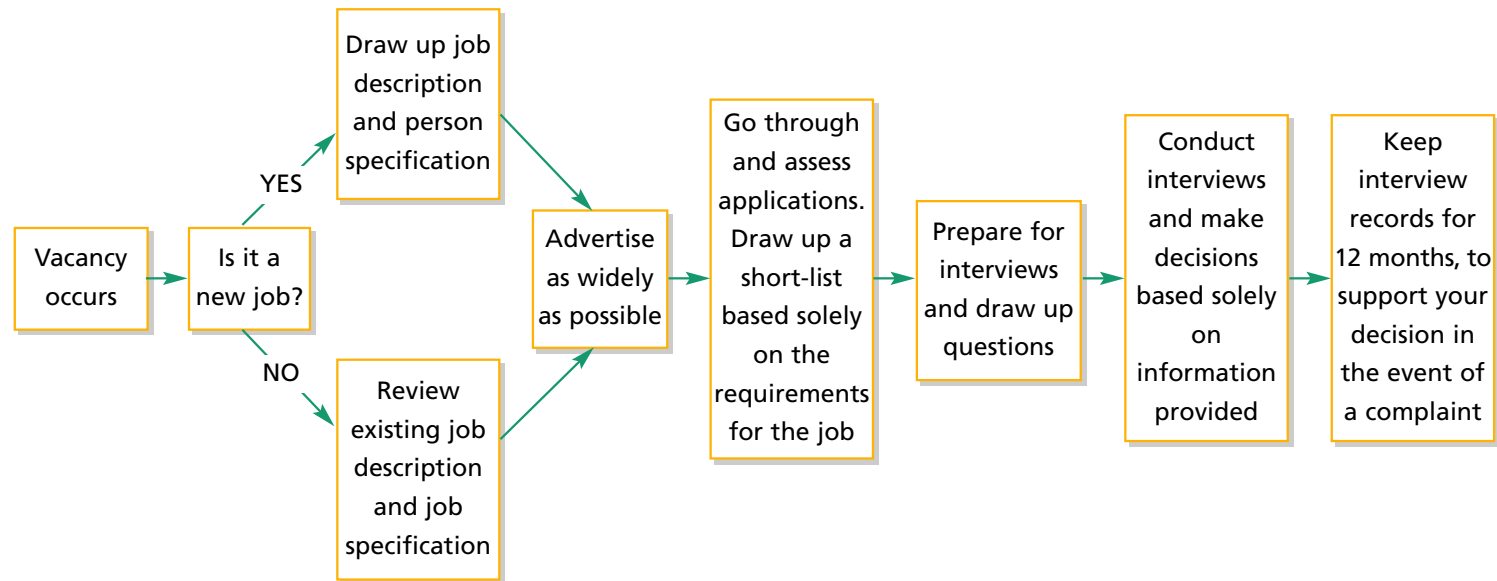
Vicious abuse and harassment at a foundry employing 33 workers finally drove Mr H to file a complaint at the Leeds tribunal. Mr H, a Muslim, had brought the appalling incidents to the manager's attention twice. On the first occasion (a pig's head had been shoved in his face), he was assured that it would be sorted out. On the second, Mr H was asked what *he* had done 'to stir this up'.

The tribunal found the company's responses 'deplorably inadequate' and did not 'accept for one moment' that the abuse Mr H had to put up with was merely 'jocular banter'. The tribunal also made clear that the size of the company had no bearing on 'the standards expected of reasonable employers when handling disciplinary matters'.

# PUBLIC CONTRACTS

- A contract for supplying newly designed police helmets required the contractor to provide cloth of the same colour, with identical insignia, for turbans to be worn by male Sikh officers.
- An NHS trust's contract for supplying prepared meals includes meals that are suitable for Caribbean and Chinese diets, as well as meals that meet certain religious requirements – such as halal, kosher and beef-free meals.

# RECRUITMENT AND SELECTION FLOWCHART



# **SAMPLE DOCUMENTS**



# SAMPLE RACIAL EQUALITY POLICY

The purpose of this policy is to ensure equal opportunities for all workers, job applicants, clients and customers, irrespective of race, colour, nationality, ethnic or national origin. We value a diverse customer base and the individuality and creativity that every worker potentially brings to the workforce.

## Operating principles

- Workers, job applicants, visitors, clients and customers will be treated fairly, openly and honestly, and with dignity and respect.
- No job applicant or worker will receive less favourable treatment on grounds of race, colour, nationality, ethnic or national origin.
- Equality of opportunity is about good employment practice and makes sound business sense. Steps will be taken to make sure all business practices ensure equal opportunities.
- Recruitment, training and promotion opportunities will be made as widely available as possible.
- Selection criteria for employment, training and promotion opportunities will be entirely related to the job.
- Employment decisions on recruitment, promotion and training will be made solely on the basis of merit.

- Everyone has the right to work and do business in an environment free of unlawful discrimination and harassment. We will not tolerate such behaviour under any circumstances.
- Disciplinary action, including dismissal, may be taken against any worker found responsible for harassment or discrimination.
- Any worker or trainee who believes he or she is being discriminated against, victimised or harassed should raise the matter through the company's complaints procedure.

This policy is fully supported by \_\_\_\_\_ (the owner/named senior manager/senior management team). We will ensure that all our workers, customers and clients are aware of the policy, and that they understand that they are responsible for observing it.

Our racial equality action plan outlines the steps we will take to give effect to this policy.

We will monitor the action plan and review the progress we have made each year, to make sure the policy is achieving its aims.

# SAMPLE RACIAL EQUALITY ACTION PLAN (1)

- \_\_\_\_ (named owner/manager or senior member of staff) is responsible for the racial equality policy and for putting the racial equality action plan into practice.
- We will circulate our racial equality policy, harassment policy and complaints procedure to all workers and their representatives, and also display them on company notice boards.
- We will provide guidance for supervisors, managers and other relevant staff on the company's equality policy, and on their responsibilities under the law.
- Our aim is to employ a diverse workforce. We will regularly review and revise the company's policies, practices, and procedures, to make sure they are not potentially discriminatory.
- If people from particular ethnic backgrounds are under-represented, we will:
  - include a statement in our job advertisements, positively encouraging them to apply;
  - make sure we advertise jobs as widely as possible;
  - consult specialist agencies such as Job Centre Plus, for advice;
  - make sure the criteria for selection are entirely job-related; and
  - keep track of the ethnic backgrounds of all workers and job applicants, and use the information to improve opportunities at all levels in the company.
- Our aim is to serve all members of the communities we serve. If people from some racial groups are under-represented among our customers, we will develop marketing and other strategies to reach them.

## **SAMPLE RACIAL EQUALITY ACTION PLAN (2): For businesses with more resources**

- \_\_\_\_ (named senior manager) is responsible for the racial equality policy and for putting the racial equality action plan into practice.
- We will circulate our racial equality policy to job applicants and all workers, and their representatives, by enclosing copies in induction material and application packs, and by placing them on our website and on company notice boards.
- We will make sure the racial equality policy applies to all our activities.
- We will monitor the racial equality policy, for example, by collecting and analysing information about the ethnic backgrounds of job applicants and all workers, at each level in the company.
- If we find under-representation of any racial groups, we will:
  - include a statement in our job advertisements, positively encouraging people from those groups to apply;
  - make sure our job advertisements reach them;
  - consider using ethnic minority media for our job advertisements;
  - consult specialist agencies, such as Job Centre Plus, for advice;
  - make sure the criteria for selection are entirely job-related;
  - review and revise the company's policies, practices and procedures; and
  - consider taking positive action to provide training specifically for under-represented groups.

- We will make sure all our workers know and understand our harassment policy and complaints procedure, by:
  - circulating the policy and procedure to all staff and displaying both on company notice boards; and
  - holding staff meetings to explain and discuss the policy.
- Senior managers and other staff involved in recruitment and handling complaints will receive training in racial equality and the law on discrimination.
- We will consider using external agencies to support and advise us on equality matters.
- Our aim is to serve all members of the community. If people from some racial groups are under-represented among our customers, we will develop marketing and other strategies to reach them.

# SAMPLE JOB DESCRIPTION AND PERSON SPECIFICATION

## OFFICE MANAGER

Salary: £18,000

### Job role

Responsible for the day-to-day running of the office, and management of one secretary. Will report to the managing director.

### Main duties and responsibilities

- Manage and deal with supply of office furniture, equipment and stationery.
- Manage budgets, and record and report on expenditure to the managing director.
- Carry out administrative tasks, in order of priority.
- Supervise and oversee the work of the secretary.

- Deal with customer enquiries.
- Ensure compliance with office lease, office security and health and safety requirements.
- Oversee the supply of IT and other communication equipment, and ensure that any problems are resolved.

### Person specification

Applicants are expected to demonstrate the following:

- experience of managing budgets
- the ability to supervise staff and delegate tasks, and to ensure work is completed to the required standard

- experience of meeting strict and conflicting deadlines, under pressure
- the ability to communicate accurately and persuasively with colleagues, customers and suppliers
- knowledge of suppliers of office IT equipment, and experience of drawing up contracts
- experience of managing office facilities, including health and safety requirements.

# **SAMPLE EQUALITY STATEMENT FOR JOB ADVERTISEMENTS**

Our aim is to be an equal opportunities employer.  
We welcome all applications, regardless of race,  
colour, nationality, ethnic or national origins, sex,

disability, sexual orientation, age, or religion or  
belief. All applications will be considered solely  
on merit.



## SAMPLE POSITIVE ACTION ADVERTISEMENTS

- Applications from ethnic minorities are particularly welcome as they are currently under-represented in our workforce. All applicants will be treated equally on merit. Section 38(1)(b) of the Race Relations Act 1976 applies.
- We have vacancies for three trained electrical engineers in our Midlands factory. The job involves maintenance, repair and

testing of electrical equipment as well as supervision of the production line. Good rates of pay and conditions of service. As there is an under-representation of people from all ethnic minority groups in this work at this location, we would particularly encourage applicants from these groups. All applicants will be treated equally on merit. Section 38(1)(b) of the Race Relations Act 1976 applies.

# SAMPLE QUESTIONS FOR AN APPLICATION FORM

Typical questions/areas to be included in an application form are:

- Personal details
  - First name(s)
  - Surname
  - Address
  - Home/work telephone
  - E-mail address (if applicable)
  - Would you describe yourself as disabled?  
Yes/No
  - Are you eligible to work in the UK?  
Yes/No
  - Ethnic origin (select from categories)
- Employment
  - Present/most recent employer: give name, address, dates employed, position held, notice period.
  - Previous employers: list all previous employers (give name, address, dates employed, position held).
- Education and training
  - List (with dates) all qualifications obtained or currently pursued. Include any work-related training courses; membership of professional bodies; and details of any voluntary work, community work, or other unpaid work.

- Relevant experience and skills
  - Please demonstrate with examples how you satisfy each point listed in the person specification.
- References
  - Give the name, address and telephone number of two referees. Where applicable, one should be your current or most recent employer.

# SAMPLE POLICY ON RACIAL HARASSMENT

As part of its racial equality policy, the company is committed to promoting a good and harmonious working environment where every worker is treated with respect and dignity. No one should feel threatened, intimidated or degraded on grounds of race, colour, nationality, ethnic or national origin, sex, married status, sexual orientation, disability, physical characteristics, health, or religion or belief.

The policy also covers harassment that falls outside the above categories and that can be classed as bullying.

Harassment at work is unacceptable behaviour and will not be permitted or condoned.

All workers have a right to work in an environment that:

- is free from abuse or insults;

- is safe;
- promotes dignity at work;
- encourages individuals to treat each other with respect;
- values politeness;
- is open and fair; and
- encourages individuals to support each other.

All workers have a responsibility to:

- support anyone who says they have been bullied or harassed, and to be sensitive to their feelings and perceptions of the situation;
- encourage them to seek help; and

- refrain from taking part in, encouraging or condoning gossip about cases of alleged or actual harassment or bullying.

Complaints of harassment or discrimination will be dealt with through the complaints procedure.

Disciplinary action, including dismissal, may be taken against any worker found responsible for harassment or discrimination.

All workers must comply with this policy.

# SAMPLE RACIAL HARASSMENT COMPLAINTS PROCEDURE (1)

Racial harassment and discrimination are contrary to the company's racial equality policy. Complaints will be dealt with under the company's disciplinary and grievance procedure.

Racial harassment includes actions – verbal insults or ridicule, graffiti, slogans, racial comments, shunning of individuals, or applying different or unreasonable standards – that, intentionally or not, have the effect of violating a person's dignity or creating an intimidating, hostile, degrading or offensive environment.

Complaints should be made in writing (marked 'Confidential') to the owner/manager/named senior manager (unless they are the person(s) being complained about). All complaints will be treated in strictest confidence, at all stages of the process.

All complaints will be treated seriously. Workers involved, and witnesses, will be questioned promptly to establish what has happened.

Both parties will be given support, including interpreting services (if needed).

Both parties have the right to be accompanied by a friend or representative at all discussions.

The complaints procedure will be completed within 20 working days of the complaint having been received, or as soon as practicable.

The complainant will be informed of the outcome of the grievance and an undertaking given that she or he will not be victimised or suffer any further disadvantage.

The complainant will be informed of his or her statutory rights under discrimination legislation.

Disciplinary action, including dismissal, may be taken against any worker found responsible for harassment or discrimination.

If the harassment is from a customer, client or contractor, they will be warned that such behaviour will not be tolerated, and that further incidents could lead to suspension of the service or termination of the contract.

# **SAMPLE RACIAL HARASSMENT COMPLAINTS PROCEDURE (2): For businesses with more resources**

Racial harassment and discrimination are contrary to the company's racial equality policy and may be grounds for dismissal.

## **What is racial harassment?**

A person harasses someone on racial grounds if his or her conduct is unwanted and it has the effect, intentionally or not, of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

## **What forms can racial harassment or discrimination take?**

- Racial abuse.
- Racially explicit derogatory statements that are found to be objectionable and offensive.
- Racist graffiti, slogans, badges.
- Offensive jokes of a racial nature.
- An offensive way of communicating that is not used with other workers.
- Applying different or unreasonable standards of performance to individuals.



## Remedies

- All workers are encouraged to report incidents of racial harassment or discrimination and are assured that complaints will be dealt with sensitively.
- Confidentiality is assured. Discussions between the complainant and the manager(s) handling the complaint will be conducted with sympathy, sensitivity and understanding.
- All complaints will be treated seriously. Workers involved, and witnesses, will be questioned promptly to establish what has happened. Both parties will be given support, including interpreting services (if needed). Both parties have the right to be accompanied by a friend or representative at all discussions.
- The procedure offers an informal and a formal procedure. The complainant should know that disciplinary action will only be taken following formal consideration of the complaint. The

formal procedure will be completed within 20 working days of the complaint having been received. The complainant does not have to use the informal procedure before making a formal complaint.

- The complainant is advised to write down, preferably in diary form, what happened and when.

## The informal complaints process

- The complainant can approach the alleged harasser directly to resolve matters.
- The complainant can approach the alleged harasser, with support from a colleague, a representative or a manager.
- The complainant can write to the alleged harasser, with advice or support from a colleague, representative or manager, to make it clear that the behaviour in question is offensive, is not welcome and should be stopped.

## The formal complaints process

- The complaint should be made as soon as possible following the act of alleged harassment.
- The complaint should be made in writing, to the complainant's line manager, or the managing director or the personnel manager (unless any of them are the subject of the complaint).
- The complaint will be acknowledged in writing within 3 working days. The alleged harasser will be given written notification of the complaint, with full details of the allegation.
- An investigation manager will be nominated. The investigation manager will have received training in handling complaints of harassment or discrimination. The investigation manager will interview the complainant, who has the right to be accompanied by a friend, or a trade union or other representative (not acting in a legal capacity), and an interpreter (if requested).
- The alleged harasser will be interviewed. He or she will have the same right to be accompanied.
- Following the interviews, both parties will be informed of any decision to separate them.
- The investigation manager will write to the alleged harasser outlining the complaint.
- Formal meetings will be held with the complainant, the alleged harasser and any witnesses, within 10 working days of the date the complaint was received.
- The evidence will be considered as quickly as possible by a panel or by an independent person, preferably someone outside the department where the parties concerned work.
- The complainant and the alleged harasser will receive a decision in writing from the company as soon as the investigation is complete. Possible outcomes include the decision to:

- take no further action, because the complaint is not founded, or there is insufficient evidence; or
  - uphold the complaint and invoke the company's formal disciplinary procedure.
- Appeals against the decision will be dealt with through the company's disciplinary procedure (if the appeal is from the person against whom the complaint was made) or the company's grievance procedure (if the appeal is from the complainant).
  - The company will offer training and/or counselling to both parties.
  - The investigation manager will meet the complainant on a regular basis, to offer support, and to make sure no harassment or victimisation has occurred, even if the complaint has not been upheld.
  - The harasser's manager will be responsible for ensuring that the harasser fully understands the company's racial equality policy and the laws on discrimination.