

Clearfield

Flare Recruitment LTD t/a Clearfield Ltd

Equal Opportunities Policy

Date effective from: 01/01/10

Due for review: 01/01/11

Approved by: Julian Ennor

1. Introduction

1.1 As a matter of good employment relations practice, it is important for Flare Recruitment LTD t/a Clearfield Ltd to adopt, actively implement and monitor a policy on equality of opportunity in employment. This policy embodies the principles contained in the following legislation:

- Equal Pay Act (EPA) 1970
- Sex Discrimination Acts (SDA) 1975 & 1986
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Religion or Belief) Regulations 2003
- Race Relations Act (RRA) 1976, as amended by the Race Relations (Amendment) Act 2000
- Disability Discrimination Act (DDA) 1995
- The Commission for Racial Equality (CRE), Equal Opportunities Commission (EOC), and the Disability Discrimination Act Codes of Practice
On Employment
- Human Rights Act and the European Convention on Human Rights

2. General Statement

2.1 Flare Recruitment LTD t/a Clearfield Ltd seeks to employ a workforce who reflects the diverse community at large; because we value the individual contribution of people, irrespective of sex, age, marital status, disability, sexual orientation, race, colour, religion or national origin.

2.2 All our employees will be treated with dignity and respect, and provided a working environment free from unlawful discrimination, victimisation or harassment on the grounds of sex, age, marital status, disability, sexual orientation, race, colour, religion or national origin.

2.3 We will not tolerate acts which breach this policy, and all instances of such behaviour, or alleged behaviour, will be taken seriously, fully investigated and may be subject to our disciplinary procedures.

2.4 If an employee becomes disabled, every effort shall be made to retain them within the workforce, wherever reasonable and practicable to do so.

2.5 Facilities for people with disabilities shall be provided in existing premises, wherever practicable and reasonable to do so.

2.6 Services to customers and clients will be provided without any form of unlawful discrimination.

3. Definitions

The Disability Discrimination Act 1995 (DDA) defines a **disabled person** as a person with “a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities”.

The Employment Equality (Sexual Orientation) Regulations 2003 defines **sexual orientation** as that “towards persons of the same sex, persons of the opposite sex, or to both persons of the same sex and the opposite sex”.

The Employment Equality (Religion or Belief) Regulations 2003 defines **religion or belief** to mean “any religion, religious belief, or similar philosophical belief”.

For the purposes of this code, **racial group** means a group of persons defined by reference to colour, race, nationality (including citizenship), and ethnic or national origin.

Under the legislation listed in Introduction, discrimination will occur according to the conditions set out in 3.1 to 3.5:

3.1 Less Favourable Treatment

For a reason relating to a person’s sex, age, marital status, disability, sexual orientation, race, colour, religion or national origin, Flare Recruitment LTD t/a Clearfield Ltd treats him or her less favourably than it treats or would treat others. This is also known as direct discrimination.

3.2 Failure to make reasonable adjustments without justification

Where Flare Recruitment LTD t/a Clearfield Ltd fails to comply with a duty to make reasonable adjustments without justification for a disabled person.

3.3 Application of a detrimental requirement or condition

Indirect discrimination will occur if Flare Recruitment LTD t/a Clearfield Ltd applies or intends to apply a requirement or condition, which

- is such that a considerably smaller proportion of persons of one sex, or of the one racial, ethnic or national group can comply with it; than the proportion of persons of the other sex or not of that racial, ethnic or national group who can comply;
- cannot be shown to be justifiable irrespective of the sex, age, marital status, disability, sexual orientation, race, colour, religion or national origin of the person to whom it is applied;
- Is to the detriment of the person concerned because he or she cannot comply with it. An example of indirect discrimination on grounds of sex might be a rule that applicants must be under a specified age which contravenes working age legislation. An example of such discrimination on racial grounds might be a rule that candidates must have a British or European degree.

2 3.4 Victimisation

A person is victimised or treated less favourably than another person in the same circumstances because they have asserted or are suspected of asserting their rights under the Acts, or for giving evidence or information relating to such proceedings, or for alleging that discrimination has occurred.

3.5 Harassment

An employee is subjected to a violation of their dignity, or to intimidating, hostile, degrading, humiliating or offensive treatment. Harassment can be described as unwelcome physical, verbal or non-verbal conduct.

3.6 Other references to Discrimination

3.6.1 The Human rights Act 1998 incorporates the European Convention of Human Rights into UK law. Article 8 guarantees the right to respect for private and family life and Article 14 prohibits discrimination on any reasonable ground (including sexual orientation).

3.6.2 Disrespectful behaviour of a more general nature shall also not be tolerated by Flare Recruitment LTD t/a Clearfield Ltd and shall be looked upon as unfair discrimination.

4. Scope

4.1 All employees (including potential employees), contractors and agency workers are bound by the Equal Opportunities Policy, have a responsibility to adhere to it, and will receive training or guidance to assist them.

4.2 Overall responsibility for the implementation of the Policy rests with Senior Management, who is responsible for communicating, promoting and enforcing the policy.

5. Recruitment and Selection

Both the equal opportunities policy and that relating to recruitment itself govern the process of recruitment and selection. For more details on the standards and procedures relating to recruitment, please refer to the associated policy documentation.

5.1 Selection criteria

5.1.1 Selection criteria for all posts will be clearly defined and reflected in the further particulars sent to candidates, which will also include details of the Flare Recruitment LTD t/a Clearfield Ltd commitment to equality of opportunity.

5.1.2 Job qualifications or requirements which would have the effect of inhibiting applications from members of particular groups, such as those of one sex, persons of a particular marital status or sexual orientation, persons of a particular racial group, or those with a disability, will not be demanded or imposed except where they are justifiable in terms of the job to be done.

5.2 Advertising

5.2.1 Job advertisements will be widely publicized so as to encourage applications from a broad range of suitable candidates from all backgrounds.

5.2.2 All job advertisements placed on behalf of Flare Recruitment LTD t/a Clearfield Ltd will state our commitment to equality of opportunity by including a footnote or final note indicating this. In addition, where further particulars are prepared they should quote in full the Equal Opportunities Policy Statement and make reference to the Flare Recruitment LTD t/a Clearfield Ltd maternity and parental leave policies.

5.2.3 Further particulars should also be made available in large print, tape, or other formats when they are requested by disabled applicants.

5.3 Selection methods

5.3.1 All those handling applications and conducting interviews must be aware of the principles of the Sex Discrimination Act, the Race Relations Act, the Disability Discrimination Act, and other relevant legislation.

5.3.2 Flare Recruitment LTD t/a Clearfield Ltd will ensure that training and advice are available in furtherance of this requirement.

5.3.3 All candidates will be compared objectively with the selection criteria, and all applications will be processed in the same way.

5.3.4 Information sought from candidates and passed to those responsible for appointments will relate only to the qualifications for or requirements of the job.

5.3.5 It is recognized that Flare Recruitment LTD t/a Clearfield Ltd has a statutory obligation to make such adjustments to the workplace and to working arrangements as are reasonable to accommodate suitably qualified disabled applicants.

5.4 Interviews

- 5.4.1 Wherever possible and appropriate, Flare Recruitment LTD t/a Clearfield Ltd would seek to ensure every interview panel has a balanced representation of gender, disability and race.
- 5.4.2 Interview questions must only relate to the agreed selection criteria. No questions will be based on assumptions about roles in the home and the family, or the assumed suitability of different racial groups for the post in question. In particular, questions about personal relationships, marital status, children, domestic obligations, marriage plans, or family intentions will not be asked at interview. Questions about a candidate's ability to 'fit in' with colleagues may also not be asked.
- 5.4.3 Where it is necessary to obtain information on personal circumstances (for example, in relation to a selection criterion such as flexibility to work irregular hours) or on whether a candidate will be able to work well with colleagues, questions about this will be asked equally of all candidates and, like other questions, will relate only to the job requirements.
- 5.4.4 In the case of disabled applicants who identify themselves at the application stage, all practicable interview arrangements (such as the assistance of a sign interpreter) should be offered to enable candidates to compete on an equal basis.

5.5 Record-keeping

- 5.5.1 Details of candidates and of selection decisions (including the rationale for selection or rejection) will be kept for at least six months after an appointment has been made, in case they are required as evidence by an employment tribunal or for other proceedings.
- 5.5.2 Flare Recruitment LTD t/a Clearfield Ltd will keep records of the sex, racial origin, and any disability of its staff and of all candidates and of those short listed and appointed. The 'gender' and 'racial' composition of selection panels will also be monitored.
- 5.5.3 Records may be used to determine whether members of one sex or persons of a certain racial group or those with a disability do not apply for employment, or apply in smaller numbers than might be expected, or are short listed or appointed in a lower proportion than their application rate, or are concentrated in certain jobs, departments, or teams.
- 5.5.4 Where such under-representation is identified, positive action initiatives will be developed under the relevant Statute.
- 5.5.5 Flare Recruitment LTD t/a Clearfield Ltd will investigate the practicalities of monitoring progression within employment, including access to training and development, promotion and grading.

5.6 Review of recruitment practice

- 5.6.1 Recruitment procedures and practices will be kept under review so as to ensure that this code is being adhered to. This review shall occur independently of, though be subject to, periodic review of this equal opportunities policy.
- 5.6.2 Responsibility for monitoring and reviewing the recruitment procedure rests with those empowered under the recruitment procedure.

6. Advancement, Promotion, and Training

- 6.1 All members of staff shall enjoy equality of opportunity for training and promotion within the terms of their employment and on the basis of their relevant qualifications and abilities. Career development and promotion prospects should not be jeopardised by the sex, age, marital status, disability, sexual orientation, race, colour, religion or national origin of a member of staff. Flare Recruitment LTD t/a Clearfield Ltd will continue to keep under review the criteria for promotion.
- 6.2 An induction will be provided for all new staff, which includes an introduction to Equal Opportunities.
- 6.3 All staff will have equal access to training and development.
- 6.4 Guidance on the Equal Opportunities Policy will be provided to all employees to ensure that it is implemented effectively.

7. Changes in Personal Circumstances

- 7.1 No employee shall be subject to discrimination on the basis of a change in his or her personal circumstances. This relates to all aspects of an employee's personal life, including marital status, sexual orientation and disability.
- 7.2 Qualifications to the above statement may be permissible in relation to;
- An employee being convicted of a criminal offence.
 - Circumstances whereby an employee acquires a disability such that any measures to accommodate him or her would be impracticable.

8. Physical Environment

- 8.1 The physical environment (buildings and facilities) of Flare Recruitment LTD t/a Clearfield Ltd will be maintained and developed as far as practicable so that it is accessible and welcoming to all. Accessibility is a priority for external events.
- 8.2 The workforce will be acknowledged and encouraged.
- 8.3 Equal Opportunities will be promoted to all employees, contractors and agency workers, in order to raise awareness.

- 8.4 The needs of under-represented groups will be assessed and additional support provided where possible.

9. Redundancy, redeployment & dismissal

- 9.1 Both the equal opportunities policy and the relevant policy provisions Flare Recruitment LTD t/a Clearfield Ltd practices relating to redundancy, redeployment and dismissal. For more details on the standards and procedures relating to recruitment, please refer to the associated policy documentation.
- 9.2 The criteria and methods for redundancy, redeployment and dismissal will be non-discriminatory, shall be stated clearly and will be monitored and reviewed to ensure that they are applied.

10. Complaints

- 10.1 A grievance procedure has been developed for dealing with complaints, and this includes allegations of discrimination. The grievance procedure is governed by separate provisions but is also subject to this equal opportunities policy. For more information please refer to the associated policy documentation.
- 10.2 Information on discrimination will be gathered from allegations / cases related to disciplinary, grievance, complaints, harassment, recruitment and selection, training procedures and practices, exit interviews and medical referral cases.
- 10.3 Information will be recorded, analysed and used to develop positive measures to prevent further discrimination.
- 10.4 No action is permitted against an employee solely on the basis that he or she attempted to assert their rights to equality as preserved under legislation and provided for within this policy.

11. Review

- 11.1 This policy will be reviewed periodically, with the results of any review being made available to view by all employees or other interested parties.