

GLC EQUAL OPPORTUNITIES CODE OF PRACTICE

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GLC EQUAL OPPORTUNITIES CODE OF PRACTICE

This Code of Practice covers the entire personnel process from the moment a vacancy is advertised. It incorporates a review of all the principal conditions governing employees' service with the GLC and applies equally to the recruitment and selection of both internal and external candidates.

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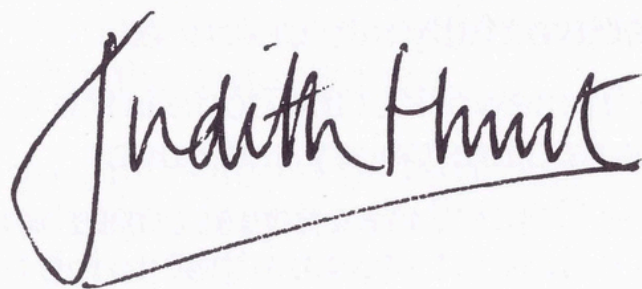
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Foreword

by the Director of Staffing and Equal Opportunities

The first GLC Equal Opportunities Code of Practice was agreed in June 1983 at the Staff Committee. This revised edition has been agreed in April 1985 by the same Committee in order to incorporate more recent policy developments and consultations with specific groups of staff. The Code of Practice has provided an invaluable framework for promoting equal opportunities.

The booklet has helped to guide all personnel staff, managers and supervisors in implementing the Code of Practice in their everyday work. This revised edition will be made widely available to individual employees as a comprehensive statement of their rights under the Code of Practice. In its present form it is a welcome expression of the Council's intention to develop and communicate its Equal Opportunity Policy to all its employees.



Introduction

Experience in the operation of equal opportunities policies, inside and outside of local government, has grown tremendously. In the light of this, and having consulted with the trade unions, the Council considers it appropriate as a good employer to introduce wider ranging measures to ensure equal opportunities for all its staff and prospective employees.

The Council is concerned that its policy should extend to cover all who may for any reason be unfairly discriminated against.

This Code of Practice outlines the main objectives of the GLC's equal opportunities programme for its staff. It is a **statement of intent** to be achieved through established consultation procedures.

Appropriate directions and detailed guidelines will be issued to help all employees to implement it, where they are necessary or where changes are required to put the equality objectives fully into practice.

The framework of the code is the Council's agreed equal opportunities policy statement:

The Council is an equal opportunity employer. The aim of its policy is to ensure that no job applicant or employee receives less favourable treatment on the grounds of sex, race, colour, nationality, ethnic or national origins, marital status, disability, sexual orientation, age, trade union activity, political or religious belief. Selection criteria and procedures will be kept under review to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities. All employees will be given equal opportunities and, where appropriate, special training to progress within the organisation. *The Council is committed to a programme of action to make this policy fully effective.*

The four main groups the Council is particularly concerned to improve the position of are women, ethnic minorities, people with disabilities and lesbians and gay men. In the case of people with disabilities this includes employees who become disabled during the course of their employment with the Council.

These are our aims

- that no job applicant or employee receives less favourable treatment than another on the grounds of sex, race, sexual orientation, disability, because of being lesbian or gay, or because of marital status.
- that no job applicant or employee is placed at a disadvantage by requirements or conditions which have a disproportionately adverse effect on his or her racial or sexual group or on lesbians or gay men or on people with disabilities and which cannot be shown to be justifiable on other grounds.
- that any qualifications or requirements applied to a job which effectively restrict it to applicants of one sex or to single people, should be kept only if they are justifiable in terms of the job to be done.
- that where appropriate and permissible, employees are given special training and encouragement to achieve equal opportunity within the organisation.
- that any age limits should be kept only if they are imposed by statute or are necessary for the job. An unjustifiable upper age limit could constitute unlawful indirect discrimination, for example, against women who have taken time out of employment for child-rearing.
- that each individual should be assessed according to his or her capability to carry out a given job. It should not be assumed that men only or women only will be able to do certain kinds of work, or that people with disabilities are restricted to a limited number of jobs.
- that action is taken to provide increased employment opportunities for people with disabilities.
- that the ability to understand and implement the Equal Opportunities policy at a level and in a manner appropriate to the job is a necessary qualification for any job in the GLC.

- that a working atmosphere is created so that lesbians and gay men can be open about their sexuality if they wish.

- that it should be recognised that job applicants and employees may face discrimination on a number of these grounds and that the form which discrimination takes may vary greatly in degree and nature as a result. In recognition of this Equal Opportunities policies are constructed in such a way as to both minimise the possibility of discrimination and find means of combatting it whenever it arises.

Our responsibility as employers

To make sure that the Equal Opportunities Policy is fully effective the GLC has allocated overall responsibility for the policy to the Director of Staffing and Equal Opportunities while local responsibility rests with Departmental Heads with specialist advice available from the Equal Opportunities Group and Ethnic Minorities Unit, and has made the following commitments:

to discuss and, where necessary, agree with trade union representatives the Policy's content and implementation, with the aid of the Equal Opportunities Monitoring Group, consisting of nominees of management and unions, and members, to discuss, advise on and monitor the Equal Opportunities Policy

to make sure that the policy is known to all employees and job applicants and to take appropriate action in accordance with established procedures against employees who are found to infringe it

to provide training and guidance for everyone, particularly relevant decision-makers, to make sure that they understand their responsibilities under the law and under the GLC's Equal Opportunities Policy

to examine and regularly review existing procedures and criteria and change them where they are found to be actually or potentially discriminatory including when they fail to meet the needs of the groups specified by the policy

to make an initial equal opportunities audit of the workforce to identify possible areas of action

to draw up positive action policies to put right existing imbalances

to monitor the ethnic and sexual composition of the workforce and of job applicants on a regular basis and to monitor applications from people with disabilities, in order to evaluate the progress of the policy

to review the success of the policy in regard to lesbians and gay men by regularly consulting lesbian and gay employees, and through regular report-backs on actions taken by Departments

to inform its employees of their responsibilities and opportunities under the equal rights legislation and the GLC's policy.

What we expect from our employees

While the main responsibility for providing equal opportunity is that of the employer, individual employees at all levels have responsibilities too. Getting rid of discrimination depends as much on them as on management.

They can also help to protect themselves by understanding those sections of the Code which are relevant to their jobs.

In particular, individual employees:

- should co-operate with measures introduced by management to make sure there is equal opportunity and non-discrimination

- must not themselves discriminate, for example, as supervisors or as persons responsible for selection decisions in recruitment, promotion, transfer or training

- must not induce or attempt to induce other employees or unions or management to practice discrimination, for example, by refusing to accept employees from particular racial groups; by refusing to work with a person with a disability, a lesbian or gay man or an ethnic minority or woman supervisor; or by seeking formal agreements which would adversely affect women or members of ethnic minority groups on racial grounds

- must draw the attention of management to suspected discriminatory acts or practices

- must not victimise individuals on the grounds that they have made complaints or provided information about discrimination(s) or harassment

- should not harass, abuse or intimidate other employees on any grounds including those of disability, race or sex, or being lesbian or gay.

Where employees in positions of authority in the course of their employment commit such incidents, this is considered as a particularly serious offence and will render the employee liable for disciplinary action.

What the terms mean

Unlawful Discrimination (Race Relations Act, 1976)

The Race Relations Act 1976 makes it unlawful to discriminate against a person, directly or indirectly, in the field of employment.

Direct discrimination consists of treating a person, on racial grounds, less favourably than others are or would be treated in the same circumstances.

Racial grounds are the grounds of race, colour and nationality – including citizenship, or ethnic or national origins – and grounds defined by reference to these grounds are referred to as racial groups.

Segregating a person from others on racial grounds constitutes less favourable treatment.

Indirect discrimination consists of applying in any circumstances covered by the Act a requirement or condition which, intentionally or not, has a disproportionately adverse effect on a particular racial group and cannot be shown to be justifiable on other than racial grounds.

Examples of indirect discrimination would be recruiting from sources which exclude areas of high settlement of racial minority groups or setting language tests or educational qualification levels above the minimum needed for a job or post.

Sex discrimination (Sex Discrimination Act, 1975)

Direct sex discrimination occurs where a person of one sex is treated less favourably, on grounds of sex, than a person of the other sex would be in the same or not materially different circumstances.

Indirect sex discrimination can occur where a requirement or condition is applied equally to men and women. Such a requirement or condition may nevertheless discriminate indirectly because the proportion of one sex which can comply with it is much smaller than the proportion of the other sex which can comply with it.

For example, a requirement to be mobile might bar more women than men.

A complainant would have to show that it is to her/his detriment that she/he cannot comply.

In a case brought before an Industrial Tribunal an employer would be required to show that the requirement complained of is necessary for the job, irrespective of sex. Unless it can be justified it will be unlawful, whether or not it was the intention of the employer to discriminate.

Marriage discrimination occurs where a married person is treated less favourably, on grounds of marital status, than an unmarried person of the same sex would be in the same or not materially different circumstances. The discrimination may be direct or indirect as explained above.

● ***The Disabled Persons (Employment) Acts (1944 and 1958)***

These provide that an employer of more than 20 workers has a duty to employ a quota of disabled workers who are registered under the Acts. The quota is currently three per cent of total staff.

It is not an offence to be below quota, but where an employer does not achieve the requirement application must be made to the Manpower Services Commission for a permit to recruit non-disabled employees.

The 1944 Act also provides two occupations – car park attendant and passenger electric lift attendant – which are designated as reserved occupations for people registered as disabled.

● ***The Companies (Director's Report – Employment of Disabled Persons) Regulations (1980)***

This provides that an employer of 250 people which is incorporated as a company under the Companies Acts must disclose information about the company's policies towards employment of people with disabilities (registered or not) in the annual director's report.

Public sector employers have been requested by government to publish similar statements about their policies.

The Council's annual statement on its policies towards the employment of people with disabilities is included in the Council's Annual Report.

The Council and the law

The Council's policy on employment of workers with disabilities is set out in Clause Ea 5 of the Staff Code. This

provides that 'preference shall be given, other things being equal, to (the appointment of) registered disabled persons and all application forms for employment shall include a reference thereto.'

Discrimination against lesbians and gay men

It is contrary to the Council Equal Opportunities Policy to discriminate against lesbians and gay men, or on grounds of an individual's sexual orientation, either directly or indirectly. Any such discrimination, whether it arises out of prejudice, or out of unfair procedures, is considered a breach of the Policy.

Victimisation

Victimisation consists of taking action against a person or treating them less favourably for asserting their rights under the Equal Pay Act, the Sex Discrimination Act or the Race Relations Act, or to this Code of Practice, or because they have taken action in support of the rights of people in the groups specified by the Code of Practice.

An example of this would be if a person brought proceedings or gave evidence or information in a case under the Acts or Code of Practice or alleged (expressly or otherwise) that anyone had committed an act which could constitute a breach of the legislation and was therefore treated less favourably because of those proceedings. There can, however, be no unlawful victimisation if the allegation was false and not made in good faith.

Taking positive action

Positive measures are allowed by the law to encourage employees who are members of disadvantaged groups which have been under-represented in particular work areas to receive special training programmes.

Equally, the Council has the power to take appropriate steps to make sure that applicants from groups covered by the policy are well-represented within the Council's own trainee and apprentice schemes or its support for Manpower Services Commission (MSC) sponsored training schemes such as the Youth Training Scheme. Discrimination at the point of selection for work, however, is not permissible in these circumstances.

A particular sexual or racial group is under-represented if, at any time during the previous twelve months, either there was no-one of that group doing the work in question, or there were disproportionately few in comparison with the group's proportion in the workforce at that establishment, or in the relevant labour market.

Positive measures are important for the development of equal opportunities and may include

- job advertisements and out-reach work to encourage the application of women and ethnic minorities, and people with disabilities
- recruitment and training schemes for school-leavers, in particular for young women and members of ethnic minorities and encouraging people with disabilities to take advantage of these schemes
- encouraging women and ethnic minorities and people with disabilities to apply for promotion and transfer opportunities, through careers counselling or training schemes
- special training schemes for women, and members of ethnic minorities and people with disabilities who show potential for promotion or skills training but who lack the necessary qualifications (through past discrimination)
- language training may be included as part of supervisory training
- special training and research to enable more people with disabilities to have full and satisfying careers
- initiatives to promote awareness of racism, heterosexism, sexism and disability issues, and methods of challenging these

Applications are encouraged from all sections of the community irrespective of whether the applicant is lesbian or gay.

Monitoring our progress

It is the Council's policy to monitor the equal opportunities aspects of the recruitment and promotion process. The monitoring will take the form of collecting relevant statistics.

The information recorded will be needed for the following purposes: to produce statistical analyses and other feedback which will help to identify and diagnose problems and which will enable the effectiveness of the Council's equal opportunities policies in action to be assessed

to improve the recruitment and selection process

to be used in case of a grievance relevant to equal opportunities

to enable the Council to redesign and improve its positive action programmes

Procedures exist to monitor the following areas:

(a) the ethnic and sexual composition of the workforce of each department, section, shift and job category, and changes in its distribution over period of time

(b) the numbers and proportions selected for recruitment, promotion, transfer and training, according to the sex, and racial group, and disability of candidates – and the reasons for these decisions

(c) the number and nature of reported grievances and disciplinaries

(d) the proportion of take up of training opportunities by ethnic origin, sex and disability

(e) individual experiences, conditions of work and job satisfaction.

Monitoring in this way will discover, for example, whether individuals from disadvantaged groups do not apply for employment or promotion, or that fewer apply than might be expected; whether they are not recruited or promoted at all, or are appointed in a significantly lower proportion than their rate of application.

It will reveal whether they are under-represented in training or in jobs carrying higher pay, status or authority or if they are concentrated in certain grades, shifts, locations, sections, departments or any other area within the Council's service.

If any such patterns are identified, the reasons will be investigated. If direct or indirect discrimination is found, appropriate and necessary steps will be taken to remedy the situation.

Individual employees' confidentiality rights are safeguarded by the Council's agreed Code of Practice on Confidentiality/Security of Data on Ethnic Origin.

In the case of lesbians and gay men, monitoring will be carried out by regularly consulting lesbian and gay employees, and through regular report-backs on action taken by Departments.

Good employment practices

This section of the GLC Code describes those good employment practices which will help eliminate discrimination. It recommends the establishment and use of **consistent** and justifiable criteria for selection, training, promotion, redundancy, grievance, discipline and career development. Without consistency decisions can be subjective and leave the way open for discrimination to occur.

Recruitment – attracting a field of candidates

Discrimination in recruitment

It is unlawful for an employer to discriminate when recruiting employees in any of these ways:

in the arrangements made for deciding who should be offered a job. Examples might be the instructions given to a Personnel Officer or advertising a job in a place where only one sex would have the opportunity of seeing the advertisement

in relation to any terms offered (for instance, in respect of pay or holidays). For example, it is unlawful to offer a job (whether or not the candidate accepts it), where the terms would be a breach of the Equal Pay Act should an employment contract be entered into

by refusing or deliberately omitting to offer a person employment on grounds of sex or marital status, for example, by rejecting an applicant or deliberately refusing consideration of an application.

As it is unlawful to restrict unnecessarily fields of applicants, it is essential that the GLC should make its employment opportunities available to the widest range of applicants.

Recommended practice

- publicity information such as career brochures must reflect the Equal Opportunities Policy. For example, disadvantaged groups must figure in photographs or any case histories presented
- recruitment drives must not artificially restrict the number of applicants from disadvantaged groups, for

example, by only visiting schools with a small proportion of pupils from deprived racial groups or by advertising apprenticeships only at boys' schools, since this may be construed as indirect discrimination and therefore unlawful

- personal recommendations from existing employees as a primary or sole method of attracting applicants is likely to be discriminatory. All recruitment vacancies which are not filled internally must be made known outside the Council, by means which will give equal access to all sections of the community seeking employment

- equal access can only be given when special efforts are undertaken to make sure that information about job vacancies reaches those who are under-represented or absent either in the workforce as a whole, or in specific occupations or specific sections. This is specifically permitted in the Sex Discrimination Act and Race Relations Act.

- Equal access will depend on special efforts being made to ensure that potential applicants are aware of the Council's positive Equal Opportunities policies.

Special efforts will include advertising and promotion in the ethnic press and papers widely read by women, by people with disabilities and by lesbians and gay men; the use of other than written media, including radio, talking newspapers, etc., outreach publicity with organisations and groups, and the display of publicity in appropriate places such as community centres, etc., and providing a regular vacancy list to be circulated to all women's, ethnic minority, lesbian and gay and disabled people's groups with an employment focus to their activities, as well as to traditional outlets, such as Job Centres and careers services.

- all vacancies and training opportunities will be effectively publicised to make sure that all employees have full access to information about transfer and promotion opportunities

- the details of all vacancies will be notified to the Personnel Department for action in creating access for those with disabilities, and informing the Disablement Resettlement Officers

- advertisements must be clear and unambiguous so that applicants will be able to determine their own suitability

- a standard equal opportunities statement has been agreed which should go on all advertisements:

'The GLC welcomes applications from all sections of the community, irrespective of an individual's sex, ethnic origin, colour, disability or sexual orientation. The GLC is an equal opportunities employer.'

- where advertisements state 'for further information please contact ...' this should be strictly limited to giving candidates factual information about qualifications/experience required by candidates in accordance with the personnel specification and must not be used as an informal sorting procedure.

Recruitment of craft, operative and manual workers

In this area of recruitment it is particularly important to stress that:

- all job descriptions should be written in a clear and concise manner
- job descriptions and skills required should be reviewed before recruitment action begins
- any skills specified should be strictly relevant to the requirements of the job. These should not be unnecessarily restrictive so as to exclude particular or disadvantaged groups, since this may be indirect discrimination and therefore unlawful
- all stated entry requirements must be clearly justifiable in terms of the principal functions of the post. For example, care should be taken in the following: requiring specific qualifications rather than ability to do the job; using criteria such as age to determine responsibility; including reference to 'preferred' criteria rather than criteria which are essential to the requirements of the job; confusing minimum person requirements with optimum personal requirements
- the criteria/qualifications set out in personnel specifications should not exceed the minimum laid down by award-giving bodies
- the equal rights dimension of service provision should be included in the job and skills descriptions. Here is a suggested form of words: 'The postholder must have the ability to understand and implement the Equal Opportunities Policy at a level appropriate to the job, and must at all times carry out his/her responsibilities with due regard to this Council's Equal Opportunities Policy.'

Application, short-listing and appointments boards

Selection tests

Selection tests should be specifically related to the job requirements and should measure an individual's actual or inherent ability to do or train for the particular work or career.

Tests should be checked regularly to make sure that they remain relevant and free from any unjustifiable bias, either in content or in scoring mechanism.

Selection tests should be validated to make sure that they are related to the job's requirements, that is, an individual's test markings should measure their ability to do the job in question.

Selection tests must be administered in such a way as to minimise irrelevant culture bias.

Selection tests should be administered in such a way that the nature of the test itself does not put applicants with disabilities at a disadvantage.

It must not be assumed that overseas degrees or diplomas are of a lower standard than comparable qualifications from the UK – independent education guidance must be sought and followed.

Applications and short-listings

Shortlisting must be based only on the information contained in the application form using the job and skills description as the criteria.

The criteria for initial selection must be consistently applied to all applicants.

The application form should not be used as a test of literacy unless a high standard of literacy is a genuine requirement of the job.

Where academic qualifications are one of the criteria for initial selection, these should not be unnecessarily high for the particular job. Assumptions must not be made about the standard of overseas qualifications.

There should be no artificial restrictions on the numbers from any disadvantaged group when shortlisting. The adoption of quotas is both unlawful and unnecessary.

Applicants with disabilities should be given the same access to information about jobs as able-bodied candidates, eg, by

provision of job descriptions on tape or in large print. All potentially suitable applicants with disabilities should be interviewed in order to attempt to meet the Council's statutory obligation to fulfil the 3% quota, even though the candidate does not strictly meet all the selection criteria.

Any potentially suitable applicant with a disability should be interviewed irrespective of any requirement to adapt buildings or facilities should they be successful. This applies equally to existing employees who are newly disabled.

Reasons for rejection or shortlisting must be recorded.

Initial shortlisting should be undertaken by Departmental Personnel Officers or their representatives who should take a joint active role in the selection process in conjunction with line management and in certain circumstances in conjunction with the Director of Staffing and Equal Opportunities.

Appointment boards

All employees who may come into contact with job applicants must be trained in the provisions of the SDA 1975, the RRA 1976 and in those personnel procedures covered by the Council's Equal Opportunities Policy (see Training, below). No selection interview should take place without the participation of a trained interviewer or Departmental Personnel Officer being present.

Candidates with disabilities should be offered any facilities necessary for a fair interview, e.g., the use of a signing interpreter, an induction loop, a longer interview to facilitate communication, etc.

Interviewers must keep adequate notes of the interview in order to be able to make a fair comparison between candidates.

Interviewers should not imply discrimination by asking questions either about personal circumstances which are unrelated to the requirements of the job, or else designed to test more rigorously certain candidates on the basis of sex, race or disability, or that they are lesbian or gay.

For example, candidates should not ask questions about their personal circumstances or family commitments unless they are related to the requirements of the job, in which case the same question should be asked equally of all those interviewed. Neither should candidates be asked questions about their ethnic origin or that of their family or how they would react to a supervisor of a different sex or race, or

whether they would be able to work with lesbians or gay men, or other similar questions.

Where a job involves unsocial or irregular hours or travel the full facts should be presented to all applicants before the interview. The interviewer(s) should establish by a simple question whether or not the candidates have fully understood the requirements of the job. Questions about domestic obligations should not be asked as they could be construed as showing bias against women.

In determining whether to reject a candidate, interviewers may only consider factors relevant to the job. When a candidate does not possess a certain requirement for a job but is nevertheless shortlisted for interview, the candidate should not be subsequently rejected solely on the grounds of not possessing that requirement. Reasons for rejection should be recorded for later incorporation into the selection monitoring process.

Consideration should be given to the tailoring of jobs to enable suitably qualified applicants with disabilities to be offered a post.

Where there is doubt about the suitability of a candidate for employment because of the nature of their disability, further advice should be sought both from the Medical Adviser as to the nature of the disability and also about the availability of aids in employment or adaptation of buildings before a decision to reject is taken.

The interview should be used as a vehicle to promote the Equal Opportunities Policy and to test the candidate's ability to further the objectives of the Policy, particularly insofar as the job has supervisory or managerial implications, or involves service provision. A candidate's expressed opposition to the operation of the Equal Opportunities Policy should represent sufficient grounds for non-selection.

If any members of an interviewing panel feel that discrimination has occurred in the selection process, the matter must be reported immediately to their supervisor or departmental head. No selection decision should be made until the issue is resolved.

In the interview, candidates from ethnic minorities should not be asked questions which could be seen as directly or indirectly discriminatory, e.g. questions which test their understanding of UK customs. Neither should their fluency in the English language be used as a selection criterion unless this is a *bona fide* requirement of the job.

Selection decisions must not be influenced either by the traditional racial or sexual profile of the postholder or else by any colleague's unwillingness to work with, for example, a woman, a black person, a person with a disability or a lesbian or gay man.

Promotion, transfer, staff appraisal and career development

- The Equal Opportunities Code of Practice applies equally to the selection of internal candidates.

When selecting internally, care should be taken not to perpetuate past discriminatory practices, for example, by continually selecting or promoting men in a section hitherto staffed by men where an equally suitable female candidate is available.

All vacancies will be effectively publicised to make sure that all employees have full access to information about promotion opportunities.

- A good **staff appraisal** scheme is essential to any large organisation. The new GLC scheme identifies individual skills in an objective and systematic manner, together with the need for training and future moves to assist her/him to achieve her/his potential.

Staff appraisal interviews provide good platforms for individuals and management to identify personal needs and plan for the future. This is achieved through the production of a mutually agreed plan which covers training, possibilities of transfer and other career or work needs as appropriate.

In respect of **individual development** an open selection procedure exists. Under this procedure vacancies are advertised both internally and externally. Applications are invited from all applicants who feel that they are capable of meeting the selection criteria. This means that a move into a higher grade depends only upon the candidate's ability to satisfy the selection board that she/he is equipped to perform that job. Assessments of promotability no longer form part of the staff appraisal scheme.

Particular care should be taken to deal effectively and seriously with all complaints of discrimination, victimisation and harassment. It should not be assumed that these are made by over-sensitive people.

The scheme is reviewed regularly to make sure that it is operating fairly and monitored to ensure that recommendations, for example, for training, are followed up.

Selection and staff development patterns are kept under review. In particular care is taken to make sure that the traditional qualifications for selection are justifiable in relation to the job to be done. Selection on the basis of length of service alone could amount to unlawful indirect discrimination, as it could for example, operate against women and members of ethnic minorities.

Where general aptitude is the main requirement, selection criteria should be wide enough to allow the inclusion of candidates whose training and experience may be traditional to their sex.

Employees of one sex or member of ethnic minorities may be concentrated in sections from which transfers are traditionally restricted without real justification. Such restrictions could amount to unlawful discrimination, and should be reviewed.

- Appraisal scheme recommendations can be used as an aid to identifying positive action training and development needs.

Letters of appointment

Appointment letters should be accompanied by a copy of the Equal Opportunities Policy Statement and will include the following statement which should be added to any general commitments to Council policy:

'As an employee of the GLC you will be required actively to pursue the Council's policies including those on equal opportunities and race relations and to undergo any training associated with this. A copy of the Council's Equal Opportunities Policy Statement is attached to this letter.'

Wherever possible, internal candidates should be given the reasons for rejection, since this will be of use for their personal career development. In any event, this should be done if the employee requests it.

Reasons for rejection should be given to external candidates if requested. The reasons will be those recorded at the time the decision to reject was made.

Training for equality

The legal framework

Policies and practices regarding selection training, day release and personal development are being examined for direct and indirect discrimination. Where there is found to be an imbalance in training offered between the sexes and races and to people with disabilities the cause will be identified to make sure that it is not discriminatory.

If access to training depends on age, the reasons for this must be questioned.

It should not be assumed that employees with young children are not available for residential training; when staff are selected for a residential course they should where possible be informed well in advance, so that child-care and other personal arrangements can be dealt with. Residential and other training should be accessible to staff with disabilities. Employers with their own residential training facilities should consider whether child-care facilities could be provided.

Training in the GLC

The GLC will introduce procedures within its training programme to help put its Equal Opportunities policy into action. The aims of these procedures are:

- to eliminate actual or potential inequalities in the opportunities available to staff to develop skills relevant to their jobs and to develop their careers within the Council's service
- to inform all staff responsible for employment or other staff management matters about their obligations under Equal Opportunities legislation and the Council's Equal Opportunities policy, and to provide guidance through required training on how to interpret policy into practice
- to ensure that all the groups covered by the policy are encouraged to take part in all training courses, that tutors on courses are specifically recruited from these groups, and that the content of all training courses reflects the Council's commitment to its Equal Opportunities Policy

- to provide additional training opportunities for women, members of ethnic minorities and people with disabilities employed with the GLC, to enter occupations where they have been previously absent or under-represented.

These opportunities will be provided under sponsorship or the personal study provision available now.

- to provide opportunities for women, members of ethnic minorities and people with disabilities who are potential employees of the Council, but who lack relevant qualifications, to compete for job opportunities in those areas of work where they have previously been absent or under-represented as a result of past discrimination.

Special training may be arranged for those who have been discriminated against in the past, including lesbians and gay men.

- to take those steps necessary to inform all staff of existing training opportunities which enable them to develop their careers fully within the Council's service.

Additional steps will be taken to publicise the Council's current training facilities. These include **recruitment training** schemes, by which trainees are recruited to an established trainee post; **sponsorship training** schemes which offer day release and other facilities to staff to study for professional and technical qualifications; and **educational facilities** for those under 21.

New opportunities being developed include traineeships, additional sponsorships, career development workshops and schemes to provide work placements which will offer experience of the various jobs in different departments of the GLC. In-service training schemes will also be included to prepare staff for promotion opportunities.

Meeting special needs

Needs of employees with specific domestic responsibilities and maternity leave and the opportunity for paternity leave

The Council gives employees the entitlement to maternity leave and the opportunity for child-responsibility leave, job-sharing, part-time work and flexible working arrangements to provide greater opportunities for people who need or wish to combine employment with domestic or other responsibilities.

All employees will be informed of their rights to access to these provisions, in an appropriate manner at departmental level.

It would be unlawful not to select an applicant for a job on the grounds of their employment status, or grounds relating to their capacity to be eligible for the Council's maternity/paternity leave schemes.

Maternity Leave

Maternity leave entitlement including paid leave entitlement varies with length of service and hours of work. Generally anyone who has worked for the Council for more than a year is entitled to up to 18 weeks leave with pay, including 4 weeks at full pay with the remainder at proportions of pay dependent on length of service. There is an additional entitlement to unpaid leave, giving a maximum of 40 weeks leave, to women who have worked two years for 16 hours or more, or five years for 8-16 hours. (There are variations in the agreement affecting white collar and manual workers.) Details of how these benefits may be claimed are described in a maternity booklet.

Child-responsibility Leave

Up to five days may be offered (at the discretion of the Head of Department) to staff at the time of the birth of a child for whom they have a major caring responsibility.

Maternity Leave: right to return

There are statutory rights of return to work following confinement. In addition to these and subject to the availability of jobs at the time, a woman who wishes to return to work after having resigned for reasons of maternity, may do so within two years of resignation.

This return will be in the same grade and at the same salary point (if applicable) at which she left. There is a further qualified right within two to five years of resignation where a woman may be considered specifically and sympathetically by an appointments board.

Refresher course and regular contact with employees on extended maternity leave will be developed to increase the number of women who take advantage of this facility.

Child-care facilities

A recent survey of the needs of employees for child-care facilities show substantial demand for such a service. The Council provides a day nursery for 50 children within the County Hall complex and 50 places at Bellenden Road Primary School and offers financial assistance with child-care on sliding scale to staff. It is currently researching further ways in which child-care assistance can be provided for all employees who require it, including carers who may have no biological relationship with the child but who have a major responsibility for the child.

Special leave

In the case of bereavement or any pressing personal responsibility, special leave should be extended to cover partners and relatives and dependants of partners of lesbians and gay men.

Job sharing

Arrangements have been agreed with the trade unions so that employees and applicants may apply for job-share arrangements, both to fit their domestic or personal circumstances, and where vacancies are advertised as being 'suitable for job sharing'.

Details of these arrangements can be obtained from staff sections or from the Equal Opportunities Group.

Cultural and religious needs

Where employees have particular cultural or religious needs which may conflict with existing work requirements, the Council will consider whether it is reasonably practicable to vary or adapt these requirements to enable such needs to be met.

Although the Race Relations Act does not specifically cover religious discrimination, such requirements would generally be unlawful if they have a disproportionate adverse effect on particular racial groups and cannot be shown to be justifiable.

For example, it would generally be unlawful to refuse employment to a male turbaned Sikh because he could not comply with unjustifiable uniform requirements, or for a similar reason a trouser-wearing Muslim woman.

Examples of cultural and religious needs include:

Wearing traditional dress such as sarees and the trousers worn by Muslim women

Wearing beards and turbans, and other articles of faith by Sikhs.

The Council will also be considering providing interpretation and translation facilities, for example, in the communication of grievance and disciplinary procedures, and terms of employment; and using alternative or additional methods of communication where employees find it difficult to understand health and safety requirements.

Mode of dress

The mode of dress and presentation of all employees shall be restricted only on grounds of health or safety, or requirements of the job in the case of uniformed staff, and there shall be no restrictions on the right of employees to wear badges etc, except if the message conveyed is contrary to the Equal Opportunities Policy.

Staff with disabilities

Action taken over the past years to enable the employment of people with disabilities have included:

providing access to and adapted toilet facilities within the County Hall to meet the needs of people with mobility problems

taking into account the needs of people with disabilities in the refurbishment, alteration or new construction of all Council premises

using adaptations and aids, in conjunction with the Manpower Services Commission, to meet the specific needs of individual officers with disabilities and operating a system, known as the Inter Departmental Transfer Unit, for the placement in alternative jobs of employees who, through developing disability, are no longer able to perform the duties of the posts to which they have been initially appointed.

Grievance, disciplinary and disputes procedures

It is contrary to the Equal Opportunities Policy, and in some cases it is also unlawful to discriminate in the operation of grievance, discipline or disputes procedures. In the light of its Equal Opportunities policy the Council recently reviewed its grievance and discipline procedures. They now take full account of definitions of discrimination and harassment and include details for the processing of such grievances or disciplinary offences.

Employees are advised to use the internal procedures where appropriate, although this does not take away an individual's right to bring cases concerning alleged discrimination to an industrial tribunal.

Particular care should be taken to make sure that an employee who has taken action in good faith under the Sex Discrimination Act or the Equal Pay Act or the Race Relations Act does not receive less favourable treatment than other employees.

It should not be assumed that individual lesbians or gay men or people with disabilities, women or members of ethnic minority groups who have complaints are over-sensitive about discrimination, nor should their grievances be treated lightly or ignored.

Full details of the grievance and discipline procedures (which can be obtained from departmental personnel officers) explain how employees with grievances about discrimination or harassment or other aspects of Equal Opportunities Policy, may forward their written complaint for full and proper investigation.

Where it has been found that such allegations have substance, subsequent disciplinary action may be taken against any member(s) of staff accused of discriminatory practice or action.

In all grievance and discipline cases involving equal opportunities the Equal Opportunities Adviser and/or the Race Relations Adviser will be informed at an early stage.

For the purposes of the GLC procedures, the definitions of discrimination and harassment are:

Discrimination is actions which have the effect of treating employees less favourably on the grounds of sex, race, colour, nationality, ethnic or national origins, marital status, disability, sexual orientation, age, trade union activity, political or religious belief.

Harassment is, for disciplinary purposes, defined as repeated unreciprocated and unwelcome comments, looks, actions, suggestions or physical contact that is found objectionable and offensive and that might threaten an employee's job security or create an intimidating working environment. Harassment can be sexual, racial, directed against lesbians or gay men or against people with disabilities.

Dismissals and redundancies

It is unlawful to discriminate on grounds of sex, race, marital status, directly or indirectly, in dismissals or in the application of any other detriment, such as redundancies. In particular it is unlawful to dismiss female employees on the grounds of pregnancy.

The Council procedures therefore continue to aim to make sure that:

- care is taken that members of one sex, or a particular ethnic minority group are not dismissed for performance or behaviour which is overlooked or condoned in the other sex or another group, or for having taken action under the Equal Pay Act or Sex Discrimination Act
- conditions of access to redundancy schemes should be made available on equal terms to all male and female employees
- where there is temporary over-filling of a post, re-deployment arrangements should not discriminate on grounds of race, or sex or disability, or that an employee is lesbian or gay
- it is unlawful to dismiss or make redundant a person with a disability without reasonable cause if this would result in failure to meet the requirements of the Disabled Persons (Employment) Act through the quota system
- it is contrary to the Council's Equal Opportunities policy to discriminate on the grounds that a person is lesbian or gay.

Putting this policy into action

The Equal Opportunities Monitoring Group

This joint union-management working group, with representatives from all GLC negotiating bodies, Council Members, the Personnel Department and other departments of the GLC (with ILEA officers as observers) is involved with the development and monitoring of the policy. This is in addition to the Council's established consultation and bargaining machinery.

The Personnel Department

The Personnel Department has a **central** responsibility for all aspects of implementing the policy and achieving standardisation of all procedures to achieve equal opportunity practices Council-wide. All service conditions, organisational arrangements and resources are subject to conditional review in order to ensure that they do not discriminate against any particular group, but provide for the varying needs of the entire workforce. For instance the Council recognises it has a duty to contribute to the reform of the Superannuation Fund.

Further information

Further information and queries on any aspects of Equal Opportunities can be obtained from:

- Departmental Staff Sections
- The Equal Opportunities Adviser, the Equal Opportunities Group in Personnel Department; 01-633 4501
- The Race Relations Adviser (Employment and Training); The Ethnic Minorities Unit, 01-633 1272.

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