



## **EQUAL OPPORTUNITIES**

### **Company Policy**

The Company is committed to a policy of equal opportunities for all. We do not discriminate on grounds of race, colour, ethnic or national origin or on grounds of sex, sexual orientation, marital status, religious belief or disability.

Candidates will be interviewed, assessed and submitted to clients of the Company solely on the basis of their ability and merits according to the requirements of the vacancy or assignment, as will candidates for employment by the Company. No one will be disadvantaged by any condition, requirement, provision, criterion or practice that is not justified by the genuine needs of the job.

### **Implementation of the Policy**

It is the specific responsibility of all management (meaning any person with "Manager", "Director", "Controller" or "Partner" in their title and anyone with any level of staff responsibility), to ensure that this policy is fully implemented and that all employees are aware of their responsibilities and the legal obligations that fall upon them and upon the Company.

All employees will be made aware of the legislation relating to discrimination on the grounds of sex, sexual orientation, marital status, religion, race and racial origins and disability. The guidelines relating to discrimination are set out below, including in particular those parts of the guidelines dealing with action to be taken where a client attempts to register a discriminatory vacancy or assignment.

It is your duty to accept a commitment to this policy and your personal responsibility to help make the policy effective in eliminating discrimination on grounds of sex, sexual orientation, marital status, religion, race and racial origins and disability.

Discrimination against any person on any of these grounds will be regarded as gross misconduct and is likely to result in dismissal.

## **SEX DISCRIMINATION – LEGISLATION**

### **Direct Discrimination**

It is unlawful for an employment agency to discriminate on the grounds of a person's sex and/or marital status: -

in the terms on which the agency offers to provide any of its services  
by refusing or deliberately omitting to provide any of its services  
in the way it provides any of its services

It is also unlawful for an employment agency to accept and act upon a job registration from an employer that states that certain individuals who have the correct qualifications are unacceptable because of their sex or marital status. For example, the following are direct discrimination: -

“Male graduate required, with honors degree in Chemistry, for teaching post beginning in September”

“Must be free to travel, no married applicants”

### **Indirect Discrimination**

The Act also covers indirect discrimination which arises where a provision, criterion or practice, applied equally to men or women, has in practice a disproportionately adverse effect on people of one sex as compared with the other and cannot be shown to be justified in terms of the job to be done, irrespective of sex.

For example – “ Account Manager wanted: must be 6ft tall”.

Indirect discrimination also arises where a provision, criterion or practice, applied equally to married and unmarried people of the same sex, has, in practice, a disproportionately adverse effect on married as compared to unmarried people and cannot be shown to be justified in terms of the job to be done, irrespective of marital status.

For example: “This is a demanding job, unsuitable for applicants with family responsibilities”.

### **Personal Liability of Employment Agency Staff Who Discriminate.**

Under the Sex Discrimination Act, not only is an employment agency itself acting unlawfully if a member of staff accepts and acts upon a discriminatory job description – but *the individual who accepts and acts upon such a vacancy is personally considered to have acted unlawfully and may have to appear before.*

*an Industrial Tribunal should he or she be the subject of a complaint.* Therefore, it is important that all staff should be conversant with the law and the consequences to an agency and to the individual of discriminating unlawfully.

### **Advertising**

It is unlawful to advertise either in the press, inside an office or in a shop window an advertisement or notice which indicates an intention to discriminate on grounds of sex. It is unlawful to use a job description with a sexist connotation (such as “waiter”, “salesgirl”, “postman” or “stewardess”) which could be taken to indicate an intention to discriminate unless the advertisement contains an indication to the contrary.

### **Exceptions**

There are a few exceptions from the legislation where a person’s sex may be a Genuine Occupational Qualification (“GOQ”) for a job in which sex discrimination in advertising is not unlawful. A GOQ is not an automatic exception for a whole category of jobs. In every case the employer must show, if an exception is being claimed, that the GOQ applies to the job in question. If an employer already has employees of the appropriate sex who could reasonably carry out those duties, a GOQ cannot be claimed. It is always necessary to check carefully the facts about the particular job in question when a GOQ is being considered. A GOQ does not have any bearing on the unlawfulness of discrimination on the grounds of marital status. These provisions apply to both men and women.

Being a man (or being a woman as the case may be) is a GOQ for a job only were, for example: -

The nature of the establishment, or of the part of it within which the work is done, requires the job to be held by a man because: -

it is, or is part of, a hospital, prison or other establishment for persons requiring special care, supervision or attention, and those persons are all men (disregarding any woman whose presence is exceptional) and it is reasonable, having regard to the essential character of the establishment or that part, that the job should not be held by a woman.  
the job needs to be held by a man because it is likely to involve the performance of duties outside the United Kingdom in a country whose laws or customs are such that the duties could not, or could not effectively, be performed by a woman (e.g. A job involving driving in a country where women are forbidden to drive) or the job is one of two to be held by a married couple.

Should a client insist that they can substantiate a claim for a GOQ as a defence to a discrimination claim, it is recommended that staff obtain a written statement from the employer giving precise details of the needs to restrict applicants to one sex only. Such action would then enable the agency to discharge its liability in the event that legal proceedings were instituted, if the agency could prove reliance on the employer's statement that discrimination was not unlawful, and that it was reasonable for the agency to rely upon that statement (see instructions to staff).

### **Retirement Ages**

It is unlawful to discriminate against women in relation to retirement, or to set different retirement ages for men and women.

### **SEX DISCRIMINATION – TURNER HARGREAVES RULES AND PROCEDURES**

Under no circumstances should any computer records, job cards, applicant's records, central registration files etc. be marked *IN ANY MANNER* so as to cause discrimination on the grounds of sex or marital status.

The qualifications, merit, experience, and personality of an applicant should be the sole criteria for putting an applicant forward for a vacancy.

Interviews should deal with applications from candidates irrespective of sex or marital status, including ones in areas of work traditionally carried out by one sex.

We should always strive to persuade clients to revise discriminatory instructions. Likewise, we should always attempt to persuade clients to interview and select applicants solely on the basis of their qualifications and experience.

If a client registers a vacancy with a GOQ, a written statement must be obtained from the employer giving precise reasons for the need to restrict applications to one sex only.

Our first responsibility is to persuade a client not to discriminate. Clients should be persuaded to register jobs and interview applicants solely on the basis of ability and qualification. Under no circumstances should we accept a discriminatory vacancy or accept a client's refusal to see an applicant because of his or her sex.

If such attempts fail, you should advise the client: -

that he is contravening the Sex Discrimination Act  
that (in the case of job registration) you are unable to register his vacancy  
that (in the case of refusing to see applicants on the grounds of sex) you will be unable to send him other applicants  
you should then contact your Manager or Director, giving full details of the problem. This should be followed by a written report. This report should include the following details as laid out in the example below:-

Name and address of Company:-

Job Registration Number:-

Type of job:-

Contact on job:-

Telephone number:-

Name of applicant:-

Brief details of applicant's qualifications/experience:-

5 'O' Levels, 2 'A' Levels  
Graduate

Experience

Details of instructions given by client:-

Client states that he would not employ married women

Date:-

Action taken: -

Advised Client that we are bound by the Sex Discrimination Act and thus prohibited from accepting a vacancy on that basis.  
Client refused to withdraw discriminatory instructions.  
Advised Manager.  
Job withdrawn on Manager's instructions.

Name of Consultant: -

## **RACIAL DISCRIMINATION – LEGISLATION**

### **Direct Discrimination**

*It is unlawful for you to discriminate against a person on the grounds of their colour, race, nationality, ethnic or national origins:-*

in terms on which we offer to provide any services  
by refusing or deliberately omitting to provide any services  
in the way we provide any service.

*It is also unlawful for you to accept and act upon a job registration from an employer which states that certain persons are unacceptable because of their colour, race, nationality, ethnic or national origins.*

### **Indirect Discrimination**

The Race Relations Act 1976 covers not only direct discrimination but also indirect discrimination. This consists of applying a requirement or condition which, whether intentionally or not, adversely affects a member of one racial group considerably more than another and which cannot be justified on non-racial grounds. For example, it may be unlawful indirect discrimination to

register a job specifying that a Filing Clerk must speak English without an accent, when such a requirement is not needed to perform the job properly.

### **Code of Practice**

*The Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment, effective from 1<sup>st</sup> April 1984, is self-explanatory in its aims from its title. The Code does not impose legal obligations, nor is it an*

*authoritative statement of the law. The provisions of the Code are admissible in evidence in proceedings under the Race Relations Act before an Industrial Tribunal and if any provision appears to be relevant to a question arising in the proceedings it must be taken into account in determining that question. If employers take the steps set out in the Code to prevent their employees discriminating unlawfully, they may avoid liability for the unlawful acts of their employees in any legal proceedings brought against them.*

A special section (part 4) of the Code deals with the obligations of employment agencies.

### **Personal Liability of Employment Agency Staff Who Discriminate.**

Under the Race Relations Act, not only is an employment agency itself acting unlawfully if a member of staff accepts and acts upon a discriminatory job description but the individual who accepts and acts upon such a vacancy is *personally considered to have acted unlawfully and may have to appear before an Industrial Tribunal should he or she be the subject of a complaint*. Therefore, it is important that all staff should be conversant with the law and the consequences to an agency and to the individual of discriminating unlawfully.

### **Advertising**

It is unlawful to advertise in the press, inside an office, shop window, etc. in such a way as to indicate an intention to discriminate on racial grounds, either directly or indirectly, unless the advertisement falls within one of the exceptions under the Act. The Code of Practice recommends that conditions or requirements in job advertisements which have a disproportionately adverse effect on members of a particular racial group and which cannot be shown to be justifiable, should be avoided. For example, an advertiser might unjustifiably require that applicants live within

(or outside) a particular geographical area to be eligible for employment and this might mean that certain racial groups are unlikely to be acceptable.

*It is important to consider your advertising to make sure it is not discriminatory.*

### **Exceptions**

#### **The race discrimination legislation does not apply to the following situations: -**

Where persons are employed in a private household.

Where belonging to a particular racial group is a *genuine occupational qualification for a job*, for instance, being an artist's model where a person of a specific racial group is required for reasons of authenticity; or, where the job involved providing services to

members of a particular racial group to promote their welfare and the services can most effectively be provided by a member of that group.

Where people are employed to provide training for overseas residents in skills to be exercised outside Great Britain

Where people are employed wholly or mainly outside Great Britain

Where acts are done under statutory authority

Where there are rules restricting employment in the service of the Crown or prescribed public bodies to persons of particular birth, nationality, descent or residence (i.e. the Civil Service nationality rules)

Where employment is restricted to safeguard national security, it may be necessary for an employer to impose restrictions relating to nationality or place of birth

In practice, there are likely to be very few instances where an employer can legitimately discriminate on grounds of race. If an employer claims that a particular vacancy falls within one of the exceptions set out above, we should obtain a written statement setting out why the vacancy is not subject to the race discrimination legislation.

## **RACIAL DISCRIMINATION – M. ARIA RECRUITMENT RULES AND PROCEDURES**

This section gives instructions on procedures to take where a client attempts to register a discriminatory vacancy, or to discriminate on grounds of race against applicants put forward by us. The Commission for

Racial Equality's recommendations suggest action to be taken where a client is believed to be discriminating unlawfully.

### **Company Policy**

The Company fully supports the Commission for Racial Equality in its efforts to eliminate discrimination in employment and believes that the qualifications, merit, experience and personality of an applicant should be the sole criteria for putting an applicant forward for employment.

### **Responsibility of Staff**

Under the Race Relations Act, not only is the Company acting unlawfully if one of our employees accepts and acts upon a discriminator job description but *the employee who accepts and acts upon such a vacancy is personally considered to have acted unlawfully* and may have to appear before an Industrial Tribunal should he or she be the subject of a complaint.

### **Registering Vacancies**

When registering vacancies, never say anything that might prompt an employer to think about discriminating.

Clients should be persuaded to register vacancies and to interview applicants solely on the basis of ability and qualifications.

*If a client attempts to register a vacancy that appears to be discriminatory you must adopt the following procedure: -*

Advise the client that he is in contravention of the RRA and that the vacancy cannot be accepted.

Refer the matter to your Manager or Director. The client should be asked to give a written statement saying why the vacancy is not subject to the legislation.

If the employer does not claim an exception under the RRA, but insists on imposing discriminatory conditions, inform him that the vacancy cannot be accepted and that no applicants can be submitted.

Follow this up with a written report, which should include the following details: -  
Name and address of Company:-

Job Registration Number:-

Type of job:-

Contact on job:-

Telephone number:-

Details of instructions given by client:-

Action taken:-  
Client states that he would not employ anyone from an ethnic minority

Advised Client that the Company is bound by the RRA and thus prohibited from accepting a vacancy on that basis.

Client refused to withdraw discriminatory instructions.

Advised Manager.

Job withdrawn on Manager's instructions.

Name of member of staff:-

Date:-

If the client does agree to withdraw the discriminatory conditions, register the vacancy as normal but make a note of your discussion and submit this to your Manager.

You should be alert to the possibility of clients wishing to register a vacancy that could be indirectly discriminatory. For example, a client might require certain language or residential criteria to be applied which would unjustifiably restrict the number of applicants from certain racial groups.

*Any client could try to discriminate illegally. Do not be put off if they are a particularly large or well-known company/firm. Follow the above guidelines in every instance.*

### **Submitting Candidates**

*Candidates should be submitted solely on the basis of their qualifications, experience and personality:-*

The attention of clients should not be drawn to racial origin when submitting applicants, unless the employer is trying to attract applicants of a particular racial group under the exceptions in the RRA (i.e. for training for vacancies where the employer has disproportionately few members of that racial group).

If an employer asks about the race, colour, nationality or ethnic origin of an applicant, you should politely point out that such factors are not relevant to the applicant's suitability but should answer the question truthfully.

*When making submissions you should:-*

Not make assumptions about the ability, including the linguistic ability, of applicants on the basis of their race or colour.

Not send applicants from a particular racial group only to those employers whom you believe are willing to accept them.

Not avoid making a submission because you feel the employer will reject the applicant on grounds of race.

Not make remarks such as "this firm employs mainly white/coloured personnel" as this might be interpreted as discriminatory or intended to discourage the applicant.

*If a client refuses to interview a candidate on grounds of race, colour, nationality etc.:-*

Do not say or do anything that might be taken by the employer or the candidate as indicating that you are willing to comply with the employer or which could be considered as sympathetic to him.

Inform the employer of the requirements of the Race Relations legislation and that he is discriminating under the legislation. Ask him to reconsider his attitude and tell him that unless he does so, we will refuse to send any other applicants.

*If the client then agrees to interview the candidate:-*

Continue in normal way.

Ensure that you have made a record of the conversation and that this has been drawn to the attention of your Manager/Director.

*If a client still refuses to interview the candidate, you should take the following action: -*

Inform the client that we cannot send him further candidates and that you will have to put this matter before your Manager/Director.

Contact your Manager/Director giving full details of the discussions you have had.

Confirm this report in writing.

### **Complaints by Candidates of Racial Discrimination**

If, following an interview, the candidate complains that he or she has been unlawfully discriminated against, take the following action in consultation with your Manager/Director: -

Discuss the interview in detail with the candidate and his or her reasons for believing unlawful discrimination has taken place.

Discuss the interview in detail with the client - by phone or in person and his or her reasons from believing that the candidate was not suitable.

Keep records of your discussions with both client and candidate.

Do not at this or any other stage express any opinion, either to the candidate or the client as to the candidate's eligibility to make a complaint.

Refer the matter to a Director or your Manager for any further action.

The report should include the details as set out in the example below:

Name and address of Company:-

Job Registration Number:-

Type of job:-

Contact on job:-

Telephone number:-

Details of instructions given by client:-

Client states that he would employ "white" staff and refused to interview any African or Asian applicants.

Action taken:-

Advised Client that we are bound by the Race Relations Act and thus prohibited from accepting a vacancy on that basis.  
Client refused to withdraw discriminatory instructions.  
Advised Manager.  
Job withdrawn on Manager's instructions.

Name of consultant:- Joanna Smith

Date:- dd/mm/yy

### **DISABILITY DISCRIMINATION - LEGISLATION**

In summary: -

Employers with fewer than 15 employees are exempt from the provisions of the Act insofar as they relate to employment.

It is unlawful for an employer to discriminate against a disabled person:-

in the arrangements made for deciding to whom he should offer employment  
by the terms on which he offers employment  
by refusing to offer or deliberately not offering employment.

It is unlawful for an employer to discriminate against a disabled employee in relation to:

-

terms of employment  
opportunities for promotion, transfer, training or any other benefit  
by dismissing him or subjecting him to any other detriment.

Discrimination takes place where that person is unjustifiably treated less favorably than others.

Employers have a duty to take such steps as are reasonable to prevent any arrangements made by or on behalf of the employer or any physical features of premises occupied by the employer from placing disabled persons at a substantial disadvantage. The Act gives examples:-

making adjustments to premises  
redistribution of a disabled person's duties  
alteration of working hours  
acquiring or modifying equipment and providing supervision.

The law will take into account amongst other things:-

the extent to which it is practical for the employer to take such steps  
the financial and other costs involved  
the extent of the employer's financial and other resources.

#### **DISABILITY DISCRIMINATION – M. ARIA RECRUITMENT RULES AND PROCEDURES**

Our first responsibility is to persuade a client not to discriminate. Clients should be persuaded to register jobs and interview applicants solely on the basis of the ability and qualifications. Under no circumstances should we accept a discriminatory vacancy or accept a client's refusal to see an applicant because of his or her disability.

*If such attempts fail, you should advise the client:-*

That he is contravening the Disability Discrimination Act.

That, (in the case of job registration), you are unable to register his vacancy.

That, (in the case of refusing to see applicants on the grounds of disability), you will be unable to send him other applicants.

You should then contact your Manager or Director, giving full details of the problem. This should be followed by a written report. This report should include the following details as laid out in the example below: -

Name and address of Company:-

Job Registration Number:-

Type of job:-

Contact on job:-

Telephone number:-

Name of applicant:-

Brief details of applicant's qualifications/experience:-

5 'O' Levels, 2 'A' Levels  
Graduate  
3 year's Audit experience

Details of instructions given by client:-

Client states that he would not employ a disabled candidate.

Date:-

Action taken:-

Advised Client that we are bound by the Disability Discrimination Act and thus prohibited from accepting a vacancy on that basis. Client refused to withdraw discriminatory instructions.

Advised Manager.  
Job withdrawn on Manager's instructions.

*General Instructions: -*

Under no circumstances should any computer records, job cards, applicant's records, central registration files, etc. be marked *IN ANY MANNER as to cause discrimination on the grounds of disability.*

The qualifications, merit, experience and personality of an applicant should be the sole criteria for putting an applicant forward for vacancy.

Interviewers should deal with applications and candidates irrespective of disability.

We should always strive to persuade clients to revise discriminatory instructions. Likewise, we should always attempt to persuade clients to interview and select applicants solely on the basis of their qualifications and experience.

## **Disability Discrimination – Advertising**

Advertisements placed for a vacancy must not suggest that disability will be taken into account. If an employer or consultancy does so, and a person with a disability applies for a job and is refused, the Industrial Tribunal will make the assumption that the refusal was related to the person's disability. It is open to the advertiser to show the contrary.

### **Discrimination on grounds of religion, belief or sexual orientation**

New legislation is expected to make it unlawful for employers to discriminate on grounds of religion or belief or sexual orientation. Religion or belief means any religion, religious belief, or similar philosophical belief. Sexual orientation is an orientation towards persons of the same sex, persons of the opposite sex, or to both persons of the same sex and of the opposite sex. The Company is fully committed to complying with the spirit of the new provisions even though they are not yet law.

Direct discrimination, indirect discrimination, and harassment will all be illegal and are prohibited by the Company. Harassment is covered in a separate section of this manual.

#### **Direct discrimination**

Direct discrimination occurs where a person is treated less favourably than another on grounds of religion or belief or sexual orientation.

It is unlawful for an employment agency to discriminate on the grounds of a person's religion, belief or sexual orientation: -

- in the terms on which the agency offers to provide any of its services
- by refusing or deliberately omitting to provide any of its services
- in the way it provides any of its services

It is also unlawful for an employment agency to accept and act upon a job registration from an employer that states that certain individuals who have the correct qualifications are unacceptable because of their religion, belief or sexual orientation. For example, the following are direct discrimination: -

- “Heterosexual graduate required for teaching post beginning in September”
- “Accountant with Christian faith required for in-house position, starting immediately”
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There will be an exception in the new law where being of a particular religion, belief or sexual orientation is a genuine and determining occupational requirement for a position and if it is proportionate to apply the requirement in the particular case. There is also an exception for employers with an ethos based on religion or belief where being of a particular religion or belief is a genuine occupational requirement for a post and it is proportionate to apply the requirement in the particular case.

### **Indirect discrimination**

Indirect discrimination occurs where a provision, criterion or practice, which is applied generally, puts persons of a particular religion, belief or sexual orientation at a disadvantage and cannot be shown to be a proportionate means of achieving a legitimate aim of the Company.

For example, the following is indirect discrimination:

- “All employees will be expected to participate in the Company’s annual cheese and wine tasting evening”

This could be held to discriminate against Muslims as a strict Muslim will not drink alcohol.

There will be an exception in the new law where being of a particular religion, belief or sexual orientation is a genuine and determining occupational requirement for a position and if it is proportionate to apply the requirement in the particular case. There is also an exception for employers with an ethos based on religion or belief where being of a particular religion or belief is a genuine occupational requirement for a post and it is proportionate to apply the requirement in the particular case.

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