



Women. Men. Different. Equal.
Equal Opportunities Commission

Guidelines for Equal Opportunities Employers

Introduction

More and more organisations are describing themselves as Equal Opportunities Employers. What does this mean?

This information lists those criteria by which employers and their employees can judge whether this description relates to their organisation.

Discrimination is bad for business; equal opportunities are cost effective and should be integrated into all management, personnel and employment practices. Employers have found that by putting equal opportunities policies into action they have the benefit not only of compliance with the law, but also enjoy a number of other advantages including

- Reduced staff turnover – savings in recruitment costs and training. An improvement in motivation and performance which in turn, can reduce turnover levels.
- A broadening of the "talent base" which develops people's abilities faster and further and opens up the potential for new and flexible approaches
- Stimulates a healthy and productive working environment
- An improved corporate image with prospective employees *and* customers

These guidelines will need to be used flexibly according to the size and needs of the organisation. Some employers will require less formal structures than others, while all employers will have to consider a time-scale against which they aim to achieve their objectives on equal opportunities.

TEN ESSENTIAL STEPS TOWARDS BECOMING AN EQUAL OPPORTUNITIES EMPLOYER

Do you have an Equal Opportunities Policy?

The EOC recommends that the easiest way of becoming an Equal Opportunities Employer is first to formulate a written Equal Opportunities Policy. This focuses attention on your commitment and allows it to be expressed publicly, in line with your objectives. The Policy should make clear your intention to develop and apply procedures and practices which do not discriminate on the grounds of sex or marriage and which provide equality of opportunity for all job applicants and employees.

Most policies will include the following:

- a definition of direct and indirect sex and marriage discrimination, victimisation and sexual harassment;
- a statement of the organisation's commitment to equal opportunities;
- the name/s of the employee responsible for policy;
- details of structure for implementing the policy
- an obligation upon employees to respect and act in accordance with the policy;
- procedures for dealing with complaints of discrimination;
- examples of unlawful practices;
- details of monitoring and review procedures;
- a commitment to remove barriers to equal opportunity.

Who is responsible for equal opportunities in your organisation?

The EOC recommends that commitment for the Policy should be expressed by senior management and that overall responsibility should be given to a member of management at the highest possible level. Where the person responsible is not the most senior member of management, arrangements should be made for her/him to report regularly to the highest authority.

The full commitment of trade unions is essential for the elimination of discrimination and for the successful operation of an Equal Opportunities Policy. It is recommended that unions should co-operate in the introduction and implementation of Equal Opportunities Policies

In addition, day-to-day responsibility should be assigned to members of line or personnel management. It must be stressed, however, that the commitment of all employees is necessary to make the Policy a success.

Do all employees know about the Policy?

The EOC recommends that the Policy should be written, and made known to managers, supervisors, employees and job applicants and notified to recruitment agencies, Job centres and any other sources from which job vacancies are filled.

How is the Policy to be implemented?

Implementing the Policy should be the responsibility of a particular individual or a group, according to the size and structure of the organisation. The EOC recommends that consideration should be given to the establishment of a joint management/ trade union/ employee Working Party with responsibility for reviewing how the Policy is working in practice. It is advisable to designate an Equal Opportunities Officer to co-ordinate activities on a day-to-day basis. Normally, such an Officer will be based in the Human Resources/Personnel Department, although this will vary in different organisations. It is important that the Equality Officer should have a clearly defined job description and

managerial authority, a straightforward reporting route to the highest level, the visible support of senior management and the full co-operation of employees.

The EOC recommends that the person chairing an Equal Opportunities Working Party should hold a senior management position. The composition of the Party should be clearly defined, made known to employees, and will usually be made up of representatives from personnel, training, line managers, other employees and recognised trade unions. From time to time, it may be necessary for a specialist from a particular section or division to be co-opted in order to assist the Working Party in considering issues in a particular area of work.

The EOC recommends that, to be effective, the Equal Opportunities Committee should meet no less than quarterly and should report at least annually.

What is the role of an Equal Opportunities Committee?

The EOC recommends that any individual, Committee or Working Party should have clear terms of reference which will include the duties of:

- Analysing the information provided by the monitoring process
- Assessing this against the objectives of the Equal Opportunities Policy to identify how the Policy is working in practice;
- Putting forward suggestions for remedying any failures
- Assessing the success of the proposed remedies over time

Where an individual manager alone has this responsibility, then she or he must have access to the most senior management, in order that top-level decisions can be made systematically, to ensure the continued effectiveness of the Policy.

The EOC recommends that reports and recommendations for action and minutes of the meetings should be communicated to management and employees alike, e.g. in house magazine company notice board.

Employees should be encouraged to contribute their ideas about the changes necessary to achieve full equality of opportunity (for example at regular meetings or through the use of letters/questionnaires). In this way, employees will be committed to the objectives of the Equal Opportunities Policy and the employer will be able to take more effective action to correct any potential problems and develop the Policy further.

Have employees been trained on the Policy?

The EOC recommends that all employees should be made aware of the Policy and those involved with the *recruitment and selection* process given training on the application of the Policy relative to their responsibilities. (An employee is liable for any act done by an employee in the course of the employment with or without the employer's knowledge or approval, unless the employer can show that such steps were taken as were reasonably practicable to prevent the employee from discriminating. It is likely to be difficult for employers to show that they have discharged their responsibility unless they have provided adequate training.) In particular, managerial, supervisory and personnel staff, especially those involved in the selection process, should be given further training

which should include the following:

- An explanation of the forms discrimination can take (direct and indirect sex discrimination; direct and indirect marriage discrimination; victimisation; and sexual harassment).
- Information which dispels the myth that only men or only women possess characteristics which qualify them for specific types of employment or training.
- Guidance on the unreliability of generalised assumptions and prejudices concerning women and men, and the need to avoid basing employment decisions on these assumptions
- The need to assess people on their individual merits and ability to do the job and to avoid letting assumptions about marital status, children and domestic obligations distort objective judgement.

Such training on the equal opportunities Policy is an essential first step. In order to reinforce this initial training, the EOC recommends that adequate written guidelines or organisational Codes of Practice should be issued as appropriate, to ensure that employees perform their duties in a non-discriminatory way.

The EOC recommends that the equal opportunities Policy should be included in all training courses, where appropriate (for example induction, appraisal and interviewing techniques, communication skills, supervisory/management development courses).

Have you examined your existing practices, policies and procedures?

The EOC recommends this as an essential step towards becoming an equal opportunities employer. It is common to find employment practices and systems which appear neutral but which on closer examination, operate to exclude or impede women for reasons which are not job-related or required for safe or efficient business operation. Some of the factors involved although unintentional, may nevertheless amount to unlawful direct or indirect discrimination. To identify such barriers to equal opportunities, existing employment practices, procedures and policies and should be examined and revised where appropriate. For example, many organisations have reviewed and changed their *recruitment and selection* procedures in the process of becoming an equal opportunities employer.

It is important that the grievance procedure should specifically provide a channel for processing complaints of discrimination, victimisation and harassment, because the adoption of an Equal Opportunities Policy will increase awareness of these issues among the workforce.

How can you be certain that you are providing equal opportunities?

The EOC recommends that this is done by gathering information on the employment situation of women and married people. Without this information, you can never be certain that you are actually providing equal opportunities.

The data will probably reveal that there are sections of the organisation where there are few or no women; sections where they exist but only in the bottom grades; and other sections in which women make better progress. It is important to find out the reasons for

this situation, so that remedies in the form of *positive action* can be taken where necessary. The analysis of the information should also be used to identify where differential rates of pay between men and women cannot be justified on grounds other than sex.

Where do you start with monitoring and how much information is required?

There is no firm answer to this because monitoring must be flexible and designed to meet the requirements of the enterprise. Much will depend on the resources available and the systems which exist in your organisation but monitoring must be able to show where change is needed and the progress made in achieving that change.

Monitoring can be introduced by stages and it is often necessary for the Equal Opportunities Committee or Working Party to decide priorities and draw up a programme of monitoring after consultation with the workforce. It is also sensible to set a time-scale for the collection and analysis of the information. The programme must be regularly reviewed in order to measure the success of the Policy.

Monitoring is a process of checking the relative position of women to men and of married to single people within an organisation. Monitoring the gender and marital status of a workforce is a means of checking whether unfair discrimination is going on and whether the Equal Opportunities Policy is being implemented effectively. Sensible monitoring will show for example whether members of one sex:

- Do not apply for promotion, or that fewer apply than might be expected
- Are not recruited, promoted or selected for training or are selected in a significantly lower proportion than their application rate would lead them to expect
- Are concentrated in certain jobs, sections or department

There are no hard and fast rules about where to start monitoring; it will vary according to the organisation's particular circumstances, problems and characteristics and to its size and structure.

However it is important to distinguish between information required for the purposes of monitoring and information required for the purposes of recruitment and selection. Personal information requested for monitoring is intended for the specific purpose of ensuring the effectiveness of the Equal Opportunities Policy. It should never be used at any stage of a selection process, as to do, could give rise to complaints of unlawful discrimination. Where personal information is requested for monitoring purposes, this should be made clear to the applicant and an assurance given that it will not be used in the selection process.

Whichever way it is tackled the process will have three distinct stages

- Gathering the information
- Analysing the data collected to identify where there are blocks to equality and why these occur
- Defining the programme of action necessary to overcome any inequalities

An Equal Opportunities Policy should be monitored at every stage including

- All elements of the recruitment and selection process; job applicants and existing employees;
- Promotion and transfer
- Training
- Terms and conditions of employment
- Work life balance and sexual harassment policies
- Grievance and disciplinary procedures
- Resignations, redundancies, and dismissals

More detailed information about monitoring can be found in Good Practice Guide **How to Monitor by Gender and Marital Status**.

Have you taken any action to remedy the effects of past discrimination?

Monitoring should identify barriers to equality of opportunity, the reasons for them and the remedial measures necessary to overcome them. Such measures can take the form of *positive action*.

Women are under-represented in certain areas of employment, possibly arising from outdated notions about the length and nature of women's working lives. For example, women may have been recruited to dead-end jobs and not encouraged to think about their long-term prospects.

- Women may not have obtained the right kind of qualifications early in their lives.
- Women may have been channelled away from the type of experience which is a prerequisite for promotion.
- Women may be adversely affected by patterns of behaviour, and management attitudes and employment structures, which prejudice their ability to compete on equal terms with men. With encouragement and training, their skills and talents could be used to better effect.
- Women may have been affected adversely by a break in employment because of childcare responsibilities or similar reasons.
- Women are not being allowed to make their maximum contribution to the success of the organisation.

Positive action can take the form of encouragement and training; Sect 47 and 48 of the SDA. More detailed information on positive action can be found in **How to Manage Successful Positive Action**

RECRUITMENT AND SELECTION

Application forms free of sex bias: the legal status of forms

Although case law has not yet provided definite guidance, it should be assumed that application forms are part of what, in the Sex Discrimination Act, are described as "arrangements made for deciding who should be offered employment"

This means that some questions on application forms could be unlawful, irrespective of how the answers are used or interpreted, if:

- they are asked only of women (or men), and;
- it can be shown that the asking of them constitutes 'less favourable treatment'.

It is not necessarily true that asking the same questions of both sexes ensures non-discrimination. The use of the information may still be discriminatory.

Why some questions are undesirable

Questions on application forms should not be such to suggest that the employer wishes to take into account any factors that would, or might, discriminate on grounds of sex or marriage. Such questions undermine the confidence of applicants and give the impression that they will be treated unfairly, even where there is no intention to discriminate. Moreover, they will make it more difficult for selectors to select in a non-discriminatory way, if they have not been given special training. In the worst case, they will indicate that the recruiting organisation intends to discriminate unlawfully.

From the point of view of applicants, such questions are highly undesirable. They will suggest that intended or unintended discrimination may be about to influence decisions about their selection or rejection. This cannot be right. Some applicants may be deterred from completing the forms. It must inevitably affect the atmosphere and frankness in selection interviews of those short-listed. Equally, it will leave a suspicion in the minds of those who are not short-listed that the questions have been used for unlawful reasons.

Examples of such questions deal with family, ages of children, married/ single/ divorced status, intentions about engagement and/ or about having children, intimate personal questions and so on. It is not easy to see why such questions should be asked, unless they are intended to cast light on what is believed to be true of women in general. And if beliefs about women in general are intended or allowed to influence decisions about any individual this is undesirable 'stereotyping' that precludes proper balanced judgement of each individual's abilities to fit the requirements of the vacant job.

Some of the beliefs which frequently influence judgements about the suitability of women, **and which are not necessarily true of any specific individual are:**

- Women with children are unreliable.
- Married women, women of childbearing age are likely to have babies and leave and/ or become unreliable.
- Women are more likely to have time off work owing to illness (particularly women's problems).
- Women are not mobile or may have to move because their husband's job has

priority.

Each case must be considered on its own particular facts. These cannot be elicited by questions on paper. There is no point, therefore, in asking questions that suggest stereotyping and arouse suspicions of prejudice and discrimination.

Questions, which should not be asked.

Many are matters on which it may be reasonable and necessary to obtain information, for example, for pension fund purposes. But the right way to deal with the reasonable questions is after the selection has been completed and the details are required for personnel records.

The following are examples that should not be asked

• Family, Husband etc.

- Marital status?
- Number/ age of children?
- Husband's employment (women only)?
- Do you live with parents/ relatives/ guardian/ alone/ boyfriend/ other?
- Parent's occupations?
- Do you have a boyfriend?
- Are you planning to get engaged or married?

• Medical (women only)

- Any time off work owing to period pains? Do you suffer from period pains?
- Any time off work owing to 'female ailments'?
- Any gynaecological abnormalities?
- Are you pregnant/ Do you intend to become pregnant?
- Are you on the pill?
- Do you intend to start a family?
- Have you ever had a baby?
- Have you ever suffered a miscarriage?
- Are you able to carry out your normal duties during your monthly period?

All the above questions are indications of intended sex-bias and should be

avoided. They are very likely to be unlawful per se.

The EOC recommends that questions on marital status and number/ age of children are removed from application forms.

Where medical information is required, more neutral questions are acceptable.

For example:

- "Do you suffer from any medical condition which might affect your performance in the job?"
- "How many days have you had off sick in the last 12 months?"

Provided such questions are asked of both men and women, and the standards set in assessing replies are related to job requirements and not to assumptions about sex differences, they will do no harm and are a legitimate part of the selection process.

Even when the work involves special hazards for women *if* she were to become pregnant (e.g. work with ionising radiations or lead), employers should not use application forms or employment interviews to try to identify women who might be at risk (that is, those likely to become pregnant). That is the job of a medically qualified person, such as an Employment Medical Adviser or appointed doctor, especially as the information which is required is essentially medical and personally confidential. That information can be obtained during the course of a normal medical examination for employment, in the same way that a person's health might be checked before appointment, in any case.

Questions which can help better selection

Some employers have included a section in their application form to enable candidates to give details of unpaid work (for example, in the voluntary sector) by which they have obtained experience or skills relevant to the job vacancy. Many women acquire substantial management, organisational and financial skills through working with voluntary groups and other bodies. (e.g. Citizens Advice Bureaux, Charities, Community Health Councils). Similarly, certain jobs may require individual qualities which could have been developed within a domestic or family environment. Unless the employer makes special provision on the application forms for this information to be recorded, valuable talent runs the risk of being undetected.

Information for Monitoring Purposes

Where employers are carrying out a full monitoring procedure, as part of an equal opportunities Policy, details of the sex or marital status of the job applicants will be needed. Employers may also wish to include questions relating to dependents to monitor the Policy to ensure that discrimination on grounds of family commitments is not occurring.

Some employers have decided that monitoring information should be provided on a separate sheet or tear-off slip, which is not made available to those making decisions at any stage of the recruitment or selection process. The EOC recommends that this approach be adopted as best practice. Furthermore, we would recommend that the reasons for requesting this information should be fully explained to the job applicant

with a brief explanation of the employer's Equal Opportunities Policy.

MODEL GUIDANCE NOTES TO INTERVIEWERS

These notes are an example of guidance which one employer has produced for assessors on interview panels. They may provide a useful guide for adaptation by others.

Selection boards must be particularly careful not to treat a person of one sex less favourably than a person of the opposite sex or a married person less favourably than one who is not married. Candidates must be assessed solely on their qualifications, relevant knowledge, experience, and personal qualities. Identical standards, should apply in assessing women and men, based entirely on the individual's suitability for appointment. Equally, all candidates should be assessed on the basis of the same job-related criteria regardless of marital status and domestic responsibilities.

Criteria adopted for the assessment of candidates should not discriminate indirectly against women, e.g. length of experience in particular types of work which women may not have had because their working lives have been interrupted by periods of domestic responsibility. Subtle and unconscious discrimination can result from general assumptions about women's capabilities, characteristics and motivation. For example, preconceptions about their ability to supervise men. In judging personal qualities by reference to leisure interests, it is important to remember that many women have less opportunity for these than men because they combine work with domestic responsibilities.

Other dangers are preconceptions about what are 'men's jobs' and what are 'women's jobs' and stereotypes of the kinds of work which are suitable for men and women. For example, it would be wrong to regard women as more suitable for detailed, routine work as compared to jobs requiring policy decisions; or as generally unsuitable for senior management jobs because some men – and women – are thought not to relish working for women. Equally, it would be wrong to assume that men will not want to enter an all female environment.

If considering candidates' future potential to rise one or more grades, avoid unwarranted assumptions about the potential of men or women or their motivation to advance in the organisation. Women may communicate differently from men, but if they are less assertive in presenting their strengths or franker in revealing their weaknesses, it should not be assumed that they will be less effective in the job. Each individual's potential should be assessed on the same objective criteria, and should not be influenced by preconceptions about the relative characteristics or abilities of men and women. Individuals vary widely in their management styles, but can be equally effective in obtaining results.

Avoid asking women candidates' questions such as:

- 'Any intention of getting married?'
- 'Any plans for a family?'
- 'How would you, as the boss, feel if you were the only woman in all-male office?'

If the decision not to appoint a candidate was based upon answers to these kinds of questions then you may have discriminated unlawfully. If the questions is not intended to influence your decision in any way, then there is no point in asking for this information as it will lead applicants to suspect you of having an intention to discriminate, which in turn could lead to a complaint against you.

If in doubt ask yourself whether you would put the same question to a man, and if so, whether it can be justified.

Questions that are relevant to the job – for example, about candidates' ability to undertake shift work – should be asked of both men and women. Similarly, if mobility is involved, both men and women may be asked about it in relation to the demands of the job. You should make no unwarranted assumptions of enquiries about the future mobility of women candidates based on hypothetical circumstances."

Great Britain

Arndale House, Arndale Centre,
Manchester M4 3EQ.
Email: info@eoc.org.uk
Website: www.eoc.org.uk
Fax: 0161 838 1733
Tel: 0845 601 5901

Wales

Windsor House, Windsor Lane
Cardiff CF10 3GE.
Email: wales@eoc.org.uk
Website: www.eoc.org.uk
Fax: 029 2064 1079
Tel: 029 2034 3552

Scotland

St Stephens House
279 Bath Street, Glasgow, G2 4JL.
Email: scotland@eoc.org.uk
Website: www.eoc.org.uk
Fax: 0141 248 5834
Tel: 0845 601 5901

Managing successful positive action

The Sex Discrimination Act 1975 (the SDA) sets out the basic principle that men and women should not receive less favourable treatment on the grounds of their sex or marital status. The legislation does however allow for the use of 'positive action' in a number of specific circumstances.

POSITIVE ACTION

The term '**positive action**' refers to a variety of measures designed to counteract the effects of past discrimination and to help eliminate sex stereotyping. Under this broad definition positive action may include initiatives such as the introduction of non-discriminatory selection procedures, training programmes or policies aimed at preventing sexual harassment. However, the term also applies specifically to two provisions of the SDA - Ss47 and Ss48.

Positive Action is frequently confused with **positive discrimination**. Positive discrimination, which generally means employing someone because they come from a disadvantaged group regardless of whether they have the relevant skills and qualifications, is **unlawful**. However, the SDA permits special single-sex training initiatives either to equip people to work in jobs more often carried out by members of the opposite sex, or to return to work after a period at home looking after children or other dependants. The SDA also permits special encouragement to women only, or to men only, to apply for jobs more usually done by members of the opposite sex. Positive action under ss47 and 48 can be targeted at either women or men, but because in practice most initiatives aim to redress previous discrimination against women, we refer here to positive action for women.

POSITIVE ACTION TRAINING

The SDA defines training as including any form of vocational training education or instruction.

Positive action in training is lawful, provided certain criteria are met:

Section 47(1) of the SDA (1975) which was amended by the SDA 1986 states:

"Nothing in parts II to IV (of the SDA) shall render unlawful any act done in relation to particular work by any person in, or in connection with:

- affording women only, or men only, access to facilities for training which would help to fit them for that work, *or*
- encouraging women only, or men only, to take advantage of opportunities for doing that work, where it reasonably appears to that person that at any time within the 12

months immediately preceding the doing of the act there were no persons of the sex in question doing that work in Great Britain, or the number of persons of that sex doing the work in Great Britain was comparatively small".

Section 47(2) concerns the need for positive action where there are local skills shortages:

"where in relation to particular work it reasonably appears to any person that although the condition for the operation of subsection

(l) is not met for the whole of Great Britain it is met for an area within Great Britain, nothing in Parts II to IV (of the SDA) shall render unlawful any act done by that person in, or in connection with -

- affording persons who are of the sex in question, and who appear likely take up that work in that area, access to facilities for training which would help to fit them for that work, *or*
- encouraging persons of that sex to take advantage of opportunities in the area for doing that work".

Section 47(3) makes specific reference to positive action training for people who have had a career break for domestic or family reasons:

"Nothing in Parts II and IV (of the SDA) shall render unlawful any act done by any person in, or in connection with, affording person access to facilities for training which would help to fit them for employment, where it reasonably appears to that person that those persons are in special need of training by reason of the period for which they have been discharging domestic or family responsibilities to the exclusion of regular full-time employment. The discrimination in relation to which this subsection applies may result from confining the training to persons who have been discharging domestic or family responsibilities or from the way persons are selected for training, or both".

Section 47(4) states: "The preceding provisions of this section shall not apply in relation to any discrimination which is rendered unlawful by section 6". Section 6 of the SDA makes it unlawful for employers to discriminate against a person on the grounds of his or her sex.

Before Introducing Positive Action Training (s47)

Before deciding to introduce positive action training, organisations need to assess whether within the previous 12 months women have been under-represented in the kind of work for which training is envisaged. It is important to note that, in order for positive action training to be of benefit to black and ethnic minority women, organisations will also need to look at the representation of black and ethnic minority people in the kind of work in question.

Positive Action Training may Include:

- courses to develop confidence or assertiveness
- specific retraining for women whose skills have become rusty or out of date
- training which is based on job sampling, work experience, "taster" days with employers, work shadowing experience
- training in a skill, e.g., carpentry, computer programming
- training in a technique, e.g. interviewing, managing or supervision
- middle management training to encourage women to apply for promotion
- career counselling and guidance for working women, or for those wishing to return to work
- retraining into areas of skills shortage - especially suitable for women returners who did not have the opportunity of obtaining these qualifications at a school.

Positive Action Encouragement

Section 48 of the SDA states:

"Nothing..... shall render unlawful any act done by an employer in relation to particular work in his employment, being an act done in, or in connection with

- affording his female employees only, or his male employees only, access to facilities for training which would help to fit them for that work, or
- encouraging women only, or men only to take advantage of opportunities for doing that work, where at any time within the twelve months immediately preceding there were no persons of the sex in question among those doing that work or the number of persons of that sex doing the work was comparatively small"

Before Introducing Positive Action Encouragement (S48)

Before deciding to introduce positive action to encourage women to apply for jobs employers must look at their own employees to establish how many men and women have been doing the kind of work in question during the last 12 months. If the number of women is comparatively small then consideration can be given to encouraging women to apply for the relevant vacancies. As with training, if black and ethnic minority women are to be encouraged to apply for jobs, then employers must also establish how many ethnic minority employees have been doing the work in question.

It is not lawful for an employer to have a policy of encouraging applications from women for every vacancy advertised. An employer should not, for example, insert a general statement encouraging women to apply for jobs into a large advertisement containing several different kinds of jobs, if women are already well represented in some of these. For example, whilst it might be lawful to encourage women to apply for a vacancy in the Architect's Department of an organisation, if there are no or fewer women employed there, it would not be lawful for the same employer to use the same statement in relation

to secretarial posts, where many women are already employed. Indeed in this instance, positive action measures may be directed at potential male applicants. The point is that each kind of job has to be considered separately on its own facts.

Encouragement means making it easier for women to take advantage of job opportunities; *it does not mean* preventing men from taking advantage of those opportunities if they wish to do so. Any advertisement that encourages applications from women should make it quite clear that men can apply too, and that selection will be on merit, without reference to the applicants' sex.

Positive action advertisements can easily be misunderstood as showing an intention to discriminate against one sex, usually men. The key point is that nothing in the advertisement, whether in the text or by way of illustration, should give the impression that during the selection process women are going to be more favourably treated than men. Even when relying on the positive action provisions of the legislation, advertisers should use job titles, headlines and illustrations with care. It is the overall impression conveyed by the advertisement that counts. An employer wishing to place a positive action advertisement with a publisher should provide the publisher with a statement - preferably in writing - explaining that women are under-represented in the work in question. The statement should include sufficient for the publisher to decide whether women are, or have been under-represented during the last 12 months.

Positive Action Encouragement May Include:

- directing recruitment initiatives towards areas where women are under-represented
- publishing advertisements for vacancies which specifically encourage applications from women, or from women and from black and ethnic minority applicants
- providing "taster" days for women.

WHY IS POSITIVE ACTION NEEDED?

With only a few exceptions the SDA makes it unlawful to deny employment to a woman solely on the grounds of her sex, and yet the majority of women workers are concentrated in a limited range of occupations - mostly in domestic, clerical, service and retail work - where they congregate in low-paid and low-status grades. Positive action can:

- redress the limited range of employment opportunities provided by the traditional girls curriculum at school
- enable women to obtain the skills required to enter a wider range of jobs.
- enable employers to encourage women to seek promotion and contribute fully to the organisation for which they work.
- help to resolve the problems of skills' shortages
- help women returners to find employment when their skills are rusty or out of date.

THE COMPONENTS OF A SUCCESSFUL POSITIVE ACTION PROGRAMME

- Positive action, whether as training or as encouragement, is best undertaken within the framework of an equal opportunities policy.
- Schemes should have the commitment of directors and senior managers, who decide upon what action to take; line managers, who communicate the action directly to employees; and employees generally, who should understand that a positive action initiative does not disadvantage anyone.
- Everyone involved should know what measures are planned and why. Care should be taken to consult the minority group in question before introducing any measures. Members of minority groups may be understandably wary of actions that suggest preferential treatment or tokenism.
- Positive action is easily confused with positive discrimination; when this happens objections may be raised. Good communications and effective planning can help to overcome this.
- Employers or training bodies wishing to undertake positive action may find it useful first to check their selection and training procedures to ensure that these do not inadvertently discriminate on grounds of sex.
- Training providers should be carefully briefed about the aims of the programme. This will enable them to match training provision to the requirements of the work in question.
- The timing and location of any training courses should be flexible enough to fit in with trainees other commitments, such as childcare or responsibility for elderly relations.
- Employers should evaluate what they do within the context of their equal opportunities policy. By comparing the composition of the workforce before and after the initiative an employer can assess how successful the positive action has been, and whether there is a need for the initiative to be maintained.

Any further queries about the implications of positive action should be addressed to the addresses on the next page.

Get the Inside Information on Sex Equality Issues

The **EOC Equality Exchange** is the Equal Opportunities Commission's network for employers, trainers and consultants. Our members are committed to achieving equal opportunities for women and men in employment.

More than 700 organisations take part in the EOC Equality Exchange including private and public companies, Government bodies, local authorities, NHS Trusts, LSCs, educational establishments, voluntary organisations, trade unions, training organisations and management consultants.

The field of equal opportunities is changing rapidly. Your organisation needs to keep abreast of these changes. We provide:

- regular mailings on the latest developments
- free expert advice on issues relating to sex or marriage discrimination and promoting equal opportunities
- Seminars and conferences

E-Mail us at eqex@eoc.org.uk and we'll send you a copy of our latest mailing and information on joining EOC Equality Exchange. Or ring:

England 0161 838 8349

Scotland 0141 248 5833

Wales 029 2034 3552

Great Britain

Arndale House, Arndale Centre
Manchester M4 3EQ.
Email: info@eoc.org.uk
Website: www.eoc.org.uk
Fax: 0161 838 1733
Tel: 0845 601 5901

Wales

Windsor House, Windsor Lane
Cardiff CF10 3GE.
Email: wales@eoc.org.uk
Website: www.eoc.org.uk
Fax: 029 2064 1079
Tel: 029 2034 3552

Scotland

St Stephens House
279 Bath Street, Glasgow, G2 4JL.
Email: scotland@eoc.org.uk
Website: www.eoc.org.uk
Fax: 0141 248 5834
Tel: 0845 601 5901

