



... contracting with local authorities  
and other large organisations ...

## Fit to Supply

*bringing together major purchasers  
with local suppliers . . .*

**Fit to Supply helps small businesses and entrepreneurs who want to trade with bigger companies and local authorities in their area. It is primarily aimed at people whose businesses are in the following sectors:**

- Construction
- ICT
- Food and Catering
- Health and Social Care services

**Fit to Supply is funded through the Phoenix Development Fund. The vast majority of the help, information and support available is provided to businesses without charge.**

## Why do you need an Equal Opportunities Policy

For the small business, creating an equal opportunities policy might seem a bureaucratic burden. However, there are several good reasons for you to take the time and trouble to prepare an Equal Opportunities policy for your business:-

1. It is generally illegal to discriminate in employment matters against anyone on the grounds of race, colour, nationality, ethnic origin, sex, marital status or gender reassignment. It is also generally illegal to discriminate against anyone on the grounds of disability.

The few circumstances in which discrimination on the above grounds is not currently illegal may soon change as the UK comes into line with European legislation. Even where discrimination is not currently illegal, an employee might still win a case at an employment tribunal.

2. Most of the larger private organisations and certainly the vast majority of public sector organisations, will require their suppliers to have an Equal Opportunities policy.

3. By developing good practice your company can benefit from diversity in terms of its customer relationships and wider pool of skills and experience from which to recruit.

## What does your Equal Opportunities policy need to demonstrate?

Primarily your Equal Opportunities policy should show that you are aware of your obligations under the law and that your business is committed to meeting those obligations. It may also go to demonstrate that your company is keen to benefit from the diversity of society which may well be viewed favourably by prospective customers.

Legislation that you need to comply with is not neatly contained in one act but includes:-

- Equal Pay Act 1970*
- Race Relations Act 1976*
- Sex Discrimination Act 1975*
- Disability Discrimination Act 1995*
- Employment Rights Act 1996*
- Human Rights Act 2000*
- Employment Relations Act 1999*
- Part-time working regulations 2000*
- Race Relations Amendment Act 2001*

Fortunately, the requirements of equalities legislation are not very hard to meet for well-managed firms. Your Equal Opportunities policy need only reflect your everyday anti-discriminatory activities.

## Getting it Right

*The information in this fact sheet is of a general nature. To ensure your equal opportunities policy exactly meets the needs and legal requirements of your organisation and potential customers, please seek advice from the Fit to Supply team.*



## What should my Equal Opportunities policy cover?

This will be a statement of your aims and attitudes as a company towards Equal Opportunities and how you intend to fulfil those aims and your legal obligations.

On the employment side, you should include:

- *recruitment (including advertising guidance), selection, training, promotion, discipline & dismissal*
- *policies with regard to victimisation, discrimination and harassment. These issues should be included in your disciplinary and grievance procedures.*
- *identification of person responsible for the policy and implementation.*
- *communication of the policy to all staff members*
- *monitoring of job applicants, successful applicants, trainees, grievances, promotion, dismissal, etc.*
- *policy reviews & implementation of changes*
- *consultation with workforce*

On the service delivery side, your policy should make a commitment to providing professional and appropriate services to all people.

## A meaningful commitment

When you own or manage a company, you have the responsibility to ensure that discrimination is also not practised by your employees and that they are aware that discrimination will not be acceptable.

That's why your Equal Opportunities policy has to be supported with practical measures to ensure that indirect or direct discrimination is not taking place, wittingly or unwittingly. For example, jokes based on racial or sexual stereotypes can cause deep offence or embarrassment for some members of staff - even when that is not the intention behind them.

Employees will need training on equal opportunities issues. You will need a channel for complaints and you will need to review your policies regularly.

Legislation is frequently amended and updated. You need to see that your organisation keeps up to date with these changes. For example:-

### *Part time workers*

It is illegal to discriminate against a member of staff because he or she works part time. Recent legislation now exists to ensure that part time workers have the same terms and conditions as their full time colleagues on a pro-rata basis.

### **What is discrimination?**

*There are two types of discrimination that are unlawful according to legislation: direct and indirect discrimination.*

*Direct discrimination is where a person is treated less favourably on racial grounds or because of their sex.*

*Indirect discrimination is where an employer applies a requirement or condition which applies equally to all employees, but which:*

- *is such that a considerably smaller proportion of one sex or race can comply with it, and*
- *the employer cannot show it to be justified irrespective of race or sex, and*
- *it causes a detriment to the individual because they cannot comply with it.*



## Example statement of an equal opportunities policy

### Our policy

The purpose of this policy is to provide equal opportunities to all in employment, irrespective of their gender, race, ethnic origin, disability, age, nationality, national origin, sexuality, religion, marital status and social class. We oppose all forms of unlawful and unfair discrimination.

All employees, whether part time, full time or temporary, will be treated fairly and equally. Selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation

### Our commitment . . .

- *Every employee is entitled to a working environment which promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.*
- *The commitment to equal opportunities in the workplace is good management practice and makes sound business sense.*
- *Breaches of our equal opportunity policy will be regarded as misconduct and could lead to disciplinary proceedings.*
- *This policy is fully supported by senior management and has been agreed with trade unions and employee representatives (Insert details if appropriate).*
- *The policy will be monitored and reviewed annually.*
- *Implementation (Include brief details of what will happen, how the policy will be monitored and reviewed over time. An Equality Direct advisor can help you consider these).*

### The law

This policy will be implemented within the framework of the relevant legislation, which includes:

- *Equal Pay Act 1970 (Equal Value Amendment 1984).*
- *Rehabilitation of Offenders Act 1974.*
- *Sex Discrimination Act 1975 (Gender Reassignment Regulations 1999).*
- *Race Relations Act 1976.*
- *Disability Discrimination Act 1995.*
- *The Protection from Harassment Act 1997.*

This example policy serves to illustrate the basic form of an equal opportunities policy statement. It can be found, along with a range of other useful business information at [www.equalitydirect.co.uk](http://www.equalitydirect.co.uk).

When preparing your own Equal Opportunities policy it is often advisable to seek professional help.

The Fit to Supply team will be happy to advise you about the particular needs of your company and the organisations with which you want to do business.

### 10 Point Plan for Employers

The Commission for Racial Equality produces a sample employment policy as part of their 10 point plan to help employers promote equality of opportunity in their own organisation. [www.cre.gov.uk](http://www.cre.gov.uk)



### The business case for diversity

The business case for diversity is quite clear. By sweeping away discrimination, employers, large and small can:

- *maximise the pool of potential job applicants and improve their chances to recruit the right person first time, every time*
- *become the employer of choice reducing the costs of recruitment and improving retention*
- *make more effective use of human capital, improve workforce morale, reduce staff turnover, sickness and absenteeism*
- *gain goodwill in the community and improve business profile*
- *exploit links to increase sales to new customers and clients from minority communities,*
- *develop the capacity of the workforce to do business with all sections of the community*
- *provide better customer service, respond effectively to change in the marketplace and become the supplier of choice*
- *utilise untapped resources including language skills and connections with export markets*
- *comply with legislation*

### Sources of further information

The Equal Opportunities Commission  
[www.eoc.org.uk](http://www.eoc.org.uk)

The Commission for Racial Equality  
[www.cre.gov.uk](http://www.cre.gov.uk)

The Disability Rights Commission  
[www.drc-gb.org](http://www.drc-gb.org)

Equality Direct  
[www.equalitydirect.org.uk](http://www.equalitydirect.org.uk)

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

Employers Forum on Age  
[www.efa.org.uk/](http://www.efa.org.uk/)

Royal Association for Disability and Rehabilitation (RADAR)  
[www.radar.org.uk](http://www.radar.org.uk)

Race for Opportunity  
[www.raceforopportunity.org.uk](http://www.raceforopportunity.org.uk)

Opportunity Now  
[www.opportunitynow.org.uk](http://www.opportunitynow.org.uk)

### What you may be asked

As part of the commitment towards common standards that ensure providers compliance with Race Relations legislation and the Commission for Racial Equality's Code of Practice in Employment, some organisations may ask you to complete a pre-qualification questionnaire that will include information about your equal opportunities policy and request that you answer approved questions

### Approved Questions

The following questions and descriptions of evidence have been prescribed by the Secretary of State in respect of section 18(5) of the Local Government Act 1988.

1. Is it your policy as an employer to comply with your statutory obligations under the Race Relations Act 1976 and accordingly, your practice not to treat one group less favourably than others because of their colour, race, nationality or ethnic origin in relation to decisions to recruit, train or promote employees?
2. In the last three years, has any finding of unlawful racial discrimination been made against your organisation by any court or industrial tribunal?
3. In the last three years, has your organisation been the subject of formal investigation by the Commission for Racial Equality on the grounds of alleged unlawful discrimination?
4. If the answer to question 2 is in the affirmative or, in relation to question 3 the Commission made a finding adverse to your organisation, what steps did you take in consequence of that finding?
5. Is your policy on race relations set out:
  - (a) *In instructions to those concerned with recruitment, training and promotion?*
  - (b) *In documents available to employees, recognised trade unions or other representative groups of employees?*
  - (c) *In recruitment advertisements or other literature?*
6. Do you observe as far as possible the Commission for Racial Equality's Code of Practice for Employment as approved by Parliament in 1983, which gives practical guidance to employers and others on the elimination of racial discrimination and the promotion of equality of opportunity in employment including the steps that can be taken to encourage members of the ethnic minorities to apply for jobs or take up training opportunities?

### Fit to Supply

A procurement and supply chain development initiative to enable food, IT, construction and health & social care enterprises from Black and minority ethnic communities to supply private & public sector organisation

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