

## **GUIDANCE ON ANSWERING EQUALITY QUESTIONS**

Before the Race Relations (Amendment) Act 2000 came into force, the Council was entitled to ask six questions prescribed by the Secretary of State. It is now possible to ask any question on race equalities and workforce matters, which can be shown to be relevant to the purpose of a contract.

An Equal Opportunities Questionnaire has been produced. When completing the questionnaire, all companies must answer each question fully and supply any documentary evidence requested. Failure to fully answer each question or failure to submit any documentary evidence required, may lead the Council to consider the answer unsatisfactory.

**Question 1** Is it your policy as an employer to comply with your statutory obligations under the Race Relations Act 1976, which applies in Great Britain, or equivalent legislation in the countries in which your firm employs staff?

**Question 1a** Accordingly, is it your practice not to discriminate directly or indirectly on grounds of colour, race, ethnic or national origin (or the grounds which are covered by legislation in the countries in which your firm employs staff) in relation to decisions to recruit, select, remunerate, train, transfer and promote employees?

**Guidance** If companies have implemented an effective equal opportunities policy, they will be able to answer yes to these questions. It is important for companies to note that your firm's compliance with the Race Relations Act 1976 may be monitored if they are awarded a contract.

**Question 2** Is your policy on race equality set out:

- (a) In instructions issued to those concerned with recruitment, selection, remuneration, training and promotion?
- (b) In documents available and communicated to employees, recognised trade unions or other representative groups of employees?
- (c) In recruitment advertisements or other literature?

Please supply with this questionnaire relevant examples of the instructions, documents, recruitment advertisements or other literature.

**Guidance** The sort of documentary evidence that the Council requires is as follows.

- (a) Instructions to those concerned with recruitment, training and promotion

As evidence of your answer, the Council requires sight of examples of any documents, which explain your firm's policies in respect of recruitment, training and promotion as

issued to and used by managers, supervisors, personnel officers, etc.

If you are a large firm, you are likely to have detailed procedures for recruiting staff, which may be included in a Code of Practice. Evidence of monitoring is desirable.

Smaller firms may not have such detailed procedures but are still expected to ensure that personnel operate in accordance with a written equal opportunities policy that includes:

- open recruitment practices such as using job centres and local newspapers to advertise vacancies
- instructions about how the firm ensures that all job applicants are treated equally

There is no prescribed evidence here. The Council requires whatever documents your firm uses for these purposes.

- (b) Documents available to employees, recognised trade unions or other representative groups of employees

The Council requires any document that is issued or available to employees which describes your firm's policy on race relations. You may have a separate race relation's policy or include race relations within a broader equal opportunities policy. Either is acceptable. You may put a copy of your firm's policy on all your notice boards or issue individual employees with a copy.

Whichever method you choose, the Council requires a copy of the policy and also to be told how this policy is communicated to your employees. It is also very important that you inform the Council of the name and job title of the senior person in your firm responsible for the development and implementation of your race relation's policy.

- (c) Recruitment advertisements or other literature

This relates to how you communicate your race equality policy (or more general equal opportunities policy) to the population from which you recruit your workforce. The Council requires sight of documentary evidence that makes public your commitment to race equality in employment, or equal opportunities in general.

It is essential that you include all the required documentation when you return the completed questionnaire to the Council. Failure to do so will result in delay in the processing of your

application and may result in your firm being excluded from a tender list.

**Question 3** In the last three years, has any finding of unlawful racial discrimination in the employment field been made against your firm by the Employment Tribunal, the Employment Appeal Tribunal or any other court or in comparable proceedings in any other jurisdiction?

**Guidance** This question concerns whether any court or industrial tribunal has found your firm guilty of unlawful racial discrimination in the last three years. The Council may wish to check your answers against records held by the County Courts and the Central Office for Industrial Tribunals.

**Question 4** In the last three years, has your firm been the subject of formal investigation by the Commission for Racial Equality (CRE) or a comparable body, on grounds of alleged unlawful discrimination in the employment field?

**Guidance** The question asks whether any investigation has been carried out, whatever the outcome. The Council can check a firm's answer from a list that the CRE produces. The Council is aware that because a firm has been investigated does not mean that it is guilty of discrimination. The result of the investigation will be taken into account when assessing your answers to the questionnaire.

**Question 5** If the answer to question 3 is YES, or, in relation to question 4, the CRE or comparable body made a finding adverse to your organisation, what steps have you taken as a result of that finding? Please summarise the details below and provide full details as an attachment:

**Guidance** If your firm has been found guilty of unlawful discrimination, the Council would expect to see that your firm has taken steps to correct the situation. The Court, Industrial Tribunals or CRE will have made recommendations about steps your firm should take to eliminate the discrimination.

If you have taken no action, or inadequate action, in this respect your firm may be refused entry onto the tender list.

**Question 6** Is it your policy as an employer to comply with your statutory obligations under the Sex Discrimination Act 1975, as amended, the Equal Pay Act 1970, the Disability Discrimination Act 1995 – all of which apply in Great Britain – or equivalent legislation in the countries in which you employ staff?

**Guidance** If companies have implemented an effective equal opportunities policy, they will be able to answer yes to these questions. It is important for companies to note that compliance with the Race Relations Act 1976 may be monitored if they are awarded a contract.

**Question 7** In the last three years, has the Employment Tribunal, the Employment Appeal Tribunal, or any court made any findings of unlawful sex or disability discrimination in the employment field against your organisation? Or in comparable proceedings in any other jurisdiction?

**Guidance** This question concerns whether any court or industrial tribunal has found your firm guilty of unlawful racial discrimination in the last three years. The Council may wish to check your answers against records held by the County Courts and the Central Office for Employment Tribunals.

**Question 8** If the answer to question 7 is YES, what steps have you taken because of that finding? Please summarise the details below and provide full details as an attachment:

**Guidance** If your firm has been found guilty of unlawful discrimination, the Council would expect to see that your firm has taken steps to correct the situation. The Court, Employment Tribunals or CRE will have made recommendations about steps your firm should take to eliminate the discrimination. If you have taken no action, or inadequate action, in this respect your firm may be refused entry onto the tender list.

**Question 9** Do you observe, as far as possible, the CRE's Code of Practice for Employment, as approved by Parliament in 1983, or comparable guidance under equivalent legislation in another member state, which gives practical guidance to employers and others in 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 ethnic minorities to apply for jobs or take up training opportunities? Please support your answer with as much information as possible.

**Guidance** The Council recognises that firms of different sizes comply with the CRE Code in different ways. In essence, the CRE Code of Practice recommends the adoption and implementation of sound equal opportunities policies.

If you are awarded a Council contract, you may be monitored to determine that you have implemented an effective race relation's policy.

If the Council finds your race relations policy and procedures to be unsatisfactory, it will make recommendations and set a time limit for implementation. If you fail to make these changes in that time limit, your firm may be removed from a tender list and will be refused future Council contracts.