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**NOTTINGHAMSHIRE
EQUAL OPPORTUNITIES
CONFERENCE**

**25th
SEPTEMBER
1987**

**PROMOTED BY
EQUAL OPPORTUNITIES
DEVELOPMENT PANEL
TRADE UNIONS**

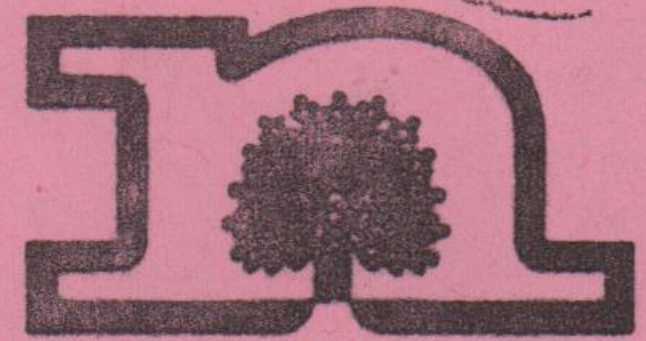
EQUAL OPPORTUNITIES CONFERENCE

Friday 25 September, 1987
YMCA , Shakespeare Street, Nottingham

A G E N D A

1. 9.30 - 10.00 a.m. Registration (tea/coffee provided)
2. 10.00 - 10.20 a.m. The structure of equal opportunities in the Authority
3. 10.20 - 10.40 a.m. The "headcount" - the employment situation in NCC
4. 10.40 - 11.00 a.m. Developments under consideration
 - monitoring
 - positive action
 - harassment policy
5. 11.00 - 11.15 a.m. Coffee/tea
6. 11.15 - 12 noon Future consultation (discussion groups)
7. 12.00 - 12.20 p.m. Plenary session

NB THE VENUE IS WHEELCHAIR ACCESSIBLE.



meeting **POLICY AND GENERAL PURPOSES COMMITTEE**

date **October 1986**

agenda item number

8

REPORT OF THE LEADER OF THE COUNTY COUNCIL

EQUAL OPPORTUNITIES

INTRODUCTION

1. This report is about the County Council's commitment to equal opportunities. The present position is that the Resources Committee has established a policy of Equal Opportunities in employment regardless of race, sexual orientation, disability, creed or national/ethnic origin. In addition JESSLS has the task of helping ethnic minorities to obtain greater equality of opportunity in service delivery.
2. Whilst both the Resources Committee and JESSLS operate across the board, and other committees of the Council endeavour to bring an equal opportunities dimension to their policies, there is a lack of a specific committee and officer structure which focuses upon equal opportunities in both service delivery and employment matters for three main disadvantaged groups in our society, viz: women, people with disabilities, and ethnic minorities. My colleagues and I feel that this omission should be remedied if the Council is to succeed in its endeavours to increase equality of opportunity.
3. Accordingly this report recommends a new structure for co-ordinating all equal opportunities issues. It also recognises that the necessary structure to fulfil the Council's commitment to equal opportunities imposes a need for some additional resources. Initially these resources will be devoted to a new staff appointment, and the establishment of a 'pump-priming' budget for new initiatives.

COMMITTEE STRUCTURE

4. In order to recognise the fact that equal opportunities is a matter of major policy and that, within equal opportunities, employment issues are of great significance it is proposed to establish a Joint Equal Opportunities Sub-Committee of the Policy and General Purposes and Resources Committees. The detailed terms of reference of the Joint Sub-Committee are set out in an appendix to this report from which it will be seen that the sub-committee will have power to make recommendations about service delivery to service committees (and, if necessary, to the Policy and General Purposes Committee) and about employment issues to the Resources Committee.

It is intended that the Policy and General Purposes Committee will also monitor the general progress of the sub-committee in securing the implementation of new initiatives, thus highlighting the importance which, I believe, the Council should place on this aspect of Council policy.

5. So that specific attention can be given to the three disadvantaged groups mentioned previously, it is proposed that consultative groups on Women, Disability and Ethnic Minorities be established. These consultative groups will report to the Joint Sub-Committee and will include representatives of the various interest groups and the Trades Unions.
6. If the Committee agrees to establish this new structure, I would recommend that JESSLS be reconstituted as the new Joint Sub-Committee, that responsibility for the alleviation of Youth Unemployment passes to the Economic Development Committee, and that responsibility for 'overlap' matters passes to the new sub-committee, through an Overlap Consultative Group - with the exception of that element which deals with children and young persons with handicaps and special needs (in view of the establishment, last year, of the Education (Special Needs) Sub-Committee).

DEPARTMENTAL RESPONSIBILITIES AND STAFFING

7. Equality of opportunity is a matter for all committees and all departments, but I believe that the Council's efforts must be centrally co-ordinated by the Chief Executive's department, through the Deputy Chief Executive, in liaison with the County Personnel Officer and the Trades Unions as far as employment matters are concerned, where the usual negotiating machinery will apply. However, with an increased commitment to equal opportunities, there will be a need for additional staff. Initially, it is proposed to appoint an officer to assist with the development of policies to meet women's issues. The grade for this post has been assessed at P.O.33-36 (£11,280 - £12,168). There will also be a need to recruit a further officer to assist with general co-ordination. The grade for this post has been assessed at P.O.33 - 36 (£11,280 - £12,168) but it is proposed that this post be established and financed by transferring a post, and the associated finance, from the Management Services Division following a small restructuring of the Division to be reported to the Resources Committee at its meeting on . There already exists within the Authority a number of staff with expertise in dealing with disability and in these circumstances it is not proposed to appoint any further specialist staff to deal with this aspect of equal opportunities.

BUDGETARY PROVISION

8. It is proposed that the sub-committee should have its own budget. In the main this will be comprised out of the existing JESSLS budget for Ethnic and Overlap matters, but will be enhanced by additional provision for new staff and some development finance for new initiatives. This latter allocation will be made on the understanding that committees will be expected to bear the main burden of financing any new initiatives.

RECOMMENDATIONS

1. That JESSLS be reconstituted as a Joint Equal Opportunities Sub-Committee of the Policy and General Purposes and Resources Committees be established with terms of reference as set out in Appendix 1.
2. That the membership of the sub-committee consist of Councillor Mrs. S.M. Smedley (Chairman), Councillor M. Aslam (Vice-Chairman) together with:-
 - 12 Members of the Majority Group
 - 9 Members of the Minority Group
 - 1 Member of the SDP/Liberal Alliance

And the following Ex-officio Members, viz:

Chairmen of the Policy and General Purposes and Resources Committees; the Leader of the Minority Group (or the Deputy Leader as substitute) and the Chief Whips of the Majority and Minority Groups (or their substitutes).

3. That the Trades Unions be invited to nominate four representatives to attend meetings of the sub-committee, such representation to be in accordance with current practice.
4. That four consultative groups be established, reporting to the sub-committee, as follows:-

Ethnic Minorities
Disability
Women's Issues
Overlap

And that each working group be constituted as set out in Appendix 2 and that each Working Group be entitled to nominate one non-voting, non-Councillor member to attend meetings of the Sub-Committee.

5. That responsibility for the alleviation of Youth Unemployment be transferred to the Economic Development Committee on the understanding that the current Youth Unemployment and Training Panel remains in being and reports to the Economic Development Committee, and that appropriate base budget adjustments be made.
6. That the budget of the sub-committee, as set out in Appendix 3, be approved on the understanding that the main cost of any new initiatives will need to be borne by service committees.
7. That the establishment of the Office of the Clerk of the County Council and Chief Executive be increased by the addition of one post of Development Officer to be concerned with Women's Issues at the grade P.O.(33-36) - £11,28 - £12,168 and that the need for any further staff be examined at a later date.
8. That the proposed transfer of a post from the Management Services Division be noted.

9. That this report be submitted to the Resources Committee for its approval.

DENNIS PETTITT
Leader of the Council

County Treasurer's Comments

Appendix 3 to the report shows the disposition of the approved Joint Sub-Committee for 1986/87 as it affects the new Joint Equal Opportunities Sub-Committee. The summary position for the total budget of £1.574 million is:-

	£ 000
Economic Development Committee :	
Youth Unemployment Measures	67
Joint Equal Opportunities Sub-Committee :	
Ethnic Minorities	675
Disability	-
Women's Issues	136
Overlap Areas	<u>696</u>
	<u>1,574</u>

In approving the resource allocation for the three years 1987/88 to 1989/90, the County Council agreed to the following additional resources being made available to the new Joint Sub-Committee:-

	£000
1987/88	125
1988/89 a further	100
1989/90 a further	<u>100</u>
Income over three years	<u>325</u>

It will be noted that the main report proposes the establishment of an additional post of Development Officer on women's issues. This will cost approximately £15,000 in a full year at the maximum of the scale and will be the first charge against the additional resources. Agreement has also to be reached on the redistribution of the Joint Sub-Committee's current grants initiatives fund of £35,000.

Background Papers Available for Inspection

Nil.

APPENDIX 1

Terms of Reference of the Joint Equal Opportunities Sub-Committee (Policy and General Purposes and Resources Committees)

1. To operate under the overall control of the Policy and General Purposes and Resources Committees.
2. To take all possible steps to ensure that, in the provision of County Council services, all sections of the Community have equal opportunity to gain access to and to benefit from those services and to ensure that there is the widest possible understanding of the Council's policy which opposes all forms of discrimination based on race, sex, religion, sexual orientation or disability. In particular, the sub-committee:-
 - (a) Shall be empowered to call upon service committees and departments to implement such policy initiatives or policy changes (including changes in departmental practices) as it deems appropriate.
 - (b) To monitor the progress of such policy and practice changes and to assist respective departments in drawing up new arrangements which more effectively meet the Council's policy objective.
 - (c) Shall be empowered to make recommendations as to grant aid to outside bodies or individuals.
3. To make recommendations to the appropriate service committees in relation to provision for the under 5s and children and young persons with social problems.
4. To make recommendations to the Resources Committee about measures which are necessary to secure equal opportunities in employment throughout the County Council, including recruitment, training and development, conditions of service, health, safety and welfare. In particular, the sub-committee shall:-
 - (a) recommend the Resources Committee as to the Council's corporate policy statement on equal opportunities in employment;
 - (b) recommend the necessary policies, procedures and monitoring arrangements;
 - (c) recommend appropriate codes of practice and manpower regulations;
 - (d) recommend the measures necessary to ensure compliance with approved policies and procedures;
 - (e) liaise with any County Council committee/sub-committee on appropriate matters;
 - (f) liaise with any internal/external agencies concerned with equal opportunities in employment, including the Equal Opportunities Development Panel;

- (g) refer any differences or disputes which fall within the terms of reference of the Council's local joint machinery direct to the appropriate Joint Consultative and Negotiating Panel and/or Joint Committee unless, in the sub-committee's discretion, it is first deemed appropriate to report to the Resources Committee.

APPENDIX 2

Ethnic Minorities Consultative Group

8 Members of the Majority Group
3 Members of the Minority Group
1 Member of the SDP/Liberal Alliance
4 Trade Union representatives with voting rights
16 Ethnic Minority representatives with voting rights

Ex-officio Members

Chairmen of the Policy and General Purposes and Resources
Committees
Chairman of the Joint Sub-Committee
Leader of the Opposition (or Deputy Leader as substitute)
Chief Whip of the Majority Group (or substitute)
Chief Whip of the Minority Group (or substitute)

Disability Consultative Group

5 Members of the Majority Group
2 Members of the Minority Group
1 Member of the SDP/Liberal Alliance
4 Trade Union representatives with voting rights
10 representatives of disabled persons with voting rights

Ex-officio Members

Chairmen of the Policy and General Purposes and Resources
Committees
Chairman of the Joint Sub-Committee
Leader of the Opposition (or Deputy Leader as substitute)
Chief Whip of the Majority Group (or substitute)
Chief Whip of the Minority Group (or substitute)

Women's Issues Consultative Group

5 Members of the Majority Group
2 Members of the Minority Group
1 Member of the SDP/Liberal Alliance
4 Trade Union representatives with voting rights
10 representatives nominated by women's groups with voting
rights

Ex-officio Members

Chairmen of the Policy and General Purposes and Resources
Committees
Chairman of the Joint Sub-Committee
Leader of the Opposition (or Deputy Leader as substitute)
Chief Whip of the Majority Group (or substitute)
Chief Whip of the Minority Group (or substitute)

Overlap Consultative Group

5 Members of the Majority Group
2 Members of the Minority Group
1 Member of the SDP/Liberal Alliance
4 Trade Union representatives with voting rights
10 representatives nominated by community groups with voting rights

Ex-officio Members

Chairmen of the Policy and General Purposes and Resources
Committees
Chairman of the Joint Sub-Committee
Leader of the Opposition (or Deputy Leader as substitute)
Chief Whip of the Majority Group (or substitute)
Chief Whip of the Minority Group (or substitute)

APPENDIX 3

Annual Budget 1986/87
Joint Equal Opportunities Sub-Committee
Analysis of Net Expenditure by Proposed Division of Service

Ethnic Minorities

Cash Limited
Estimate 1986/87

Additional staff in schools	259
The Elms Language Centre	78
English as a second language	19
Educational Advisers	10
Minorities Development Unit	52
Assistant Liaison Officers	11
Assistant Liaison Officers	17
Supplementary Education	61
Detached Youth Work	27
Social Workers for Ethnic Communities	15
Specialist Library Services	85
Grants to Voluntary Bodies	40
Other Services	1
	<u>675</u>

Disability

See proposed policy variations below

-

Women's Issues

Women's Centres

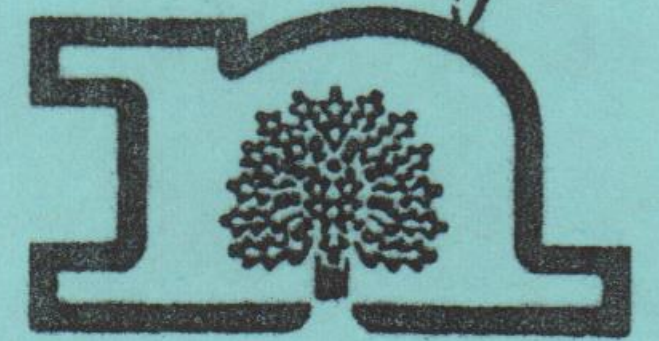
See also proposed policy variations below

136

Overlap

Extended use of existing facilities	
- Kirkby Nursery Centre	16
- Sutton Nursery Centre	16
- Eastwood Lynncroft Primary School	18
- Day Nurseries	10
- Extended Hours in Nursery Units	-
Family and Drop-in Centres	
- Mansfield Broomhill	128
- Ollerton	35
- Hucknall Spring Street	121
- Mansfield Woodhouse	93
Newark Childminding Scheme	30
Provision for Play - Play Co-ordinators	39
- Play Resource Centre	10
- Hyson Green Play Centre	3
Nottingham Youth Action	79
Other Schemes	23
Broxtowe Development Plan	5
Further enhancement of Community facilities	35
General grants initiative	35
	<u>696</u>

report



meeting

JOINT EQUAL OPPORTUNITIES SUB-COMMITTEE

date

18th December 1986

agenda item number

5.

REPORT OF THE COUNTY PERSONNEL OFFICER EQUAL OPPORTUNITIES IN EMPLOYMENT - POLICY OF THE NOTTINGHAMSHIRE COUNTY COUNCIL

INTRODUCTION

EQUAL OPPORTUNITIES POLICY STATEMENT

"Nottinghamshire County Council, together with the recognised Trade Unions, is committed to the development of positive policies to promote equal opportunities in employment, regardless of race, colour, nationality, ethnic or national origin, creed, disability, sex, marital status or sexual orientation. This commitment will apply to recruitment and selection practices, training, promotion and in the application of national and local agreements in respect of pay and conditions of service.

The operation of this policy will be monitored and reviewed periodically through the established joint consultative machinery. If any employee considers that he or she is the subject of unequal treatment on any of the above grounds, a complaint may be made through the agreed procedures for dealing with grievances.

The County Council undertakes to inform all employees of this policy statement."

Against the backcloth of the above policy statement, approved in 1982, this report is intended to provide the Sub-Committee with full information about equal opportunity in employment developments to date and those planned for the immediate future.

1. BACKGROUND

There has been a growing awareness in recent years of the need to develop equal opportunities policies, particularly within the Local Government sector. This has prompted local authorities as major service providers and employers to re-examine their existing practices and procedures and make positive efforts to bring about fundamental changes, to ensure their overall activities are conducted in a non-discriminatory manner.

(a) Legislation and its Effect

In the last twenty years or so a number of anti-discrimination legislation measures have been passed, aimed at attempting to foster fairness and eliminate discrimination in all areas of society, but also, in some cases, to provide a recourse in law for those who feel discriminated against.

The following legislation forms the main framework for policy development in equal opportunities in employment:-

The Disabled Persons' (Employment) Acts 1944 and 1958
Equal Pay Act 1970
The Rehabilitation of Offenders' Act 1974
The Sex Discrimination Act 1975
The Race Relations' Act 1976

In broad terms, the implications of the above legislation are that subject to certain exceptions, it is unlawful for an employer to discriminate against an employee or potential employee in matters of recruitment, pay and conditions of service, training and promotion, purely on the grounds of sex, race, disability or, in many respects, previous criminal conviction.

(b) County Council Commitment

The Labour Party, in both its 1981 manifesto 'The Road to Recovery' and its 1985 manifesto 'Services, Jobs and Democracy', emphasised its commitment to ensuring both equal opportunities in employment and service provision and stressed particularly, in the 1985 manifesto, the need for such policies to be drawn up in conjunction with Trade Unions and community/interest groups within the county.

Equally, the Conservative Party in its 1985 manifesto 'You Deserve the Best' indicated that any policy which seeks to provide equality of opportunity has a fundamentally important part to play in the creation of a just, united society. They also emphasised that such policies must be so implemented as to ensure that truly equal opportunities exist for all residents of the County, regardless of creed, disability, race or sex to achieve their full potential.

2. POLICY DEVELOPMENTS SINCE MAY 1981

The development of equal opportunities' policies initially became the responsibility of the Resources Committee who, in early 1982, considered the Authority's approach and recognised that it needed to be tackled on a phased basis.

(a) Consultative Machinery

An Equal Opportunities Working Group (now renamed Equal Opportunities Development Panel), comprising Officer representatives from the County Personnel Division and Minorities Development Unit, along with Trade Union representatives, was established to consider and make recommendations within the whole area of equal opportunities. Places on that group were originally available to ethnic community groups but were not taken up. I refer later to a re-examination of the Group's working.

(b) Policy Statement and Guidance

One of the first recommendations from the Working Group was that the Authority should adopt the Equal Opportunities' Policy Statement quoted at the beginning of this report.

A further immediate step taken early in 1982 was to ensure that all Authority recruitment advertisements carried the statement 'An Equal Opportunity Employer'.

As a result of the above, an interim guidance policy on equal opportunities was issued to all Chief Officers, and all employees were made aware of both the policy and its objectives through a statement issued with all pay slips.

(c) Headcount

In early 1983, the Authority undertook a voluntary headcount in order to establish an information base in respect of the composition of the workforce. This could then be used both for initial analysis and something against which the effectiveness of subsequent policy developments could be monitored. Unfortunately, the results of that voluntary survey were disappointing and as a result, during 1984, a mandatory headcount was undertaken through all departments. The information collected included grade, sex, ethnic origin and whether employees were temporary and/or casual, and the results of that headcount have been circulated to all Members (on request), all recognised Trade Unions, all Departments and all the ethnic community groups represented on the previous JESSLS Sub-Committee. It continues to serve as a discussion document in joint management/Union meetings within Departments.

The headcount served to substantiate two of the major concerns expressed by all interested parties in that black employees were under-represented in the workforce compared with the community at large and that very few women were in the more senior positions.

(d) Training

In late 1983, an Officer Working Party reported to the JESSLS Sub-Committee in detail on the findings on training on ethnic minority issues. The outcome of this report, and subsequent discussions, led to a widening of the Council's training activity to ensure that the content of appropriate training courses included an element on the Authority's equal opportunity policy. In particular, induction, recruitment and selection, management, and receptionists and telephonists courses now include an element on dealing with ethnic groups. The importance of training as a key element of an equal opportunities programme is becoming increasingly recognised and it remains essential to consider whether our priority determinations for training are correct, and to balance those

plans against existing or future resource requirements. Additionally, the Authority has run a number of Racism/Cultural Awareness Courses for Senior Officers. The increased scope for, and the content of, such courses is now under review by an Officer Working Group.

(e) Recruitment and Selection

In late 1984, the Resources Committee approved the Authority's Recruitment and Selection Code of Practice, including special considerations relating to equal opportunities. A copy of the code is enclosed for Members. This represented a major step forward in the strategic development of the Authority's equal opportunities' policy. Allied to this, it was also agreed that all Appointing Officers (about 4,000) would be invited to a number of seminars at which the need for, the reasons behind, and the fundamental changes involved in the operation of this Code of Practice would be explained. This has commenced with a number of seminars already undertaken. It is a major commitment involving some 2,000 days of training and not one, to the Authority's knowledge, that any other shire authority has undertaken.

(f) Job Sharing

A framework for the development and implementation of job sharing has been drawn up between the County Council and the recognised Trade Unions. The scheme is geared particularly to women and represents a major step forward in opening up, as far as possible, a much wider range of part-time job opportunities, particularly for those who wish to combine work with family or other domestic responsibilities. At this stage, it is recognised that the extent of developments as between departments is somewhat uneven, due partly to their differing natures and an element of caution. However, there are already signs that job sharing can operate successfully and there will be a further review shortly.

(g) Temporary Staff

A Code of Practice relating to the employment of temporary staff has been implemented. The Code lays down guidelines to assist Chief Officers in ensuring fairness and consistency of pay rates, conditions of service and contractual arrangements in respect of such staff against the general backcloth of permanent staff conditions of service. A copy of the code is enclosed for Members.

(h) Special Recruitment Scheme

This scheme is now well established and is designed to create greater employment opportunities for the disabled. The scheme, which has budgetary provision of about £106,000 is operated through the County Personnel Division, although employees in the main are seconded to all Departments of the Authority.

Recruitment to the Scheme takes place in consultation with the Disablement Resettlement Service and there are currently 17 disabled people employed on it. I refer later to an in-depth review of the Authority's strategies.

(i) Sexual Harassment

In July 1986, the Resources Committee approved a formal policy statement and procedural arrangements for dealing with complaints of sexual harassment. This was drawn up between the County Council and the recognised Trade Unions.

Steps have been taken to ensure that this is drawn to the attention of all County Council employees.

(j) Monitoring

The successful implementation of an Equal Opportunities Policy depends largely on the adoption of suitable policies to combat discrimination, and on the effective monitoring of those policies and practices. Using the headcount as a 'base line', it is hoped that the adoption of a 'monitoring' model on recruitment and selection, training and promotional activities will indicate if the aims of the policy are being achieved and, if not, what other corrective measures are required.

A draft monitoring model, geared initially to recruitment, was drawn up after discussions between Officers and the recognised Trade Unions, and a framework was approved in principle by the Sub-Committee at its initial meeting. It had previously been approved by the Resources Committee. The precise details of the monitoring model are still being considered, and a further report will be presented to the Sub-Committee as soon as possible.

3. FUTURE DEVELOPMENTS

It is, I hope, clear from the previous sections of this report that much has already been achieved by the Authority in the area of equal opportunities - although I would be the first to suggest that there is no room for complacency. Equal opportunities, and the development of policies, is still very much in its embryonic stages, and as such is subject to continual change. To try and ensure, therefore, that the Authority's policies are keeping abreast of these changes, it is vitally important to review and re-examine existing and proposed developments so that they are not overtaken by events. In this connection, considerable discussion has taken place within the Equal Opportunities Development Panel to identify issues which need appropriate attention if the policy is to be seen to be forward looking.

The following are broad indicators of the main development issues that are under active consideration:-

(a) Detailed Policy Statement and Objectives

The Equal Opportunities Development Panel consider that the existing policy statement falls short of providing a comprehensive and detailed over-view of the whole area of equal opportunities and employment provision in the Authority. It has therefore embarked on drafting a more detailed and comprehensive policy statement covering a wide range of employment issues and incorporating those decisions agreed to date. The document aims to set out in unambiguous terms the objectives and strategies which are necessary for the effective implementation of the Authority's equal opportunities policy, and act as both a management and employee guide.

(b) Monitoring Model

Monitoring the recruitment and selection process, as has been mentioned earlier in the report, is fundamental to the effective implementation of equal opportunities. Although the principle of monitoring has been approved by the Resources Committee, there still remains much work to be done on the operational details under which departments will operate. These include, for example, the following:-

- (i) Revised application forms.
- (ii) Monitoring forms.
- (iii) Recruitment appeals procedure.
- (iv) The reporting process.

Clearly, the results of the monitoring exercise will serve as a basis for consideration of issues such as the case for positive action whilst the further monitoring of other activities e.g. training, promotional activity etc. will need to be considered at an early stage.

(c) Awareness

As has already been indicated, it is vitally important that all employees are not only aware of the Authority's position on equal opportunities, but that they understand their own individual responsibilities within such a policy. Inevitably, however, the policies have been developed over a number of years and in a somewhat piecemeal fashion. In part, the proposal in respect of the production of a detailed policy statement should help to overcome the problems of fragmentation. At the same time, it is recognised that there is a vitally important role in raising the awareness of employees, about equal opportunities. Discussions have commenced within the Equal Opportunities Development Panel about the ways and means of raising 'awareness', and I would hope, as part of the overall package to be presented on the

detailed policy statement, to offer some thoughts and suggestions to the Sub-Committee on how best to raise the awareness level of our employees.

(d) Positive Action

From previous discussion in various quarters, I recognise that this is something which needs to be considered. It is a sensitive topic, but some would argue that if there is going to be genuine equality, then it may be that selective positive action is necessary, to assist those who are identified as under-represented or disadvantaged. I have consistently taken the view that the decision to introduce positive action programmes into the Authority must be taken against the backdrop of both need and legality. There are mechanisms available to the Authority to test the legality of any such schemes but I am of the view that the need or otherwise to consider positive action in the areas of recruitment and training should be identified when the Authority's monitoring procedures are established. Notwithstanding the above, preliminary discussions are due to take place within the Equal Opportunities Development Panel into areas where positive action may become appropriate, for example:-

- (i) Conditions of Service, particularly where these may militate against women returning from maternity leave.
- (ii) Access training
- (iii) Targeting

(e) Strategy for the Employment of the Disabled

I have already drafted a discussion document on the Authority's position in respect of the employment of the disabled. Members will be aware that all employers who have a total of not less than 20 employees have a statutory duty to employ a quota of registered disabled people. This is currently 3%, although there is a somewhat complicated formulae for determining what that 3% should be applied against. The Disability Consultative Group have already requested an information report from me which will be presented to their next meeting, though at this stage I am in the process of consulting with Chief Officers over the total document. Once those consultations are complete, it will be necessary to discuss the ideas with Trade Unions in the Equal Opportunities Development Panel before forming final proposals for consideration by Committee.

4. EQUAL OPPORTUNITIES DEVELOPMENT PANEL

Finally, because of the significant Committee changes which have taken place over the last few months I consider it necessary, and the Trade Unions agree, to review the role and structure of the Equal Opportunities Development Panel to ensure that it is reconcilable with the new machinery. Members of the Sub-Committee will

appreciate that many of the employment issues surrounding equal opportunities are very much matters for collective bargaining. In this connection, and whatever the consultation procedure adopted with the community at large may be, it remains important that the excellent working relationships and consultation procedures between the Authority and the Trade Unions on equal opportunity in employment matters are continued. Without mutual co-operation and understanding their developments would be totally undermined.

5. STAFFING RESOURCES

These developments have not occurred without significant resource implications. Whilst, centrally, the Authority has only one specific post devoted to equal opportunities, this in no way reflects the overall resources devoted to the subject. Quite apart from my own involvement and that of the Assistant County Personnel Officer, all sections of the Division are concerned with equal opportunities within their own disciplines. A good example is the recent work of the Employment Section in producing the Recruitment and Selection Code of Practice, and a draft strategy for the disabled. The Training Section has a particular input as explained elsewhere in this report.

Specific reference should also be made to the proposed appointment of Development Officer to be concerned with womens' issues whilst having a responsibility for community issues, this will inevitably have an involvement in employment matters. Departmentally, resources were applied to the mandatory headcount, whilst Senior Officers have a continued involvement in policy implementation and, for example, on departmental training activities. The resource implications of the proposed monitoring arrangements are currently being assessed.

The whole sphere of equal opportunities must be viewed as a fluid one, and it is recognised that the working of the Sub-Committee may raise resource considerations. It is difficult to predict our longer term needs, and this must be kept under close scrutiny if a progressive approach is to be maintained.

6. CONCLUSION

In receiving this report, I hope that the Sub-Committee will recognise that over the last 5 years not insignificant progress has been made towards the objective of achieving equality of employment opportunity to all. There is considerable work to be done in achieving that ultimate objective and in securing effectiveness. Equal opportunities is a volatile, sometimes sensitive area of activity, with a high profile in the Authority's employment policies.

The purpose of this report, which has been discussed with Trade Unions in the Equal Opportunities Development Panel and who support the development priorities outlined in the report, is primarily intended to give the Sub-Committee a complete over-view of the Authority's actions to date and form a basis for future discussions.

RECOMMENDED

That the report be noted, and that it be referred to the Consultative Groups on Disability, Womens' Issues and Ethnic Minorities for detailed consideration.

J. T. BUGBY
County Personnel Officer
RM/DD/259

NOTTINGHAMSHIRE COUNTY COUNCIL

EQUAL OPPORTUNITIES POLICY STATEMENT

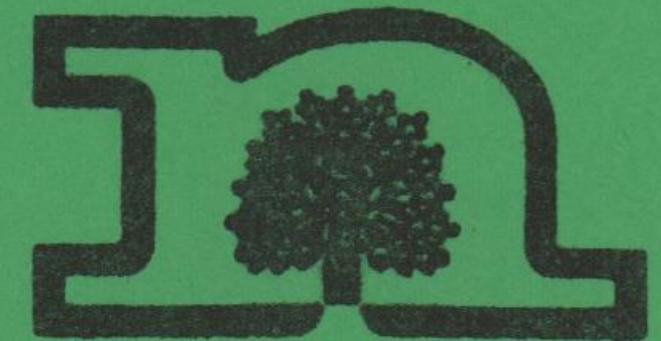
Nottinghamshire County Council, together with the recognised Trade Unions, is committed to the development of positive policies to promote equal opportunities in employment, regardless of race, colour, nationality, ethnic or national origin, creed, disability, sex, marital status or sexual orientation. This commitment will apply to recruitment and selection practices, training, promotion and in the application of national and local agreements in respect of pay and conditions of service.

The operation of this policy will be monitored and reviewed periodically through the established joint consultative machinery. If any employee considers that he or she is the subject of unequal treatment on any of the above grounds, a complaint may be made through the agreed procedures for dealing with grievances.

The County Council undertakes to inform all employees of this policy statement.

report

APPENDIX



meeting	RESOURCES COMMITTEE		
date	23rd September 1986	agenda item number	11

REPORT OF THE COUNTY PERSONNEL OFFICER

EQUAL OPPORTUNITIES - MONITORING

Background

1. Nottinghamshire County Council, together with the recognised Trade Unions, is committed to the development of positive policies to promote equal opportunities in employment, regardless of race, colour, nationality, ethnic or national origin, creed, disability, sex, marital status or sexual orientation. One of the primary aims, therefore, of the Authority's Equal Opportunity policy in employment is to ensure that no job applicant or employee receives less favourable treatment on any of the above grounds, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.
2. The Authority has already reviewed its recruitment and selection criteria and procedures, culminating with this Committee's approval to the "Recruitment Selection Code of Practice." This was coupled with a positive commitment to training all the Authority's Appointing Officers.
3. Beyond this, it is vitally important to introduce measures to monitor the effectiveness of such initiatives. In broad terms, therefore, the aim of recruitment monitoring is to keep abreast of recruitment practices and ensure that they reflect genuine equality of opportunity in each job, grade, section and department. Through the headcount exercise, the Authority has already gone some way towards establishing the necessary basic statistical data on the numbers and distribution of minority group employees. The next step is the introduction of monitoring recruitment and selection procedures in the future. At a later stage, it will clearly be necessary to analyse other features relating to equal opportunities in employment, for example the scope of training opportunities and promotional activity.
4. The object of this report is to establish the main features of a monitoring model. Detailed discussions have already taken place with the Trade Unions, through the Equal Opportunities Development Panel, and also with Chief Officers, who all, subject to certain caveats relating to resource availability, support the following proposals. Some "fine tuning" in terms of specific details will still be required, but I hope that Members will feel able, at this stage, to support the broad framework of the proposals.

Division of Responsibilities

5. I have considered most carefully both management and union views on whether the recruitment monitoring process should be centrally or departmentally controlled and have come to the conclusion, with the agreement of all concerned, that the County Personnel Officer should have responsibility for:-

- (i) Formulating the overall strategy framework for monitoring.
- (ii) Co-ordinating departmental returns on monitoring and reporting to the Equal Opportunities Development Panel and appropriate Committee(s) in a format to be determined.
- (iii) Examining critically job filling, on a random sample basis.
- (iv) Identifying trends, and especially situations, where the more successful recruitment of minority groups might reasonably be expected.

It is proposed that Chief Officers should have specific day to day responsibility for monitoring within their own Departments as part of their normal managerial responsibility. I believe this to be right in principle - and the most practical arrangement. My other reasons for proposing this particular course of action are:-

- (i) A belief that Departments will be more committed to monitoring if they have day to day responsibility for the activity.
- (ii) A greater likelihood of monitoring reports being compiled accurately and quickly if it is a departmental return rather than a central return.
- (iii) Concern that the Central Personnel Function should be seen to be wholly in a 'policing role', rather than the conventional advisory and strategic role.

Other Main Features

6. Having proposed the control framework for monitoring, it is clearly necessary to outline some of the detailed implications of the proposed monitoring process.

(a) Application Forms

Considerable attention has been given to the question of whether information concerning ethnic origin, sex, age, disability etc. should be contained within an application form or should be deliberately excluded and obtained by different methods. In the end, and again with the agreement of all parties concerned, it is proposed that questions relating to marital status and children should be removed from all application forms, but that all other information should be retained. The primary reasons for this proposal are as follows:-

- (i) The overall recruitment process, and ownership of equal opportunities, would be more meaningful and effective if Recruiting Officers were fully responsible for their selection decisions.
- (ii) It could assist in the effective implementation of any future positive action programmes.
- (iii) It will assist Departments such as Education and Social Services to carry out monitoring effectively, without defaulting on their statutory obligations.
- (iv) It will help reduce unnecessary bureaucracy and so speed up the overall monitoring process.

If the above proposal is acceptable, I would propose that the drafting of model application forms be left to the County Personnel Officer in consultation with Chief Officers, and Trade Unions.

(b) Monitoring Forms

Monitoring forms will have to be designed, which will be the responsibility of the employing department to complete. The information contained on the form will provide comparisons of ethnic origin, sex, disability, and the age of all applicants against those recommended for shortlist and the subsequent appointment made. The monitoring form will therefore serve two primary purposes:-

- (i) Firstly the monitoring of selection decisions relating to a particular job vacancy; and
- (ii) Secondly, as the document for putting together departmental and corporate statistics.

As with application forms, I would propose that the final details of the form, and its design, be left to the County Personnel Officer in consultation with Chief Officers, and Trade Unions.

(c) Recruitment Appeals Procedure

Any individual, be they an employee of the Authority or not, has a right to pursue an application to a Tribunal or Court of Law in respect of any statutory rights he/she may have under the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Rehabilitation of Offenders Act 1974, or the Disabled Persons (Employment) Acts 1944 and 1958. However, given the positive commitment which this Authority is making to equal opportunities, it is considered appropriate to recommend that any applicant should also have a separate and more immediate right of appeal to the Authority on the grounds of alleged discrimination during the recruitment process. This proposal also has the full support of the Trade Unions and all Chief Officers.

It is proposed that, initially, any appeal would be heard by the Chief Officer of the employing department. Where however the complainant is

dissatisfied with the outcome of that appeal, he/she would have the right of appeal to a central forum, and that a Central Recruitment Appeals Panel should consist of two Members, two Senior Trade Union Officials drawn from the recognised Trade Unions, and an independent Chairman from a list to be agreed. In terms of the Member representation, it is suggested that a number of nominations (probably 5/6) be sought from both the Resources Committee and also the new Equal Opportunities Sub-Committee, and that when a Recruitment Appeals Panel has to be convened, one Member will be drawn from the Resources Committee list and one Member from the Equal Opportunities Sub-Committee list.

7. Having outlined what I hope will be an acceptable framework for recruitment monitoring within the Authority, the practical effects of the process would be as follows:-

- (i) A Senior Officer in each Department (e.g. at Assistant Director level) will be made responsible to oversee departmental monitoring and to act as the link to the central monitoring process.
- (ii) The Senior Departmental Officer (and/or nominee) will be responsible for ensuring that job descriptions and person specifications are appropriate before the recruitment process commences. This is in accordance with the Authority's Recruitment and Selection Code of Practice.
- (iii) All applicants will complete a redesigned application form in the normal way and shortlisting decisions will then be based upon the job description and person specification for the post. Within the revised application form, all applicants will be notified that they have a right of appeal, on grounds of discrimination, against any subsequent shortlisting and/or appointment decisions.
- (iv) Once shortlisting decisions have been made by the Appointing Officer(s), but before individual applicants are notified, the monitoring form will be returned to the Senior Nominated Officer (and/or nominee), in the Department for scrutiny. It will then be a matter for each Department to analyse and take appropriate action on that return to ensure that Appointing Officers do not appear to be acting in a discriminatory manner.
- (v) Once shortlisting decisions have been approved by the Senior Nominated Officer (and/or nominee), individual applicants will then be notified and the interview and appointment process will be undertaken.
- (vi) Once an appointment has been made and confirmed, the monitoring form will be returned to the Senior Nominated Officer in the Department who will have the responsibility of collating all departmental returns, and sending them to the County Personnel Officer in an agreed format probably on a monthly basis.

(vii) The County Personnel Officer will report the corporate figures for the Authority to appropriate Committee(s), Working Groups, etc. He will also investigate with the appropriate Chief Officer any apparent irregularities, and/or potential areas of discrimination.

(viii) In any case where an Appointing Officer appears to have acted in a discriminatory manner, it will be a matter for the appropriate Chief Officer concerned to consider what action should be taken, e.g. counselling, re-training in recruitment and selection. It will also be necessary to consider whether a breach of discipline has been committed.

8. It is the intention to apply these procedures to all vacancies. However, implementation must take account of resource implications, particularly to departments, and accordingly I have asked the County Management Services Officer to examine the position as a matter of urgency. This would therefore be the subject of a further report.

In the light of the above, it is therefore RECOMMENDED that:-

1. The general principle of monitoring the operation of recruitment and selection activities be approved.
2. A detailed model be drawn up based on:-
 - (a) Chief Officers having the responsibility for monitoring in their departments through a senior nominated person.
 - (b) The County Personnel Officer having a corporate and strategic role
 - (c) Appropriate application/monitoring forms being devised.
 - (d) Provision being made for an appeals process in accordance with the proposals detailed in the report.
3. The County Personnel Officer to present a further report to the Committee as soon as possible on a detailed model and the resource implications.

J. T. BUGBY
County Personnel Officer
rm/cw/226

Background Papers available for inspection

N11

Towards a programme of Positive Action - a discussion document

The following paper is intended to outline the stages which will be necessary for a programme of positive action. It is not exclusive, but attempts to go beyond the existing stage of identification, and to itemise the successive stages.

1. Assessing the situation

- (i) This process has begun with the Authority's "headcount", or workforce audit. This must be repeated on a regular basis, and be combined with regular monitoring (as under present discussions). At a minimum this should take into consideration numbers employed (by sex, ethnic origin, disability, etc.) grading and situation within the Authority (on a divisional / sectional basis). It is desirable for other factors to be included, such as qualifications held, age length of service promotion and training.
- (ii) Monitoring of general trends should be combined with 'spot' monitoring of specific areas or grades which the headcount has identified as showing inequality. This "spot" monitoring will include the monitoring of job applications, shortlisting and interviews and will be carried out with trade union participation (in departments or centrally via the E.O.D.P.) Central monitoring of specific cases by the E.O.D.P. should complement this. Monitoring should be implemented in conjunction with a recruitment appeals procedure

2. Targetting

Once problem areas have been identified by the monitoring process the Authority, in full consultation with the trade unions, should draw up "targets", against which departments should assess success in achieving greater equality of opportunity in employment strategies. Unless such targets are established, the effectiveness of remedial action cannot be assessed effectively. Management should be encouraged to redress imbalances where disproportionate representation of women, black people, disabled people. etc. occurs.

3. Remedial Action

It is recommended that the following areas are considered as part of any positive action programme:-

- (i) Advertising. The authority's commitment to its equal opps. policy should be specified in all advertisements, and replies to job enquiries should provide details of that policy. Vacant posts should be advertised as widely as possible, with full use of the women's and minority press being made. While accepting the financial constraints in using all press outlets the use of this area can encourage people to apply to an employer with a sympathetic attitude. Also, the language and pictorial content of advertisements should reflect the equal opportunities policy
- (ii) Job specifications. Criteria for appointment should be restricted to the actual requirements of the job. Age specification should be avoided.

- (iii) Application forms should be standardised as far as possible, and not include possibly discriminatory content.
- (iv) Interviewing procedures. All interviews should be conducted in a non-discriminatory way, with training to raise awareness provided for all interviewers. For example, questions relating to dependants should be avoided. The present practice of "all white male" interview panels must be ended by positive steps, including: training being given to women and black employees to enable them to participate in interviewing and shortlisting; if necessary, in all white male preserves women and black people who are not employees should be included in initial shortlisting or interviewing at some stage. advising that disadvantaged groups are consciously selected for interviewing. Trade union representatives and/or equal opportunities staff should be allowed to "sit-in" on interviews without prior notification being given to the interviewing officers. Candidates who have been invited for interview could be given a questionnaire, asking whether they felt the interview was conducted properly in terms of the equal opportunities policy of the Authority. Also, the Authority must look at whether selection for interviewing is to the disadvantage of under-represented groups and whether they should be given further opportunities to prove their worth - possibly through bias in initial interview selection.
- (v) Facilities. Recruitment of staff should not be restricted by lack of facilities, such as disabled access, a workplace nursery, etc.
- (vi) In-service training. This should be extended to cover the following: professional language training, training in non-traditional skills, training in new skills (not necessarily directly related to the employee's present job) and assertiveness training. Training should also be provided for women who have taken a career break in order to care for dependants. Where possible, all courses should be non-residential and include child-care facilities. The effects of training initiatives should be monitored to ensure the needs of disadvantaged groups are being met effectively.
- (vii) Recruitment of school leavers and young people. The Authority must examine whether it is positively encouraging the recruitment of young people who are female, black, etc. through its work in School Careers Conventions, Y.T.S. entry, or normal job entry. This must be a positive commitment.
- (viii) Conditions of Service. The present review of service conditions should ensure that the existing job-sharing agreement is implemented fully in all departments, and that a comprehensive parenthood leave agreement be adopted. The rights of women to return to from maternity leave with no detriment to past status or future promotion opportunities should be improved. An extended leave policy should also be considered as a means of enabling employees to visit relatives living abroad.

4 Creating a positive work environment

It is recognised that women, ethnic minorities, lesbians and gay men, and disabled people are all subjects of varying forms of discrimination in the workplace, ranging from overt harassment from colleagues to less deliberate discriminatory attitudes based on false assumptions about race, sex, sexual orientation, etc.

Such attitudes should be vigorously combatted by both management and unions.
The following action should be considered:-
Publicity / education campaigns;
prohibiting the promotion of discriminatory attitudes in material produced
by the employer and the unions, and avoiding the use of discriminatory
terminology;
extending the current sexual harassment policy to encompass racial harassment
and harassment of lesbian and gay employees.

Roger Tanner
Gail Squires

Equal Opps. Development Panel

NOTTINGHAMSHIRE COUNTY COUNCIL SEXUAL HARASSMENT POLICY STATEMENT

Nottinghamshire County Council recognises that sexual harassment is unacceptable and discriminatory practice, and is committed to ending it. Sexual harassment may be a disciplinary offence, which may be dealt with under the agreed disciplinary procedure.

Sexual harassment is defined as follows:—

'Repeated and unwanted verbal or sexual advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone in the workplace which are offensive to the worker involved, which cause the worker to feel threatened, humiliated, patronised or harassed, or which interfere with the worker's job performance, undermining job security or create a threatening or intimidating work environment.'

Accordingly, the County Council considers that any visual, physical or verbal conduct of a sexual nature could constitute sexual harassment if one or more of the following occurs:—

- (a) It is unsolicited, and unwelcome.
- (b) When submission to such conduct is implicitly or explicitly a term or condition of an individual's appointment or continued employment.
- (c) When submission to such conduct is implicitly or explicitly a term or condition for decisions which could affect promotion, salary or any other job condition.
- (d) When such behaviour creates an intimidating, hostile or offensive work environment for one or more employees.

The County Council realises that many individuals may be unwilling to make a complaint regarding sexual harassment. This may be for a variety of reasons including:—

- (a) Fear that others will consider the behaviour trivial.
- (b) Fear of retaliation and/or public humiliation.
- (c) Unfamiliarity with the appropriate procedures.
- (d) Absence of an appropriate procedure.
- (e) Fear that the complaint will not be taken seriously, and the likelihood that no action will be taken against the harasser.

Rather than face these possibilities, the victim of harassment may therefore choose to transfer to another job, leave altogether, and/or may even be wrongly dismissed. The County Council regards this as wholly unacceptable. Accordingly, it proposes that a procedure be established (see under) to facilitate the resolution of sexual harassment complaints.

It will be inherent in the procedure that both the complainant and the accused have a right to representation at any stage, either by their Trade Union representative, an employee counsellor or a friend.

Procedure for Dealing with Complaints of Sexual Harassment

1. Where appropriate, the employee(s) should ask the harasser to stop, or make it clear that the behaviour is unwelcome. There will be many circumstances where the employee(s) consider that such action would be too difficult or embarrassing and where immediate action is required. Accordingly, in terms of the future investigations into a complaint of sexual harassment, no significance should be given to the fact that an individual may not have taken the above action, although clearly management will wish to be aware if there is evidence which suggests that the employee(s) has/have already made verbal representations to the harasser.
2. Under normal circumstances, complaints of sexual harassment should be made through the Authority's grievance procedure. However, because of the circumstances inherent in complaints of sexual harassment, the initial approach may be by a friend, employee counsellor and/or Trade Union representative. Thereafter, the complaint will be processed in the normal way except that the complainant must personally be prepared to substantiate the complaint in accordance with the prescribed Grievance Procedure.
3. Where, either for specific personal reasons or where there is a management/supervisory relationship inherent in the complaint, an individual wishes to pursue a complaint of sexual harassment but considers that the grievance procedure is inappropriate, an initial complaint can be made orally and/or in writing to the County Personnel Officer and/or his nominated officer. The nominated officer should be of the same sex as the complainant if required by the complainant. The County Personnel Officer (and/or his nominated officer) will have a meeting with the complainant and/or his/her representative(s), and will agree an appropriate course of action. That agreement will be communicated to all parties within one calendar week.

REPORT OF THE CHIEF EXECUTIVE
AND TOWN CLERK

EQUAL OPPORTUNITIES (RACE
SUB-COMMITTEE)

24 JULY 1986

HARASSMENT AND DISCRIMINATION POLICY

The attached document was drafted by Nottingham City Councils Equal Opportunities (Conditions of Service) Working Party which has been meeting since September 1985.

The purpose of the procedure is to provide an easily accessible means of complaint to those individuals who feel that they have been the subject of Harassment and Discrimination. With this aim in mind the document also includes general and specific examples of Harassment and Discrimination.

It is hoped that this document will be seen as a Code of Conduct as well as providing a means whereby such a complaint can be heard. It is intended that the draft policy and procedure will be considered by the various Equal Opportunities sub-committees and ultimately a report to adopt a policy will be submitted to the Equal Opportunities Committee and the Policy and Resources (Personnel) Sub-Committee.

RECOMMENDATION

It is recommended that sub-committee submit their views on the draft policy and procedure.

M H F HAMMOND
CHIEF EXECUTIVE AND TOWN CLERK

THE GUILDHALL
NOTTINGHAM
1ST JULY 1986

LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR
THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

NONE

(RHARDIS.JUN)

NOTTINGHAM CITY COUNCIL
EQUAL OPPORTUNITIES (CONDITIONS OF SERVICE) WORKING PARTY

HARASSMENT AND DISCRIMINATION POLICY
FINAL DRAFT

1. INTRODUCTION

- a) As an Equal Opportunities employer, Nottingham City Council is committed to the elimination of discriminatory practices which have an adverse impact on the working lives and careers of individuals and groups of employees.
- b) The Council also recognises that harassment is a factor which can adversely affect an individual's working life, and is equally committed to the creation of a working environment where such behaviour does not occur.
- c) To these ends, the Council now formally recognises harassment and discrimination as disciplinary offences, and has introduced a specific Procedure to deal with complaints and allegations of harassment and discriminatory behaviour.

2. AIMS AND OBJECTIVES

- a) The Council recognises that those who suffer harassment and discrimination are only likely to complain in the last instance for fear of an unsympathetic hearing, or of adverse impact on their jobs. The Harassment and Discrimination Procedure is intended to be easily accessible to employees wishing to make a complaint, to be capable of reaching a conclusion within a reasonably short period of time and to extend, to all concerned, the opportunity of a fair hearing with a right of appeal.
- b) However, the aim of the procedure goes beyond simply responding to formal complaints. Ultimately, the aim is the creation of a better working environment in which employees can achieve their full potential, and need not fear unfair and unequal treatment, distress or harassment on account of

their sexual orientation, race, culture, ethnic origin, sex, marital status, age, or disability.

- c) The definitions and examples of discrimination and harassment provided below are intended in the first place as a guide to those using and involved with the procedure. They are also intended to indicate a standard of behaviour required of all Council employees. Irrespective of whether or not complaints are brought under the procedure, Managers, Supervisors, and individual employees are expected to ensure that this standard of behaviour is the norm for their place of work.
- d) The recognised Trade Unions are also committed to achieving a working environment free from harassment and discrimination and fully support these aims and objectives.

3. SCOPE AND PURPOSE OF THE PROCEDURE

- a) This procedure applies to all employees of the City Council, including the Community Programme and Youth Training Agencies. Other projects funded by the City Council, for example through the Inner Area Programme, Manpower Services Commission or European Social Fund, would be expected to adopt similar or the same guidelines.
- b) This procedure covers all aspects of the working environment where opportunity for harassment and unlawful or unfair discrimination might arise. This includes internal recruitment, promotions, transfers, regradings, access to training, dismissal and relationships between employees. The procedure also covers the relationship between City Council employees and the public.
- c) Where it transpires that a complaint or grievance brought under the existing procedures has an important harassment or discrimination dimension, then the Harassment and Discrimination procedure should be used before the matter is pursued further under the existing grievance/disciplinary procedures.
- d) This procedure is not intended to undermine the individual's rights under criminal and employment law. Nor in respect of discrimination is use of the procedure intended to diminish a person's statutory rights under the Equal Pay Act 1970, Sex Discrimination Act 1975, Race Relations Act 1976, 1944 Disabled Persons (Employment) Act.
- e) This procedure applies to anyone who considers they have been harassed or discriminated against on grounds of race, culture, ethnic origin, sex, marital status, age, sexual orientation or disability.

4. WHAT IS DISCRIMINATION?

4.1 Discrimination can take any of the following forms, all of which are unacceptable under this procedure:-

- i) Direct discrimination
- ii) Indirect discrimination
- iii) Victimisation

5. DIRECT DISCRIMINATION

This form of discrimination occurs where a person, for example of a particular race, is treated less favourably than a person of another race would be in the same or broadly similar circumstances. Examples of this kind of discrimination would include:-

- i) Considering female, black or disabled employees less favourably for managerial or supervisory posts because it is thought that such employees would not be acceptable as 'bosses' to the rest of the workforce;
- ii) Denying women or disabled employees access to post entry training because they are thought unlikely to remain in continuous employment with the Council, or unlikely to actively pursue career advancement;
- iii) Refusing to consider a suitably qualified male for such posts as 'receptionists' because women are thought to be more suited to the post;
- iv) Denying a request for compassionate leave to a gay man or lesbian on the bereavement of a partner.
- v) Unequal treatment of employees in the allocation of tedious or repetitive duties on the grounds of race, sex, sexual orientation or disability.
- vi) Denying equal access to facilities and services provided by the Council to members of the public on grounds of race, sex, disability or sexual orientation;

- vii) Considering the application of a married person for a post more favourably because they are thought to be more reliable.

6. INDIRECT DISCRIMINATION

6.1 This form of discrimination occurs where a requirement or condition is equally applied, for example to both men and women, but because the proportion of one sex which can comply with it is much smaller than the other sex, it indirectly discriminates. Examples of this kind of discrimination would include:-

- i) Setting a language test or educational qualification above the minimum requirement for a job, post or training course which disproportionately adversely affects the members of particular racial groups;
- ii) Setting an unjustifiable physical or mobility requirement that disproportionately bars women or disabled applicants for a post.
- iii) Applying a length of service criteria in respect of access to training that disproportionately bars women or black employees.

7. VICTIMISATION

Victimisation occurs when a person is treated less favourably than another person because she/he has referred to or has asserted their rights under, the Sex Discrimination Act, the Race Relations Act or the Equal Opportunities Policy. This would cover both those bringing cases under this legislation/policy or acting as a witness in any investigation of a complaint.

8. WHAT IS HARASSMENT?

8.1 For the purposes of the City Council's Harassment and Discrimination procedure, the term harassment includes any unwanted verbal or physical advances, explicit derogatory statements or discriminating remarks which the worker involved finds offensive, and which causes her/him to feel threatened, humiliated, patronised, distressed or harassed. Such action may also be considered harassment if it impairs an individual's job performance, undermines their job security, or creates a threatening or intimidating work

environment. Harassment may be deliberate or unconscious, an isolated incident or repeated action. It may also involve behaviour ranging from direct physical aggression to persistent taunting accepted by the workforce as commonplace.

9. EXAMPLES OF HARASSMENT

Whether in respect of sex, sexuality, disability or race, some forms of harassment are general. These include:-

- Physical attacks on colleagues because of their race, sex or sexual orientation;
- Refusing to work with or deliberately isolating colleagues because of their race, disability, sex or age, or because they are (or are thought to be) lesbian or gay;
- Making offensive, demeaning and humiliating remarks or jokes about disability, race, sex or sexual orientation, or abusive name calling;
- Displaying offensive material whether sexually explicit, racially offensive or anti-lesbian/gay; this includes material such as 'pin-ups' (including calendars, videos, films and advertisements etc), racist, sexist, anti-lesbian/gay cartoons, jokes or publicity.

9.1 Sexual harassment may also include:

- Persistent staring or leering
- Repeated requests for dates despite being refused
- Touching or patting
- Directly sexually propositioning
- Calling a colleague or a member of the public 'gorgeous', 'sexy', 'darling' or other similar remarks which may be considered demeaning or humiliating.

It is probable that sexual harassment will be of women by men, although it may occur to a much lesser extent of men by women, or where both parties are of the same sex. Any interactions between two people that are acceptable to both parties are not considered sexual harassment, unless they deliberately or unwittingly cause such harassment to a third party.

9.2 Racial harassment may also include:

- Referring other employees, clients or callers of one racial group to a colleague of the same racial group, where such duties are not part of the individual's job;
- Frequently inviting unnecessary comment on racial issues from a member of a racial minority, where it is not part of the individual's job to make comment on these issues.

THE DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE

STAGE 1 - RAISING A COMPLAINT

1. If any person or persons consider that she/he (they) may have been the victim of harassment or discrimination, they should raise the matter with:-
 - a) the relevant shop steward or staff representative and/or;
 - b) the Trade Union Departmental representative for Equal Opportunities and/or;
 - c) an officer of the Equal Opportunities Unit.
2. The purpose of this initial stage is to ensure that the employee or employees concerned fully understand the harassment/discrimination procedure and are given assistance in deciding whether or not this procedure is the appropriate one for pursuing the alleged complaint.
3. If the employee or employees concerned decide to make a formal complaint, that complaint should be put in writing to the Chief Officer of the Department concerned as soon as possible, stating the grounds for the complaint.
4. The employee or employees concerned will have the right to be represented by their trade union or other representatives throughout the procedure. The complainant(s) is strongly advised to seek such representation in making a formal complaint.

STAGE 2 - MANAGEMENT INVESTIGATION

1. On receipt of the written complaint, the Chief Officer or in his/her absence a designated Senior Officer will investigate as expeditiously as possible, the complaint by interviewing all those concerned separately. All the persons involved in this investigation may be represented at all stages. Written statements will be taken at this stage, and full notes kept. An officer of the Equal Opportunities Unit will be present at all interviews.

Following the initial interviews, further interviews may be held as necessary with the complainants, and any other witnesses to clarify any factual details which are unclear.

2. Following the interviews, the Chief Officer, with the assistance of the written advice of the Equal Opportunities Unit, will decide whether or not the complaint is justified and what action the Chief Officer will take, which may include any or all of the following:-

- a) Changes to Departmental policies or practices;
- b) Some form of appropriate redress for the complainant(s), e.g. a formal apology, guarantee of consideration for future promotion, training or transfer or a recommendation to the Personnel Sub-Committee of financial recompense.
- c) that disciplinary proceedings be instigated against another person or persons. Such action will be in accordance with the disciplinary procedure, and with written advice from an Officer of the Equal Opportunities Unit.

3. The Chief Officer's decisions will be communicated to the person(s) who made the complaint and their representative(s) in writing. A further interview with the complainant will be arranged by the Chief Officer so that the decisions made can be fully explained.

STAGE 3 - MAKING AN APPEAL

1. Should the complainant(s) be dissatisfied with the Chief Officers decision(s), they will have the right to appeal to an Appeals Panel in the following circumstances:-
 - a) if the complaint was not upheld;
 - b) if proposed changes to Departmental policies or practices were considered insufficient;

c) if the proposed redress for the complainant was considered unsatisfactory.

2. The Appeals Panel membership will be the same as that for the Recruitment Appeals Procedure, that is:-

Two Nottingham City Councillors who are members of the Equal Opportunities Committee, two senior Trade Union officials from the recognised Trades Unions and an independant Chairperson from an agreed list. The Appeals Panel will receive all documents relevant to the case.

3. To register an appeal, the person or persons concerned should write to the Chief Executive stating the grounds of the appeal within 10 working days following the final interview with the Chief Officer.

4. The complainant will be entitled to:-

Put her/his (their) own case or be represented by a person of her/his (their) choice;
Call any relevant witnesses;

Have full disclosure of all relevant documents.

5. The procedure will be:-

- i) The Authority's representative(s) will put the case for the decisions which were made in Stage 2 of this procedure ("The Management Investigation" Stage), in the presence of the complainant, calling any relevant witnesses.
- ii) The complainant or her/his (their) representative will be able to question the Authority's representative(s) and any witnesses.
- iii) The Appeal Panel will be able to question the Authority's representative(s) and any witnesses.
- iv) The complainant or her/his (their) representatives will put her/his (their) case, calling any witnesses she/he (they wishes).
- v) The Authority's representative will be able to question the complainant and her/his (their) witnesses.
- vi) The Appeals Panel will be able to question the applicant and her/his (their) witnesses.

- vii) Both the complainant or her/his (their) representatives and the Authority's representatives will be entitled to sum up their case should they wish.

STAGE 4 - OUTCOME OF HEARING

Upon hearing an appeal, if upheld, the Appeals Panel will make recommendations including any of the following:-

- a) changes to departmental policies or practices;
- b) some form of appropriate redress for the complainant(s), e.g. formal apology, guarantee of consideration for future promotion, training or transfer, or a recommendation to the Personnel Sub-Committee of financial recompense.
- c) that disciplinary proceedings be instigated against another person or persons. Such action would be in accordance with the disciplinary procedure.

RECRUITMENT AND SELECTION — CODE OF PRACTICE

A Code of Practice relating to Recruitment and Selection has been produced which considers the issue from two points of view.

Firstly, in relation to good management practice; secondly in relation to: —

- (a) Existing Authority policies on Recruitment and Selection.
- (b) The need to ensure that discrimination of any kind does not enter into Recruitment and Selection practices.
- (c) The need to ensure that the Code meets the recommendations of the Code of Practice issued by the various Equal Opportunity bodies.

The Code of Practice is available from Personnel/Staffing Sections of Departments, and also from the County Personnel Division.

RECRUITMENT AND SELECTION

CHECK LIST

1. REVIEW NEED FOR AND CONTENT OF JOB - Review existing job description and ask:-
 - (a) What did the previous postholder do?
 - (b) What should he/she have done?
 - (c) What new developments have been added to the original job description by Management or by the postholder?
 - (d) Were any of the duties listed on the job description done by other people, or what duties should have been done by other people?
 - (e) Are the original and/or any new duties and responsibilities necessary?
 - (f) Are the duties and responsibilities appropriate to the current grading level and is the post in the right place in the structure?
 - (g) Produce Job Description (see Appendix 1) where not already prescribed.
2. DECIDE TYPE OF PERSON REQUIRED
 - (a) Produce employee specification (see Appendix 2). This will form the basis for the selection process and is prepared from the job description and based on the following job related criteria:-
 - (i) Experience
 - (ii) Education and Training

SPECIAL CONSIDERATIONS

Review of job and preparation of job description should concentrate on what duties and responsibilities are required by the Authority of the job in the future.

Do not be unduly influenced by tradition and the way the job has been interpreted by previous postholders or colleagues. For example: if a clerical assistant's job is described as wholly what the previous person did and what other clerical assistants and supervisors expect, without objective examination of the needs of the Authority, then the job will be wrongly described - this is the start of discrimination. Likewise certain characteristics of the job, such as the type and amount of physical activity should be realistically assessed, so that the job description itself does not automatically disqualify the disabled, unless for genuine reasons.

The job description must be prepared as a part of standard County Council practice and as a requirement of the developing Equal Opportunities Policy.

The employee specification must be drawn up entirely on the basis of the job description previously prepared. It is normal practice when compiling an employee specification to specify essential and desirable attributes. All attributes required, however, should be job related and realistic e.g. in determining attributes judgment should not be influenced by previous personalities or expectations of the work group.

The employee specification must be prepared as a requirement of the developing Equal Opportunities Policy.

To check that discrimination is not currently present it is important to look at the balance of disadvantaged groups, e.g. women, ethnic minorities, the disabled, with other employees, in that job category/section/establishment/profession/level so that management can be quite satisfied that past recruitment practice has not been discriminatory. NB. An imbalance need not only be numerical, but could become evident

- (iii) Special aptitudes and intelligence
- (iv) Disposition
- (v) Motivation
- (vi) Circumstances
- (vii) Interests
- (viii) Health and physical requirements
- (ix) Other special considerations

3. DECIDE HOW TO FILL THE POST

- (a) Review recruitment sources available against employee specification and job description.

by looking at the level in the structure at which, say, women are employed.

When producing an employee specification it is important to consider whether training could be made available to give experience and/or attainments necessary to reach optimum performance level. There is always a danger of specifying criteria for the very best job performance when the person may only rarely be required to operate at this level of performance and would therefore not be realising their capabilities most of the time.

All essential attributes should ideally be met and should carry a higher weighting than those which are merely desirable. They should not be falsely inflated or devalued. For example, if high academic standards are currently available on the employment market then this could cause inflation of the educational standards needed by the job to be exaggerated. Equally the shortage of certain professional staff in jobs where the qualification is a genuine requirement could cause this essential requirement to be under valued.

To alleviate discrimination against disabled people, special facilities such as training aids and adaptations, which could be made available through Government Grants for disabled people, should also be examined when considering the physical requirements of the job.

Always consider including recruitment sources which disadvantaged groups are likely to use, e.g. Job Centre, Careers Service and YTS Agency, Inner City Schools, Free sheets, and Circulars, Youth Clubs and Notice Boards having regard to paragraph 2

Waiting lists are apt to be discriminatory and should normally be avoided. Where, however, there is good reason e.g. supply teachers or Temporary

(b) List of recruitment sources include:
(but not in priority order).

- (i) County Personnel Division, e.g. redeployment candidates, disabled people, special recruitment schemes.
- (ii) Nottinghamshire County Council YTS Agency and Careers Service.
- (iii) Internal vacancy notices
- (iv) Promotion, transfer and career development.
- (v) Written or telephone employment enquiries and casual callers.
- (vi) Advertising e.g. local/national/trade/professional/technical press, free sheets/notice boards/radio.
- (vii) Schools, Youth Clubs, Colleges and Universities.
- (viii) Job Centres and PER.
- (ix) Consideration of good but unsuccessful applicants for similar posts.

(c) Choose recruitment methods and decide time scales.

4. ATTRACTING CANDIDATES

- (a) Arrange recruitment methods e.g. sending job specification to Job Centre, organising university 'milk rounds'.

Registers for their existence then management should take appropriate steps to ensure that (a) from time to time their existence is publicised (b) recruitment to them is fair.

In principle, all vacancies should be advertised in order to recruit from the widest possible field. However, internal recruitment only will probably be acceptable if it has been firmly established that the needs of the job require specialist experience only available from within, or that the post has been identified for career development.

Full consideration must also be given to the Authority's Staff Displacement Policy, which on occasions allows for the filling of posts on an internal basis only because of the risk to individuals arising from redundancy situations or because of the need to seek a redeployment opportunity.

Recruitment drives must not artificially restrict the number of applicants from disadvantaged groups. For example, by visiting only those schools/colleges/universities with a small proportion of students from deprived racial groups.

Disabled applicants are available from Job Centre Disablement Resettlement Officer or may be referred by the County Personnel Officer.

All publicity material such as career brochures must reflect the Equal Opportunities Policy.

- (b) When advertising, prepare copy on the basis of the job description and employee specification. All advertisements must be clear and unambiguous so that applicants will be able to determine their own suitability.
- (c) If advertising select the most appropriate media.
- (d) Decide most appropriate methods of application e.g. letters, application forms or verbal approach.
- (e) Prepare any additional information which is to be sent to applicants.
- (f) Arrange method of dealing with enquiries and applications received (including acknowledgement of applications.)
- (g) Place advertisement or contact other recruitment sources.

5. SELECTION

- (a) Decide upon appropriate selection method e.g. interview, testing, group techniques. All methods used should be designed to test for requirements of the job only.
- (b) Compile shortlist by analysis of applications against job description and employee specification i.e. against job requirements only.

All recruitment advertisements must include the Authority's Equal Opportunities Statement. (If omitted it will be included automatically by Central Advertising Unit).

Seek advice from Central Advertising Unit on media selection especially the ethnic minority press.

For some posts where literacy is not a job requirement, verbal application should be sufficient, with recruiting staff completing the form on behalf of the candidate. If it is essential that an application form be completed in these instances, consideration should be given to Job Centre recruitment as here forms can be completed by Employment Advisers on behalf of the candidates.

Where application forms are used the full Equal Opportunities Policy Statement will be included within the form. For all other application methods this statement must be included at some other appropriate point in information sent to candidates. Copies are available from the County Personnel Division.

Employees receiving enquiries (e.g. receptionists and others who are the first points of contact with applicants) should be familiar with the Equal Opportunities Policy, and must avoid being discriminatory.

Shortlisting should normally be based only on the information contained in the application, using the job description and the employee specification as the criteria

At every stage in this process, select against job related criteria only using the job description and employee specification.

Where academic qualifications are one of the criteria for initial selection, these should correspond with the job requirements set down by the Authority. Assumptions must not be made about overseas qualifications. The Central Training Officer is available to advise.

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

Managers will keep job descriptions and employee specifications as permanent records. However, the following documentation should also be kept for at least 6 months after the appointment both as good management practice and particularly as a requirement of the Equal Opportunities Policy:-

- (a) Applications and references*
- (b) Shortlist - together with information which supports the choice of the shortlisted candidates.*
- (c) Any standard questions (care must be taken to avoid discriminatory questions)*
- (d) The interview notes - both of the selected candidate and, where practicable, the interviewees who were rejected.*

Whilst it is important for the recruiter to be aware of the disadvantaged group representation examined at paragraph 2, candidates should not be included simply to ensure representation of disadvantaged groups i.e. there is no point in shortlisting people who do not meet the requirements of the job.

All disabled applicants referred by the Disablement Resettlement Service to the County Personnel Division, and considered as suitable for shortlisting by that Division, will be recommended to Departments for shortlisting. Where such a recommendation has been made, reasons for shortlist rejection must be reported to the County Personnel Officer for further discussion with Departments before the shortlist is finalised.

Questions which are designed to test certain candidates on grounds of sex, race, or disability are illegal.

Interviewers should always ask the same types of questions of all candidates, against job requirements only.

For example:-

- (a) disabled people:- The emphasis of questions should not be placed on, say, sickness absence record - this topic should be covered in the same way with all interviewees.*

- (c) Plan questions to be asked and other assessment methods.*

Questions on physical capability and mobility are only valid if demanded by essential job requirements.

- (b) *ethnic minority group candidates:- should not be asked questions which could be seen as directly or indirectly discriminatory e.g. concerning their understanding of U.K. customs or how they would relate to a supervisor of a different race. Neither should their usage of the English language be used as a selection criteria, unless this is a genuine requirement of the job.*

Where questions on personal circumstances are relevant, e.g. jobs with living-in requirements or irregular hours, such questions should be asked of all candidates and the reasons for asking explained.

- (d) Arrange interviews i.e. venue, conditions, interviewer(s), duration and plan interview strategy.
- (e) Invite candidates to interview.
- (f) Conduct interviews and other selection tests.

- (g) Assess candidates and choose successful candidate.
- (h) Take up references.
- (i) Offer and acceptance of post.
- (j) Notification of unsuccessful candidates (if appropriate, redirect good candidates to apply for other vacancies).

6. APPOINTMENT

- (a) Issue appointment letter and statement of main terms and conditions of service and related documentation.
- (b) Make preparatory arrangements for start, e.g. equipment, accommodation.

7. TRAINING AND INDUCTION PROGRAMME

- (a) Plan Induction Programme

Give clear and full details of location and arrangements.

Interviewers should take adequate notes in order to make a fair comparison between candidates. The interviewer should always aim for the best possible rapport with the candidate. In the case of disadvantaged groups this often means paying proper regard to the above average stress they may feel during the selection process.

Against job related criteria only.

Junior and Senior Induction courses must include an element on cultural

(b) Arrange job training

(c) Consider further development and/or qualification training

(d) Career Planning

8. EVALUATION OF APPOINTMENT AND PROCEDURES

(a) Ongoing review of performance, and interim report.

(b) Formal review and report when probationary period ends.

(c) Compare employee specification with the postholder

(d) In each case, consider improvements in recruitment and selection methods, for example, by further training the staff involved and/or revising methods.

awareness. Departments are also required to include information appropriate to ethnic minority needs in departmental induction material. Similar considerations may arise in respect of disabled people.

Job training and induction for disadvantaged groups may involve a different approach from the normal departmental and County Council course induction and advice can be sought from the Central Training Officer.

Where opportunities exist for developmental or qualification training, or where career planning is undertaken, options should be discussed on an equal basis with all relevant employees, for example, the career aspirations of women or the disabled should not be automatically assumed to be 'limited' by circumstances.

The following training recommendation should be followed:-

(a) Any Officer likely to be involved in selection interviews should have attended an appropriate selection skills course before taking part in such interviews.

(b) All receptionists and telephonists should receive training in racial awareness and in ethnic minority differences generally.

JOB SHARING

1. INTRODUCTION

A framework for the development and implementation of job sharing has been drawn up between the County Council and the recognised Unions. This establishes a basis for job sharing being explored and implemented by Chief Officers in consultation with Unions. Whilst the arrangements are of a general nature, special consideration may arise in considering the extension of job sharing to certain groups e.g. for lecturing/teaching staff. Job sharing is therefore experimental initially. It will be monitored and reviewed at the appropriate time.

2. DEFINITION

In simple terms job sharing may be described as an arrangement whereby two people share the responsibilities of one full-time job; the pay and benefits are divided between them according to the time they work. It also links part-time rights and conditions to those of full-time employment, thus avoiding any drawbacks often associated with part-time work.

It is seen as being something wholly on a voluntary basis as regards existing employees.

3. PURPOSE

The main objective of job sharing in the County Council is within the context of its equal opportunities policy — and to explore the scope for opening up, as far as possible, a much wider range of part-time opportunities, including posts at the higher responsibility level and in the professional area where traditionally such opportunities have been limited, if not non-existent. Job sharing allows parents who wish to combine work with family responsibilities to do so, thus for example making it easier to return to work after maternity leave, after bringing up children, or caring for handicapped or elderly relatives.

4. INITIATION

Normally the introduction of job sharing will be considered as and when vacancies occur. However, existing employees may be invited to volunteer for such posts. Where the County Council advertises a "full-time or job sharing post" then part-time applicants will be matched in pairs. Two people may apply jointly for such a post; alternatively, one or both people may be already working full-time for the County Council and may pursue a job sharing arrangement.

5. ADMINISTRATIVE EFFICIENCY AND WORKING PATTERNS

The effects of job sharing on administrative efficiency require careful assessment as regards supervision, communication, and the need for overlap of appointments etc. These exemplify the many aspects which must be assessed and weighed in balance. The work pattern adopted by job sharers may be solely a matter of choice for the partners themselves. On the other hand, it may be constrained by the nature of the work.

It is unlikely that job sharing will be justified where substantial additional costs may be incurred e.g. additional training, furniture and/or equipment. However, it is not suggested that costs alone should decide whether a job is divided into two. Nevertheless, this will be an important consideration to be taken into account in deciding on posts to be shared.

6. CONTRACTUAL CONSIDERATIONS

From a contractual viewpoint, job sharers will normally have separate contracts and separate job descriptions so that the contractual position is clear. Responsibilities will be shared in such a way that both jobs equate to the grading of a full-time post. In terms of volume, careful attention will be paid to a realistic allocation according to the hours worked in the two jobs.

A particularly important consideration will be the way in which a job is shared in terms of the working hours. Employment legislation stipulates that only employees with contracts which normally involve working 16 hours or more per week (employees who work 8 hours per week and who have 5 years' continuous service are also eligible) enjoy various employment rights e.g. redundancy pay and unfair dismissal. It is therefore a normal rule that a full-time job of 32 hours a week or more should be shared on the basis of at least 16 hours per week for each of the two jobs.

It will be established at the outset whether termination by the County Council or resignation by the employee in one of the part-time jobs can be treated wholly separate from the other part-time job or whether they must be linked. The most desirable arrangement will be for the two contracts to be capable of independent operation, though this will not always be so. Contractually, arrangements will hinge on the ability to recruit another person if one of the two parties leaves. For example, if one works mornings and the other afternoons no special contractual provision may be necessary. However, where the nature

of the job and/or the working pattern makes special provisions necessary a suitable clause might be as under: —

"If one of the job sharers resigns, or if an appointment is terminated by the Authority, the remaining job sharer may opt for one of the following: —

- (a) To convert to full-time working in the post.
- (b) Remaining in post with no contractual change where it is practicable, and a further appointment being made to the vacancy occurring. Where contractual change is necessary this shall be mutually agreed with the job sharer.
- (c) Be redeployed to another post if practicable (providing this is of no higher status) on the pay, terms and conditions applicable to that other post.

If none of the above options are practicable, the appointment of the remaining job sharer will be terminated with due notice".

7. TERMS AND CONDITIONS OF SERVICE

Most part-time employees in local government enjoy conditions of service similar to those of full-time employees with the exception of superannuation. By and large, by taking posts which are available on a full-time basis and dividing them into two, each person's terms and conditions of employment will normally be pro-rata to those of the full-time jobs. One particular consideration is the question of public holidays. A variation to working patterns may be necessary to ensure an equitable arrangement. Hence, during a week in which a public holiday falls, the remainder of the week will be divided pro rata in terms of working hours so that the benefits of public holidays are shared, and not enjoyed by merely one person.

It is important for employees to understand the implications of part-time working from their own point of view, especially those wishing to move from full-time working to part-time working. This applies particularly to superannuation.

8. EFFECTS ON ENTITLEMENTS TO STATE BENEFIT

An unemployed person taking a part-time job under a job sharing arrangement will be unlikely to continue to get any unemployment or supplementary benefit. As regards unemployment benefit, the earnings of part-time employees working at least 16 hours per week will be too high for them to get unemployment benefit on days when

they were working. They will not normally be eligible for benefit on the days when they are not working because of the rules about availability (claimants have to be available for full-time work) and about a person not being able to get benefit in any week in which they do their normal amount of work.

It is likely that most employees taking part in job sharing will be ineligible for supplementary benefit, because they will be earning more than their supplementary benefit requirement level. Those taking part with incomes less than their requirement level will only be eligible for supplementary benefit if they can satisfy the rules about availability for full-time work.

Prospective job sharers are advised to check the position with the Department of Health and Social Security as to their particular circumstances.

9. CONTROL AND DEVELOPMENT

Control of job sharing, at least initially, is likely to be centralised in departments through a nominated Senior Officer whose role includes identifying the scope for job sharing (in consultation with Trade Unions) and, within departmental policy, the posts to be advertised on a job sharing basis subject to liaison with the County Personnel Officer. Where in any particular case it is estimated that the cost of job sharing would exceed the cost of the post being filled on a full-time basis, the approval of a Member Panel will be required.

Inevitably, during the initial trial period, caution and therefore some restriction on numbers of particular posts may be desirable.

Other responsibilities of the appointed nominee include monitoring and acting as a focal point for advice.

10. COMMUNICATION TO EMPLOYEES

Staff will be kept informed of departmental policy by their Chief Officers. Specific vacancies which are available on a job sharing basis will be notified in an appropriate manner, and will normally be included in 'Opportunities in Nottinghamshire'.

PROPOSAL OF PARENTHOOD AGREEMENT

Eligibility (for all sections)

- a) The right to the following provisions regardless of hours worked
- b) No qualification period in respect of length of service

A.. MATERNITY LEAVE

(1) Initial Obligations on the Employee

The employee must:-

- a) Notify her Chief Officer, in writing, at least 3 weeks before her absence begins (or, if that is not reasonably practicable, as soon as it becomes so), that she will be absent, stating:
 - i) the date her absence will begin; and
 - ii) her intention to return to work with the Council for a period of at least one month, whether or not she intends to return to work.

(2) Right of the Employee to be paid time off from work

- a) The employee shall have the right to attend, without loss of pay, ante-natal clinics, classes and child care clinics.
- b) The employee shall receive for the first 6 weeks of absence full pay less the amount of the flat rate National Insurance maternity allowance payable for each week, whether or not the employee is entitled to the whole or part of that allowance.
- c) For the next 12 weeks of absence the employee shall receive full pay less any element of National Insurance benefits whether or not the employee is entitled to the whole or part of those benefits.
- d) Further leave, making a total of 63 weeks is available under the Parental Leave agreement.

NB Employees exercising their right to be excepted from the payment of full rate National Insurance contributions shall be deemed to be insured in their own right and the allowances mentioned above shall be deducted from pay as if full contributions had been paid.

(3) Subsequent Obligations on the Employee

- a) If the child is still-born or dies at any time before the due date for return to work the employee shall be entitled to three months leave after confinement or death at the rate of pay which would have applied if the child had lived. In such a situation, the employee will be required to produce medical certification that she is fit to work before being allowed to resume her duties. She may resume her duties before the expiry of three months provided that a medical certificate allowing her to do so is produced.

A. MATERNITY LEAVE (contd.)

(4) The right to return to work

- a) The employee has the right to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those that would have been applicable to her if she had not been absent, for up to 63 weeks following the commencement of Maternity Leave.

NB 'Job' for this purpose means the nature of work which she is employed to do and the capacity and place in which she is so employed.

- b) Special efforts should be made to accommodate employees who wish to return to work on a part-time basis. (e.g. Job sharing schemes).
- c) The right to return to a job within 3 years.

(5) Definitions

'A week's pay' for officers whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Authority to the officer under current contract of employment if the officer works throughout her normal working hours in a week. Where there are no normal working hours, 'a week's pay' is the officer's average remuneration in the period of 12 weeks preceeding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

'Confinement' means the birth of a living child or the birth of a child whether living or dead after 28 weeks of pregnancy.

B. PATERNITY (OR NOMINATED CARER) LEAVE

(1) Entitlement

- a) The basic entitlement shall be ten days, including the right to be present at the birth.
- b) In addition, fathers or nominated carers shall be entitled to paid time off work to attend ante-natal clinics, classes and child care clinics.
- c) Leave should, if possible, be agreed in advance with the employee's immediate superior, but Chief Officers should bear in mind that the employee may require such leave at very short notice and every effort should be made to meet the employee's requirements.

C. ADOPTION LEAVE

- (1) As children are not placed in the care of adoptive parents without prior warning, the general procedure to be followed will be set out below.
- a) The officer is to inform her Chief Officer of the likelihood of having a child placed in her care and giving details of the age of the child and any other relevant details and requesting the number of weeks leave which she assesses will be required for the child to 'settle in'.
- b) The Chief Officer concerned should pass this request to the Chief Executive together with a recommendation.
- c) The Chief Executive will examine the request in the light of the details given of the child.

C. ADOPTION LEAVE (contd.)

- (2) The maximum period of leave which can be requested and granted will be 29 weeks. The pay provisions to be:-
- a) Where a baby (0 - 1 years) is being placed for adoption, the mother shall receive 7 weeks full pay and 22 weeks half pay, plus unpaid leave up to the child's first birthday.
 - b) Where the child is between 1 and 5 years old at the date of placement, the mother shall receive 7 weeks full pay and 7 weeks half pay plus unpaid leave bringing the total leave period to six months.
 - c) The employee shall return to duty for a period of one month. If the employee does not meet this requirement, she will be required to repay that amount of salary paid to her at half rate after the first 7 weeks of leave.
 - d) Where the child is over 5 years old at the date of placement, the mother shall receive 4 weeks paid leave with the entitlement to return to work on a part-time basis thereafter (if requested in advance), in order to accomodate school times.
 - e) Adoption Leave should begin no earlier than one week before the date of placement.
 - f) In cases 2a) and 2b) above, the father shall be entitled to one weeks Paternity Leave, to be taken at any time during the first 7 weeks of Adoption Leave.
 - g) In cases 2c) above, the father shall be entitled to 3 days Paternity Leave to be taken at any time during the 4 week's of Adoption Leave.
 - h) Both parents shall have the right to attend, without loss of pay, meetings with Adoption agencies, Court hearings etc. affecting the adopted child both before and after placement.
 - i) If the child, for any reason, does not remain in the care of the employee for the full period of leave granted, then she should return to duty after a reasonable period has elapsed, having informed her Chief Officer of her intended return as soon as it becomes a possibility.

D. PARENTAL LEAVE

- (1) The right to paid and unpaid leave
- a) An additional maximum of 22 weeks of half paid leave and 23 weeks of unpaid leave to be taken by either parent following the 18 weeks Maternity Leave on full pay, provided that whichever parent takes up the Parental Leave, has stated in writing her/his intention to return to work for a period of not less than one month. The 22 weeks half pay may be refunded to her/his employer if she/he decides not to return to work.

E. TIME OFF FOR CARE OF SICK DEPENDANTS

- a) All employees regardless of length of service, except those employed on a casual basis, shall be entitled to receive special paid leave for the care of sick dependants.

E. TIME OFF FOR CARE OF SICK DEPENDANTS (contd.)

- b) An employee shall be entitled to paid time off to accompany a sick dependant to the dependant's General Practitioner, Dental Surgery, Optician, Clinic, Hospital etc. The employee should provide an appointment card as verification of the need for this visit.
- c) In addition, an employee shall be allowed up to 5 working days special leave during any one period of absence to look after a sick dependant. Any further paid leave due to continuous illness of the dependant, up to one month's duration may be granted at the discretion of the Chief Executive (on the recommendation of the Chief Officer).
- d) The above entitlements may also be granted where the normal care arrangements of a dependant break down due to the illness of the person providing those arrangements (e.g. where a childminder looking after the employee's child falls sick) and where this requires the employee to care for the dependant.
- e) During any one leave year a maximum of 25 working days special paid leave under these provisions may be granted. However, in exceptional circumstances, and subject to investigation by the Personnel Department, further leave may be granted on approval of the Chair of Staff and Management Services Committee.
- f) A dependant shall include:-
 - a) anyone living in the household of the employee who is directly dependant on them for financial or domestic support.
 - b) close relatives e.g. children, parents, brothers and sisters who live separately but who, at times of illness require domestic support from the employee ~~because no other support is available~~
- g) Where time off under these provisions is granted, the employee shall provide a medical certificate from the dependant's Doctor for all absences over 7 calendar days showing that their presence is necessary to assist the dependant. This corresponds with the definition of qualifying days under Statutory Sick Pay. For periods of under 7 calendar days the employee shall fill in a self-certification form showing the reasons for absence. Where time off is granted under d) above, the employee shall provide a letter from the person who normally provides care and who has fallen sick certifying that normal care arrangements have broken down.
- h) The cost of private medical certificates required under paragraphs g) and i) shall be reimbursed by the Council.
- i) Where the employee's supervisor is concerned at the amount of uncertificated leave granted under these provisions, the employee shall be required to provide a private certificate for each period of leave, of whatever length.

EJL
Feb. 1986

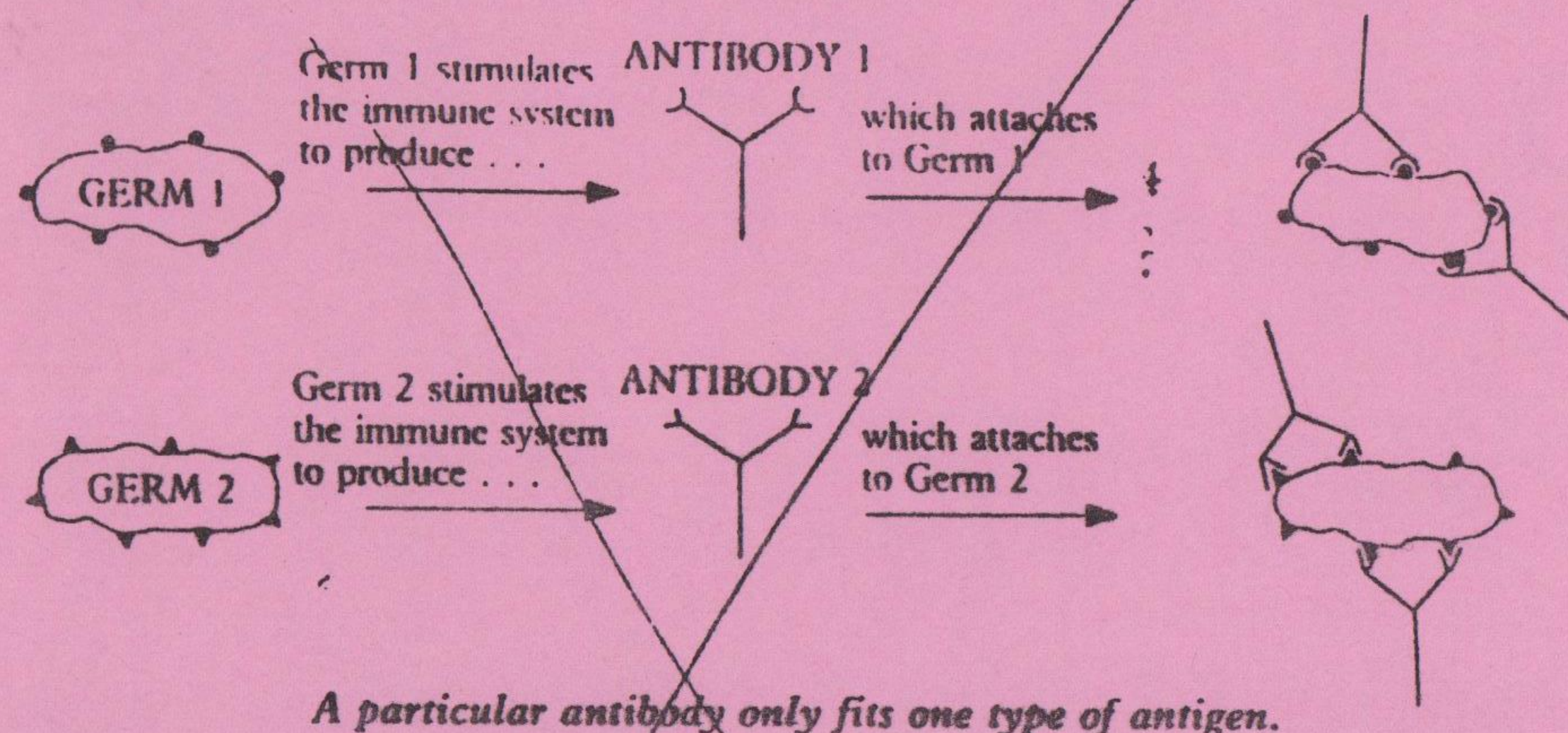
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DRAFT AGREEMENT : A.I.D.S. IN THE WORKPLACE

(Preface - to be written)

1. The Authority shall issue a leaflet to all employees giving factual information regarding A.I.D.S. and precautions to be taken to avoid contracting the disease. This leaflet shall be based on the "Medical Briefing on AIDS and HTLV III ", issued by the Terrence Higgins Trust, and in particular those sections attached.
2. The Authority shall issue specific advice to First Aiders on how to deal with all blood spillages and all recusitation cases. All First Aid cases shall include disposable gloves and bleach to deal with blood spillages and disposable mouthpieces to deal with recusitation cases.
3. Prospective employees are not to be asked to accept a test for the presence of HTLV 3 anti-bodies.
4. No employee is to be excluded from the Superannuation Scheme on account of being HTLV 3 positive.
5. Employees suffering from A.I.D.S. (and those infected by the HTLV 3 virus but showing no sign of A.I.D.S.) shall be allowed to remain at work for as long as they wish and shall not be redeployed against their will. However, should the person concerned consider it necessary, the Authority will redeploy him/her to a post which he/she considers suitable with no detriment to pay and conditions of service.
6. The Authority shall employ a professional counsellor to (a) provide factual information to employees about A.I.D.S. and appropriate precautions to be taken to avoid contracting this disease; (b) counsel those employees who have contracted this disease; (c) counsel work colleagues of those who have contracted the disease; (d) provide training for managers in dealing with any problems in the workplace between sufferers of this disease and their work colleagues.

Antibodies are substances designed to attach themselves to particular germs, so helping in their destruction. The antibody fits onto the germ rather like a key into a lock. Each germ or antigen causes the production of a different antibody. Therefore the presence of a certain antibody in a person's blood means that the person has at some time encountered the germ known to cause production of that particular antibody. This is the basis of the HTLV III antibody test.



For various reasons, neither killer T cells nor antibodies are always 100% efficient in eliminating all types of antigen. For example, viruses such as herpes and HTLV III appear little affected by the antibody produced and even the killer T cells do not provide a reliable defence.

The Immune System in AIDS

The HTLV III virus specifically invades T helper cells. In many cases this appears to do little harm. In others, however, these cells are slowly destroyed. When this happens the immune system cannot be effectively turned on, even though it remains largely intact. A full blood count may not show this destruction of T helper cells because they are only a small proportion of the total number of lymphocytes. Special tests are needed to measure numbers of T helper cells.

This very selective destruction of particular cells within the immune system accounts for the fact that certain very rare infections cause problems in people with AIDS while other much more common infections, such as colds and 'flu, are no more severe than usual.

APPENDIX TWO

Domestic Guidelines for HTLV III Antibody Positive People (including those with AIDS)

HTLV III is not an easy virus to transmit from person to person, but a few basic precautions seem sensible to eliminate such small risk as may exist as a result of domestic contacts.

Blood and semen from a person infected with HTLV III virus are infectious, while faeces, urine, saliva and other body fluids probably carry a much lower risk. Precautions are designed to prevent these body fluids from entering the body of another person. More elaborate procedures are often advised for people with AIDS, largely to reassure all concerned, but to be logical the same precautions should apply to all those who are — or even may be — infected with the virus. All people at risk should at least be careful about any spilt blood.

1. Any spilt blood should be cleaned up, preferably by the person it came from, with strong household bleach (such as Domestos) diluted 1 in 10 with water. For absolute safety other body fluids should be treated in the same way.
2. If blood or body fluids from an infected person get on the skin, it should be thoroughly washed with soap and water. Bleach should NOT be used on the skin.
3. Soiled sheets and clothing should be washed separately at a high temperature setting. It would be wise to wear rubber gloves when handling soiled articles.
4. Tissues, dressings etc. should be tied up in heavy plastic bags/bin liners for disposal.
5. Crockery and cutlery may be washed normally in hot water with detergent.
6. Any cuts or grazes should be covered with a dressing until a scab forms.
7. Razors and toothbrushes should not be shared.
8. HTLV III virus is not passed on by toilet seats. Normal standards of good hygiene are sufficient for those sharing toilet facilities.
9. There is no risk of transmitting the HTLV III virus during normal social contact.

APPENDIX THREE

TAKING CARE

Some Advice for People with AIDS and ARC Living at Home

Introduction

These guidelines have been written for people with AIDS and ARC (AIDS Related Complex). The information they contain will be useful to those who live with them or care for them at home. No set of guidelines can cover every situation, and if anyone is unsure they should seek further advice. There are two sections: "Taking Care of Yourself", and "Taking Care of Others". Parts of both sections will also be of interest to those who are HTLV III antibody positive. Although most of them will remain well, they should all consider ways in which they can protect others and safeguard their own general health.

Taking care of yourself

1. People with AIDS often feel isolated. You may feel isolated by the way misinformed people react to you, and by the fear of your own reactions. It can be difficult to decide who to tell and what to tell them, especially if you are feeling bad about yourself. Sometimes people with AIDS shy away from social contact, and their feelings of isolation get worse. The HTLV III virus has only been shown to be passed on when infected blood or semen gets into the blood of another person so it is safe to share rooms, schools, buses, theatres, toilets, swimming pools, crockery, handshakes and hugs.
2. Find someone you can talk things over with. It's important to have someone you don't need to keep up appearances with. You might want to discuss a practical problem, or talk about your biggest fears. Consider carefully who you can trust. The Terrence Higgins Trust (833 2971) can put you in touch with other people in the same position as yourself or arrange for someone to visit you. If you prefer, ask at your hospital — they might be able to help.
3. Your immune system has been attacked and needs defending. Your doctors will be doing all they can, but there's a lot you can do too. It's important to eat a properly balanced diet and get enough sleep and rest. Talk to your doctor or hospital dietician if you are uncertain of what to eat.
4. Ask your doctor about exercise: about how much you need and the kind that's most suitable. Keep-fit but don't overdo things.
5. Cut down or cut out drugs which are known to damage your immunity and your general health. Alcohol, cigarettes and other non-prescribed drugs will do you less harm the less you use them.

6. The opportunistic infections to which people with AIDS are vulnerable are caused by germs present in every environment and which live in everyone. The risk of getting ill from one of these infections is based on the amount of damage already done to your immune system. They can't be avoided by trying to keep away from them.

7. You are no more likely to catch colds or 'flu than anyone else. Colds and 'flu are fought off by a different part of your immune system than the one attacked by the HTLV III virus. Staying away from pubs, discos, cinemas, parties or anywhere else you might enjoy yourself is unnecessary and depressing.

8. Normal standards of household hygiene will be enough to protect you from the germs that share your house. For example, it makes good sense for EVERYONE — not just people with AIDS — to:

- make sure meat is properly defrosted and cooked through
- wash up in water and detergent hot enough to need gloves
- use different cleaning cloths for kitchen and bathroom
- wear gloves for gardening
- wash their hands after handling pets or pet litter trays.

If you are feeling unwell or miserable it might be difficult to remember that these things are important. If you aren't coping with the basics, get help. Your GP can advise you or you can ask at the hospital.

9. Keep your doctor informed of changes in your condition. Things you notice might seem unimportant, but this information may be very useful to her/him.
10. Doctors often seem to be pressed for time, so it's important to use that time effectively. Write your questions down before visiting the surgery or clinic — and write down the answers too. When you're worried it's difficult to keep a lot of information in your head.
11. Doctors, nurses, health advisers and social workers will all try to explain things to you if you ask questions. If they explain things in a way you don't understand then you haven't really had the explanation you need. So ask again.
12. People who are antibody positive and travelling abroad should consult their doctor about which vaccinations are appropriate. 'Live' vaccines should be avoided.

Taking care of others

1. People you meet may well be afraid of catching AIDS. Their fear will be out of all proportion to their risk, but it needs to be understood and dealt with. There is a lot of misinformation around about AIDS and how the virus is passed on. The reporting in some newspapers is largely to blame, but a serious disease will arouse irrational fears anyway. The only antidote is accurate information. If those around you won't accept your assurances, then suggest they get in touch with the Trust to discuss their worries.

2. Showing that you know about the simple precautions you need to take will help others to feel safe and keep their fears in proportion.
3. Normal standards of household cleanliness are sufficient. In fact, very few changes will be needed to your existing routines.
4. A lot of people will have heard that the virus has been found in saliva and will be worried about sharing crockery and cutlery. **There is absolutely no evidence of the virus being passed on in saliva.** The virus needs to get right into the bloodstream for infection to take place.
5. Blood, semen, vomit and excrement are more dangerous to others, but only when people don't know how to deal with them. Usually these substances can be disposed of by the people who produced them. Spill⁴ can be wiped up and flushed away down the toilet. Then, floors and surfaces affected can be disinfected by soaking for five minutes in a strong household bleach (such as Domestos) diluted with ten parts of water. Dirty fabrics can be safely cleaned by the hot wash cycle of a washing machine — at home or in the launderette.
6. If anyone helps you to clear up spills they should wear household rubber gloves. That's in case their skin is damaged and the virus gets into their blood. If they do get any spilled fluid on their skin, they should wash it off with soap and water.
7. Toothbrushes, razors and sex toys should not be shared because of the risk of passing small quantities of blood from one person to another.
8. Any cuts or grazes that you have should be covered by a waterproof dressing until a scab has formed.
9. Ordinary household rubbish can be disposed of normally in tied heavy plastic bags/bin liners.
10. Used dressings, tampons and tissues are most safely disposed of down the toilet.
11. Inform your dentist and anyone else who might get your blood on them that you have AIDS. If you are refused treatment, contact your hospital doctor.
12. Don't donate blood or semen. Don't carry an organ donor card.
13. If you take anyone to bed take care of them by keeping your semen, blood etc. out of their bodies. The safest sex you can have is mutual masturbation, dry kissing and body rubbing. Consider discussing risk reduction with any prospective sexual partner.
14. If your regular partner already has antibodies to the virus, you might decide that you want to continue your sex life unchanged. Doctors disagree about the risks involved and the final decision must be yours, but think of ways of minimising the risks.

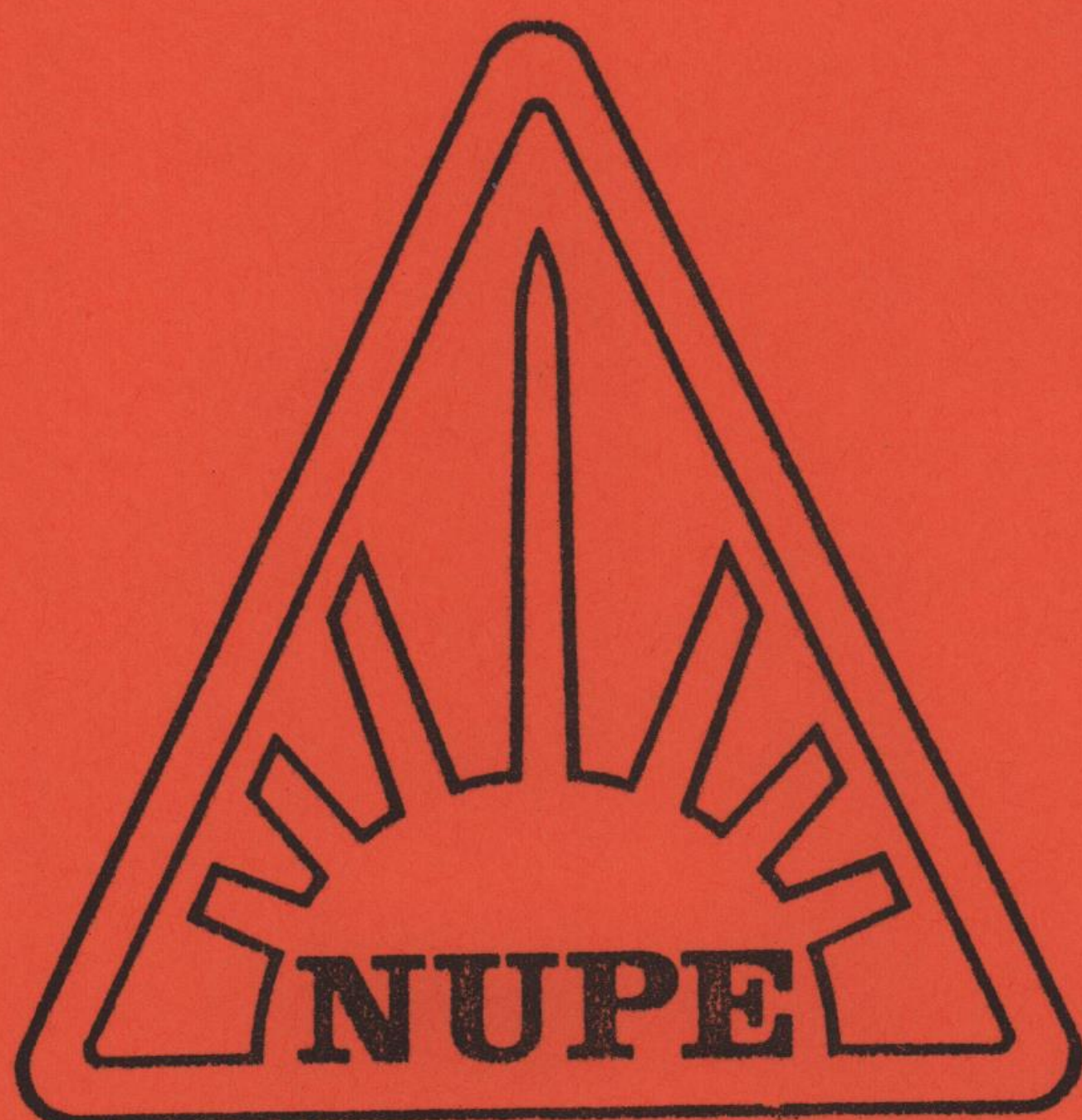
APPENDIX FOUR

The Surveillance Definition of AIDS

1. The presence of a reliable diagnosed disease at least moderately indicative of a cellular immune deficiency.
2. The absence of an underlying cause for the immune deficiency or of any defined cause for reduced resistance to disease.

DISEASES AT LEAST MODERATELY INDICATIVE OF CELLULAR IMMUNE DEFICIENCY:

- A. Cancers
 1. Kaposi's sarcoma occurring under the age of 60.
 2. Primary lymphoma of the brain.
- B. Protozoal and helminthic infections
 1. Cryptosporidiosis, intestinal, causing diarrhoea for over 1 month.
 2. Pneumocystis carinii pneumonia.
 3. Strongyloidosis: pneumonia, central nervous system (CNS) infection, or disseminated infection.*
 4. Toxoplasmosis: pneumonia or CNS infection.
- C. Fungal infections
 1. Aspergillosis: CNS or disseminated infection.*
 2. Candidiasis: oesophagitis.
 3. Cryptococcosis: pulmonary, CNS or disseminated infection.*
- D. Bacterial infection
 1. Atypical mycobacteriosis (species other than *M. tuberculosis* or *M. leprae*): disseminated infection.*
- E. Viral infection
 1. Cytomegalovirus: pulmonary, gastrointestinal tract, or CNS infection.
 2. Herpes simplex virus:
 - a. chronic mucocutaneous ulcers persisting for more than one month or,
 - b. pulmonary, gastrointestinal tract, or disseminated infection.*
 3. Progressive multifocal leukoencephalopathy (presumed papovavirus).



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