

Revision register				
rev	date issued	author	reviewed by	description of revision
F	20.10.08		WQ	Format update
G	28.02.11	WQ	AG	Updated to Equality Act 2010

Introduction: Statutory Obligations

In implementing the Equal Opportunities Policy, ECA ensures that it meets its legal obligations under the following legislations:

- **Employment Equality (Sexual Orientation) Regulations 2003 and Employment Equality (Religion or Belief) Regulations 2003**, which make it unlawful for an employer in employment and vocational training to discriminate against, or harass, job applicants and employees because of their sexual orientation, religion or belief.

Acts of discrimination or harassment committed after the employment relationship has ended may also be unlawful (only if the discrimination arises and is closely connected to the former relationship).

The employer is also liable for the acts of his/her employees, whether or not he/she knew or approved of those acts.

- **Employment Equality (Sex Discrimination) Regulations 2005 and Sex Discrimination (Gender Reassignment) Regulations 1999** offer protection to both men and women, making sex discrimination unlawful in employment, vocational training and the provision of services.

In employment and vocational training, it is also unlawful to discriminate against someone on the grounds that a person is married or a civil partner or of gender reassignment.

- **Equal Pay Act 1970 & 1983 (Amendment) Regulations 2003**, which makes it unlawful for employers to discriminate between men and women in terms of their pay and conditions where they are doing the same or similar work, work rated as equivalent in a job evaluation study by the employer, or work of equal value.

ECA also observes the **Part –Time Workers Regulations 2000**, which entitles such employees to the same pro-rata contractual benefits as full-time workers employed to undertake similar work.

- **Equality Act 2010** (replaces previous legislation such as the Race Relation Act 1976 and the Disability Discrimination Act 1995), which makes it unlawful to discriminate, directly or indirectly, in employment on grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity (these aspects are now called 'protected characteristics').
- **Human Rights Act 1997 & 2000** seeks to implement the European Convention on Human Rights in the UK. This includes the right to freedom of thought, conscience & religion and the right to respect private and family life.
- **Employment Equality (Age) Regulations 2006 and Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011** (commencing 6 April 2011), which apply to employment and vocational training, prohibit unjustified indirect and direct discrimination, and all harassment and victimisation on grounds of age, of people of any age. The latter regulations will abolish the Default Retirement Age of 65.
- **Asylum and Immigration Act 2009**, which obliges employers to ensure that new employees are entitled to live and work in the UK by carrying out a number of checks before employment commences.

The equality regulations outlaw types of discrimination:

- **Direct discrimination** – treating people less favourably than others because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).
- **Discrimination by association** – treating people less favourably than others because they associate with another person who possesses a protected characteristic.
- **Perception discrimination** – treating people less favourably than others because of a protected characteristic they are thought to have a particular protected characteristic; it applies even if the person does not actually possess that characteristic.
- **Indirect discrimination** – having a condition, rule, policy or even practice that applies to all employees but particularly disadvantages people with a protected characteristic, and which is not justified as a proportionate means of achieving a legitimate aim.
- **Harassment** – unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
- **Third party harassment** – becoming potentially liable for harassment of employees by people (third parties) who are not employees of the company (such as customers or clients) when harassment is known to have occurred on at least two previous occasions and reasonable steps have not been taken to prevent it from happening again.
- **Victimisation** – treating people less favourably because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Policy Statement

Please refer to the separate statement.

ECA employment practices

On 1 October 2007, the three equality commissions – Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission – merged into the new **Equality and Human Rights Commission** (www.equalityhumanrights.com). As an employer and service provider, ECA aims to follow the codes of practice recommended by the commission.

- **Job advertisements**

Vacancies will be advertised in the most appropriate and accessible medium (publication, agency, website) of the day, in order to attract applications from a broad range of suitable candidates from all backgrounds.

- **Recruitment**

ECA has within the Welfare Team a recruitment team of at least three Directors of different age and gender. The team is responsible for and involved in the recruitment process, including selection, shortlisting and interviewing.

The selection criteria will be based on job descriptions which set out the experience, knowledge and skills required for safe and effective performance of the different grades of jobs in the office. Reasons for selection and rejection of applicants interviewed are recorded.

All recruitment activities will be under regular review to ensure that recruitment is carried out on non-discriminatory grounds.

(Office Handbook section 1.2.6 describes the recruitment process in detail.)

- **Monitoring**

Effective operation of the Policy requires a record of the gender, ethnic origin, nationality, age, marital status and disability of job applicants (when this information is provided) and all employees. Access to this information is restricted to the Welfare Team. This information will be monitored regularly and appropriate follow-up action taken if necessary.

- **Training**

ECA has a CPD Team which is responsible for training opportunities. Training is available to all ECA people in accordance with the office's training practice which takes account of this Policy.

- **Promotion**

Promotion and other career development opportunities will be considered based on relevant qualifications, experience and requirements needed for safe and effective performance of the job, and shall take account of this Policy.

- **Making reasonable adjustments for disabled employees**

ECA will make reasonable changes to the workplace and to employment arrangements to enable any disabled employee to perform his/her particular role.

- **Grievance and Disciplinary Procedures**

Any personnel who believes that he/she has not been treated equitably in accordance with this Policy should refer to ECA's grievance procedure (Office Handbook section 1.2.7) for information of action that may be taken.

Discriminatory actions or behaviour which are against this Policy will be considered serious disciplinary matters, resulting in disciplinary action in accordance with ECA's disciplinary procedure (Office Handbook section 1.2.8).

ECA provision of goods and services practices

We have been practicing architecture in a socially responsible manner since Ted Cullinan set up the practice in 1965. We are acutely aware of the need to maintain a balance between the moral and the aesthetic.

- **Ethical statement of intent**

ECA personnel are obliged in the execution of their work and general conduct to respect one another, our clients, the users of our buildings and the general public regardless of their gender, race, ethnic origin, disability, age, nationality, national origin, sexuality, religion, marital status, or social economic background.

We believe in transparency and have consistently shared our knowledge and experience with both the architectural and wider communities.

- **The work we do and the work we do not do**

Since the beginning of the practice, we have declined offers of work that were anti-social or environmentally harmful. Invitations from overseas are examined on a case by case basis and the human rights' record of the particular country is evaluated against the UK record.

- **Support for change in the industry and its professions**

We aim to support other professionals who wish to practice in a co-operative way and support members who wish to lecture and teach in schools of architecture and other disciplines. We also support members who wish to participate in industry bodies, especially when these are dedicated to transforming the industry into a more responsible one.

- **Support for members' wider interests for the public good**

We support members who wish to participate in relevant charities, including Architects for Humanity and Crisis Open Christmas. For a number of years, we gave a home to the Building Experiences Trust (for children) and we have supported a number of programmes working with local school children.

Responsibilities

- **Every individual** at ECA is responsible to be fully aware of this Policy and to treat everyone we work with equally without discrimination and prejudice.
- **Senior Directors** are particularly responsible to ensure that grievances are investigated in confidence, and appropriate action taken if necessary.
- The **Welfare Team** has overall responsibility to ensure that the office's employment practices do not discriminate, directly or indirectly, against its people or job applicants. The team will monitor all the relevant procedures to ensure effective operation of this Policy.