

# Equal Opportunities Policy and Code of Practice

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## Introduction

### Statutory obligations

The Sex Discrimination Act 1975 and the Race Relations Act 1976 proscribe discrimination in, among others, the spheres of employment and education, on grounds of sex (including gender reassignment) and marriage (in the case of the former Act) and on racial grounds<sup>1</sup> (in the case of the latter Act). According to the Acts, there is direct discrimination where an individual, on the grounds of his or her sex or racial group, is treated less favourably than a member of the other sex or someone of a different racial group would be treated; there is indirect discrimination where a requirement or condition is applied (i) which is such that a considerably smaller proportion of persons of one sex or of the same racial group can comply with it than the proportion of persons of the other sex or not of that racial group who can comply; and (ii) which cannot be shown to be justifiable irrespective of the sex, colour, race, nationality, or ethnic or national origins of the person to whom it is applied; and (iii) which is to the detriment of the person concerned because he or she cannot comply with it. An example of indirect discrimination on grounds of sex might be a rule that applicants must be under a specified age (see below). An example of such discrimination on racial grounds might be a rule that candidates must have a British or European degree.

It is also unlawful for an individual to be victimised for having brought proceedings under the Acts, or for giving evidence or information relating to such proceedings, or for alleging that discrimination has occurred.

The Equal Opportunities Commission (EOC) and the Commission for Racial Equality (CRE), set up by the Acts to work towards the elimination of discrimination and to promote equality of opportunity, have both produced codes of practice on equal opportunities in employment which have been endorsed by Parliament. The codes do not have the force of law, but they can be brought in evidence in employment tribunals. The University's code of practice, which is set out at III below, is consistent with these codes.

The Disability Discrimination Act 1995 (DDA) introduced measures to prevent discrimination against disabled people in employment, in the provision of goods and services, and in buying and renting land and property. The DDA defines a disabled person as a person with 'a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities'. A

Disability Rights Commission (DRC) has been created under the DDA with similar functions to those of the EOC and CRE. Guidelines on the implementation of the DDA have been issued by the Government, and the code of practice below is consistent with these guidelines.

The Human Rights Act 1998 incorporates the European Convention of Human Rights into UK law. Article 8 guarantees the right to respect for private and family life and Article 14 prohibits discrimination on any reasonable ground (which will include sexual orientation).

## **Policy Statement**

The policy and practice of the University of Oxford require that all staff are afforded equal opportunities within employment and that entry into employment with the University and progression within employment will be determined only by personal merit and the application of criteria which are related to the duties of each particular post and the relevant salary structure. In all cases, ability to perform the job will be the primary consideration. Subject to statutory provisions, no applicant or member of staff will be treated less favourably than another because of his or her sex, marital status, sexual orientation, racial group, or disability.

## **Code of Practice**

The University welcomes diversity amongst its staff and seeks to ensure that all candidates for employment are treated fairly, and that selection is based solely on the individual merits of candidates and on selection criteria relevant to the post. In pursuance of this aim and of its statutory duties, the University of Oxford, as an employer committed to the principle of equality of opportunity, will adhere to the following procedure in the conduct of the recruitment and selection process for all posts.

### **Selection criteria**

Selection criteria for all posts will be clearly defined and reflected in the further particulars sent to candidates, which will also include details of the University's commitment to equality of opportunity. Job qualifications or requirements which would have the effect of inhibiting applications from members of particular groups, such as those of one sex, persons of a particular marital status or sexual orientation, persons of a particular racial group, or those with a disability, will not be demanded or imposed except where they are justifiable in terms of the job to be done. (For the purposes of this code, "racial group" means a group of persons defined by reference to colour, race, nationality, or ethnic or national origins.)

### **Advertising**

Job advertisements will be widely publicised so as to encourage applications from a broad range of suitable candidates from all backgrounds. All job advertisements placed on behalf of the University will state the University's commitment to equality of

opportunity by including a footnote or final note indicating this. In addition, where further particulars are prepared they should quote in full the University's Equal Opportunities Policy Statement and make reference to the University's maternity leave provisions and the availability of the university nurseries. Further particulars should also be made available in large print, tape, or other formats when they are requested by disabled applicants.

## **Selection methods**

All those handling applications and conducting interviews must be aware of the principles of the Sex Discrimination Act, the Race Relations Act, the Disability Discrimination Act, and other relevant legislation. The University will ensure that training and advice are available in furtherance of this requirement. All candidates will be compared objectively with the selection criteria, and all applications will be processed in the same way. Information sought from candidates and passed to those responsible for appointments will relate only to the qualifications for or requirements of the job. It is recognised that the University has a statutory obligation to make such adjustments to the workplace and to working arrangements as are reasonable to accommodate suitably qualified disabled applicants.

## **Interviews**

Wherever suitably qualified persons are available, there will be at least one member of each sex on the bodies responsible for shortlisting, interviewing, and making or recommending an appointment. Interview questions will relate to the selection criteria. No questions will be based on assumptions about roles in the home and the family, or the assumed suitability of different ethnic groups for the post in question. In particular, questions about private personal relationships, marital status, children, domestic obligations, marriage plans, or family intentions will not be asked at interview. Questions about a candidate's ability to 'fit in' with colleagues may also be construed as unlawful discrimination. Where it is necessary to obtain information on personal circumstances (for example, in relation to a selection criterion such as flexibility to work irregular hours) or on whether a candidate will be able to work well with colleagues, questions about this will be asked equally of all candidates and, like other questions, will relate only to the job requirements. In the case of disabled applicants who identify themselves at the application stage, appropriate interview arrangements (such as accessible interview rooms or the assistance of a sign interpreter) should be offered to enable candidates to compete on an equal basis.

## **Record-keeping**

Details of candidates and of selection decisions (including the rationale for selection or rejection) will be kept for at least six months after an appointment has been made, in case they are required as evidence by an employment tribunal or for other proceedings. The University will keep records of the sex, ethnicity, and any disability of its staff and of all candidates and of those shortlisted and appointed. The gender composition of selection panels will also be monitored. Records may be used to determine whether members of one sex or persons of a certain racial group or those with a disability do not apply for

employment, or apply in smaller numbers than might be expected, or are shortlisted or appointed in a lower proportion than their application rate, or are concentrated in certain jobs, faculties, or sub-faculties. Where such under-representation is identified, positive action initiatives will be developed in accordance with the provisions of the Sex Discrimination Act 1975, the Race Relations Act 1976, and any other relevant national legislation. The University will investigate the practicalities of monitoring progression within employment, including access to training and development, promotion and grading.

### **Review of recruitment practice**

Recruitment procedures and practices will be kept under review so as to ensure that this code is being adhered to. The University's Equal Opportunities Officer has responsibility for advising on the operation of this code and for the distribution to those involved in the recruitment and selection processes of information about the Sex Discrimination Act, the Race Relations Act, the Disability Discrimination Act, and other relevant legislation.

Council shall have power to make changes in this code by decree from time to time, under the provisions of Tit. IV, Sect. I, cl. 2.

*Revised January 2002*