


# Equal measures

Home office figures show that female and ethnic minority recruits are more likely to leave the service than their white counterparts. Michael Ball, from Halliwells, looks at the true picture and offers ways to improve.

 Recent newspaper headlines have again raised the issue of whether there are discriminatory attitudes in some police forces. On 16 January The Times newspaper announced "Forces fail the equality test as women and black recruits quit". The article states that new Home Office figures showed female and ethnic minority trainee officers were twice as likely to resign as are their white and male colleagues.

The timing of the news story was particularly unfortunate as other recent media stories had highlighted some of the positive steps achieved by various police force initiatives. However it's likely that the one page of bad publicity will be remembered when it comes to the public perception of the police.

## Progress

However, is the poor image of the police in relation to equal opportunities deserved? Exceptional progress has been made in terms of minority recruitment. Between 2003 and 2004 there has been an 18 per cent increase in the number of black and Asian recruits. In addition, there have been specific minority recruitment drives implemented by different forces. Staffordshire Police was named recently as the most gay-friendly

employer in the UK, following their recruitment drive to attract gay and lesbian recruits. According to Stonewall, a gay rights representative body, the project was so successful it estimates that one in ten officers in the Staffordshire force is gay.

Unfortunately, these advances have only been made after high-profile cases of unlawful discrimination gained wider public attention. Yet discrimination problems are not exclusive to the police force. Incidents of discrimination and harassment are the subject of discrimination complaints to Employment Tribunals up and down the country every week. Claimants are from all sorts of employment backgrounds. From bar rooms to law firms. For the first time, The Law Society, has published the Equality and Diversity Annual Report in which it reports that 24 complaints of race discrimination and 21 complaints of sex discrimination were made against solicitors in 2004. Financial firms have also been the subject of recent media headlines with big money claims being brought because of discriminatory practices against senior female members of management.

## Further action

The starting point is to remember that, despite some negative pub-

licity, the problems in the police force are not unique and good progress has been made to eradicate discriminatory practices. However, further action is needed. The HR practices in the police force must be reviewed in order that retention figures can be improved. As part of this drive, exit interviews are to be carried out for every officer who leaves the force. It is hoped that in this way the force will discover whether the reason for the officer leaving is down to discrimination, harassment or bullying, pay and conditions, workload or domestic reasons.

Exit interviews are clearly useful and can lead to problems being identified when a person leaves. However, is this too late? The officer has left. Another possibility is that the exit interviews could be carried out in conjunction with a programme of raising awareness of how people may be offended by words or actions and how this may amount to discrimination.

Training on equal opportunities can put many people off. Unfortunately it has the reputation with many of being an unpleasant mixture of legal mumbo jumbo and political correctness gone mad.

Raising awareness does not have to mean learning discrimi-

nation laws and it does not mean that you can't call a blackboard a blackboard and ask for your tea to be white. It should be focussed on what is and what is not acceptable between colleagues. In this way the aim should be to prevent a problem arising, rather than identifying the problem when an officer leaves the force.

## Liability

Clearly, raising awareness and avoiding claims has many advantages, most notably the greater cooperation between colleagues, the smoother running of a team and the increased retention of valued staff. However there are specific legal advantages too.

When a problem does arise that leads to a discrimination complaint coming before an Employment Tribunal it is too late. There will be negative publicity, the claimant will be awarded compensation and the employer will have to pay up. The employer is liable for all the acts of the employee in the course of employment. This has been given a very wide interpretation by the courts. It has been held to cover comments made, not just in work, but also in social outings outside the workplace and outside of working hours. Whether the offending actions or words were authorised or not, the



employer will be liable for what one colleague said or did to another. This may seem unfair. The employer should be able to protect itself against such claims. The unfairness is to an extent recognised in the discrimination laws. There is a provision that does allow for liability to be avoided. This is known as the "reasonable steps defence". It means that the Employment Tribunal is satisfied that all reasonable steps have been taken to avoid the act of discrimination taking place. This is not easy to establish. If you have extensive training in equal opportunities on day one of your employment and then never mention it again it is unlikely that the Employment Tribunal would be convinced you had taken all reasonable steps. In order to succeed in the statutory defence it is necessary to show that there is in place a continuing programme of training not just a one off event.

**Equality awareness**

Raising awareness does not mean that every employee has to be able to distinguish between legal concepts of discrimination and burden of proof. It should be based at a much more practical level. Too many times individuals will do or say something that has a detrimental impact on their col-

leagues due to their own preconceptions. The views or beliefs that a person has, whether wrong or right, impact on the way that people treat and converse with others. These may range from quick judgments about people from the way they look, the way they speak or from what they wear to beliefs that that have become ingrained in the person from hearsay or media commentary. Given this as a starting point it is understandable that there are disagreements between individuals in the workplace. This can be particularly true where a person is spending more time with colleagues at work than with family at home.

A practical demonstration of how preconceptions can affect colleagues working together can be carried out by observing a group subconsciously dividing itself by reference to those people they consider as being most similar to themselves. It's something that often happens without people even being aware of any conscious decisions or actions.

The first aim of the awareness training is the recognition that everyone has preconceptions and this affects the way we interact with others. Once a person recognises this principle the process can start to remove those preconceptions.

**Language**

Sometimes a person can be totally unaware that the language he or she is using is causing offence to a colleague. If challenged about language then the confrontation may escalate. Raising awareness of language and communications and how this can impact on others is designed to avoid this type of dispute.

Communicating in such a way as to not offend or exclude others should not be confused with political correctness.

People communicate in many different ways and not just face to face. Both words and actions can be significant. A lack of communication can cause problems as will communicating too much. The impression given by telephone messages, letters and electronic communications should all be taken into consideration.

Communicating in a negative way may amount to harassment at work. This may take an obvious form, for example making sexual comments, or it can take a more latent form, where there are sexual innuendos dropped into conversations or rumours circulated regarding an individual.

Raising awareness should enable individuals to recognise harassment in all its forms then analyse their own behaviour and

attitudes better. There should also be the realisation that the observation of such behaviour should be the trigger to confronting it rather than letting it embed itself in the workforce.

**Training in practice**

The image of the training in equal opportunities needs to be overhauled to get people really interested and not simply going through the motions and ticking boxes.

Technology can help with overcoming this difficulty. Rather than calling every body to a classroom and lecturing, opportunities should be explored for individual learning. PC programmes and online sites can now make learning courses interactive, allowing for the user to take part in the training and have input into the topic rather than just to sit there and read off the screen.



**Written by Michael Ball, Employment Partner at Halliwells and author of the newly launched E=quality online training package for employers.**