



Think Business, Think Equality

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INTRODUCTION

This guidance is for small and medium businesses who want to improve gender diversity in their workplace. It accompanies the *Think Business, Think Equality* online self-assessment tool. The free online tool enables you to assess your current employment practice, and provides tailored advice and guidance on how your business can benefit from gender diversity.

Delivering workplace equality makes good business sense. Having fair and flexible working practices allows you to attract and retain the best talent, reduce recruitment and training costs, and makes your business more productive, more innovative, and more profitable.

This guidance provides businesses with information and advice on the way in which assumptions about men's and women's preferences and capabilities can impact on your business. There is a checklist on page 17 which suggests actions that businesses should take to improve their equalities practice in this area.

The Think Business, Think Equality online tool is available at:

www.thinkbusinessthinkequality.org.uk

LEGAL DISCLAIMER

While every effort has been made to ensure that the explanations given here are accurate, only the courts or tribunals can give authoritative interpretations of the law.



'WOMEN'S WORK'

Women and men tend to work in different jobs and sectors. There are many reasons for this, including stereotyping about men and women's capabilities, skills and interests; access to training; and the culture associated with different types of work.

The jobs which are more likely to be done by women, such as cleaning, caring and retail, tend to be low paid with limited prospects for progression. Men who work in these female dominated sectors are more likely to hold senior or managerial roles. While job segregation restricts women's and men's choices, it also limits the available pool of talent for businesses.

The undervaluing of occupations

Female-dominated jobs such as cooking and caring involve work that is traditionally done in the home by women. 'Women's work' has lower status and value because the skills required for these jobs are perceived to be inherent in women. As a result, the work is not fairly paid. This undervaluing is caused by gender stereotyping, and the expectations placed on women to do this type of both in work and at home.

The potential for the undervaluation of women's work is recognised in equal pay law. There is potential for women to be undervalued within a given job or occupation, in that they are at a greater risk of being paid less for the same level of efficiency within the same job. There is also potential for undervaluation through employment in jobs or occupations which are in themselves undervalued, such as caring. This is reflected in the principle of equal pay for work of equal value. Equal value is measured in terms of the demands of the job. This means



that an individual has the right not to be paid less than someone of the opposite sex where the work is different but is of equal value in terms of the job.

If you want to find out more about pay and reward, take the
PAY AND REWARD test at www.thinkbusinessthinkequality.org.uk



RECRUITMENT

Research shows that women are less likely to apply for jobs when they don't have all of the essential and desirable criteria. If jobs are not advertised formally then women, who tend to have less access to informal workplace networks, are less likely to be aware of development and promotion opportunities. Ensuring that a broad range of methods are used to advertise job vacancies will mean that you'll reach a wider pool of potential applicants. Consider advertising any vacancies in the following:

- Local or national newspapers;
- Online recruitment sites, for example, s1jobs.com, indeed.co.uk, monster.co.uk;
- Social media, for example, Facebook, Twitter or LinkedIn;
- Job Centre; and
- Employment agencies.

Setting qualification requirements for jobs

While you may need staff to have particular skills, experience or qualifications to do a job, you must ensure that your requirements can be objectively justified. This means that you can demonstrate that the requirements you list in job advertisements, person specifications and job descriptions are essential for the demands of the post.

For example, requiring applicants to have recent experience might exclude women who have had a career break to raise children, or who are currently on maternity leave. By requiring applicants to have obtained certain skills 'in a similar environment', employers might be



excluding people who have gained equally valuable skills in volunteering or in the home environment.

By considering alternative or equivalent qualifications and/or experience as acceptable criteria for vacancies, you can recruit from the widest possible talent pool.

When it's hard to fill a vacancy

Many businesses find it hard to find skilled and talented people to fill their vacancies. If you're in this position, it might be helpful to consider ways of encouraging different groups of people to apply.

Women and men who aspire to work in occupations which are mostly done by the opposite sex often feel discouraged from doing so. Businesses which adapt their recruitment processes and encourage applications from the widest possible pool are more likely to attract and retain the staff they need.

Methods of encouraging applications from the widest possible pool include:

- Ensuring job adverts are worded to encourage applications from both men and women. Any pictures in adverts should represent both sexes.
- Offering pre-interview training sessions for potential employees to learn about the business and the skills required for the vacant post.
- Offering work experience opportunities which avoid gender stereotyping. For example, engineering and construction placements for girls as well as boys.
- Providing induction training for women returning from maternity leave whose career breaks may mean recent work experience is limited.



Advertising vacancies

When advertising your job vacancy, avoid using gender specific terms (such as ‘handyman’ or ‘waitress’), which may imply that only a man or a woman is suitable for the job. This can amount to direct sex discrimination, which is unlawful. Adverts should use gender neutral terms that can be applied equally to women or men. When using illustrations in a job advertisement, always ensure these do not appear to favour or suggest a particular type of person should apply for the post (for example, white, male, young). Having gender neutral images in adverts will broaden the appeal of the advert.

The Equality Act 2010 does, however, allow advertisements aimed specifically at one gender, in very limited circumstances. One reason for this is in cases where there is a Genuine Occupational Requirement for an employee to be either a man or a woman. This could apply to caring roles, where personal care is delivered to clients of one gender or another.

To find out how to make your recruitment process more inclusive, take the
WORKPLACE CULTURE test at www.thinkbusinessthinkequality.org.uk

Positive action in recruitment

If you’ve identified that certain groups of people are under-represented in a particular role within your business, you can take ‘positive action’ measures to try to address this. In recruitment, this can be done before, or at, the application stage. This can include encouraging people from those groups to apply or helping people with particular protected characteristics to perform to the best of their ability (for example, by giving them training or support not available to other applicants).



Example

A design company is looking to take on a new software developer. All of its current software developers are men, so the company directors decide that they should try to target women for the position. The company contacts Women in Technology, an organisation which promotes career opportunities to women working in information technology, to advertise the vacant position. The advertisement reaches a much wider pool, and there are a higher number of female applicants.

Positive action can also be used in a tie break situation, where two applicants are equally well qualified but one shares a protected characteristic¹ and the other does not. In the example above, the design company could select a female candidate over the male candidate, providing she was equally well qualified, in furtherance of the employer's efforts to have a more representative workforce.

This is not the same as 'positive discrimination', which is unlawful. If, after advertising for the post, a man applied and was better qualified than a female applicant, the employer would have to offer the job to the male candidate, even though they were targeting women in an effort to redress the gender imbalance in their workforce. To offer a post to a less well qualified person because they share a protected characteristic is discriminatory.

¹ Protected characteristics are set out in the Equality Act 2010, and include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These are the grounds on which discrimination is unlawful.



The Equality and Human Rights Commission published guidance which explains discrimination and positive action measures.

www.equalityhumanrights.com/private-and-public-sector-guidance/employing-people/recruitment

To find out if your recruitment process measures, take the **WORKPLACE CULTURE** test at www.thinkbusinessthinkequality.org.uk



TRAINING AND SKILLS

Why invest in training and development?

The most successful organisations make the best use of their most valuable resource - people. Managing people in a way that enables and encourages them to reach their potential benefits not only them but also the business.

Attracting and retaining skilled people is a key challenge for business. By developing effective training opportunities for staff, smaller businesses may find it easier to retain skilled staff while benefiting from improved morale, and increased productivity and innovation.

Supporting staff to study for a work-related, formal qualification can be beneficial for the business, and also demonstrates a commitment to staff. There are a range of ways to support staff which could include making a financial contribution, granting paid or unpaid time off to study or to attend classes, and agreeing for them to work flexibly so that they can study at the same time.

Supporting staff to do training that is not specifically related to their current role can also be beneficial to your business. Investing in training and development demonstrates a commitment to staff. Providing development opportunities, such as project working, to women as well as men can help staff move into different areas of work, particularly those roles which are traditionally seen as being done by the opposite sex.



What to consider when developing training for staff

- Training, development and qualification opportunities should open to all staff, including those who work part-time, job share, or work flexibly.
- Schedule training and learning events, and team meetings to ensure that everyone who wants to attend can.
- Avoid holding training events or team building opportunities after work hours or at weekends, wherever possible. Staff with caring responsibilities may find these difficult to attend.
- If a training event conflicts with a staff member's caring arrangements, consider:
 - rescheduling the event;
 - adjusting the staff member's hours;
 - paying the childcare or other care cost; or
 - provide payment or time off in lieu for any extra hours required to attend training.

Flexible learning can benefit all staff but particularly those working part-time or on maternity leave. Open University courses, distance learning or online learning enable training to be undertaken flexibly.

Pressures on budgets can mean that online training is a good option for smaller businesses. Allowing staff the time and resources to complete online training during working hours means that all staff will be able to participate.



Case study

Linda has worked as an administrator for ABC Ltd for seven years. After the birth of her second child last year she now works part-time. The office is easily accessible by public transport and she has agreed with her line manager that she can work flexibly and start work at 9:30am, which allows her to drop her children off at nursery and school before coming to work.

Since she reduced her hours Linda feels increasingly out of the loop. She isn't kept informed about training courses, and often only finds at the last minute that she is expected to be in a meeting.

ABC Ltd recently upgraded its IT system which requires training. The office is busy during the day so it was decided that the training take place one evening after work.

Staff from the company's other office will also be attending, so the training is be held at a hotel on the other side of town. The others in the team are happy to attend, but as this is arranged over morning coffee on one of Linda's days off, she doesn't get told about it until the beginning of the following week, one day before the event.

Linda often struggles for childcare outside of school hours, as her family don't live locally and her husband works shifts. She doesn't drive, and the hotel is almost a mile away from the nearest bus stop. While attendance at this event is not essential, she is concerned that by not attending she will be at a disadvantage at work. As the only



part-time administrator in the office, she already has less time than other staff to become familiar with the new system, and she is reluctant to rely on other members of staff to train her up, as it takes them away from their own work.

Linda tells her line manager that she is happy to do the additional training, but that she needs more notice to arrange childcare, and that she would prefer the training to take place during work hours. Her line manager admits that as she is the only part-time member of staff in the office, he hadn't really given any thought to how the last minute arrangements would impact on her. He agrees to reschedule the training during work hours, and to arrange transport for all staff to the venue.

On-the-job training

Companies with skilled, trained staff have a much better chance of succeeding in business. Training or development does not necessarily involve sending an employee to an off-site event or course. Examples of alternatives to formal training include:

- Buddying an employee with a colleague to ensure necessary support in the early stages of their development so they can build confidence while new skills are learned.
- Guidelines, online modules or instruction handbooks are useful tools for learning on a flexible basis.
- Line managers have a key role in coaching staff and helping them learn the necessary skills for the job.



Case study

Jennifer is 22, and has worked for a small architectural firm, Jones and Partners, since leaving school at age 17. She is an administrator and is a valued member of the team, which comprises Jennifer, two architectural technicians, and the managing director.

Jones and Partners is a small, family-owned business, and when Jennifer first started work with the firm, the office was run on a paper-based system. Mr Jones, the managing director, prided himself on running a business that ‘embraced traditional design methods’, producing all of the firm’s commissions using freehand drawings. Jennifer enjoyed working at Jones and Partners, particularly as she was able to assist in all areas of the business, but was worried by the recent downturn in trade. She concerned that the firm’s reluctance to use technology might be holding them back from competing in an already difficult market.

At school, Jennifer had excelled in IT and believed she could convince the Mr Jones of the benefits of Computer Aided Design. While initially reluctant, Mr Jones eventually agreed to invest in a computer and some basic design software. Jennifer offered to train Mr Jones and the two technicians and after a couple of months’ use, Mr Jones agreed that CAD was a worthwhile investment.

Shortly afterwards, one of the technicians, James, was offered a job with a large firm in the city. Mr Jones was worried about finding a suitable replacement; as a small business, he knew he could not compete with the salaries being offered by large firms



for experienced technicians. Jennifer saw this as an opportunity to progress. During her time at the firm, she had gained in-depth knowledge of the workings of the business, had a good relationship with clients and contractors, and had enjoyed getting involved in some of the design work when training the others on using the software.

Jennifer proposed that she should receive on-the-job training, with a view to eventually taking on the architectural technician's role fully. While Jennifer didn't hold the standard qualifications, she believed that the knowledge and experience she had gained in the five years she had worked for Jones and Partners would benefit both her and the business.

Mr Jones agreed to Jennifer's proposal, happy that he would retain a trusted employee who had a good working knowledge of the business and who could also help to train up the new member of staff who would replace her as office administrator. It was agreed that Jennifer could study for her chartered qualification on a part-time basis, with day release to university when necessary.

Staff on maternity leave

Employers are entitled to make reasonable contact with staff during maternity leave. This might be to discuss arrangements for their return to work, or to provide an update on significant changes to the workplace.



Women on maternity leave can, by agreement, work for up to 10 days without bringing their leave to an end or affecting their maternity pay. These are called ‘Keeping in Touch’ days. KiT days are designed to let women keep in touch with their employer, and the days can be used for any work-related activity including training or attendance at meetings or conferences. Working for part of a day counts as one day’s work and businesses must be aware that any such work only takes place with the agreement of both parties.

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WOMEN'S JOBS, MEN'S JOBS CHECKLIST

Recruitment

All job vacancies are advertised.	
A variety of advertising methods are used to recruit new staff.	
Job advertisements use gender neutral terms.	
Application forms are used as part of the recruitment process.	
When criteria are set for jobs, alternative qualifications and experience are also considered.	
Where it has been identified that women are under-represented, positive action measures around recruitment are considered.	
Staff on maternity leave are informed of job vacancies.	

Training and development

Training opportunities are available to full-time and part-time staff.	
Training sessions are held during working hours and at accessible locations.	
Staff are supported to access training not directly related to their current job.	
Where online training is offered, ensure staff have access to IT equipment.	



Female staff are supported to participate in women's professional networks.	
Where staff are offered the opportunity to re-train to do a different job, this is available to men and women within the business	
Where it has been identified that women are under-represented, positive action measures around training are considered.	
Qualifications	
Staff are supported to study for qualifications related to their current role.	
Staff are supported to study for qualifications not directly related to their current role.	



GLOSSARY

Direct discrimination

Less favourable treatment of a woman than a man (or vice versa) because of their sex.

Equality

Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration – recognising the diversity of different groups.

Equal value

Different jobs can be of equal value if the work requires the post holders to have the same level of knowledge, skill, effort and responsibility.

Gender

Refers to the socially constructed roles, behaviours, activities, and attributes that society considers appropriate for men and women. For example, historically, gender role stereotyping would suggest that women should look after children at home while men go to work in the formal labour market.

Gender stereotyping

Making assumptions about an individual's capabilities, interests and preferences, based on restrictive notions about men and women, and male and female behaviour.

Indirect discrimination

Occurs when an employer applies a provision, criterion or practice equally to both women and men that puts one sex at an unfair disadvantage.



Positive action

Refers to a range of lawful actions that seek to overcome or minimise disadvantages (e.g. in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

Positive discrimination

Treating someone with a protected characteristic more favourably to counteract the effects of past discrimination. It is generally not lawful although the duty to make reasonable adjustments is an exception where treating a disabled person more favourably may be required by law.

Protected characteristics

These are the grounds upon which discrimination is unlawful. The characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

FURTHER INFORMATION

Close the Gap

www.closethegap.org.uk

Equality and Human Rights Commission

www.equalityhumanrights.com

Acas

www.acas.org.uk



Close the Gap works in Scotland on women's labour market participation. We work with policymakers, employers and unions to influence and enable action that will address the causes of women's inequality at work.

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