**Employment Legislation for Employers**

**Equal Opportunities and Recruiting Students**

Equal supports everyone to gain access to services/environments such as education, employment and health care and to be treated in a fair and equal way. It ensures that people with disabilities or those from a particular race, religion or sexual orientation are not discriminated against or treated any differently to anyone else. Equality of opportunity is not only good practice but a legal requirement. This page aims to support you with legislation compliance, to ensure that you are not breaking the law in any way and that students are given a fair chance when seeking work.

 **How the Career Zone complies with Equal Opportunities**

We are a student support service providing access to jobs, opportunities and training and supporting students to enhance their employability. Certain students may require extra support finding work, largely due to being international, or with a disability therefore, to ensure we meet their needs fairly and in a non discriminative way we aim to:

* Treat all students fairly and, where appropriate, offer support to those students who may be disadvantaged in entering the work place.
* Provide information on non-traditional as well as traditional types of work.
* On request, make special arrangements (as far as we are able) for access to guidance and information for students with physical or learning disabilities.
* Promote equality of opportunity to our employers and contacts.
* Challenge discrimination by enhancing employers knowledge with regard to legislation and discriminatory practice
* Make sure that all our staff are aware of equal opportunities issues and procedures.
* Monitor and review our equal opportunities practice.

**Principles underpinning equality of opportunity**

The following information explains the laws relating to equal opportunities.

**The Sex Discrimination Act** (1975) makes it unlawful to discriminate on grounds of sex or marital status in recruitment, treatment at work and dismissal. There are two different types, one where a person is treated less favourably because of their gender, often described as direct discrimination, the other where a condition is applied and the expectations of being able to fulfil it are equal between men and women even when a higher proportion of a certain sex would be more able to meet the requirements. There are exceptions if the gender of the worker is a genuine occupational qualification such as a female care worker working with female domestic abuse victims.

**The Race Relations Act** (1976) makes it unlawful to discriminate on grounds of race, colour, nationality or ethnic or national origin. The exceptions here may be a Chinese restaurant where the staff need to be Chinese to ensure the authenticity of the food and atmosphere.

**The Equal Pay Act** (1970) came into force originally at the end of 1975 and its purpose was to eliminate discrimination in pay between men and women. This makes it illegal to pay a certain gender more money when performing their job role, including sick pay, bonuses etc. It was amended in 1983 to include work of equal value and most claims are now under this part of the Act. The Act allows an individual to claim pay equal to that received by members of the opposite sex on the grounds that they are doing:

* Like work
* Work rated as equivalent under a job evaluation scheme
* Work of Equal Value - in terms of demands made under such headings as effort, skill and decision-making

**The Disability Discrimination Act** (1996). This Act operates in a similar way to the Race Relations Act and the Sex Discrimination Act, but also places a duty on an employer to make 'reasonable adjustments' to premises or working practices to allow a disabled person to be employed. This also includes not discriminating against someone with mental health issues and giving everyone fair access to apply for a job and attend an interview.

Along with these acts there is a recent addition with the **Age Discrimination Act** (2006) which makes it illegal to discriminate against workers, employees, job seekers and trainees because of their age both old and young.

Also, the **Human Rights Act** (1998) which was incorporated into UK law on 1st October 2000 and is intended to implement the European Convention on Human Rights in the UK. This backs up the types of discrimination listed above but outlaws any discrimination on grounds of sexual orientation, religious belief or possibly family circumstances.

 **Be careful not to fall into the following traps:**

Directly discriminating against students which could mean treating a student less favourably because of their age, sex, race etc, for example not giving the same access to information or support, deciding not to employ someone or giving them adverse terms and conditions compared to someone who is a different age, sex, race etc. Or indirect discriminating against a student by means of using selection criteria, policies, benefits, employment rules or any other practices which, although they are applied to all employees, have the effect of disadvantaging people of a particular age, race, sex, etc, unless the practice can be justified.   Be careful with the language you use when advertising for example:

* Avoid asking for years of experience which may be seen as age discrimination, you can however ask for 6 months of experience or a certain level of qualification if it essential for the job role as this would not be seen as discrimination against a certain age group such as recent graduates
* Don’t discriminate on race by stating a preferred nationality such as saying “only students with English as their first language need apply”, you can ensure that a student would be able to perform a role by requesting the ability to speak and understand English if this is a definite requirement, such as working behind a bar and needing to understand what a customer is asking for
* Try not to specifically ask for male or female applicants although you can ask for students who are able to lift a certain weight

 Try not to stereotype by avoiding interviewing a student because they come from a particular nationality, are a particular gender or have a disability, it would be unfair and discriminatory to assume they have certain characteristics or lack of ability that would make them less able to do the job.   Try not to hold biases towards or against a particular student, for example spending longer on an interview with someone you get on with, or appearing more interested in their answers to interview questions, therefore giving them an unfair advantage.   Ensure all interview questions are directly relevant to the job role and that they are as standardised as possible so that each candidate is given the same chance to answer the same questions.

**Summary of employment law and employee rights**

**The National Minimum Wage**

Almost all UK workers (excluding apprenticeships) have a legal right to a minimum level of pay, called the National Minimum Wage. The level is set by the government and reviewed every year with increases taking place in October. There are different levels of National Minimum Wage, depending on the age of the worker. We tend to only advertise jobs above £5.80.   The rates from 1 October 2009 are as follows: 

* £6.08 - the main rate for workers aged 21 and over
* £4.98 - the 18-20 rate
* £3.68 - the 16-17 rate for workers above school leaving age but under 18

**EU Working Time Directive**

Employees:

* Have the right to work no more than 48 hours a week, they can choose to sign a form to opt out of this right
* Are entitled to 4 weeks paid annual leave
* Are entitled to a 20 minute break (doesn’t have to be paid) if working 6 hours or over

**Employing International Students**

* You can employ students without a National Insurance Number, students usually apply for one once employed
* It is **legal** to employ international students as long as they have a visa to work in the UK
* You need to see their passport or national identity card with their visa and take a photocopy of it for your records
* International Undergraduate/Graduate Students outside the EU cannot work over 20 hours a week, during vacations they can work more but the student will need to check the official vacation dates.
* International students on foundation courses cannot work over 10 hours per week, during vacations they can work more, but the student will need to check the official vacation dates.
* International students cannot:
  + Engage in business, self employed or provide a service as a professional sports person or entertainer
  + Pursue a career by filling a permanent full-time vacancy.

**Where to go for more help**

Look at the [guide for employers recruiting international students and graduates](http://www.britishcouncil.org/guide_for_employers_recruiting_international_students_graduates.pdf)

See the [UK Border Agency](http://www.ukba.homeoffice.gov.uk/business-sponsors/) website for more specific support for employers

The [UK Human Rights Commission](http://www.equalityhumanrights.com/advice-and-guidance/guidance-for-employers/) has a very useful website for employers on your rights, tackling discrimination and promoting equality

[A National Minimum Wage website](http://www.hmrc.gov.uk/paye/payroll/day-to-day/nmw.htm) run by HM Revenue and Customs is available if you require further clarification on any aspect of the national minimum wage.

The **Pay and Work Rights** helpline also deals with complaints about non payment. Workers' details will remain confidential.

**Helpline: 0800 917 2368** (open 9am to 5pm, Monday to Friday)

For all matters regarding **Health and Safety** of your workers, the HSE have released a [document](http://www.hse.gov.uk/pubns/priced/l24.pdf) regarding all the legislation that may affect health, safety and welfare of your employees.

Please contact us if you would like any further information or would like to talk through an advert such as the wording or whether you would be able to place it by: by email on [casual@exeter.ac.uk](mailto:casual@exeter.ac.uk) or telephone on 01392 724442.