

# Equal opportunities policies law employment essay

Law



**ASSIGN  
BUSTER**

Tasks: 1) Discuss four HR policies in organisations and explain their role in achieving Strategic HRM Objectives. Here I will examine four HR policies and explain their role in providing frameworks which aid organisational objectives and strategies. I have chosen Equal Opportunities policy, Drug and alcohol policies, Training and development policies and Health and Safety policies.

**Equal Opportunities Policies**The concept of equal opportunities policies is to provide an egalitarian standard from which an organisation may deal with its staff in a fair and conscientious manner. Aiming to prevent discrimination and biased occlusion for any particular persons or groups from sharing in the same opportunities within the work environment, equal opportunities is considered to be a excersice in ethics, morality and principles that should permeate through out an organisations culture (Goss, 2011 : p. 156).

Clements (2009 : p. 141) proclaims that HR and equal opportunities are ostensibly related in their respective purposes. This, according to Clements, is due to both HR and equal opportunities being subject to employment legislation. Equal opportunities finds its advent in recruitment and selection. This is the initial platform where an organisation implements its equal opportunities program and the platform where prospective candidates will first experience the effects of equal opportunities (Celements, 2011 : p. 141). The main qualities which are discriminated against are sex, disability, race or ethnic background, age and social status (Winfield, Bishop and Porter, 2004 : p. 462). At the heart of equal opportunities is the awareness of prejudice and how this may hinder an organisations objectives, whether this be through racial, sexual or ethnic preference, amongst other biases, by dismissing certain groups based on arbitrary, inert qualities an organisation risks

marginalising high-quality candidates and being at a strategic disadvantage (Molander and Winterton, 1994 : p. 95). Furthermore, when considering internal treatment or promotion of already existing staff, prejudice and bias treatment could result in depleted morale and a portion of the workforce becoming despondent. This would reflect on the culture and morale of the organisation and pose ramifications for HR, as well as leadership and management to deal with. Bullying at work, according to Searle and Skinner (2011 : p. 12) is within the ambit of HR responsibility and duly an issue for HRM to tackle. Harassment is an extension of discrimination and reaches into persecution. Harassment and bullying within the work place can manifest indirectly as an agent of counterproductivity on an organisation in several ways, through compromising the trust between subordinates and the managerial ilk which is duty bound to safeguard their well being, Through setting measures and establishing standards via equal opportunity policies an organisation can obviate the risk of allowing hostile and inegalitarian environments to be fostered, thus maintaining, as Goss (2011 : p. 156) puts it, "economically rational" environ. By improving general morale, adorning a wider range of cultures and groups, employing a meritocratic standard of conduct and establishing an environment of well being and equality an organisation stands to increase its platform from which strategies may be built upon. Health and SafetyA health and safety policy is the the implementation of regulations and standards against which organisation member conduct must be measured and held accountable as a framework for guaranteeing employee safety. Health and safety is staked above all other policies and is paramount within the HR context of an organisation

(Zanko, 2003 : p. 66). Health and safety policies are designed to protect the members and stakeholders of an organisation from suffering health or safety risk, as well as indemnifying the organisation against potential problems arising from work-related mishaps (Stranks, 2006 : p. 55). Reaching and affecting all elements of an organisation, Health and safety policies can reflect a positive image of an organisation to both its internal and external environments. Through preparation, policy design and implementation HR is able to prescribe Health and safety policies which align to organisational strategy, and although may incur certain elements of an organisations function they add peace of mind to employees and employers alike. Boardus (2004 : p. 108) writes that even though it is commonly accepted that Health and Safety policies are in benefice of employees and organisations, that there is still debate on the front of the policies creating restrictive operational frameworks to the detriment of an organisations competitive advantage. This debate, although merited in its reasoning, may seem specious when the economic savings over a long term are factored in. An initial cost of HS may occur, as well as hindrances in organisational processes, yet the reductions in injuries, illness and other work related mishaps can reflect directly on productivity in the long term, in addition to the money saved in potential law suits and insurance premiums. The general support that properly implemented HS policies provide organisational strategy are greater staff loyalty and commitment, reduction in shirking or malingering, as mentioned higher productivity and reduced insurance premiums and greater public/external perception (Stranks, 2006 : p. 57). All of these furnish an organisations environment and culture to better suit

dynamic and flexible strategies. Drugs and alcohol policies These policies are implemented to curb negative effects of drug or alcohol abuse. Falling partially under the aegis of Health and safety, drug and alcohol policies are considered to be a duty of HR/Management in an organisation to preclude the possibility of an intoxicated staff member causing damage to property or injury to personnel on site or during working hours (Winfield, Bishop and Porter, 2004 : p. 257). Even if consumed off of site and out of hours, the effects of intoxication can spill into the ambit of an organisations jurisdiction and negatively impact working culture, productivity, morale and productivity (Winfield, Bishop and Porter, 2004 : p. 257). Through implementing policies, checks and measures HR may be able to recognise staff that suffer related intoxicant problems and provide guidance or help. Also, by operating education and training programs the deleterious effects of substance abuse can be made apparent and potentially prevent future problems occurring. Employee Training Winfield, Bishop and Porter (2004 : p. 466) write that it is a common belief that education and affluence are synonymous. That is to say, the higher the level of education on a particular person, group or unit the greater the economic returns will be, not only for the divisions mentioned but also the organisation which they comprise. Employee training is generally required for effective performance. Training is offered in a variety of formats and is seen to be a platform for fostering competitive advantage (Aswathappa, 2007 : p. 200). Through providing a system of growth, versatility, competence and stability an organisation stands to benefit tremendously from training initiatives and programs. Analysis of future outlooks and factors can give HR the ability to devise and

implement pertinent training programs to prepare a workforce to deal with probable changes in technological applications, market competition, and a number of other conditions. Training also serves to indoctrinate new and malleable employees, as well as existing and hidebound employees to organisational culture and ethos. Training also extends across other policies discussed hitherto, such as Equal Opportunities, Drug and Alcohol Policies and Health and safety training (Stranks, 2006 : p. 128). For example, staff may be given training or instruction on these particular HR policies as to harmonise the workforce with the policies. Summary We have seen that policies provide a system of action or conduct to support the larger and wider scope of an organisations interests and strategies. Aswathappa (2007 : p. 15) writes that "sound policies help build employee motivation and loyalty.". The discussion on EO policies has shown that it bolsters organisational strategies through harbouring a greater array of personnel and not excluding potentially better candidates based on trivial, arbitrary biases. The Health and Safety policy discussion points of staff morale, economic safeguarding and productivity surfaced, each of which translates to organisational strategy in its own form. The Drugs and Alcohol policies showed that by creating an environment free from intoxicants an organisation is able to obviate potential problems which can directly affect its strategic intentions. Finally, the discussion on employee training revealed that by maintaining and investing in training and development a forward thinking, dynamic and flexible work force can be harnessed. Conclusion According to Wikipedia (wikipedia. org/wiki/Human\_resource\_policies) "HR policies provide an organization with a mechanism to manage risk by staying up to

date with current trends in employment standards and legislation. From this we can ascertain that through modifying organisation ethos, company culture and employee practice, HR policies play an important role in aiding SHRM to achieve its objectives. The discussion provided above has correlated to this notion and hopefully provided some insight as to how deftly applied HR policies may provide an organisation with a congruous culture, environment and workforce to supplement its strategies in achieving its goals. 2) Analyse four government regulations that have an impact on the HR policies and practices of the organisation. Here I will look at four different government legislations which have an impact on HR and its practices. The four regulations are concerned with Working Hours, Equal Pay, Disability Discrimination and Health and Safety. Each of these, a legislation mandated by the UK Government in its own right, if contravened can be used as a legal basis for an employee, organisation member or any other persons, where concerned, to submit a complaint to an Employment Tribunal. An Employment Tribunal is an independent body of judicial experts which tackle with claims of discrimination, wages, unfair dismissals and other similar affairs ([justice.gov.uk/tribunals/employment](http://justice.gov.uk/tribunals/employment)). Working hours In the UK working hours are limited to 48 per week, and no employee is obliged to work more than 48 hours per week even at the behest of the employer. However, an employee has the discretion to choose to work more hours than the 48 stipulated but can not exceed an average of 48 hours per week for every time period of 17 weeks (LCBM, U10, L7, P4). This is known as an opt-out and under the EU mandate of Working time limits, known as the Working Time Directive, 2003/88/EC, it is unique to the UK (wikipedia).

org/wiki/Working\_Time\_Directive). The directive which is applied to all EU member states provides legislation that an employee shall not be permitted to work for more than 48 hours per week, except in the case of the UK which retained an employee-centered opt-out right. This is generally for employees wishing to engage in overtime. Organisations may be inclined to employ staff part-time and commutate the full-time staff to avoid such matters as overtime pay . Working hours can affect HR policies if they are regulated through government legislation in various ways. One such way would be over time (Bizmanualz, 2008 : p. 702), with an implemented government legislation dictating the maximum hours of work an employee may undertake that is caveated with opt-out schemes, HR would have to deal with the issue of overtime pay. For merely a continuation of duty with no variables other than extending beyond the government mandated working hours, an organisation will be liable to pay an employee more, in proportion to their usually stipend, for any extra hours worked. This can increase general running costs of an organisation. Contrarily, this may boost performance due to employees perceiving an immediate incentive to work overtime. Restricted maximum working hours can also result in higher morale of staff, due to vicarious effects of more time spent with family or in leisure. This would be beneficial to the culture of a work place for it could result in greater morale, employee perception, motivation etc. This also relates to HS, for a reduction in avergae work hours can reduce employee fatigue. Fatigue and weariness in a work environment can foster such negative feelings as resentment or disinclination. Sparrow and Cooper (2003 : p. 233) write that there is evidence of links between extended



working hours and negative impact on personnel well being. Exemptions from the working hour limits are granted to some professions. These are \*\*. Some professions may be overlooked by legal exemption and suffer from not being able to work longer hours. etc. This causes problems for HR due to having to reallocate HR to fill the gaps. Equal pay An act known as the Equal Pay Act 1970 was ratified by the United Kingdom Parliament in 1970. Equal pay is a piece of legislation which prohibits a disparity of remuneration between the male and female genders when all else is equal (wikipedia.org/wiki/Equal\_Pay\_Act\_1970). In addition to remuneration, other forms of compensation are also considered under the act, such as leave, perks, bonuses and pensions. This affects personnel recruitment and selection in several ways as well as internal compensation and promotion. The HR function of role analysis is affected by HR being subject to award the same compensation for a particular role even if a particular individual may perform better; although there are caveats to this. Job evaluation is a means commonly used to bridging the gap between pay of men and women (Armstrong, 2007 : p. 35). As such this becomes an aspect of HR which is affected by equal pay legislation, for HR must become more pedantic in applying definitions to roles based on job evaluation as to properly assess whether or not responsibility, impact, performance and the capacity of two positions are the same (Bizmanualz, 2008 : p. 117). Personnel that feel they are being unjustly discriminated against in terms of wages can make a claim of legislative breach to an employment tribunal (legislation.gov.uk/ukpga/1970/41). This can be on the basis that an employee is able to prove that another employee was remunerated with a higher wage for work

that is broadly the same, work that has equal investment in terms of demand, effort, productivity etc, or that the particular work in question is assessed by a job evaluation to be the same as that performed by the comparator in question (wikipedia. org/wiki/Equal\_Pay\_Act\_1970). Equal pay review becomes a necessary practice of HR (Armstrong, 2005 : p. 49) in order to weed out any instances of compensation disparity between men and women. This is to prevent any claims of bias being made against the organisation which can be costly in their fees as well as the impact on an organisation, and forego the problem of presenting a negative image of sexism or a bias culture. Disabled Discrimination One particular legislation which falls under the concept of equality and diversity is the Disabled Persons (Employment) Act 1944. This is an act under the law of the United Kingdom which is set to guarantee persons disabled to benefit from equal opportunities in terms of employment and work, and not suffer discrimination (legislation. gov. uk/ukpga/Geo6/7-8/10/contents). Relating to equal pay, principles of fairness extend into the disability act wherein disability should not be a basis for unequal pay of an individual (Armstrong, 2005 : p. 48). When factoring in the Disability Discrimination Act 1995 (wikipedia. org/wiki/Disability\_Discrimination\_Act\_1995), which is an act that provided the disabled with a legal framework to protect them from discrimination in various sectors of life, including employment, it becomes apparent that an organisation is obliged by law to provide a suitable environment of work and equal opportunity to those disabled. This is due to the provisions and statutes of the law, one such being a failure in implementing "reasonable accommodation". This can be such as catering to

the mobility of disabled staff by providing wheel-chair ramps and/or elevators, and providing appropriate communications equipment as so disabled staff can function in their role with minimal hindrance if necessary, additionally such matters as washroom facilities must be considered. HR must assess if the facilities of a work environment and cater to the disabled if the need arises and not show any less favourable treatment to those who require extra assistance. It is important for an organisation to demonstrate that it can and does accommodate those with disabilities. As this reflects on an organisation's public and internal image as well as prevents any breach of domestic legislation. Health and Safety at Work In the UK an act was passed in 1974 under the title Health and Safety at Work etc. Act 1974. This act holds the purpose of making employers responsible for the safety, wellbeing and health of employees during working hours and on work premises ([www.hse.gov.uk/legislation/](http://www.hse.gov.uk/legislation/)). The act extends into all facets concerning health, safety and well being from potential risks occurring during working hours, to long term health effects caused by possible emissions, substances, chemicals or activities to providing appropriate medical and first aid facilities where necessity calls for it. Employers are duty bound to provide a work environment that is free from risk, within reason. This duty can be exercised through means such as Health and Safety training of employees in their pertinent fields, providing equipment which may protect employees from baleful machinery, substances or activities and ensuring that the work environment is appropriately, in compliance with pertinent law, safeguarded against unnecessary risks or hazards. As such it is required to establish health and safety parameters and policies to avoid subjecting

employees to potential risks. Failure to do so can result in criminal prosecution (wikipedia. org/wiki/Health\_and\_Safety\_at\_Work\_etc. \_Act\_1974).

SummaryTwo of the the above mentioned legislations are now combined into a uniform legislative protection known as the Equality Act 2010. Equal Pay Act 1970 and Disability Discrimination Act 1995 have now been repealed and are covered under the Equality Act 2010, along with the Sex Discrimination Act 1975 and the Race Relations Act 1976. In addition to the Equal Pay Act 1970 and the Disability Discrimination Act 1995, both the Health and Safety at Work etc Act 1974 and the Working Time Directive 2003/88/EC are legislative acts imposed by the UK Government to protect the rights and equality of workers and the opportunities of those who wish to work.

ConclusionThe Government Regulations discussed are designed and implemented with people at their core, and the preponderant purpose of them is to safeguard people from discrimination, unfair treatment, prejudice and bias cultures. As humans are at the core of these Acts, it is therefore reasonable to draw a link to HR and the impact the mandates have on HR policies and practices. It was seen that HR must take current legislation into consideration when recruiting, selecting, paying and regulating staff and candidates as to not transgress legal requirements.