



TOOLKIT

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Cultural Diversity: a Toolkit for Organisational Success



Acknowledgements

This Toolkit encompasses the learning from many organisations and BizLab meetings

We are especially grateful to the BizLab members as primary contributors:

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To our readers we wish success with your endeavors and trust you will reap boundless benefits and rewards.

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Foreword

This Cultural Diversity Toolkit reflects the valuable commitment of the Irish Management Institute (IMI) to supporting new practice in the management of cultural diversity in the workplace. This manual provides important support to companies to adapt their workplace policies, procedures and practices to meet the challenges posed by a culturally diverse workforce and to realise the potential for business success that is inherent in this diversity.

Cultural diversity is not new in the Irish workplace. However, in recent years cultural diversity has significantly expanded and is now a permanent and valuable feature of the Irish workplace. This has led to high levels of interest among employers and human resource managers in developing good practice in the management of diversity. The IMI has responded innovatively to this interest by establishing a BizLab on cultural diversity and by publishing this cultural diversity toolkit.

The IMI Cultural Diversity BizLab has brought together a wide range of companies who have responded creatively and effectively to the challenges posed by culturally diverse workplaces. These companies have provided valuable leadership in sharing their experience and expertise in the BizLab setting and in communicating this experience through this Cultural Diversity Toolkit.

This leadership is important in a context where:

- cultural diversity that is effectively managed can enhance organisational performance;
- there are high levels of workplace discrimination being reported on the grounds of race (with casefiles on race being the second highest area for the Equality Authority under the Employment Equality Acts);
- many companies seek support to enable them to implement high quality and effective diversity management strategies.

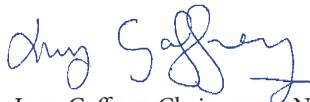
Mary Hogan and Deirdre Crowe have led this work for the IMI of preparing the Cultural Diversity Toolkit and convening the BizLab. Their expertise, insight and enthusiasm have been key to the success of this venture.

It is hoped that the IMI can build on the success of this BizLab initiative and can continue to serve as a key resource for innovation and best practice in managing cultural diversity in the Irish workplace.

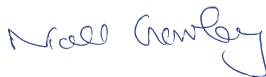
The National Action Plan Against Racism and the Equality Authority are pleased to have been able to support the IMI Cultural Diversity BizLab and look forward to an ongoing engagement with the IMI on the issue of cultural diversity in the Irish workplace.



Tom McCarthy, Chief Executive Officer, Irish Management Institute



Lucy Gaffney, Chairperson, National Action Plan Against Racism



Niall Crowley, Chief Executive Officer, Equality Authority





Introduction

Global migration has now become the norm as millions of people move from one economic zone to another seeking opportunities and offering skills, innovation and creativity. Ireland has been catapulted from a being a relatively homogenous society into one which is increasingly multicultural, multilingual, multiracial, heterogeneous and diverse. Our cities, villages, countryside, schools, workplaces, universities, hotels, restaurants, hospitals, trains, buses, planes, every aspect of our social fabric have become more colourful and interesting. This transformation has brought with it new food, new styles, new thinking and new ways of doing things.

In concrete terms these changes have manifested themselves in the following ways: in 2002 there were 70,721 families of mixed nationalities (i.e. containing Irish and non-Irish nationals), by 2006 that number increased to 95,636. In the same time frame the number of families containing only persons of non-Irish nationality had increased from 20,187 to 50,655. These figures indicate that Irish people have taken to multiculturalism at home while at the same time many non-Irish nationals have chosen Ireland as their family home.

Overall demographic change has come very quickly to Ireland. The total number of non-Irish nationals increased from 224,000 in 2002 to 420,000 in 2006, an increase of 87%. The fastest growing numbers were EU nationals particularly from the Eastern Europe region along with peoples from Africa and Asia. Polish people make up the biggest minority in Ireland at 63,000¹.

There has been a significant increase in religious diversity too. Between 2002 and 2006 the Orthodox Christian community increased from 10,400 to 20,800. The Muslim community grew from 19,100 to 32,500 in the same period. 92% of Irish nationals are Roman Catholic while 52% of non-Irish nationals are Roman Catholic².

Ireland is a relatively small economy competing with economic giants in an increasingly globalized world. In this context there is a constant search for the competitive advantage of our economy while it migrates from being a developed economy to a knowledge economy. At this point, like all small



1 Central Statistics Office 2007 Census 2006 Principle Demographic Results p. 25

2 Ibid. p. 31

economies our competitive advantage is our people. While we have some natural resources, other economies, such as Singapore and Hong Kong, have none. Both these economies have migrated up the economic development ladder through the best use of their multicultural people as a primary resource. Ireland is now presented with the same opportunity as a result of the recent increase in workforce diversity.

If Irish business can capture this opportunity and turn it to our competitive advantage the economy will move forward to become an even greater beacon of hope for other small economies. Ireland has the people, it has the resources, all that is required is that we manage these resources properly. Alternatively we can sit back do nothing and lose out on the range of opportunities provided for us by developing good practices and procedures around the management of diverse workforces.

People from diverse and ethnic backgrounds in Ireland may be asylum seekers, refugees, migrant workers, Irish Travellers, Roma, foreign students and members of new minority ethnic communities. Each ethnic group has its own language, customs and practices along side extensive religious diversity. So each individual comes with this multilayered background which is further enhanced through his or her own personal stories and life's experiences.

So far, migrant labour has been used in the Irish economy to address skills shortages in the health sector, the food processing industry, agriculture, construction and a host of other sectors. The OECD, with other international organisations, has pointed to the importance of inward migration in sustaining Irish business and the economy generally.

This inward migration has contributed to the huge social changes we have witnessed in Ireland over the last decade and to developing our multicultural society. This new society must now progress to becoming an integrated and intercultural society. The National Consultative Committee on Racism and Interculturalism (NCCRI) points out that:

‘interculturalism suggests the accepting not only the principles of equality of rights, values and abilities but also the development of policies to promote interaction, collaboration and exchange with people of different cultures, ethnicity or religion. It is an approach that sees difference as

something positive that can enrich a society and recognizes racism as an issue that needs to be tackled in order to create a more inclusive society.³

This statement can also be applied to the workplace where an inclusive workplace would accept ‘not only the principles of equality of rights, values and abilities but also the development of policies to promote interaction, collaboration and exchange with people of different cultures, ethnicity or religion.’ As the economy begins to move to a knowledge based economy supported by a very diverse workforce employers need to look to how they can manage this diversity for success. Issues such as: how to move the workplace from being multicultural to intercultural? How to achieve diversity and interculturalism at top management?

Why have diversity policies and strategies?

International experience has proven that effective management of diversity in the workplace creates opportunities for business. Good policies enhance worker motivation, job satisfaction, innovation and creativity, all necessary ingredients for a competitive business environment. Additionally, they reduce worker stress, absenteeism and worker turnover. Retention is far less costly to the employer than constantly having to recruit replacement staff. It also builds strong company reputation which in turn allows for the attraction of best talent. Some 82% of global HR leaders believe the ‘war for talent’ will be a key business issue over the next 10 years.⁴

A recent survey⁵ of over 5,000 HR specialists in the US found that the respondents tended to fall into four schools of thought on the issue of policy origins that can be characterized by the following:

Compliance and representation (focuses on achieving the desired workforce numerical profile with respect to various demographic categories such as race, gender and ethnicity.)

Harmony in the workplace (focuses on achieving respectful and harmonious relationships across racial, gender, ethnic and cultural groupings; in other words, ‘Can’t we all just get along?’)

Inclusive work environment (focuses on creating an organisational culture that embraces a broader



3 NCCRI, Ireland Embracing Cultural Diversity and Equality Commission for Northern Ireland 2006 *Changing Ireland*

4 Gabrielle Monaghan ‘Hire from abroad or its game over’ *Sunday Times Business and Money* August 3, 2008 p. 15

5 SHRM in conjunction with American Institute for Managing Diversity (AIMD) survey ‘State of Workplace Diversity Management’ Jan 2007

mixture of diversity; leverages and values the skills, abilities, experience and contributions of all of the organisation's talent; and ensures opportunities for all to reach their full potential.)

Strategic business integration (focuses on integrating diversity management practices throughout the organisation and externally, including vendors and suppliers, customers, communities, new business ventures, new products/services, mergers and acquisitions, etc.)

While the survey took place in the US, and therefore a very different context from Ireland, we can draw on the information it provides. The first aspect to highlight is the obvious importance placed on compliance with legislation already in place (e.g. Employment Equality Acts and Equal Status Acts.) This is important in the Irish context. Diversity management is about inclusion and inclusivity and therefore harmony in the workplace. But many workplace policies and procedures are about compliance, they are standard and legislated for practices and procedures that must be adhered to. These provide guidelines for diversity management which in turn enhances those practices to make the organisation an inclusive one.

Strategic policies and procedures are guided by various sources: 1. the legislative, 2. the moral case and 3. the business case.

1 The Legislative Case

This U.S. survey places significant importance on compliance with legislation as a rationale for workplace policy and practice in relation to cultural diversity. There is a considerable body of employer/employee legislation in place in Ireland. The Employment Equality Acts, with their focus on non-discrimination, diversity and equality have a key relevance for workplace policy on cultural diversity. This legislation provides a rationale for the introduction and implementation of such policies. It further serves as a guide to shape the content of such policies.

From the legislative perspective there is already a considerable body of employee/employer legislation,⁶ in particular The Employment Equality Act, which prohibits discrimination on nine

6 *The Employment Equality Act 1998* which focuses specifically on equality while outlawing discrimination on 9 specific grounds: Gender, Marital Status, Family Status, Sexual Orientation, Age, Disability, Race, Religion,

and Membership of the Traveller Community. The Equal Status Act 2000 prevents discrimination on the same 9 grounds in relation to access to property and in the provision of goods and services.

specific grounds, sexual harassment and harassment in the workplace. These should not be seen as discrete from the work here. The development of a strong diversity policy can be guided, influenced and supported by legislation already in place. The Acts allow for positive action to achieve full equality in practice in the workplace. Casework under the Acts (*Rasaq vs Campbell Catering*, Labour Court, EED 048) indicates that employers in certain circumstances may have to take positive steps to take account of cultural and linguistic diversity to ensure non-discrimination. A legislative rationale for workplace policies therefore suggests that these policies should have a broad focus on diversity across nine grounds and should be concerned with practices to eliminate discrimination, harassment and sexual harassment, to take account of cultural and linguistic diversity and to achieve full equality.

2 The Moral Case

Another reason for the introduction of policies is the moral imperative. It is quiet simply the right thing to do. Respect and dignity for the individual is the basis of this perspective. Indeed it should be the basis of all policies and procedures put in operation in the workplace. Corporate governance also requires that good policies be in place. Reputation is a non-tradable commodity in a globalized business world. Pubic awareness of bad policies and poor corporate governance can destroy a reputation both nationally and internationally. The exploitation of workers in Indonesia by Addidas is a case in point.

There is also direction being pointed out by political leadership from the Minister for Integration as the corporate sector is asked to:⁷

- Explore general social responsibility agenda in relation to newcomers
- Develop intercultural competencies at organisational level
- Maintain strict adherence to equality and employment law
- Promote integration in the workplace



7 Office of the Minister of Integration 2008 *Migration Nation: Statement on Integration Strategy and Diversity Management* p.18

While Trade Unions are asked to:

- Represent the interests of new communities within the workplace
- Support the integration of new communities as Union members and in wider civil society.

The report points out that there 'is a compelling case for properly managing diversity and integrating immigrants in the workplace as a necessary element of social inclusion. Moreover, there is a strong business case for this as well.' It goes on to add that the Minister will be consulting with employer and trade unions to develop a strategy to promote integration in the workplace.⁸

However, we need to start now by getting new processes of fairness in place that will allow for our workplaces to become even more supportive of diversity. The ESRI recently published a report showing that in general non-Irish nationals are somewhat less likely than Irish-nationals to secure the more privileged jobs in the occupational structure (managerial, professional and associate professional and technical occupations). In addition respondents from non-English speaking countries are less likely to secure the more privileged occupations.⁹

Additionally, they found that significant gender wage gap exists among migrants. Non-Irish national women earn about 15 per cent less per month than their male counterparts, even when taking into account other key influential variables (e.g. age; education; duration of time in Ireland; job tenure; work experience and English language skills). Therefore immigrant women from non-English speaking countries are doubly vulnerable to wage discrimination.

To address issues such as these we need stronger arguments than simply the moral case with which to develop fully integrated and inclusive workplaces.

8 Office of the Minister of Integration 2008 *Migration Nation: Statement on Integration Strategy and Diversity Management* ibid p. 47

9 Philip J. O'Connell and Frances McGinnity, 2008, *Immigrants at Work: Ethnicity and Nationality in the Irish Labour Market*, ESRI, Dublin

3 The Business Case

Perhaps the most engaging argument for managing cultural diversity is the business case.

From the organisational perspective it is the strategic aspect of diversity management which enhances internal and external relations, thereby fostering a better business environment and bolstering the bottom line.

Philip O'Connell and Helen Russell¹⁰ of the ESRI explored the business case for workplace policies using the data collected in a nationally representative survey of over 5000 employees in Ireland. They found that the presence of a formal policy on equality in the workplace is strongly associated with:

- lower levels of work stress
- higher levels of job satisfaction
- higher levels of organisational commitment.

They conclude that, given this association, equality policies are likely to also have a positive impact on organisational performance and hence be of benefit to employers.

In *The Business Impact of Equality and Diversity*¹¹ Professor Kathy Monks established the business case for equality and diversity management. Her work draws from a wide range of international research and she has shown clearly through the Equality-Diversity Value Chain that with the proper systems in place to support equality and diversity in the work place profit margins are enhanced.

Professor Monks found that policies in relation to positive action and equality appear to enhance organisational performance and that there is a relationship between diversity in top team membership and organisational performance. Her research identifies a number of factors that are critical to the success of equality and diversity initiatives. These factors include:

- top management support and committed high profile leaders who will demonstrate the importance of equality and diversity



10 Philip O'Connell and Helen Russell 2005 *Equality at Work? Workplace Equality Policies, Flexible Working Arrangements and the Quality of Work* Equality Authority

11 Kathy Monks 2007 (July) *The Business Impact of Equality and Diversity* Dublin: The Equality Authority and The National Centre for Partnership Performance

- the integration of equality and diversity into business objectives through inclusion in the setting of objectives, reward and recognition
- training to develop skills and competence in equality and diversity and to gain staff understanding and support for such initiatives.

More significantly and over time there are further outcomes which enhance the organisation's performance including: access to new labour pools and markets, the ability to attract high calibre applicants, enhanced corporate reputation and service levels and customer satisfaction. Monks concludes that diversity in top management enhances organisational performance and diverse work groups are a source of creativity.

In *New Models of High Performance Work Systems*¹² the authors quantifiably established the business case for High Performance Work Systems (HPWS) which have traditionally referred to a range of strategic human resource management practices. The authors in this research included, for the first time, a focus on equality and diversity systems in their examination of HPWS.

This research quantified for the first time in an Irish context the contribution made by diversity and equality systems across 132 companies to:

- increased labour productivity (accounting for 6.5% of the variance in labour productivity)
- increased workforce innovation (accounting for 7.9% of the variance in workforce innovation)
- reduced employee turnover (accounting for 4.4% of the variance in employee turnover).

The conclusion is that equality and diversity systems should be a focus in any future work on HPWS.

Clearly, putting in place the correct policies and procedures cannot be neglected. The results of their research showed that the gains in productivity and innovation levels associated with HPWS 'in stark economic terms, the order of magnitude can, for many companies, be the difference between success and failure.' The evidence is such that if we do not avail of all the opportunities that Ireland now has

12 Patrick J. Flood, James P. Guthrie, Wenchuan Liu 2008 (January) *New Models of High Performance Systems The Business Case for Strategic HEM, Partnership and Diversity*

and Equality Systems Dublin: The Equality Authority and National Centre for Partnership and Performance

in its grasp through the diversity of its people, enhanced innovation and creativity potential we will not be in a position to migrate up the economic ladder. The evidence further shows that equality and diversity strategies should now be considered an integral part of organisational strategy and there is in turn a quantifiable and positive impact from equality and diversity strategies on productivity, innovation and employee turnover.

Who this is for

There are many different sectors in the Irish economy including corporate, private, public, voluntary, small, medium, large, multinational, national, regional and local (to name but a few). Each sector will require a different approach and perhaps even a separate toolkit for each specific situation. It is hoped to start a wider discourse while providing initial guidelines to best practices and the possible ways of implementing those practices. It is intended as a starting point that may be useful to everyone to develop their own diversity policy best suited to their own situation.

Companies and organisations need to be proactive about getting cultural diversity policies and procedures in place. This requires an effort by everyone, not just the champions, so that everyone can benefit. Diversity management does not mean simply the assimilation of people into an organisation. It requires organisational and cultural change to allow for everyone within the organisation to maximize their potential in an inclusive culture which benefits all.

This toolkit will approach the task of identifying what works best using the following five headings:

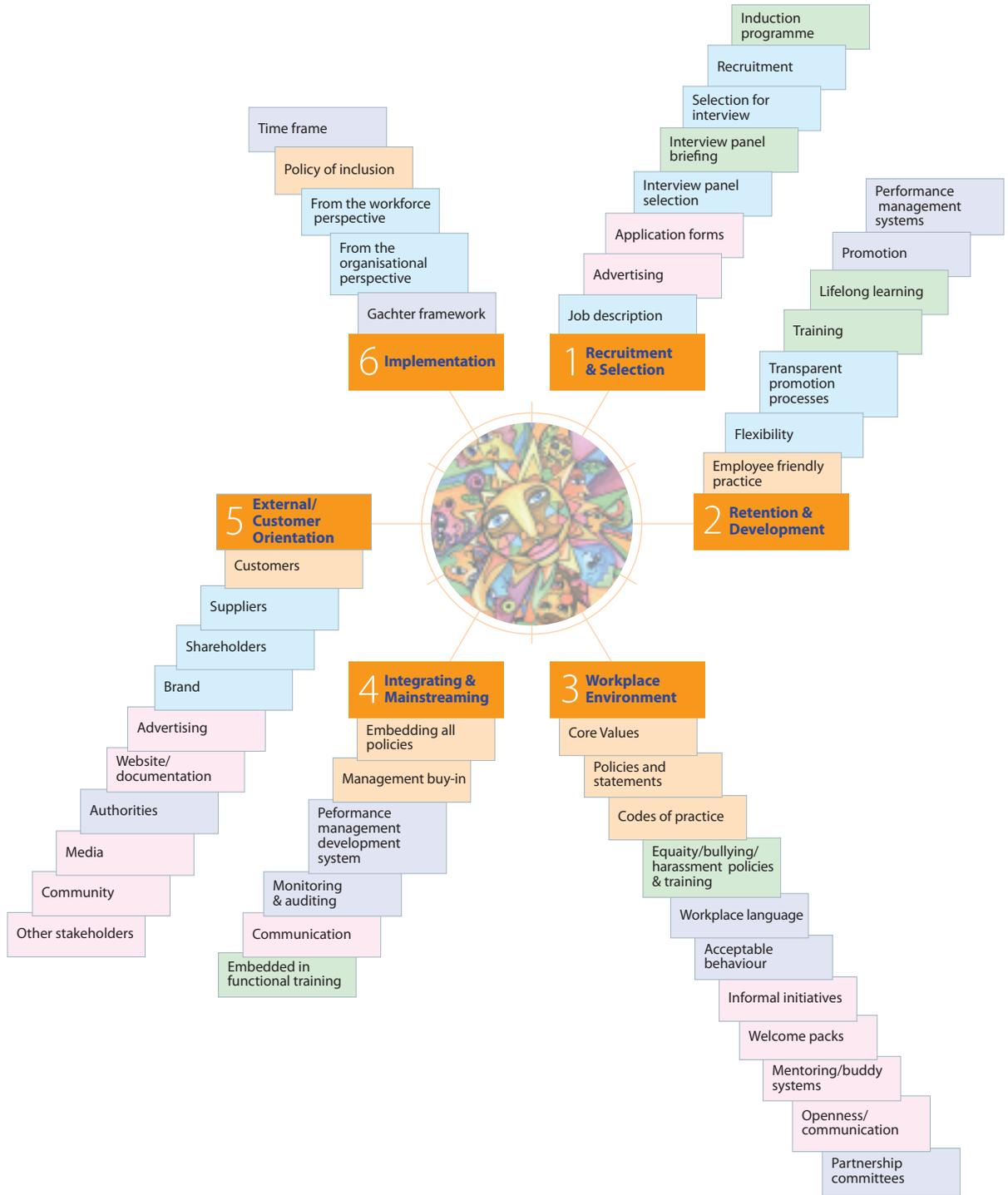


Toolkit sections

- 1 **Recruitment and Selection**
- 2 **Retention and Development**
- 3 **Workplace Environment**
- 4 **Integrating and Mainstreaming**
- 5 **External/ Customer Orientation**
- 6 **Implementation**

What is on offer is a set of codes and practices that can be put in place with relative ease and offer every worker an inclusive and dynamic environment in which to work. In all cases we have tried to be mindful of the different needs and resources of different sized organisations. For example small enterprises are challenged to adapt ideas into their particular settings and they need to act on the ideas contained in the toolkit.

Where possible we have tried to suggest alternatives taking into account the size and capabilities of organisations. The emphasis throughout is the use of common sense and practicality. More importantly, it should be recognized that this is not the final article on the matter. This is an evolutionary process. The intention is to get a good start so that proper, long-term, sustainable policies and procedures can be put in place as building bridges for the future. The aim is for an inclusive workplace where everyone is respected and thereby productively achieving their best with enhanced opportunities, placing Ireland well and truly at the pinnacle of the next stage of economic development.



Diversity Scorecard	Recruitment & Selection	Objective	Actions	Measure / Result
	Job description	e.g. to get best person for job	e.g. consult manager, employees in similar jobs, exit interviews	e.g. to obtain a suitable range of applicants and satisfactory appointment
	Job description			
	Advertising			
	Application forms			
	Interview panel selection			
	Interview panel briefing			
	Selection for interview			
	Recruitment			
	Induction programme			
Retention & Development	Objective	Initiative	Measure / Result	
Employee friendly practices				
Flexibility				
Transparent promotion processes				
Training				
Lifelong learning				
Promotion				
Performance management systems				
Workplace Environment	Objective	Initiative	Measure / Result	
Core values				
Policies & statements				
Codes of practice				
Equality/bullying/harassment policies & training				
Workplace language				

Diversity Scorecard	Acceptable behaviour			
	Informal initiatives			
	Welcome packs			
	Mentoring/buddy systems			
	Openness/communication			
	Partnership committees			
	Integrating & Mainstreaming	Objective	Initiative	Measure / Result
	Embedding in all policies			
	Management buy-in			
	Performance management development system			
Monitoring & auditing				
Communication				
Training				
External Orientation	Objective	Initiative	Measure / Result	
Customers				
Suppliers				
Brand				
Shareholders				
Advertising				
Website / documentation				
Authorities				
Media				
Community				
Other stakeholders				





Section 1

Recruitment and Selection

The first of our five areas to be tackled is Recruitment and Selection. From an organisational perspective, a well thought out recruitment plan will enhance the possibility of getting the right person for the job. This is also an important stage for the organisation to profile its employee-friendly processes, procedures and support systems. The more employee-friendly the organisation appears, the more likely high performance workers are to apply for the job on offer.

To provide for these opportunities this section on Recruitment and Selection covers:

- Job description
- Advertising the job
- Application forms
- Selection for interview (with note on recognition of qualifications)
- Conducting the interview
- Recruitment.

1.1 Job Description

The first thing to be considered here is the job. Specific job requirements, expectations, skills and possible training need to be set out so that everyone involved (the job applicants and the interviewers) know and understand what is required.

How to Draft a Job Description:

- Decide what is the main purpose or objective of the role
- What level or grade is it?
- To whom will the person report?



- Detail typical daily/weekly tasks and other responsibilities
- Detail the equipment and technology required to do the job
- Detail any necessary training or qualifications to perform the role
- Detail experience/skill requirements for the role:
 - Specific ‘hands on’ experience e.g. experience in a similar role and
 - ‘Soft’ skills required for the role e.g. communication skills
- Detail any physical demands of the role – e.g. hours of work, travel
- State whether a specific level of English is required.

When drafting the job description it is absolutely necessary to ensure that all requirements specified are essential for an individual to do the job e.g. if you put under skills ‘full driving licence’ but the role is office based then this clearly is not necessary and may exclude suitable candidates.

Sample job description	Job Description	
	Job Title	Payroll Specialist
	Department	Finance Department
	Location	Head office, Grafton Street, Dublin 2
	Reporting To	Finance Manager
	Scope and Purpose of the Role	Working as part of a team, will be responsible for and assist with the various aspects of the payroll function for 1,000 staff. Will work closely with other members of the Payroll Team.
	Key Responsibilities	<ul style="list-style-type: none"> ● Maintenance of information on joiners, leavers and salary changes data ● Input / update of maintenance and timesheet data. ● Calculation of monthly adjustments, e.g. overtime, unpaid leave, Social Welfare, Maternity leave etc. ● Liaison with HR ● Dealing with staff queries. ● Reconciling and maintaining staff deduction accounts (Healthcare, travel Pass and other benefits.) ● Collation and distribution of payroll reports and payslips. ● Responsible for preparation and issue of P.45s. ● Ad hoc requests which may involve Pension and/other Finance Department duties. ● To assist with completing the monthly/annual statutory returns <p>The above is not an exhaustive list and the role will include completing any other reasonable task requested by management, which may include tasks outside the normal scope of this position.</p>
	Experience/Skills Required	<ul style="list-style-type: none"> ● Demonstrated experience in a similar role ● Demonstrated experience in payroll IT system ● Demonstrated IT skills in Excel and Word
Education/Qualifications	Diploma/Certificate in a business related discipline. Relevant Payroll Qualification	
Interpersonal Skills	<ul style="list-style-type: none"> ● Strong communication skills (able to communicate effectively with people at all levels of the company) ● Energetic self starter with a positive attitude. ● Uses initiative, discretion and able to work under pressure. ● Takes responsibility for ensuring work is completed efficiently and within deadlines. ● Able to multi-task and respond to changing priorities ● Solution orientated - strong problem solving skills ● Proactively encourages teamwork and builds positive working relationships with all team members ● Methodical and consistent approach with strong attention to detail ● Carry out work in a discretionary, confidential manner. 	



1.2 Advertising

Issues

How to advertise, where to advertise, who to target, are all questions around the initial recruitment process. In particular, problems arise when there are no clear policies and procedures in place.

Processes to consider while enhancing diversity advertising:

- Include an equal opportunities statement in all advertisements
- Consider adding a statement like ‘we welcome applications from all diverse groups’
- Place advertisements in designated community media, job fairs, churches wherever minority groups frequent
- Target schools and training centres
- Consult with existing minority employees for the best way to encourage applications from their group
- Consult trade unions and minority groups on the best strategies for encouraging applicants
- Consult with non-Irish community representatives and their websites
- Translate job advertisements (where applicable, for example for call centres advertisements could be translated to attract the most appropriate employees)
- Translate application forms (where applicable as above).

Ensure that all advertisements comply with appropriate legislation and communicate no intention to discrimination.

Consider a confidential equal opportunities monitoring form. This will assist in keeping records of who applies for which jobs and whether people were successful offering suggestions for changes in procedures too. A detailed example (which can be considerably reduced) can be found in Appendix 1.

Checklist for advertisement content

- Title of the job
- Level of the job
- Location of the job
- Company name
- Comprehensive description of the job
- Personnel specification
- Contact details for application (Name/tel no/email address)
- Contact details for informal information (if different from above)
- Closing date for application
- Equal opportunity statement
- Note to advise internal applicants to inform their managers of their applications
- Request for proof of clean current driving license if the job requires the incumbent to drive

1.3 Application Forms

- Application forms should be structured. If the employer requires all questions to be answered by all applicants this should be stated clearly. There is an example of an application form in Appendix 2 (General Application Form).
- If you want to know about an applicant's work status request copy of their Valid Work Visa (see Appendix 2).
- Avoid the accusation of discrimination by asking all perspective employees for the same documentation. Many organisations require two references. This can pose a problem for many non-Irish applicants as they may only have had one employment opportunity in Ireland prior to making this application. Another reference may have to come from their country of origin. So it may be best to ask for references without specifying the number. If the applicant then appears interesting from an employment perspective further enquiries can be agreed.
- However, an interesting case in the last few months has placed another angle on this issue and shows how this area is still evolving:



On or about August 6 2001 an employment agency, Ice Group, placed an advertisement on behalf of Company X in the Western People newspaper looking for temporary production operatives. All applicants were required to supply two references. Ms. Czerski applied for a position and was sent a Database Registration Form to complete, which she did. However, she failed to furnish details of two referees. Nonetheless, she was asked to attend for interview on August 20th which she did. The following day Ms. Czerski was informed by telephone that there were no positions available but that her application would be retained on file and the agency would contact her should a vacancy arise. Early in September a representative from the agency acting for Company X visited Company Y where Ms. Czerski was currently working to recruit for jobs but Ms. Czerski was not asked for interview.

Subsequently, Ms Czerski contended that the insistence on the provision of two referees constituted less favourable treatment of her on the grounds of her gender and race and that this constituted discrimination in terms of Section 6 of the Employment Equality Act.

The Equality Tribunal in hearing the Czerski –v- Ice Group case and accepting Ms Czerski’s version of events, awarded her €7, 000, finding that the requirement of two references amounted to indirect discrimination on the grounds of race.

In early 2008 the Labour Court in accepting the evidence put forward by the Ice Group determined that a requirement that had been laid down by the employment agency for a Polish job seeker to provide two references, one being a character reference, did not equate to discrimination either direct or indirect in terms of race or gender. The Court further found that the requirement to provide two references, one being a character reference, meant that the non-Irish nationals would not be placed ‘at any greater disadvantage than a National’. (Full decision is available online <http://www.labourcourt.ie/>)

‘While this decision made considerable reference to the fact a character reference was acceptable as one of the references in this decision, it is likely that in future an employer who seeks two job related references, will not be generally considered to have discriminated against an applicant.’

David Fagan, Partner Employment Law Unit of O’Donnell Sweeney Eversheds

This situation raises a number of issues for employers:

- 1 It indicates the fluidity of the situation particularly in that two of the State's law interpreters can differ so much in opinion.
 - 2 It is a condition of non-Irish workers that they may not be able to present two work related references. That being the case the insistence upon the requirement of two work related references may exclude the best person for the job from the selection process.
 - 3 Although not necessarily relevant to the case above bad publicity, where discrimination is alleged, can also harm the organisation's reputation and customer loyalty.
- Questions about nationality are best left off the application form. Such monitoring can be done by way of a separate and confidential equal opportunities monitoring form (See Appendix 3)
 - Ensure that the job description includes all relevant details and contains non-discriminatory statements regarding duties, responsibilities and experience required.

Additional areas to consider to enhance diversity

- Consider offering pre-employment training or work experience placements.
- Consult with advocacy, community and representative organisations on each minority group requirement so that an appropriate induction kit or programme can be designed.

Benefits of good practice

- Avoid legislative risk by following all laws already in place.
- Employee base will represent the surrounding community.
- More extensive advertising will yield a greater pool of appropriate applicants.
- Through the use of a variety of tools the best talent will be attracted to the advertisement.

Monitoring

Monitor the application process for each vacancy. If this is done it will reveal any weaknesses in the process. For example, if only Irish men apply for the vacancy is there something wrong with the



advertising process that it does not make an appeal to a much more diverse audience. The process of monitoring will enhance procedures and improve the possibility of getting the best person for your organisation.

1.4 Selection for interview

Issues

How to proceed to put in place a rigorous selection process from the information supplied in the application forms? How to cross reference academic and other qualifications?

The experience of cases under the Equality Legislation indicates that employers need to be very specific and clear in their procedures and requirements when dealing with recruitment agencies. Similar procedures would apply to all involved in the process.

Processes to consider

- Implement a systematic and objective selection procedure to ensure that the best people for the job are selected
- Establish rules so that the same procedures are applied objectively, consistently and equally to all applicants
- Tailor procedures to your organisation's needs
- Ensure that selection is made on the basis of job description and relevant qualifications
- Your organisation may wish to reflect the diversity in the surrounding community or you may need to consider specific language skills
- Ensure that there is no cultural bias in assessment processes
- Ensure that the selection panel is trained in Equality and Diversity Legislation for the process of selection and well briefed on job specifications
- Try to ensure that the panel is representative of the diversity within the organisation
- Check qualifications and try to ensure recognition of qualifications.

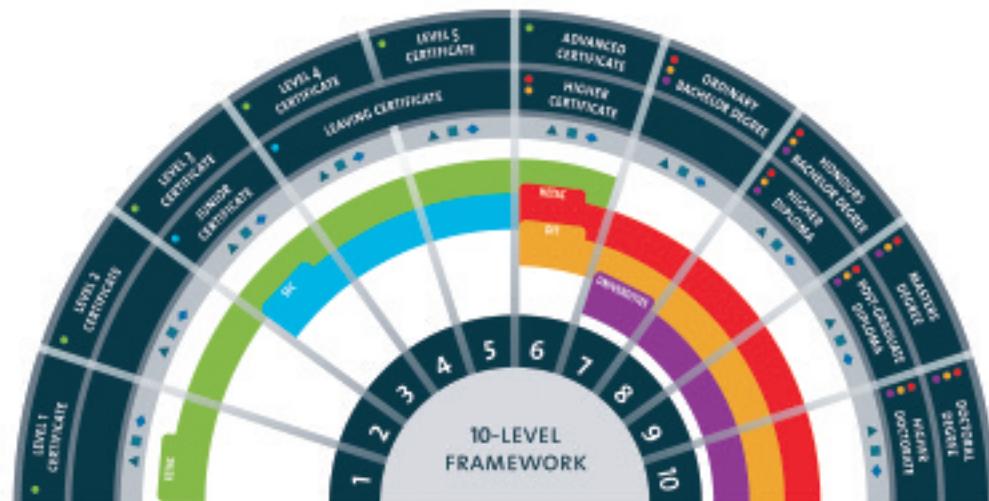
Note on qualifications

There is a tendency to regard qualifications from other places with suspicion. This is somewhat unwarranted and can be rectified through reference to the National Qualifications Authority of Ireland (NQAI) and the National Framework of Qualifications.

In the Irish context The National Framework of Qualifications looks like this:

Level	As applied in Ireland
Level 1	Certificate in specific skill set, e.g. basic computer skills
Level 2	Certificate, progression from level 1 in specific skill set
Level 3	Junior Certificate
Level 4	Leaving Certificate Applied & Ordinary
Level 5	Leaving Certificate Higher
Level 6	Higher Certificate, e.g. post-leaving certificate
Level 7	Pass Degree
Level 8	Honours Degree & Higher Diploma
Level 9	Post-Grad Diploma & Masters Degree
Level 10	Doctorate & Ph. D.

The NQAI presents it as follows:



Source: <http://www.nqai.ie/>



The NQAI is the Irish centre for the recognition of international qualifications, known as Qualifications Recognition - Ireland. It is an agency of the Department of Education and Science and the Department of Enterprise, Trade and Employment. It has responsibility for developing and maintaining the National Framework of Qualifications (NFQ). The NFQ is a system of ten levels (1-10) that incorporates all qualifications which may be used to compare qualification standards from different countries, see example below.

The NFQ -Initial Major Award Types & Awarding Bodies

FETAC Further Education & Training Awards Council - Awards for education and training after second-level. Programmes by public and private bodies such as FÁS, Teagasc, Fáilte Ireland and Further Education Colleges

SEC State Examinations Commission (Department of Education & Science) – Junior and Leaving Certificates

HETAC Higher Education & Training Awards Council

DTI Dublin Institute of Technology

Universities

National Framework Qualifications	National Framework Qualifications–International Comparisons					
	NFQ Levels	Ireland	USA	Nigeria	Poland	
	Level 4	Level 4 Certificate			Swiactwo UkonczeniaSzkoły Zasadniczej	Certificate of Completion of Basic Vocational School
		Level 4 Certificate			Swiactwo Ukonczenia Technikum / Swiactwo Ukonczenia Liceum Technicznego	Certificate of Completion of Technikum or Technical Liceum
	Levels 4/5	Leaving Certificate		General Certificate of Education	Matura/Swiactwo Dorzjalosci	Certificate of Completion of secondary education (requirement for entry to higher education)
		Level 5 Certificate			Swiactwo Dorzjalosci Technikum	Technical Matura from a Technikum or Liceum Zawodowe
	Level 6	Higher Certificate	Associate Degree	National Diploma		
	Level 7	Ordinary Bachelor Degree		Higher National Diploma		
	Level 8	Honours Bachelor Degree	Bachelor Degree (4 years)	Bachelor Degree	Licencjat or Inzynier	
	Level 9	Masters Degree	Masters Degree (Research)	Masters Degree	Magistr / Magister	
Level 10	Doctoral Degree			Doctor / Doktor Habilitowany		

Table: Examples of Internationally Comparable Qualifications

Source: International Qualifications Database - <http://www.qualificationsrecognition.ie>

For further information and assistance check out http://www.nfq.ie/nfq/en/employer_recruiter.html

The European Qualifications Framework for Lifelong Learning (EFQ) was formally adopted by the European Parliament and Council in April 2008. EFQ is an overarching qualifications framework or common European reference framework which links countries' qualifications together, acting as a translation device to make qualifications more readable and understandable across different countries and systems in Europe. Referencing of the Irish National Framework of Qualifications to EFQ will commence in the Autumn of 2008



1.5 Conducting the Interview

Issues

Who is on panel? What does the panel need to know about the job specification and the applicants?
Is the interview place accessible to all?

Be aware of and avoid a situation of ‘interview board paralysis’ often generated by a fear of being politically incorrect. This sometimes occurs when panel members are uncertain about the appropriate language to use during the interview conversation. The best way to avoid this is to use trained and experienced interviewers.

The Interview

Getting the right person for the right job is an important process for any organisation. The most popular method is the straightforward face to face job interview at which it will be established that the candidate has the skills and the knowledge, gained through education or experience, to do the job.

Aim of the interview

The main aims of the interview are:

- 1 To collect information to predict how well the applicants would perform in the job for which they have applied, by measuring them against the predetermined criteria
- 2 To provide the candidate with details of the job and the organisation
- 3 To conduct the interview in such a manner that candidates feel they have been given a fair hearing
- 4 To recommend suitable candidates, subject to relevant medical and reference checks.

Interview preparation

As the job interview is a subjective method of selection it is advisable to ensure that all interviewers are well trained in the process.

Before the interview takes place, all interviewers should be aware of exactly what the organisation is looking for in the candidates. The job description and selection criteria should be read, discussed and fully understood prior to the interview, so that interviewers are in a position to assess the required qualities in each of the candidates. They should have a good general knowledge of the company, its ethos and culture.

Choosing the correct interview panel is important. There should be a gender balance and a cultural balance if appropriate. They should also have good interpersonal communications skills and be trained and experienced in cultural competencies for interviewing. They should have a good understanding of how bias and cultural misunderstandings can affect the selection process.

Each interviewer should be given tasks of equal importance to undertake during the interview. Questions may be divided up among the panel. One member of the panel should be given the task of taking notes as it will be necessary to review what answers were given at a later stage.

The interview needs to be designed to collect relevant information. This can only be done by preparing a list of questions in advance which will allow the candidate to supply the answers required. Each candidate should be asked similar questions. The main questions may be followed up by supplementary questions that are specific to each candidate which seek to probe or extend the information that has been provided in answer to the main question. Following a similar process with each candidate ensures that:

- no major area is left uncovered
- distortion and bias are reduced
- information is easier to record and recall
- information is assembled in an orderly fashion
- the interviewee talks for the maximum time
- the interviewer is able to concentrate on the candidate.

The questions themselves should be:

- simple and understandable
- not multiple or leading
- phrased in a way that will provide the type of information required



- cover all the areas, both factual and behavioural
- be free from bias
- enable candidates to explain why they are best suited to the job.

The interview panel must bear in mind that some of the candidates may not have English as a first language and therefore they should tailor their questions to be easily understood and allow the candidate additional time if necessary. Additional probing may be needed to establish the level of educational qualifications and experience if they have been gained abroad.

The layout of the interview room is also important. It should as far as possible encourage openness and avoid physical barriers between the candidate and the interview panel. Imposing austere furniture layout can have a detrimental effect on a candidate's ability to express themselves.

Establish rapport

Establishing good rapport with the candidate is the cornerstone of a good interview. Without a relaxed candidate it is unlikely that an interview will be successful. During this opening phase the interviewers should greet each candidate by name and shake hands. A gentle enquiry on an everyday topic, for instance the weather or traffic problems, can help break the ice and encourage candidates to relax. The purpose and structure of the interview should be explained, along with the position that is being interviewed for, the reason that it has come about, and the general background of the organisation could be given. The candidate should also be told that they will be invited to ask questions at the end.

Incomplete answers and problem areas must be probed, while an atmosphere of trust is maintained. The interview should begin with relatively simple questions allowing the candidate to relax and then move on to more complex questions. The candidate should be afforded ample time to think and answer.

The candidate should be encouraged to ask questions of the interview panel. These may range from questions to do with the organisation, the job itself, promotion prospects, remuneration etc. Whatever is asked should be answered as completely and correctly as possible. Incomplete answers or a reluctance to answer specific questions from a candidate can create a sense of unease in a candidate, which may result in the chosen candidate refusing a job offer.

Before concluding the interview, it is important to give the candidate an opportunity to advise the panel of additional relevant information which did not come to light in the main body of the interview. The candidate should be given information about what is going to happen next in the selection process and what timeframe is involved. Finally, the candidate should be thanked for attending.

Examples of useful types of questions

Reflective – to check that the interviewer understands correctly what the candidate has said, e.g. am I right in thinking that ...?

Hypothetical – to test out possible reactions to a certain situation e.g. how would you react in a given situation?

Pitfalls

The selection process, like any other process, is prone to errors. The most common errors interviewers succumb to are the:

Primacy Effect – judging the candidate within the first moments of an interview.

Cosmetic Effect – judging the candidate on how he /she looks.

Similarity Effect –believing that because a candidate has similarities with the interviewer they will be good at the job.

Halo Effect – allowing one good answer to distort the totality of the interview.

Negative Effect – allowing one poor answer to distort the totality of the interview.

Work hard to keep an open mind throughout the interview and allow time to ensure that there is full understanding between all parties.

Non-verbal communication

Research has shown that in normal everyday conversation 10% of communication is through the spoken word, 40% is from the tone and level the voice and 50% is communicated through non-verbal



communication. Although a formal interview differs from normal conversation there is no doubt that non-verbal communication plays a major role in all face to face interviews. With this in mind, all interviewers must pay heed to what is known as active listening in order to improve the communication which is taking place in the interview.

Active listening is a vital part of the interview process and requires:

- concentration on what the candidate is saying
- watching what they are doing
- thinking about what is being said
- using appropriate movements to encourage dialogue, e.g. smiling and nodding
- not fiddling with pens etc.
- not looking at your watch
- maintaining eye contact
- not being distracted.

The equality perspective at interview

The Employment Equality Act, 1998/2004 makes it illegal to discriminate in relation to recruitment and selection on any of the following nine grounds:

- gender
- marital status
- family status
- sexual orientation;
- age;
- disability (physical or mental)
- race
- religion
- membership of the travelling community.

Interviewers must be aware of discriminating unfairly in interviews against job applicants particularly on these grounds. There should be a gender and cultural balance on the interview panel as

appropriate. It should be stated during the ‘welcoming stage’ that the organisation is an equal opportunities employer. A similar range of questions should be asked of each candidate and the candidates should be informed of this process. If one candidate cannot be asked a specific question, the question should not be put to any of the other candidates. Comprehensive interview notes should be filed for twelve to eighteen months for reference purposes.

Interviewing – appropriate questions

Best practice for interviewers

- Ensure all interviewers are trained in Equality Legislation and its implications
- To help avoid discrimination, prepare relevant questions in advance of the interview – that is questions that are directly related to assessing an individual’s ability to do the job e.g. ‘Tell me about your previous payroll experience?’ ‘Tell me what skills you could bring to this role?’
- All candidates should be asked the same core questions. If you cannot ask the same question of all candidates then you should not ask it at all
- All questions should be related specifically to the requirements of the job.

Examples of inappropriate questions include:

- Asking an older person if it would bother them working in an office with predominately younger colleagues
- Asking a woman candidate if she were successful in attaining the role, who would mind her children
- Asking a Black person if he minded working with White people?
- Asking for place of birth
- Asking a male candidate if he would mind working in a female dominated environment?
- Assuming you know the religion of an applicant, asking any specific questions about that religion
- Asking a married woman how committed she would be to her job



- Asking an interviewee what their spouse thinks of them applying for the job
- Asking how, as a young person, a candidate would feel about taking disciplinary action against someone old enough to be one of his or her parents
- Asking a person with a disability if their disability has ever prevented them from performing certain aspects of their job in the past
- Asking how you would feel working with people from a different cultural background.

Processes to consider in enhancing the interview process

- Adopt a common sense approach
- Establish and maintain standardized and objective processes
- Only use trained (diversity and equality) interviewers
- Brief interview panel on job description and company's expectations
- Keep accurate and legible notes
- Ensure that diversity within the organisation is represented on the panel and with a mix of interview styles (as far as possible)
- Consider arranging translation facilities for the interviews (if English is not a requirement)
- Consider the fact that some non-Irish nationals under sell themselves in the interview process for reasons of economic expediency or lack of familiarity with the system.

Benefits of good practice

- Selection of the right person for the job
- Compliance with legislation especially when processes are standardized

1.6 Recruitment

Issues

Work permits, Garda vetting, what should be included in Terms and Conditions of employment?
What is involved in induction training?

Procedures for consideration

- Work permits can take time to process and the best place to contact in this regard is Department of Enterprise Employment on <http://www.entemp.ie/labour/workpermits/>. When checked on September 23, 2008 the website showed:

Current Processing Times: Applications are processed strictly in date of receipt order.

Today we are processing applications received on the following dates for the specific types of permits.

- Green Cards 11th Sept 2008
 - Work Permits 09th Sept 2008
 - Medical Professionals 04th Sept 2008
 - Spousal/Dependant 08th Sept 2008
 - Intra-company Transfer 15th Sept 2008
- There is a requirement to have applicant documentation such as work permits checked by the Gardai. This vetting can also apply to people working in sensitive areas such as the judiciary and the police force. The vetting process takes time and costs. To expedite the vetting process a candidate who is determined to be of particular interest to an organisation can be asked to sign a Declaration subject to verification (see example last page Appendix 2).
 - An additional consideration is that the Garda vetting process is driven by the employer so the onus is on the employer to follow up with the Gardai.
 - There are situations where English is required. If an employer hires someone knowing that their English is not up to scratch then English courses may be provided.

Tip: If language training is provided make it available to all employees no matter the standard of English. This has a number of benefits. The first is that everyone is being treated equally and



secondly even those with a relatively good standard of English can benefit and glean greater confidence. This work related language training must be available to all.

- Have all relevant contract and employment related documentation translated so that all employees understand the terms and conditions of employment and any Health and Safety regulations.

Case history

Avoid the possibility of censor such as the case of the Equality Tribunal V's Goode Concrete Ltd where the Equality Tribunal found against the company in favour of 58 non-Irish employees in that the employer had discriminated against them on the grounds of race. The terms and conditions of employment and safety documentation were not set out in a 'language that was understandable to each of them.....or where there was no evidence that these terms and conditions of employment were explained to each of them by a person speaking a language they understood who was appointed by Goode Concrete Limited for this purpose'. The Equality Officer hearing the case went on to order that the company put in place procedures for ensuring that terms and conditions of employment and safety regulations are made clear to all such employees.¹³

This decision may well be appealed in the near future. For the moment it is important to realise that this is an evolving area and is subject to change. In fact as we progress the development of our polices, processes and procedures we should realise that they too will be subject to constant review and change.

Terms and conditions of employment

Terms and conditions of employment can differ greatly from one organisation to another. There are legislative requirements which must be met by all organisations but there are also extras that employers can use as enhancements. A suggested list is offered in Appendix 4. This list is not comprehensive and as such should be taken as suggestive. However, there are some areas worthy of highlight.

The first point here is that once the terms and conditions are laid out clearly the employee knows exactly where he/she stands. So a clear statement of the terms and conditions is important in every case.

Secondly, having this statement in place indicates that the introduction of systems and processes has already begun within the organisation. This will have the effect of reducing time over negotiations and the potential for disputes.

Thirdly, enhanced conditions will make a position more attractive to talented workers and thus increases the pool of applicants. Examples of these enhanced conditions include: term time leave; special unpaid leave for parents of school going children; study leave; and exam leave.

Induction training

Induction sessions for new workers are a very useful and practical way of introducing new employees to work place practices and procedures. Larger organisations can perform these as part of on-going training. For smaller firms one approach could be that the new employee spends a set time with a staff member while learning the ropes in the initial stages. There are many ways to perform the induction function. The important thing is to be flexible in your approach to the process and operate within the limitations of your organisation. Induction sessions should include training on Equality Legislation on anti-bullying, sexual harassment and harassment.¹⁴

Welcome packs: can be provided covering areas such as housing, health, education and community based advice and support services to assist the individual with useful general information for getting settled in the area.

Included in this should be statements on the organisation's equality, sexual harassment and anti-bullying policies. Where possible it would be a very good idea to include the organisation's policies on dress code and development policies.



¹⁴ For example see Equality Authority 'Code of Practice on Sexual Harassment and Harassment at

Work' available on www.equality.ie

Processes to consider for the improvement of new worker induction

- Prepare training programmes based on needs (e.g. language, work practices etc.)
- Translate (where necessary) all contracts, safety policies and procedures. If an employer employs migrant workers who originate from countries where English is not the first or spoken language and who does not translate relevant documents s/he is then at risk of committing one or more acts of unlawful discrimination. The translations process can incur additional expense but it is best to secure against possible legal issues. In addition it will make the induction process easier for the migrant workers if they can see and understand policies and procedures in their own language. The translation of an employee handbook including all health and safety regulations, contracts, workplace policies and procedures is recommended.
- Mentors and buddies are useful in large organisations for induction to an organisation's policies and procedures. Establishing a mentoring or buddy system made up of existing staff familiar with the organisations rules, practices and procedures can introduce the new employee to these practices and standards. This can be done subsequent to induction training or in place of it depending on the size of the organisation. From an informal perspective the mentor and buddy system is very useful in creating a more sociable working environment.
- Get feedback from the employee on training to establish the success of the induction sessions. Introduce a monitoring system to maintain high standards.

1.7 Overall comments

Monitor applications, job offers and promotion statistics to keep a record of progress and progression. Putting these changes and monitoring systems in place is all part of getting a diversity plan started.

Benefits

- Enhanced integration in the workplace
- Compliance with legislation

Recruitment, Selection & Promotion Processes

Recruitment, Selection & Promotion Processes		
1 Job Description		
Title, Department, Location	<input type="checkbox"/>	<input type="checkbox"/>
Position of line manager/supervisor	<input type="checkbox"/>	<input type="checkbox"/>
Grade (if applicable with explanation)	<input type="checkbox"/>	<input type="checkbox"/>
Full/part-time; permanent/fixed contract duration	<input type="checkbox"/>	<input type="checkbox"/>
General scope and purpose of role. Which team etc.	<input type="checkbox"/>	<input type="checkbox"/>
Key Responsibilities		
• list key objectives and activities	<input type="checkbox"/>	
• list specific tasks and duties	<input type="checkbox"/>	
• include caveat that list not exhaustive and that position will involve other reasonable tasks requested by management including tasks outside of normal scope of position etc.	<input type="checkbox"/>	
Experience required		
• Demonstrated experience in ...	<input type="checkbox"/>	
• Do not list number of years of experience	<input type="checkbox"/>	
Competencies & Skills		
• List skills required based on evidence of capabilities for the position	<input type="checkbox"/>	
• List demonstrated skills – to show experience	<input type="checkbox"/>	
• IT skills	<input type="checkbox"/>	
• Other technical skills	<input type="checkbox"/>	
• English language skill – level required	<input type="checkbox"/>	
• Other language skills – level required	<input type="checkbox"/>	
Educational Qualifications		
• Educational level required and subject area if applicable	<input type="checkbox"/>	<input type="checkbox"/>
• Specific qualifications if applicable (e.g. professional, craft, driving, health & safety)	<input type="checkbox"/>	<input type="checkbox"/>
Interpersonal Skills		
• List appropriate skills and competency levels e.g.	<input type="checkbox"/>	
• communications	<input type="checkbox"/>	
• initiative	<input type="checkbox"/>	
• team work/management	<input type="checkbox"/>	
• decision-making and responsibility	<input type="checkbox"/>	
• confidentiality	<input type="checkbox"/>	
• ability to manage projects	<input type="checkbox"/>	
• customer related	<input type="checkbox"/>	
Salary, Benefits	<input type="checkbox"/>	<input type="checkbox"/>
2 Advertising		
• internal / external	<input type="checkbox"/>	
• consult with relevant groups/employees on how to attract diverse groups	<input type="checkbox"/>	
• select appropriate media including own website	<input type="checkbox"/>	
• use local, community media, groups and resources	<input type="checkbox"/>	
• use education and training institutes	<input type="checkbox"/>	



- consider language
- include statements on equal opportunities & on welcoming applicants from diverse groups
- use diverse images - ads/website promote image of organisation
- outline all steps in the recruitment process (e.g. on website)
- direct people to use of common application form
- ensure that the required skills, competencies and qualification are clear
- ensure compliance with legislation
- translate where applicable

3 Application Forms

- all applicants to complete common application form
- structured
- if work status is relevant ask for copy of permit/visa etc
- ask everyone for same documentation
- references – do not specify number required (refer to example)
- do not ask for nationality
- ensure compliance with legislation
- monitor and document application processes
- self declaration on suitability for job if applicable

4 Selection for Interview

- ensure specific and clear procedure
- apply rules consistently to all applicants
- decide if there is a call for recruitment from other diverse groups
- monitor and document selection processes
- consider other selection processes e.g. on-line screening, psychometric tests and job specific assessments
- do not discriminate on the basis of the standard of English unless it is to be used as a valid test of the competency required for the position
- refer to the National Framework of Qualifications where necessary
- if outsourcing selection process ensure that the agency is clear on policy

5 Interview Panel

- ensure panel properly trained in interview techniques and competency based interviewing
- ensure panel properly trained in diversity and equality matters
- appoint a diverse panel where possible
- provide proper pre-interview briefing to ensure clear understanding by all of the job description, requirements and expectations

6 Conducting the Interview

- interview begins as soon as the candidate enters the premises
- interview does not end until the candidate leaves the premises

- follow standardized procedure for all interviews
- ask all candidates the same core questions
- all questions should relate to the specific job requirements
- keep accurate and legible notes
- if appropriate consider using a translator
- be considerate of non-native speakers conducting interviews in English as this adds to the stress of the occasion
- be patient in allowing candidates time to consider and answer questions
- do not ask personal questions unless clearly relevant to job e.g.
 - do not ask why or when a person came to Ireland
 - do not ask where a person was born
 - do not ask if a person is married or if they have children
- invite candidates to ask questions at the end and answer fully
- invite candidate to advise panel of relevant information not covered in the interview
- inform candidate of the next stage and the expected timeframe

7 Recruitment

- clarify language requirements – check for latest case rulings
- provide a clear statement of and ensure the candidate understands of terms and conditions of employment
- other things to consider
 - work permit regulations and processes (www.entemp.ie)
 - check if there is a requirement for Garda vetting/clearance (e.g. for working with children and vulnerable adults)
 - English language competency and training requirements

8 Induction Programme

- establish an induction programme either as a dedicated training session or allocated time with an assigned employee
- design the programme based on needs – language/work practices
- where necessary translate contracts, safety policies and procedures
- consider a 'buddy' system/mentoring programme
- follow-up at regular intervals after recruitment to establish good and open communication channels
- get feedback, monitor and evaluate the recruitment and induction processes

9 Welcome Packs & Mentor/'Buddy' Systems

- in addition to organisation and HR related information include:
 - local area information: accommodation, transport, community groups, social/health services, schools, leisure activities, shops etc.
- information/assistance with banks, PPS, tax, permits
- assign a buddy/mentor to assist new employees





Section 2

Retention and Development

'Good retention policies cost a lot less than recruitment'

When an organisation finds that good staff is in place it is important to find the means to retain those people and integrate them into the organisation. To achieve this, a good approach is to start by assessing their needs and what the organisation can do to support them.

This section covers the following areas: making allowances for cultural differences, promotion and development, exit interviews.

2.1 Making Allowances for Cultural Differences

Consider the following as a way forward:

- Where possible establish focus groups to get feedback from migrant and/or minority workers in the organisation. This could lead to unexpected revelations such as an established mind set within the organisation. Should this be identified, use training and/or ways of communication to change the mindset. It may be appropriate to use a third party for this exercise.
- For larger organisations consider the use of employee's assistance programme. This is not a HR function and should be outsourced so that it is perceived to be separate from the organisation. The advantage of this type of arrangement is that the employee will be more at liberty to express themselves about their anxieties and more willing to seek help on both work and non-work related issues once they feel that the support is provided by someone other than work related. A good example of this is found in Ulster Bank with their Help Direct service:

Help Direct

We provide a free confidential advice service to all our people covering areas such as childcare, relationships, legal matters, eldercare, work and stress. Support is provided via telephone and written materials and even access to short term counselling - available 24 hours a day, 7 days a week. The bank is committed to providing its people with a safe and secure working environment and this is detailed in the Staysafe booklet sent to all new joiners.



- Set up/facilitate an ‘international group’ or support group which would provide a networking group for non-Irish nationals and their families
- Flexible holidays or unpaid leave for longer visits home for marriages, holidays or other significant family occasions
- Implement work-life balance policies that can accommodate flexible arrangements for additional unpaid leave, religious duties, cultural imperatives and significant family events. For example, if an employer allows for the observance by Christians for Ash Wednesday it would be a form of direct discrimination not to permit similar observance by members of other faiths
- Accommodate the need for sudden visits home in cases of family emergency, illness or death.
- Provide flexibility around important national and religious events
- Celebrate relevant national day’s ethnic or religious holidays or festivities
- Cater for dietary requirements
- Accommodate (where possible) dress code requirements. If this is not possible, for example, due to Health and Safety reasons ensure a clear statement on type of dress required.
- Accommodate native language use where possible (If there is an English requirement policy make sure the applicant is aware from the outset)
- Have a team of translators or interpreters on call where necessary.

2.2 Promotion & Development

The BizLab members have defined promotion as ‘an employee moving to a higher position or grade’.

Many busy organisations do not have time to consider lengthy processes of promotion. Sometimes, when a person suddenly leaves and the position has to be filled, the result can be a ‘horrid selection process that results in the person with the most practical experience in the affected area being selected’ (BizLab member).

The member went on to add the downside of this process: ‘often a candidate is simply selected from

a pool and dropped into a more senior role and expected to learn on the job. Little consideration is given to supervisory ability, if they were actually the right person for the job, was the selection process biased etc.’

In other words, there are no support systems in place to support people in new positions.

To ensure that the person can fulfil the new role training should be provided. If this is not feasible then mentoring should be considered by a colleague of similar grade or above. This will allow the newly promoted person access to ideas on how to develop in the new position and how to manage the team.

The ‘quick fix promotion’ can cause further problems for the new recruit and the organisation. Take for example the situation where the organisation is country wide. Dublin, with a great density of non-Irish, is more likely to have non-Irish employees in the organisation. A smaller office based outside of Dublin will be more likely to be made up of all Irish employees. If, for the sake of expediency, a non-Irish employee is promoted (assuming that the person is for all intents and purposes deemed eminently suitable) without an interview, this may well cause friction and resentment for the newly appointed person.

In a more structured promotional situation there is always an element of subjectivity in the promotion process. For example one BizLab member noted that:

‘most promotions are decided on the basis of competency interviews, with current manager’s reference also included in the decision making process. All employees involved in interviewing have been trained in competency based interviewing and the training was very focused on the implications of the EEA 1998 & 2004. However, no matter how “scientific” the process and regardless of the training, there is always an element of subjectivity and I suppose this is an area for concern.’

Other organisations use performance management development systems (PMDS) as part of the promotion process. According to another BizLab member, in this case the company will rely on specific standards such as exams in the accountancy area and set competency and skill standards expected per year of experience.



‘Usually there are no interviews for promotions to the next levels. Promotions are conducted in line with our annual appraisal processes. Each person’s manager will assess individual performance (against set job/role criteria) and confirm that they have met the standards for promotion. As this could be open to individual subjectivity we try to overcome this by holding ‘moderation meetings’ whereby all assessments of our people are analyzed and discussed by the management team to ensure equality and fairness for all in the process. HR is embedded in all the meetings and processes as facilitator and overseer of the promotion process.’

Processes to consider to enhance an individual’s development:

- To get off to a good start consider setting up a mentoring system whereby a new recruit can learn more quickly and with greater confidence about the organisation and its operation
- Be proactive in the identification of under represented groups
- Ensure all staff is well informed of promotional opportunities
- Ensure an appeal system is in place to allow for an expression of dissatisfaction with promotional processes
- Provide training (e.g. leadership and management) to support opportunities for promotion
- Introduce training needs analysis across the organisation looking at both organisational and individual needs
- Ensure bias and subjectivity are overcome to ensure the best candidate gets the job
- Set out criteria/skills/competencies for the various levels/grades/roles in the organisation. In this way there are transparent and objective criteria in place for people
- These criteria should be bias free and must not favour one group over another. Defining what is required is key to ensuring the process is correct. The job specification, as laid out in Section 1, is the basis for this definition
- Ensure an established process for promotions is in place. This covers the advertising of the position through to the selection and interview. Establish a level playing field so that everyone understands the processes and methodologies employed

- Interviewers and selectors should have training in these processes to ensure that they pick the best person for the job and apply fair standards to the processes
- Develop systems of review and consistency. A way to assist with this would be the use of tracking of applicants to establish whether there is any bias in favour of one group over another. This would help to identify any issues that may be within the system and provide some solutions
- Once the recruitment process is in place, it is advisable to keep everyone, including all applicants, informed of developments. In particular, applicants must be informed if they have been excluded from the selection process
- Develop a fast tracking process to encourage a reflection of the organisations diversity at the higher levels.

An example of misguided promotional practices:

An organisation seeking a Head of Department advertised the position both internally and externally. Two members of the internal staff applied for the job. The recruitment drive attracted a lot of interest. The interview process was set in place and had progressed to round two. The internal staff who had applied for the position knew nothing about the progression of the interview process. They had not been informed that the interviews were taking place. They only found out about their exclusion from the interview process when another functional leader mentioned it at a general staff meeting by way of an update on the process.

When an applicant is deemed unsuitable for a position it is good policy to let them know as a matter of courtesy and it reflects well on your organisation. Some of the BizLab members pointed out that one of the most difficult things for an employer is the writing of a rejection letter. Below we have provided a sample:



Sample rejection letter

Date

Name of Applicant

Address

Dear (Name of Applicant)

We appreciate you applying for the position of (specify) at ABC Company.

Unfortunately we interviewed many applicants in the job search process and hired another individual whose qualifications and experience were best suited to our needs. Thus we will not be offering you the position, but thank you for your interest.

If a need arises for us to contact you in the future, we will do so and you have our continued good wishes for the future.

Yours sincerely,

Finally, consider the introduction of exit interviews

Termination of employment and resignations need to have clear policy guidelines for example:

- Permanent staff can be required to give one month's notice (or more)
- Temporary staff can be expected to give one week's notice (or more)

Once someone is leaving the organisation the use of exit interviews can be an important source of information and can provide a valuable source of data that can be used to improve policies and procedures within the organisation. People leave organisations for any number of reasons if all of these reasons are logged and recognized then the information can be used to provide and secure a better working environment.

Retention & Development

1 Celebrating Diversity and Overcoming Differences

Employee friendly practices

- mentoring/'buddy' system
- consider an independent employee assistance programme
- employee network/support groups
- nurture an inclusive and open workplace environment (see next Section)

Making allowances for cultural differences

- get feedback from existing migrant staff e.g. use focus groups
- establish clear communication processes
- identify training needs for managers and employees

Flexibility

- holidays/unpaid annual leave
- important national/religious celebrations
- accommodate family/personal crises

2 Promotion and Development

Training

- provide training to support promotional and development opportunities e.g. leadership & management
- conduct training needs analyses - both organisational and individual
- monitor and evaluate training outcomes
- encourage a culture of learning and promote opportunities for development
- provide opportunities for employees to discuss and assess their own training and educational needs and aspirations

Promotion

- ensure all staff are well informed of promotional opportunities
- encourage staff to apply for promotion – welcome applications
- convey a clear and transparent process which is seen to be followed
- enable staff to communicate their skills and qualifications especially where they maybe unknown or underutilized
- monitor promotion applications and outcomes
- refer to the section on Recruitment, Selection and Promotion Processes

3 Exit Interviews

- have clear guidelines in place for termination of employment for both employer and employee
- conduct exit interviews, monitor results and provide feedback to managers





Section 3

Workplace Environment

A positive workplace environment is a necessity if we are to retain our talented and skilled people. There is a variety of tools and systems that can be put in place to achieve this.

This section will look at core values, examples of how people are valued by their organisations, welcome packs, workplace language, useful terminology and cultural myths.

Core Values

To establish a positive workplace environment it is good practice to set out some organisational core values.

For example:

St Vincent's Hospital Core Values are:

Human Dignity Respecting the dignity and uniqueness of each person.

Compassion Accepting people as they are.

Justice Acting with righteousness and integrity which respects the rights of all

Quality Seeking excellence in all aspects of care.

Advocacy Speaking for the voiceless, acting with and for them to achieve a reasonable quality of care.

From this example the organisation is clearly stating that it respects the dignity of all its people while being just and seeking excellence.

Another example comes from McDonald's:

Our People Vision

We value our team members and the contribution they make to our company. That's why we make sure that they have the support and encouragement they need to make their job at McDonald's a great experience.



As a member of the McDonald's team you will get:

- **Opportunities:** The chance to fulfill you potential whatever you aspire to.
- **Flexibility:** Structure your job so you can live the way you want to.
- **Learning:** Building confidence and developing your work and life skills. We'll give you skills that will serve you now and in whatever you choose to do in the future.
- **Environment:** An engaging and structured work place. We'll offer you an organized and fun place to work.

Here the emphasis is clearly on the people in the organisation while offering development opportunities and a 'fun place to work.' And banks place emphasis on the fun aspect too through social activities:

Ulster Bank – Social Events

Outside of the office there are a wealth of activities organized by the Ulster Bank Group Sports & Social Clubs, offering many varied activities covering; golf, badminton, indoor bowling, angling, and dinners and dancing events.

Readymix talks about empowering its people to develop while valuing the diversity of its workforce:

Readymix

At CEMEX Ireland we actively encourage and empower our people to develop their range of skills and professional qualifications.

We understand the benefits of a diverse workforce, made up of people with different styles and we are committed to developing and maintaining a stimulating, healthy, and productive work environment in which everyone is treated impartially and respectfully.

These activities are, by and large, instigated by the organisation to attract people. More importantly they see the value of encouraging people to stay through these policies. While they are generally informal the policies and statements have a huge effect on the workplace environment and how the people feel about their organisation.

On the formal level every organisation is required by law to have in place an equality policy covering such areas as equal opportunity, sexual harassment and harassment and anti-bullying. A good place

to start is to review the Codes of Practice from the Equality Authority on sexual harassment and harassment¹⁵ (see also Appendix 5). These policy statements set some of the tone of the workplace environment. For a high performance workplace incorporating a diverse workforce much more needs to be done.

Good practice in diversity management is compromised by any form of harassment or sexual harassment in the workplace. Harassment¹⁶ across the nine grounds, including the race and Traveller grounds is prohibited under the Employment Equality Acts. Anti-harassment and sexual harassment policies are therefore an integral part of diversity management.

Good practice in this area includes:

- putting in place an anti-harassment and sexual harassment policy that sets out the company commitment to eliminate any such behaviour and that identifies the procedures that will be followed when such behaviours occur
- providing training to all staff on harassment and sexual harassment issues so that there is a clear and shared understanding of company policy and procedures in this area and so that a company culture is developed that has no place for such behaviour
- effective ongoing dissemination of the policy to all staff and to other people who staff are likely to come into contact with as part of their employment.

Workplace induction and welcome packs are important starts for the setting up of a positive workplace that should:

- Be free of discrimination and harassment
- Be welcoming to minority ethnic and cultural (including Traveller) employees
- Support and value cultural and linguistic diversity in the workplace
- Underpin all practices with full equality
- Communicate diversity policies with all employees



¹⁵ Equality Authority 'Code of Practice on Sexual Harassment and Harassment at Work', available on www.equality.ie

¹⁶ Harassment is usefully defined in the Employment Equality Acts as any form of unwanted conduct related to any of the discriminatory grounds which

has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the persons. This conduct can include actions taken, words spoken, gestures or the production, display or circulation of images or written material.

- Celebrate cultural diversity
- Raise awareness.

Other areas to consider

- Train line managers to deal with complaints of unacceptable behaviour
- Empower line managers and supervisors to take a necessary action promptly and fairly
- Highlight the organisation's respect for the dignity of each and every individual
- Consider a work life/balance plan.

Ulster Bank – Work / Life Balance

We believe that the ability to balance work and non-work commitments is key to attracting and retaining motivated and highly skilled people. In support of this belief we offer a variety of flexible working options such as part-time working, job sharing, compressed working hours, term time working, home-working and short and long term employment breaks. These arrangements can be used to meet the needs of our dynamic business and the diverse needs of our workforce.

The right to request flexible working options extends to all our staff and they can easily access all the policies and applications procedures online. Increasing numbers of people are now taking advantage of our flexible arrangements, enjoying a great balance between their work and home lives.

- Allow for flexible working so that all employees are happy that their important dates are respected. Most business plans already have some capacity for flexibility for their workforce. Where these are in place it is a good idea to update and continue to develop a fair procedure for dealing with requests for time off. Where they are not in place they should be established as soon as possible.
- Accommodate dress style and dietary requirements where feasible. Some firms cannot do this because of the nature of the work being carried out. Be sure to make this clear from the outset so that there is no room for assumptions.
- As all of these policies and procedures are evolutionary and need to be constantly updated and awareness maintained around them it is a good idea to regularly survey workplace perceptions on diversity. This will allow for constant renewal of the policies and also provide valuable information in terms of what is required for the moderation of perceptions through appropriate training.

Workplace language

An issue that was raised several times by the BizLab members was the issue of workplace language and how to manage the different use of language. This can be viewed on two different levels each of which requires distinct approaches.

1 Formal level

Should all employees be required to speak English? It is unlikely to be totally justifiable for an employer to require an English only policy. However, if an employer forbade the use of language other than English it could amount to unlawful race discrimination. Flexibility is required. If an organisation uses English only for work reasons then it is essential to stipulate this requirement at the outset. This would arise, for example, where to do otherwise would hinder effective communication resulting in the possible compromise of health and safety regulations. If however a team of Polish is working on a building site it would make no sense to enforce an English only requirement. In fact many building companies operate with a foreman who can speak Polish and English to act as a language mediator. This is a flexible and sensible approach.

In other situations, for example, the Gardai require a 'very good standard of English'. There are clear and obvious reasons for this requirement as every Garda is dealing with the public which is a predominantly English speaking community.

2 Informal level

The informal is much more difficult to work on. This is an area where the Irish person's use of English can be colourful and sometimes difficult to understand for some who have learned English as a second language. There is a huge amount of slang and 'turns of phrase' in Irish English. To manage this in the workplace can be problematic for communicative purposes. In most office environments there is a well established business English effectively reducing the possibilities for misunderstandings. But in workplaces where no such codes exist, the resulting misunderstandings can generate frustration that can lead to less harmonious working relations.

In a gender mixed workforce there is always the possibility of sexual innuendo. Acceptance of language with a sexual overtone can give the perception that other unacceptable types of language



are permissible. A progressive organisation does not permit this type of activity and this policy should be reflected in overall core values. If there is an issue identified within the organisation, consider the establishment of a women's group to suggest what is acceptable language and behaviour.

Slagging

Irish people love to slag each other. There is even a distinction made between the 'humorous slagging' and the 'put down slagging'. It is a way of life, it is used to build relationships and equally used to 'put someone in his or her place'. However, for non-Irish and even for an Irish person who is not used to this process it can be very difficult to understand how this system works. In an Irish organisation part time workers are slagged by the full time workers. But there is an exclusionary aspect to slagging.

Case history

One young Irish man, born in Ireland but raised in Asia, returned to boarding school in Ireland when he was twelve. When reflecting on the experience he found that it was all good and he enjoyed his school life and the fact that he lived between two places, Ireland and Asia, throughout his secondary education. But the one thing that he had most difficulty with was the slagging by the Irish students. He found that it alienated him from the Irish, of which he thought he was one, and it alienated him from the non-Irish, of which there was many in the school. The non-Irish were as susceptible to the slagging as he was and because he was Irish he was perceived to be one of the perpetrators. So he was left feeling alienated from both groups until he managed to get used to it.

He added that both he and the non-Irish students became very well practiced at the 'art of slagging'!

Nonetheless, the point of alienation was made and slagging and its exclusionary aspect needs to be identified. Further, it can be used for racism purposes and therefore the best policy is zero tolerance in the workplace.

Stunts and craic

On top of slugging there is also the use of stunts for the purposes of 'craic' between Irish people. This activity can take many forms but one such example was a game played by bus drivers on colleagues in the 1980s for the craic. A bus driver or conductor would be standing at a bus stop waiting for a bus ride to work. The potential passenger would recognize the driver and smile in anticipation of getting on the bus. The driver would sometimes signal to stop and then drive past waving at the guy standing at the stop. The conductor and driver on the bus would knock great craic out of this and then you'd hear 'a sure there's another one just behind us they'll pick him up!'

However, such a stunt pulled on a non-Irish colleague could be interpreted as racism whether intended or not. Actions such as these may not be intended as racist but they need to be identified and the potential for them to be interpreted as racist pointed out. Failure to do so may lead to a continuance of such practices in the belief that they will be interpreted as fun by the sufferer.

All of the above examples clearly show the need for workplace behavioural guidelines:

Processes to enhance workplace environment

- Consult staff to find out what is acceptable and what is not
- Be provocative get to the nub of the issues
- Establish a set of values
- Define acceptable behaviour and what is unacceptable
- Make lists and post them on staff notice boards
- Define zero tolerance and state which areas it is applied to
- Review the list constantly
- Consider the establishment of different networking groups for minorities for example; gay and lesbian network, women's network, minority network etc.
- Use Equality training to develop good relations
- Reduce 'self-isolation' through informal activities and the development of a social calendar encouraging people to meet socially outside of work.



Case: Cross Cultural Communicational Difficulties

A small Irish owned sandwich making company employs some Irish people, mainly in management and two different non-Irish nationalities. Otherwise the staff is made up of African and Romanian; all are women with the exception of the delivery staff which are mainly men who work off site most of the time on deliveries. The women work in close quarters putting together a range of sandwiches to be sold on the day. Work starts early every morning five days a week.

At first as the company started up everyone worked cordially together and English was generally spoken in the work place even though each group has their own distinctive language, style of dress and ways of working and communicating. Native languages were used as it allowed the women to communicate with each other while they worked and exchanged information and ideas on how best to do the job. However, as deadlines had to be met and the business grew, tensions began to rise and gradually the two groups began to separate across functional and ethnic lines.

Group differences emerged as one tended to express themselves loudly in an animated manner while the second group tended to chat quietly amongst themselves. The second group found that communication became difficult as they could not hear each other properly over the noise of the workplace and the relatively loud chatter of the other group. Frustrations began to build. Complaints were made to management about the loudness of one group followed by requests to be permitted to work in separate areas. The work area did not allow for this kind of separation.

Deadlines were beginning to slip and management needed to attempt some form of reconciliation between the two groups or business targets would falter and reputation would suffer.

Before these difficult relations became more entrenched, management decided to pull together recognizable leaders from both sides and attempt to reconcile the differences.

To begin with both sides started to personalize the issues: 'she said' and 'she did'... In an attempt to reach both sides management decided to move the conversation onto how the situation

could be improved so that both sides could begin to know and understand each other. Was there music that both could listen to? No, their taste in music was utterly different.

At this point management decided that there were two ways to move forward. They began by speaking to the respective representative organisations in search of ideas and understanding of the different cultures. One suggestion was that an out of work situation be created for an exchange of ideas on ways to improve relations.

The initial approach was to bring different food to try out and generate an ambient atmosphere. Also present were members of representative organisations themselves used to working with different non-Irish groups. For the first meetings the two groups remained on either side of the room 'a bit like an Irish dance hall in the old days, men on one side and women on the other!' It was then decided to make the gatherings public and invite other women along from other ethnic groups and make it a more general gathering for non-Irish women. This was a change agent. Mixing with people from outside the work situation and at the same time finding a common ground of interest made communications that much easier.

Gradually relations in the workplace began to improve. This began as the two groups became more familiar with each other outside of the work context and began to see how they each shared many of the same feelings, anxieties and worries both within and outside of the workplace.

Some useful terminology ¹⁷

Describing people

BizLab members say: 'if unsure, ask the person!'

In the description of people, the word 'coloured' is considered a derogatory term in most countries. In South Africa it became particularly associated with apartheid. 'People of colour' has become a more accepted term in many countries but is not much used in Ireland.



¹⁷ A very useful booklet on terminology is available from the National Consultative Committee on

Racism and Interculturalism called *Useful Terminology for Service Providers* NCCRI

The word black is used to describe a physical appearance, ancestry, and as a political term. It is also used to describe people of 'African origin'. The term 'non-White' is frequently applied to people from Asia. Black is not regarded as a derogatory term in Ireland and is used usually in the context of 'Black and minority group(s)' to describe non-Irish people.

Foreign Nationals/Non-Irish National/ Non-national all of these terms are used interchangeably in Ireland. However, the term non-national should be avoided as it is seen as inaccurate (everyone has a nationality from their country of origin) and has negative connotations. Foreign national is used in immigration legislation to describe people who are not EU citizens. Non-Irish national is the least problematic.

Racism

The UN International Convention on the Elimination of All Forms of Racial Discrimination (UNCERD) defines racial discrimination as: 'Any distinction, exclusion, restriction or preference based on 'race', colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.'¹⁸

Racial harassment

Harassment is usefully defined in the Employment Equality Acts as any form of unwanted conduct related to any of the discriminatory grounds which has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the persons. This conduct can include actions taken, words spoken, gestures or the production, display or circulation of images or written material.

Bullying and harassment do not belong in the workplace and the only clear procedure is to have a zero tolerance towards both while at the same time cultivating an open confident organisation which values all its people.

¹⁸ *Useful Terminology for Service Providers* NCCRI *ibid.* p.13

If there is a complaint then there is the increased possibility of litigation leading to:

- Diversion of resources; e.g. increased cost in the provision of counselling for victims
- Potential bad publicity
- Potential negative impact on organisation profile and brand
- Cost of fine
- Increased recruitment difficulties.

Cultural myths

Cultural myths are slivers of cultural misinformation and can extend from what people eat to how they think. While many can be relatively harmless an effort should be made to remove them. Training will assist to reduce cultural myths. One example of making sure that an organisation can meet its clients' needs without succumbing to the vagaries of cultural myths comes from the main hospital in Arthus in Denmark which employs and treats many different ethnic groups. The hospital became concerned about the impact of culturally-based misunderstandings and preconceptions in the treatment of its patients. To remedy the situation the hospital came up with a plan to produce a database on cultural backgrounds of different ethnic groups, detailing their different assumptions about different illnesses, the nature of hospitals and so on. Access was made available to staff across the hospital so that upon meeting with a patient the staff member could access all the relevant information and was therefore better able to alleviate many of the extraneous fears and misgivings.¹⁹

Other changes to consider

Change of an organisation's culture will cause resentment (change always does) but if it is based on policy of inclusivity the levels of resentment should be reduced. If respect for the individual is central to the change of an organisation's culture everyone will feel more comfortable with the change.

Focus on the training of line managers to support all the best practices put in place.

The overall aim is to develop an inclusive organisation so that everyone is part of the process.



¹⁹ Equality Authority 2002, *Promoting an Intercultural Workplace: Examples of Good Practice*

Workplace Environment**1 Permeating Core Values**

- identify the organisation's core values through consultation
- communicate core values regularly to all stakeholders
- nurture a strong workplace culture/identity based on support for these values

2 Policies, Statements & Codes of Practice

- develop and communicate equality & diversity policy covering areas such as:
 - respect for the individual
 - valuing diversity
 - equal opportunity
 - harassment
 - anti-bullying
 - work-life balance
- refer to Equality Authority Codes of Practice (see Appendix 5)
- Statements - include diversity and equality statements in communications
- to employees, customers and other stakeholders
- on website and in relevant advertisements
- in annual/organisational reports

3 Workplace Language / Dress Code

- have a clear policy on workplace language
- distinguish between 'slagging' and humour
- explain and communicate the reasons for the policy
- where appropriate have a dress code and clearly explain the reasons if it is not possible to allow certain clothing e.g. health & safety

4 Acceptable Behaviour

- consult, decide and define unacceptable workplace behaviour
 - establish a zero tolerance for unacceptable behaviour
 - train line managers and supervisors to deal with unacceptable behaviour
 - empower line managers and supervisors to take necessary action
- Equality/bullying/harassment:
- develop clear policies and procedures
 - establish ground rules
 - provide training
 - use employees groups for education and awareness
 - assign experienced facilitator
 - link to management performance and development
 - create open, transparent process - communicate policies & procedures

Workplace Environment

5 Informal Initiatives

- social activities/events
- celebrate national holidays: canteen food/flags
- employee networks, notices boards, intranet
- family days
- cultural competitions: cookery book

6 Openness, Communication, Respect & Inclusiveness

- Generate a culture of inclusion through respect and openness
- regular formal and informal communications, newsletters and organisational updates
- cross-functional & interdepartmental communications and meetings
- team-building activities
- social activities and networks





Section 4

Integrating and Mainstreaming

‘Mainstreaming means ensuring that policies and processes are inclusive of the needs of minority ethnic groups, including consideration of these needs in the planning, implementation and review of policies and practices for their impact on minority ethnic groups.’ It does not mean that one size fits all ‘but rather the awareness of different needs and thus different models of service provision becomes central to an organisation’s modus operandi.’²⁰

Ways to mainstream

- Leadership of diversity policies
- Introduce new groups
- New practices
- Cultural diversity audits (monitoring/auditing)
- Example of cultural diversity audit.

Leadership for cultural diversity– senior management buy-in and training

Without senior management buy-in to the establishment and maintenance of cultural diversity management the project will not succeed. The buy-in needs to be visible to everyone in the organisation, indicating active and ongoing support. Employees need to be aware of their commitment and that commitment needs to be clearly communicated, not only in writing, but also visible through actions. Senior management must also be seen to monitor and evaluate and indeed modify their behaviour.

It is not sufficient to have a stated policy and strategy of inclusiveness within the organisation. Management needs to role model the behaviour so as to make it sustainable.

Evidence shows that awareness raising and training of top management fosters leadership of the cultural diversity plan and has a very positive impact on the organisation.



²⁰ *Useful Terminology for Service Providers* NCCRI *ibid.* p.10

Achieving commitment from all structures of the workplace

There is a two pronged focus here:

- 1 Organization structures reflect the diversity of the organisation
- 2 These structures will be the drivers of integrating and mainstreaming diversity

Partnership Committees

These can be made up of trade union and management and can be very useful in the determination of good workplace practices across a spectrum of issues. Another positive outcome from this kind of partnership is the communicational aspect whereby employees see that the initiatives towards better workplace practices come from their trade union representatives as well as the employer. Workplace partnerships can be a very useful arrangement to develop good relationships within the workplace and in the development and maintenance of diversity. The Partnership model is also useful for the development of training initiatives at both the organisational and individual level.

Partnerships contribute:

- Information sharing and improved communications
- Employee participation and consultation
- Consensus in decision making
- Joint problem solving
- Development of joint objectives
- Greater creativity and innovation of ideas
- Enhanced cooperation throughout the organisation.

Senior Management Group

- Provide a clear statement of commitment from senior management to the principles of diversity and ensure it is regularly on agenda for management meetings
- To devise policy statements on diversity and its value
- Incorporate diversity statement in organisation's strategy.

Board Members

- Hold information/update sessions with Board members
- Keep them updated on policy and procedure initiatives.

Minority ethnic cultural focus groups

- Establish representative groups from within the organisation to get their ideas, opinions and feedback.

New practices

Senior managers are asked to support and drive diversity policies.

Middle managers will then support and drive them through their own performance.

Consider the use of the performance appraisal system to embed a focus on equality and diversity.

When carrying out performance reviews consider having a section for employee's comments on issues such as:

- Training and development opportunities
- Levels of inclusivity
- Opportunities to develop skills and talents
- Levels of work life balance.

Policy initiatives for consideration:

Ensure that all representative decision making bodies have representatives from all minority groups in the organisation

Ensure that minority workers are represented in partnership arrangements for pay and conditions

Involve ethnic and minority workers in collective bargaining processes

Appoint a diversity officer

Identify champions for diversity policy and support initiatives

Set measurable performance indicators and accountabilities for senior managers, departments that can be regularly evaluated

Build diversity and anti-discrimination objectives into performance reviews

Include diversity objectives in all corporate, business and human resource plans

Include reviews of diversity initiatives and their results in all quarterly and annual business reports.



A note on Performance Management and Development Systems (PMDS) and its use in the mainstreaming of a diversity policy:

The organisation identifies a set of core competencies such as the five in the example below. Each individual is then evaluated against that set in their annual performance appraisal.

Example of an organisation's core competencies

Core Competencies	Definition
Teamwork	<ul style="list-style-type: none"> • Demonstrates commitment to team objectives • Participates and contributes to the success of the team • Supports, inspires and motivates team members • Willingly shares knowledge and experience with others
Flexibility	<ul style="list-style-type: none"> • Adapts behaviour or work methods in response to new information, changing conditions or unexpected obstacles • Adjusts style and approach to suit shifting priorities, simultaneous demands or transitions into new assignments • Open to new ideas and varying viewpoints, takes on new responsibilities, sees needed changes, and adjusts plans to meet changing needs.
Creativity	<ul style="list-style-type: none"> • Generates creative ideas and solutions • Shows openness to new information, approaches and risk taking • Invents new ways of doing business • Supports an environment conducive to creativity, to questioning traditional assumptions and generating innovative solutions
Customer Focus (Internal/External)	<ul style="list-style-type: none"> • Demonstrates understanding of clients' needs and issues • Develops working relationship with internal/external customers • Presents ideas and solutions to customers, displaying high levels of influence and persuasion in order to gain agreement for action • Designs and implements practical solutions to meet the needs of customers
Quality Focus	<ul style="list-style-type: none"> • Follows established work procedures in their area in order to execute their role effectively • Shows support for internal processes/procedures by ensuring 100% compliance • Completes all tasks with a concern for all the details involved; monitors and checks work or information to meet quality standards

Building diversity into an organisation's strategic framework requires an ability to measure and evaluate achievements at managerial level. Without clearly identified metrics, managers may not be able to fully capitalise on the benefits of diversity management. In order to achieve this, diversity objectives need to be clearly aligned with the organisation's strategic goals and objectives. This may be done through the organisation's performance management system. BizLab members have identified performance management as a key driver for change and for engaging the support of senior management.

Performance management includes the use of formal appraisals and feedback on a routine basis. A PMDS consists of a systematic approach to achieving organisational goals and objectives by linking these to the goals and objectives at all levels of the organisation - departmental, team and individual levels. The goals and objectives of each employee are set and reviewed in conjunction with their line manager in a clearly defined process (see DCU case example in Appendix 6).

Once cultural diversity is placed in the organisational goals through the PMDS, cultural diversity goals, policies and procedures can then be embedded in the organisation.

Institute Cultural Diversity Monitoring/Equality Monitoring

This is a process used to collect, store and analyze data about employee. Some key categories would be: ethnicity, country of birth, religion and language. This type of monitoring can be used to:

- Identify who is or is not using your services
- Highlight possible inequalities
- Investigate underlying causes
- Remove any unfairness or disadvantage

There is a need to train staff on the collection and protection of this data to ensure against its wrongful use. Additionally, the people in your organisation need to understand why the information is gathered and its purpose and the analysis is used to frequently identify and target further initiatives.



Diversity Auditing

Auditing is an essential ingredient in the enhancement of workplace practices and procedures. All processes should be audited and re-audited regularly. This will reveal any hindrances to diversity. Tools and techniques can be further honed to assist in deepening the process.

When embarking on the management of diversity the first step is to take a good look at the organisation in terms of the policies and procedures in place, the culture of the organisation and the resources available. This will require the collection and analysis of data of all management processes.

The objectives of such an audit are:

- To uncover any potential tendency towards discrimination against any individual and eliminate it
- Check for compliance with legislation
- Check the presence of diversity and the levels of adaptation achieved by the organisation
- Generate greater participation and examine the experience of diversity within the organisation
- Identify what is needed to improve equality and diversity.

To achieve a clear picture the audit must be rigorous leaving no stone unturned. This is because the data uncovered will form the basis of any future policy initiatives and the formation of the objectives from which will be devised the strategy.

An audit of this kind will necessarily require the involvement of all staff across the organisation. Assuming the involvement of all employees the audit will then yield valuable information to assist in the development of objectives. More importantly the involvement of everyone in the audit will provide ownership of the diversity strategy to the entire workforce and set the targets for inclusiveness from the outset. It will also contribute towards achieving full equality in practice for Black and minority ethnic employees and thus maximize their contribution to business success.

A Cultural Diversity Audit²¹

Depending on the size of the organisation a diversity audit can range in size from a relatively small operation to a mammoth organisational task. However, we have laid out the different areas for consideration and how to approach such an audit in as simple a way as possible below.

There are two main areas in a cultural diversity audit that require attention and they both require a slightly different approach. The first is the close examination of the organisation's strategy and culture and the second is an examination of all of its systems and procedures.

1 At the strategic level the audit concentrates on:

Senior management commitment to cultural diversity management. The organisation's mission and objectives statements; do they incorporate a statement on cultural diversity. How is diversity position communicated? What activities are co-ordinated around cultural diversity? What are the structures for monitoring cultural diversity?

2 The second area is a systems audit

This examines all of the policies and procedures in place to ensure fairness and equitability:

Policies include the written guidelines for recruitment, selection and interviewing policies.

Practice refers to what happens in reality. All policies and procedures are usually, in practice, very different from the original intention. It is only through a thorough examination of what actually happens that the real practice can be understood and a pattern of the differences between the intended policies and procedures and practice can be established.

Perception: Everyone views things slightly differently and perceptions need to be explored to identify how policies and procedures are viewed by everyone in the organisation. Once this is established a clear alignment of perceptions and procedures can be ascertained and accurate policies and procedures drafted accordingly.

Below is a brief outline of a diversity audit. A more detailed account is to be found in Appendix 7.



²¹ Adopted from Pearn Kandola 2006 *Managing Diversity* Second Edition London: Chartered

Diversity Audit

-
- Step 1** **Establish the purpose** of the audit and determine what questions need to be addressed?
To whom and how will the outcome be used and communicated?
What is the next course of action and who will decide it?
-
- Step 2** **Sources of information** need to be identified
1. Company documentation: policies, statements, guidelines, advertisements and general documentation.
2. Data from any previous monitoring e.g. from application forms. Cross reference and relate to nine grounds e.g. gender/cultural groups by grades, positions, promotion rates etc.
3. Determine method e.g. survey, interview, group discussions or focus groups. Do you include everyone, or representative groups? If so, how are they identified? They should be cross functional.
-
- Step 3** **Agree deadlines** at outset. Set attainable target dates (better to overestimate) and hold everyone to those dates.
-
- Step 4** **Who will do the diversity work?** Is there any relevant expertise to be included? Who do people trust most within the organisation and therefore will be more willing to speak frankly and openly with?
-
- Step 5** **Draw up a scheduling plan** to cover all eventualities. Allow time for review meetings to take place while all the time setting mini deadlines.
-
- Step 6** **Communicate** the existence and purpose of the audit at the very beginning. Communications should be open and honest and come from senior management. There should be a clear reason expressed for the audit and how the results will be used. This information should be reinforced, updated and communicated regularly.
-
- Step 7** **Collect data** and prepare it for analysis.
-
- Step 8** **Analysis:** Identify themes and trends that are consistently emerging.
Identify contradictions for example differences between perceptions and practices.
Identify differences across functions, grades and cultural groups.
Complete a comparative analysis from different sources of information to establish solid conclusions.
-
- Step 9** **Action on results:** Decide what options are available using various reference points.
Seek advice and ideas from colleagues on how to tackle issues that have been identified
Seek contributions from the participants who supplied information.
Seek expert opinion from organisations and experts representing various non-Irish groups.
Seek ideas from literature
-
- Step 10** **Plan:** Consider what resources you will need such as time required, who will support the initiatives, how best to introduce the initiatives (e.g. official launch or gentle introduction).
Are other similar initiatives being used that could support this one?
How do staff view the initiative and who will champion it?
Does the organisation's mission statement and strategy contain a statement on diversity?
Review diversity training.
-
- Step 11** **Mainstreaming**

The audit presented here is indicative. It does however provide a good basis on which to develop your own organisationally specific cultural diversity audit.

The implementation of these practices will require extensive shifts in our approaches to management. Gächter's Framework outlines some of these shifts.²²

- 1 **Adapting the Minority** through the support of minorities in adapting to the workplace. This can be achieved through Equality and Diversity training. It is incumbent upon all employers to comply with Equality Legislation. This legislation can be used as a basic tool for equality in the provision of a diversity policy for an organisation. Compliance with Equality Legislation and the provision of training on both equality and diversity can contribute to a harmonious and productive environment. It also builds skills across the organisation for the support of equality and the management of diversity. It can also promote the creation of a culture of respect within the organisation and it will enhance communications, relationships and contact across diverse cultures.
- 2 **Making Cultural Allowances** by acknowledging cultural and linguistic diversity and accommodating them. The aim here is to create an organisation in which all employees regardless of ethnic origin feel recognized, respected, appreciated and welcomed. People are more likely to stay with an organisation if it respects and takes account of their cultural and religious needs. Staff also experience less stress and are more productive in an accommodating atmosphere.
- 3 **Changing Majority Attitudes** by encouraging the majority to explore their attitudes and change them where necessary
- 4 **Changing Majority Behaviour** by having a clear and communicated policy on harassment, bullying and racism in the workplace
- 5 **Changing Rules and Procedures** to ensure that all of the above is in place and to provide all workers with a working environment that is equitable, free of discrimination and supportive of personal development.

This framework is further developed in the Implementation Section.



²² Taran, P. and Gächter, A., (2003), *Achieving Equality in Intercultural Workplaces: An Agenda for Action*, Equality Authority, Dublin

Integrating & Mainstreaming

Embedding diversity policies	• link core values to policies, workplace goals and objectives	<input type="checkbox"/>
	• leadership for cultural diversity - senior management buy-in	<input type="checkbox"/>
	• secure commitment from all structures of the workplace	<input type="checkbox"/>
	• diversity/equality monitoring - audits and scorecard	<input type="checkbox"/>
	• constant communication and reinforcement	<input type="checkbox"/>
Management buy-in	• include diversity in goals, objectives and strategy	<input type="checkbox"/>
	• link to performance management and development (PMDS)	<input type="checkbox"/>
Performance Management and Development System (PMDS)	• identify and define the organisation's core competencies	<input type="checkbox"/>
	• evaluate the individual's performance accordingly	<input type="checkbox"/>
	• identify the organisation's goals and objectives	<input type="checkbox"/>
	• link these to the goals and objectives at each level (team, individual etc)	<input type="checkbox"/>
	• conduct regular routine appraisals	<input type="checkbox"/>
	• incorporate diversity measures and evaluate managers' performance e.g.	<input type="checkbox"/>
	• hire, retain and promote individuals from different backgrounds	<input type="checkbox"/>
• plan and lead effective meetings with diverse teams	<input type="checkbox"/>	
• effectively communicate and promote diversity initiatives	<input type="checkbox"/>	
Monitoring & auditing	• audit regularly	<input type="checkbox"/>
	• use comparable measures	<input type="checkbox"/>
	• conduct employee satisfaction surveys, climate surveys	<input type="checkbox"/>
	• conduct surveys of customers and community	<input type="checkbox"/>
	• survey other stakeholders	<input type="checkbox"/>
Communication	• constant communication and reinforcement of core values, diversity policies and goals	<input type="checkbox"/>
Training	• awareness training	<input type="checkbox"/>
	• training for specific situations e.g. international business	<input type="checkbox"/>
	• embedded training – regular training includes references to cultural diversity throughout and in context e.g. leadership, management	<input type="checkbox"/>

Section 5

External/Customer Orientation

Customers are an organisation's most important people – without them an organisation will fail. It is therefore imperative that our customer needs are met. Suppliers, brand and chief stakeholders along with media and the public all contribute to an external focus on an organisation.

The following will cover:

- 5.1 **Serving a culturally diverse customer base**
- 5.2 **Customer service from a diverse workforce**
- 5.3 **Development/training on customer service**

5.1 **Servicing a culturally diverse customer base**

The customer base for most companies is now characterized by a high level of ethnic diversity. This offers new opportunities for business while presenting challenges to sustain quality customer service.

The first step in responding to these challenges is for the company to identify its users and customer base, to establish the ethnic diversity in this customer base and to explore the practical implications of this diversity for quality customer service. This can be achieved through:

- customer feedback mechanisms that establish a focus on ethnic diversity and customer needs in this context of ethnic diversity
- customer focus groups that include people from a range of ethnic groups
- meetings with local and national organisations representing minority people to explore their perspective on the business and how best to meet the needs of different ethnic groups.

In keeping with the desire to offer the best customer service some big supermarkets put such an emphasis on it that they survey the surrounding population to establish its needs in terms of



customer service. If there is a large population of one ethnic group living in the surrounding area they will then attempt to attract members of that community into their organisation to best serve their customers.

A range of initiatives can also be taken to develop the capacity of a company to respond effectively to a culturally diverse customer base. These include:

- staff training to develop skills and capacity to engage effectively with all customers;
- a review of policies, procedures and practices in customer service to assess the impact of these diverse customers and to establish the extent to which customer service has adjusted to the demands of a culturally diverse customer base;
- putting in place an equal status policy that sets out the company commitment to equality and non-discrimination for a diversity of customers and the standards that will be achieved in realizing this commitment. These policies should all be compliant with current legislation.

An example of a public statement by Superquinn of its core values, shows how the foodstore focuses on its customer service while at the same time valuing its people:

Superquinn's Core Values

R - Respect & Care for our Colleagues

S - Service

V - Value for Money

P - Passionate about the food we sell

Source: www.superquinn.ie

5.2 Customer service from a diverse workforce

In Ireland today many of our shop assistants, customer enquiry operators, receptionists and restaurant staff are non-Irish nationals. From the employer's perspective they may be very articulate in the required language for the operation for which they are employed. They may also possess very good team skills and be very diligent workers. The employer also needs to be sure that their staff is sufficiently trained to manage difficult customers.

Many customers do not come face to face with an organisation unless and until something goes wrong with a product. When this happens they are usually agitated and require prompt and efficient responses. As many of the customers are Irish they will approach an organisation without taking into account the fact that the frontline person may not be totally familiar with Irish colloquialisms. This may generate frustration for both parties and the issue can escalate.

Making sure that the frontline person is comfortable and competent with customers is essential for organisational reputation and for the employee's job satisfaction. The principle ingredient required here is competent language skills provided by various providers. There is an additional knowledge required and that is product knowledge and sometimes employers forget that the frontline person requires this basic information to effectively manage customers.

Customers are becoming more aware of worker rights and of the benefits of diversity of cultures in Ireland. These benefits include greater diversity of product range and of ways of doing things. Increasingly organisations which tender for public work are required to include a diversity plan as part of the tendering process. This also happens in the private sector where an organisation will require from a provider that they include a diversity policy statement as part of the tender. There are a number of reasons for this but it is principally required to ensure that the organisation being engaged for a project not only complies with legislation but also will fit with the organisation for whom the work is to be done.

5.3 Development/training in customer service

Companies should have an anti-harassment and sexual harassment policy (as identified in The Equal Status Acts) in place in relation to their customers. This policy should set out a commitment to ensure no such harassment or sexual harassment occurs and should identify the procedures that will be followed where any such incident occurs.

Further good practice in this area should include a wide dissemination of this policy to customers and staff alongside staff training to ensure a clear and shared understanding of this policy and to develop a company culture that has no place for harassment and sexual harassment.



Employers need to be mindful that they have a liability for the sexual harassment or harassment on any of the nine grounds of their employees by their customers under the Employment Equality Acts. In this context it is important:

- to have clear policies on harassment and sexual harassment and communicate these effectively to customers
- to communicate with customers about the company's commitment to cultural diversity and the culture and relationships it applies to across this cultural diversity.

From another perspective workers need to be developed/empowered to manage customers some of whom can be difficult. Without that empowerment workers will feel isolated and despondent when encountering a difficult customer. Empowerment comes about through a series of policy changes and training and an organisation that empowers its people will reap many benefits:

- contributing to a culture that is open and transparent and gives rise to a trusting environment free from bullying, harassment and sexual harassment
- enabling staff to engage effectively with customers and to deal authoritatively and appropriately with cross-cultural tensions that can arise.

Case history**Case**

In a hospital situation, particularly where young sick children are concerned, emotions can run high. A bed occupied by a sick child can become a focal point for a family and moving the child can contribute to heightened tensions. On one occasion just such an episode occurred. The child in question was non-Irish and had been in the same bed for a day. When the ward nurse came to advise the family that the child was being moved to another bed the family objected strenuously.

The hospital needed the bed for an Irish child deemed medically to be a lot more ill than the current occupant and therefore needed to be closer to the nursing station for close monitoring. The non-Irish family argued that because their child was non-Irish they were being discriminated against.

Because of training provided by the hospital, the nurse was able to stand her ground and argue the case on non-discriminatory grounds. She explained in detail that the bed was used for monitoring of children who were deemed to be seriously ill and therefore in need of more attention and monitoring just as their child had been. Now that their child was clearly making a recovery it was safe to move her and allow another more ill patient to have the same care and attention. The parents consented and the bed swap was carried out without further issue.

The nurse noted in her report subsequently that had she not been given the training which provided her with an understanding of cultural issues and that procedures should at all times be based on equality she would not have felt comfortable making the case with the family.

Additional benefits of staff development

- Cultural Diversity awareness training allows for a rise in employee satisfaction in the knowledge that their views and contributions are valued.
- Open communications within an organisation provides for a free flow of information so that complex situations can be managed effectively.
- Such an open organisation will also encourage experimentation, creativity and innovation.



External/Customer Orientation

Employee/Customer interface	<ul style="list-style-type: none"> link core values to policies, workplace goals and objectives language training and communications skills for frontline staff ensure frontline staff well informed about product, service and organisation's procedures staff development training to ensure confidence and ability in order to effectively and creatively manage difficult customers or unusual situations including briefing on Equal Status Acts training for Irish and non-Irish staff to interact with diverse customers 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Customers	<ul style="list-style-type: none"> identify diversity in customer base & orient business accordingly target underrepresented groups to expand customer base employ diverse staff to reflect and service customer base consult staff on customers needs communicate diversity initiatives to customers 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Supplier	<ul style="list-style-type: none"> stimulate creativity and product differentiation through considering a diverse range of suppliers 	<input type="checkbox"/>
Public Image & Brand	<ul style="list-style-type: none"> create a positive brand image of diversity, inclusion and integration e.g. with diverse photos, cultural groups and styles enhance brand awareness through diverse media 	<input type="checkbox"/> <input type="checkbox"/>
Shareholders	<ul style="list-style-type: none"> enhance the organisation's public image via diversity management and promotion and inclusion in reports 	<input type="checkbox"/>
Advertising	<ul style="list-style-type: none"> employ diverse images in all advertising – this sends positive messages to customers, job seekers and other stakeholders and can have a very positive impact on employees 	<input type="checkbox"/>
Website/documentation	<ul style="list-style-type: none"> communicate diversity initiatives in website and reports 	<input type="checkbox"/>
Authorities	<ul style="list-style-type: none"> be mindful of legislative requirements check statutory bodies regularly consult organisational support 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Media	<ul style="list-style-type: none"> employ diverse media: local, community, cultural groups refer to diversity initiatives in communications with media 	<input type="checkbox"/> <input type="checkbox"/>
Community	<ul style="list-style-type: none"> survey community served or used to recruit communicate with diverse groups in community/ invite discussion support local activities & staff engagement 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Other stakeholders	<ul style="list-style-type: none"> consult representative groups for support and/or information where appropriate create discussion opportunities 	<input type="checkbox"/> <input type="checkbox"/>

Section 6

Implementation

6.1 Gächter's Framework

The full implementation of a diversity policy in an organisation requires dedication and focus. In the toolkit we have provided many of the useful tools identified by the members of the BizLab. We can now return Gächter's Framework²³ to populate it with examples of actions that can be taken.

1 Adapting the minority: orientation to host culture

Formal: Workplace Induction programmes can be used in larger firms; provision of an information pack

Informal: for the smaller firms and family owned firms the family ethos of inclusion can provide for a strong orientation.

2 Making cultural allowances

Formal aspects include: Language training, translation of documents introduction of work-life balance plans. Permit the purchase of extra holidays.

Informal approaches include: Assistance with banks, PPS, tax, work permits and accommodation. Introduce a Buddy system. Have special food days in firm's canteen or restaurant. Different nationalities flags, interfaith rooms etc.

3 Changing majority attitudes within the workforce

To change majority attitudes and gain enthusiasm for the introduction of a diversity plan it is useful to consider some of the following initiatives:

Formal: Diversity/ Equality; Cultural and Intercultural training. Establish focus groups that are culturally representative. Introduce a policy on workplace language

Informal: Social activities: lunches, evening events, International Society Days, National Holidays, National Celebration Days, Cultural Diversity Week; Diversity Wall; Posters; pictorial signage; Notice board; Cookery competition and cookbook



23 Taran, P. and Gächter, A., (2003), *Achieving Equality in Intercultural Workplaces: An Agenda for Action*, Equality Authority, Dublin

4 Changing majority behaviour: confront behavioural barriers faced by minorities ²⁴

Formal: Diversity/ Equality, Cultural and Intercultural training with a special emphasis on Bullying and Harassment and Employment Law. Establish a diversity committee to focus on the change of organisational culture to become an inclusive culture. Use workplace policies such as performance appraisal; Senior management and CEO buy-in.

Informal: use international days, National Days and Celebration days to raise awareness. Foster the development of a diversity champion. Smaller companies may already have an inclusive culture which should be fostered and maintained. Network with communities support groups, schools, women's groups.

5 Changing rules and procedures to address systemic and institutional discrimination

Formal: Open door HR policy. Introduce policies and statements on: dignity at work, Equality and Diversity, harassment and bullying, bereavement etc.. Line manger training and review.

Informal: open communication through the use of handbooks, posters and have them translated as required. Use cultural mediation. Establish and maintain contact with minority groups

6 Active recruiting and promotion: positive action to achieve equality:

Formal: Determine recruitment needs and match with market availability. Devise a clear statement of company policies for example on: clothing and attire, language priorities prior to recruitment. Ensure that policies are in place so that once employed everyone has equal opportunity, treatment and entitlements

Informal: accept differences and encourage it

7 Mainstreaming diversity and equality: equality is integral to all decision making

Formal: Equality auditing; Collective bargaining system; use other legislation: health and safety, anti-discrimination; adopt a holistic approach. Include in management training, development and performance reviews.

Informal: review regularly and update.

24 Changing rules and procedures changes behaviour which in turn can change attitudes.

Implementation from an organisational perspective

The implementation of a cultural diversity strategy at organisational level is the biggest challenge. Until this is achieved the processes and policies put in place will not be sustained. Unless they are instituted as part of the strategic plan of the organisation, they can only be sustained by a few within the organisation who will have to continually champion diversity policies. While champions are essential, a dependency on them means that, if should they leave, the work goes with them and the organisation will suffer.

In developing an organisational strategy several tasks are required:

- 1 Organizational mission statement (see also example in Appendix 8)
- 2 Senior management buy-in
- 3 Auditing and assessment of needs
- 4 Clarity of objectives, benefits, policies and procedures
- 5 Clear, extensive and effective communication across the organisation
- 6 Solid co-ordination of activities
- 7 Continuous evaluation and auditing
- 8 An orientation towards sustainability of the policies and procedures.

- 1 The mission statement should acknowledge and support diversity. It should be related to and relate to all employees and they therefore should have an input into the statement through consultation. The most critical thing is that it is clear, simple and understood by all.

An example of a good Diversity Mission statement comes from the Children's University Hospital, Temple Street:

'The mission of the Diversity Committee is to support the Children's University Hospital, Temple Street in managing our diverse employee and customer basis by providing advice and education on diversity issues.

We strive to create an environment that values, and respects all employees. We will be successful when we can assist our organisation to address racism, sexism, and other discrimination positively and openly and to work for their elimination.'



- 2 Senior management buy in is also critical to implementation and sustainability of an organisation's cultural diversity policy. Senior management need to provide visible support to the policy and not simply pay lip service to it. Their behaviour must match with the language of the statement and they must practice what they preach. They will be responsible, because of their positions, for the communication of the statement throughout the organisation. Any visible lack of commitment will generate disillusionment and despondency. Within the context of the statement, managers must be prepared to challenge any inappropriate behaviour including, and most especially, among their peers.
- 3 The monitoring of data collected on who applies for jobs and who is working in the organisation across categories of ethnic origins, age, disability, gender, religion, and sexual orientation will aid in the provision of policies and procedures. Monitoring will reveal successful policies and those that fail and should be discarded. Employee surveys also assist in the identification of what works and does not. Training needs can be identified and enhanced with information gleaned through monitoring and surveys.
- 4 The significance of clarity around policies, procedures, benefits and organisational objectives cannot be overstated. If goals are unclear or vague targets will not be met. Equally, if policies and procedures are not clear confusion will grow generating disillusionment and will increase time wasted. All policies and procedures must fit clearly with overall organisational objectives. Benefits and goals must be linked and transparent. Objectives must be practical and achievable.
- 5 The communication of goals and objectives across the organisation is essential so that everyone understands them and is able to work towards them. They must also be clear to customers and the general public. When communications are weak difficulties arise across the organisation. This can translate into the wider community contributing to damaged reputation. To achieve a diversity policy to suit the organisation and support a strong reputation staff should be consulted so that their views are taken on board as to how best to proceed with policy initiatives. Information on progress should be regularly fed back to everyone so that there is a feeling of inclusion generated in the operational aspects of the policy initiative.
- 6 Strong co-ordination of activities is required in all ventures to ensure their success. The same rule applies here. Champions of diversity and focus groups can ensure that policies are put in place and

followed through. Groups working to assist in this process mean that the procedure does not rest on one set of shoulders. It also contributes to increased diversity of inputs and means that communications of the plans and procedures can be communicated more extensively. Sharing of experience is an important aspect of the process and this can be achieved in a number of ways through contact with outside groups and contact with other organisations who are going through the process or who have managed to develop policies already.

- 7 Continuous evaluations of policy initiatives are required to ensure the identification of and causes of success and failure of those initiatives. It also ensures that the organisation will be able to identify any changes required and ensure that diversity policies stay within and are compatible with the business objectives.
- 8 Having a long-term orientation will ensure that the organisation will progress to the full implementation and sustainability of diversity policies. Without this commitment from the outset the achievement of sustainable objectives may be lost. The shift required within an organisation to achieve high performance and a fully integrated workforce takes time and considerable effort. It can only be achieved through long-term organisational commitment. Once done, the organisation will continue to grow and flourish and the effort will clearly be worthwhile.

For most organisations this will require a fair degree of organisational culture change.

Another challenge in this process is sizable organisational and self assessment.

Implementation from the Workforce perspective

Workforce awareness is key to successful implementation. Everyone needs to be guided by the principles of diversity management and that it is based on fairness. They need to be aware of the importance of diversity management to the business. Training is the essential tool here as it should make everyone aware of how their biases and prejudices can influence their decisions and actions and they know how to prevent this occurrence.

Managers are especially important in this area. Simply, they should know how to manage diversity.



They should actively develop themselves and their employees. They need to be skilled at making people feel valued and at capturing potential from the individual and the team. Additionally, they need to:

- Solicit feedback on their performance
- Understand motivation and be able to assess employees while understanding that diversity is to be applauded
- Conduct performance appraisal with employees developing and implementing career development plans regularly.

This system can be used to achieve clarity around diversity. It can also assist in embedding the processes.

Best diversity practice requires a culture of openness. If organisational culture does not support openness, there will be a need for change and the organisation needs to be flexible. Norms and practices will be challenged through diversity of opinions and processes. To meet this challenge, the organisation should actively promote flexibility of its processes and procedures. This will require an openness to change on behalf of both the employers and employees. For example agreeing to let a parent work a late shift so as to be available during the day when school going children need them.

It is essential to train staff at all levels – otherwise the initiative, through development and implementation, will take much longer. Staff satisfaction surveys is a key way to find out what your people are thinking and identifying what needs to be changed.

Performance management is one tool that can be used to encourage the development of an inclusive atmosphere across the organisation. By making diversity part of the performance appraisal system awareness will be heightened and processes and policies adhered to with greater enthusiasm (see also Integrating and Mainstreaming Section as well as Appendix 6).

To further embed policies in the workplace, cultural diversity should be included in the organisation's strategy statement and business planning objectives. Embedding it enhances policies and procedures in the organisation.

Policy of inclusion

Policies should be orientated to be inclusive and not for any particular group. An example is found in the provision of language training whereby an organisation can spend time and money determining who of their non-Irish workforce should be considered for language training. The better approach is to send everyone recently employed on the language training programme. There are a number of benefits to be gained here:

- Avoid additional cost of determining who needs training
- Everyone gains from the training, even those who can speak some English in the first instance
- Everyone is treated equitably and fairly.

Timeline for Implementation

This timeline for implementing strategic diversity management is provided by Kamaljeet Jandu whose experience with a large multinational organisation shows the process can take up to six or seven years to embed. However, the time required will vary across organisations relative to their size, commitment and existing frameworks. Benefits can be gained from the very beginning and these will grow and develop throughout the different stages.

The timeline may seem long but it allows for a reasonable amount of time to get all the different processes in place and become established.



6-7 years of consistent work on engaging stakeholders, policies, projects etc to eventually lead to change of culture

Source: GMB Trade Union & Kamaljeet Jandu



Implementation

Implementation

- mission statement
- senior management buy-in
- auditing and assessment
- clarity of objectives, policies and procedures
- policy of inclusion
- constant and consistent communication
- long-term view and planning
- training
- formal and informal initiatives

Appendix 1	Questionnaire: Equality Review of Recruitment and Selection
Appendix 2	General Application Form
Appendix 3	Equality Review Questionnaire
Appendix 4	Suggestions for Terms and Conditions of Employment
Appendix 5	Code of Practice on Sexual Harassment and Harassment at Work
Appendix 6	Measurements and Performance Management
Appendix 7	Detailed Diversity Audit
Appendix 8	Dublin Bus - Equality & Diversity

Web Resources

Bibliography

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Appendix 1

Questionnaire: Equality Review of recruitment and selection

Please tick all answers that apply (CONFIDENTIAL)

Section A: Work Details

A1 Is your employment: Permanent Contract Fixed Term Contract

A2 Are you: Full Time Part Time

A3 Are you:

Clerical Staff Specialist Level/Assistant Manager Manager (G3)

Senior Manager (G2)

A4 Please indicate which business area you work in (tick only one):

Head Office Corp Business Retail Customer Service

Telemarketing

A5 Please indicate your Job Title (tick only one):

Administrator Clerical Manager IT Professional

Investments Manager Customer Advisor Trainee Accountant Personal Finance Advisor

Personal Financial Planner Trainee Consultant Team Leader Other

Section B: Job Application

B1 Where did you hear about the job you applied for:

National Newspaper Advertisement Recruitment Agency FÁS

Organization's Website Other website Internal Advertisement Special Interest Publication

Word of mouth Other (specify) _____

B2 When you applied for your job in the organisation were you required to: (tick only one)

Complete an application form Send in a CV

B3 Was your application dealt with by an Agency Yes No

B4 Are you a migrant worker Yes No

B5 If you are a migrant worker please answer the following.

Were you forwarded your contract of employment (tick only one):

Before departure from your home country On arrival to Ireland but before taking up employment

B6 Were you asked in advance if you had any specific needs to allow you attend for selection interview or assessment

Yes No

Section C: Selection and Induction Procedures

C1 Did you complete an Aptitude Test/Written Psychometric Assessment? Yes No

C2 Was there a gender balance to the Interview panel? Yes No

C3 Were you asked questions at the interview relating to:

Your Age Yes No

Your marital situation Yes No

Family background Yes No

Family responsibilities Yes No

Your ethnic origin Yes No

Your religious/spiritual beliefs Yes No

Your sexual orientation Yes No

Your health Yes No

C4 Do you think the interview procedure was fair in assessing your capabilities to do the job

Yes No Don't Know

If no please give details: _____

C5 Do you have confidence in the selection procedures in the organisation?

Very Confident Confident Neither Confident nor Unconfident

Unconfident Very unconfident

C6 If you lack confidence in the selection procedures please specify why:

C7 Do you have confidence in the promotion procedures in the organisation?

Very Confident Confident Neither Confident nor Unconfident

Unconfident Very unconfident

C8 If you lack confidence in the promotion procedures please specify why:



C9 Do you believe that the following categories of people who apply for recruitment in the organisation are discriminated against?

Married People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Single People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Older People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Younger People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Men	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Women	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Gay/Lesbian/Bisexuals	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
People of a certain religious belief	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
People from a particular ethnic background	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
People with a disability	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Members of the Traveller community	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know

If yes please specify why you believe this

C10 Do you believe that the following categories of people who apply for promotion in the organisation are discriminated against?

Married People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Single People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Older People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Younger People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Men	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Women	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
Gay/Lesbian/Bisexuals	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know
People of a certain religious belief	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know

People form a particular ethnic background Yes No Don't Know

People with a disability Yes No Don't Know

Members of the Traveller community Yes No Don't Know

If yes please specify why you believe this

C11 Which of the following do you believe is true in the organisation (Tick only one):

Men have a better chance of promotion than women?

Women have a better chance of promotion than men?

Both have the same chance?

If you believe that one gender has a better chance please state why:

C12 If you have a disability, were there any special measures/supports not in place that would have helped you to participate better in the recruitment/selection interviews? Yes No

prepare you better for promotion interviews? Yes No

C13 I received adequate induction training for my job

Strongly agree Agree Disagree Strongly disagree

C14 Please answer the following questions in relation to the Induction training you received:

I found the induction training was carried out in a place that was easily accessible to me

Strongly agree Agree Disagree Strongly disagree

The induction training was carried out during my normal working hours

Strongly agree Agree Disagree Strongly disagree

Induction training was delivered in or about my first 2 to 3 days of appointment

Strongly agree Agree Disagree Strongly disagree

There were no language or understanding barriers presented to me during induction training

Strongly agree Agree Disagree Strongly disagree



Section D: General & Personal Details

D1	What is your Gender?	<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Not Willing to Specify
D2	To which age group do you belong?	<input type="checkbox"/> 19 or younger	<input type="checkbox"/> 20-24	<input type="checkbox"/> 25-44
		<input type="checkbox"/> 45-54	<input type="checkbox"/> 55-59	<input type="checkbox"/> 60-64
		<input type="checkbox"/> Over 65	<input type="checkbox"/> Not Willing to Specify	
D3	What best describes your Race/Ethnic Origin?	<input type="checkbox"/> White	<input type="checkbox"/> Asian	<input type="checkbox"/> Black Caribbean
		<input type="checkbox"/> Traveller	<input type="checkbox"/> Mixed Ethnic Group	<input type="checkbox"/> Not Willing to Specify
		<input type="checkbox"/> Other (Specify _____)		
D4	Are you an Irish citizen	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Willing to Specify
D5	What best describes your Religious Belief?	<input type="checkbox"/> Roman Catholic	<input type="checkbox"/> Church of Ireland	<input type="checkbox"/> Presbyterian
		<input type="checkbox"/> Muslim	<input type="checkbox"/> Christian Orthodox	<input type="checkbox"/> No Religion
		<input type="checkbox"/> Other (specify _____)		
D6	How would you describe your sexual orientation?	<input type="checkbox"/> Heterosexual	<input type="checkbox"/> Homosexual/Gay/Lesbian	<input type="checkbox"/> Bisexual
		<input type="checkbox"/> Not Willing to Specify		
D7	What best describes your marital status (please tick only one)?	<input type="checkbox"/> Single	<input type="checkbox"/> Married	<input type="checkbox"/> Co-habiting
		<input type="checkbox"/> Divorced	<input type="checkbox"/> Separated	<input type="checkbox"/> Not Willing to Specify
D8	What is your current family status?	<input type="checkbox"/> Care for Children	<input type="checkbox"/> Care for Children and/ or other relatives	<input type="checkbox"/> Care for person with a disability
		<input type="checkbox"/> No caring responsibility		
		<input type="checkbox"/> Not Willing to Specify		
D9	Do you consider that you have any of the following long term conditions which effect your ability to perform your work? (Tick all boxes that apply)			
	Physical disability (e.g. disability affecting mobility/co-ordination)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Chronic illness (e.g. heart condition, bronchitis)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Sensory disability (e.g. visual or hearing impairment)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	Blood disorders (e.g. haemophilia, chronic anaemia)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Appendix 2

General Application Form

September, 2007

Application For The Post of:

Please use BLOCK LETTERS when completing this form

SURNAME

FORMER SURNAME (if any)

FIRST NAME

E-MAIL

HOME ADDRESS

TELEPHONE NO

MOBILE NO

CORRESPONDENCE ADDRESS (if different)

Educational history and professional training and development

(Please complete as appropriate to your level of attainment)

Training Education Education History	Name & Place	From Month/Year	To Month/Year	Details of Qualifications
Post Primary				
Education				
Third Level Education				
Other Relevant Courses Attended				



Employment history—starting with current employer*(Continue on separate sheet if necessary)***Present Post**

Your title

Date commenced

Employer Name

Employer Address

Tel.No.

Fax No.

Brief description of duties

Previous Posts

From DD/MM/YY	To DD/MM/YY	Name & Address of Employer	Position Held	Brief Description of Duties, Responsibilities and Areas of Experience etc.

References

Please give the Names, Addresses and Telephone Numbers of *two persons from whom references may be obtained*.
(One from current employer and/or one relevant previous employer and/or a character reference.)

1st Referee	2nd Referee
Phone	Phone
E-mail	E-mail

If you do not want us to contact your current employer, please tick the box

However it should be noted that all positions offered are subject to receipt of a reference from your current employer.

Other information relevant to this Application. (If you have insufficient space, please continue on a separate sheet.)



Have you ever changed your name by deed poll? Yes No

Have you ever been convicted of a criminal offence? Yes No

If yes, please give details:

Have you any health issues that may prevent you from fully discharging the duties of this post? Yes No

If yes, please give details:

State your main hobbies and leisure time interests:

Please state where you saw this post advertised:

Please enclose copy of Valid Work Visa/Permit (if applicable)

Expiry Date of Visa/Permit:

Please give current registration number & title of register if appropriate.

Please enclose copies of your relevant qualifications and one passport photograph.

DECLARATION

(Before signing this form, please ensure that you have replied fully to all questions asked. You should also satisfy yourself that you are eligible for the competition concerned. Offers of employment are subject to verification of candidates' eligibility for the position applied for)

I CERTIFY that all particulars in this application are true and correct, to the best of my knowledge and belief.

I am aware that any canvassing, by me, or on my behalf, will disqualify me from the position I am seeking and that any employment offered to me is dependent upon the information given herein being correct.

I am aware that false or misleading information or deliberate omissions may result in disqualification from the competition or the withdrawal of any offer of employment

Signature of Applicant

Date

Confidential

Official use only
Batch ID
Input ID



Appendix 3

Equality Review Questionnaire

Introduction

The Organization is carrying out an Equality Review of its Recruitment and Selection policies, processes and procedures with a view to preparing an Equality Action Plan. The review will also gather your own personal experience and perceptions of recruitment and selection. You have been selected to complete this survey because you have recent experience of the recruitment and selection procedures used by The Organization

Confidentiality

The Organization has appointed HR Ltd to conduct the review. Your individual questionnaire is strictly confidential. Once completed, it will only be seen by members of the HR Ltd team. The Organization will not have access to the original questionnaires, and it will not be possible to identify individuals from the published results. Where appropriate, the Audit team will comply with Data Protection legislation, in relation to this survey.

In order to protect your privacy and ensure this survey IS COMPLETELY ANONYMOUS AND CONFIDENTIAL, HR Ltd would ask you NOT TO WRITE YOUR NAME ON THE QUESTIONNAIRE.

All of the questions are important in informing us about your experiences and perceptions around equality issues in The Organization. However, if you feel uncomfortable answering any specific questions, you may leave them blank and proceed to the next question.

How to complete the Survey

The questionnaire will take approximately 15 minutes to complete. Please remember that there is no 'right' or 'wrong' view here – the purpose of the exercise is to document the different perceptions and experiences from staff working within the The Organization

Survey Queries /Questions

If you have any questions or difficulties with the survey, please contact xxxx

Survey Results

A summary of the survey results will be made available to The Organization. The Organization is also committed to producing an Action Plan during the coming year to address any issues raised in the course of the review.



Equality Review Survey

A1 Are you currently employed by the organisation or were you awarded a contract in 2005? *Select one answer only*

- Yes No No Answer
-

A2 Is your employment: *Select one answer only*

- Permanent Contract Fixed Term Contract No Answer
-

A3 Are you: *Select one answer only*

- Full Time Part Time No Answer
-

A4 Are you: *Select one answer only*

- Clerical Staff Manager Senior Manager
 Specialist Level/ Assistant Manager No Answer
-

A5 Please indicate which business area you work in? *Select one answer only*

- Head Office Corp Business Retail Finance Direct
 Retail Group Functions No Answer
-

A6 Please indicate your job title: *Select one answer only*

- Administrator Clerical IT Professional Investment Manager
 Manager Trainee Accountant Team Leader Personal Financial Planner
 Customer Advisor No Answer Other (Please write in)
-

A7 *Select one answer only*: I received adequate induction training for my job

- Strongly Agree Agree Disagree Strongly Disagree No Answer
-

A8 Please answer the following questions in relation to the induction training you received

I found the induction training was carried out in a place that was easily accessible to me

- Strongly Agree Agree Disagree Strongly Disagree No Answer
-

The induction training was carried out during my normal working hours

- Strongly Agree Agree Disagree Strongly Disagree No Answer
-

Induction training was delivered in or about my first 2 to 3 days of appointment

- Strongly Agree Agree Disagree Strongly Disagree No Answer
-

There were no language barriers presented to me during induction training

- Strongly Agree Agree Disagree Strongly Disagree No Answer
-

A9 Do you believe that the following categories of people who apply for a promotion in The Organisation are discriminated against? *Select one answer only for each.*

Married People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Single People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Older People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Younger People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Men	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Women	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Gay/Lesbian/Bisexual	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
People of a certain religious belief	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
People from a particular ethnic background	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
People with a disability	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Members of the Traveller community	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer

A9a If you responded 'Yes' to any of the above, please specify why you believe this? *Write in answer, indicating the category of person in your answer.*

A10 To what extent are you confident with the promotion procedures in The Organisation? *Select one answer only.*

- Very Confident
 Confident
 Neither Confident nor Unconfident
 Unconfident
 Very unconfident
 No answer

A10a If you responded 'Unconfident' or 'Very Unconfident' to the promotion procedures in The Organisation, please specify why.



A11 Which of the following do you believe is true in the organisation? *Select one answer only.*

- Men have a better chance of promotion than women Women have a better chance of promotion than men
 Both have the same chance No Answer
-

A12 If you believe that (answer to previous question) please state why:

B1 Where did you first hear about the job you applied for? *Select one answer only.*

- National Newspaper Advertisement Recruitment Agency FÁS
 Organizations Website Other Website Internal Advertisement
 Special Interest Publication Word of Mouth No Answer
 Other (Please write in)
-

B2 When you applied for a job in the organisation were you required to? *Select one answer only.*

- Complete an application form Send in a CV No Answer
-

B3 Was your application dealt with by an agency? *Select one answer only.*

- Yes No No Answer
-

B4 Are you a migrant worker? *Select one answer only.*

- Yes No No Answer
-

B5 Were you forwarded your contract of employment? *Select one answer only.*

- Before departure from your home country On arrival in Ireland but before taking up employment
 No Answer
-

B6 Were you called for Aptitude Test/ Interview? *Select one answer only.*

- Yes—Go to C5 No No Answer
-

B7 Were you asked in advance if you had any specific needs to allow you to attend for selection interview or assessment? *Select one answer only.*

- Yes No No Answer
-

C1 Did you complete an Aptitude Test/ Written Psychometric Assessment? *Select one answer only.*

- Yes No No Answer
-

C2 Was there a gender balance to the interview panel? *Select one answer only.*

- Yes No Don't Know No Answer
-

C3 Were you asked questions at the interview relating to: *Select one answer for each.*

Your age	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Your marital situation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Family background	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Family responsibilities	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Your ethnic origin	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Your religious/ spiritual beliefs	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Your sexual orientation	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Your health	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer

C4 Do you think the interview procedure was fair in assessing your capabilities to do the job? *Select one answer only.*

- Yes– Go to C5 No Don't Know–Go to C5 No Answer

C4a If you responded 'No' to whether the interview procedure was fair, please give details.

C5 To what extent are you confident with the selection procedures in the organisation? *Select one answer only.*

- Very Confident – Go to C6 Confident – Go to C6
 Neither Confident nor Unconfident – Go to C6 Unconfident Very Unconfident No Answer

C5a If you responded 'Unconfident' or 'Very Unconfident' to the selection procedures in the organisation, please specify why.

C6 Which of the following do you believe is true in the organisation? *Select one answer only.*

- Men have a better chance of being recruited than women
 Women have a better chance of being recruited than men
 Both have the same chance – Go to C8 No Answer



C7 If you believe that (answer to previous question) please state why:

C8 Do you believe that the following categories of people who apply for recruitment in the organisation are discriminated against? *Select one answer for each line.*

Married People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Single People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Older People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Younger People	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Men	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Women	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Gay/Lesbian/Bisexual	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
People with a caring responsibility	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
People of a certain religious belief	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
People with a particular ethnic background	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
People with a disability	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer
Members of the Traveller community	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't Know	<input type="checkbox"/> No Answer

C8a If you responded 'Yes' to any of the above, please specify why you believe this (indicating the category of person in your answer)

C9 If you have a disability were there any special measures/ supports not in place that would have helped to: *Select one answer for each line.*

Participate in the recruitment/ selection interviews	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No answer
Prepare you better for promotion interviews	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No answer

D1 What is your gender? *Select one answer only.*

- Male Female Not willing to specify No Answer
-

D2 Which age group do you belong to? *Select one answer only.*

- 19 years or younger 20 - 24 years 25 - 44 years 45 - 54 years
 55 - 59 years 60 - 64 years Over 65 years Not willing to specify
 No Answer
-

D3 What best describes your Race/ Ethnic origin? *Select one answer only.*

- White Asian Black Carribean Black African
 Traveller Mixed Ethnic Group Not willing to specify No Answer
 Other (Please write in)
-

D4 Are you an Irish citizen? *Select one answer only.*

- Yes No Not willing to specify No Answer
-

D5 What best describes your religious belief? *Select one answer only.*

- Roman Catholic Church of Ireland Presbyterian Methodist
 Muslim Christian Orthodox No Religion Not willing to specify
 No Answer Other (Please write in)
-

D6 How would you describe your sexual orientation? *Select one answer only.*

- Heterosexual Homosexual/Gay/Lesbian Bisexual
 Not willing to specify No Answer
-

D7 What best describes your marital status? *Select one answer only.*

- Single Married Co-Habiting Widowed
 Divorced Separated Not willing to specify No Answer
-

D8 What is your current family status? *Select one answer only.*

- Care for Children Care for Children and/ or other relatives Care for person with a disability
 No caring responsibility Not willing to specify No Answer
-



D9 Do you consider that you have any of the following long term conditions which effect your ability to perform your work? *Select one answer on each line.*

Physical disability (e.g. disability affecting mobility/ co-ordination)

Chronic illness (e.g. heart condition, bronchitis)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No answer
Sensory disability (e.g. visual or hearing impairment)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No answer
Blood disorders (e.g. haemophilia, chronic anaemia)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No answer
Mental health difficulties (e.g. schizophrenia)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No answer
Emotional health difficulties (e.g. depression, phobias)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No answer
Severe or specific learning difficulties (e.g. intellectual/ mental handicap)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No answer
Drug/ alcohol dependency	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No answer
Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> No answer

D10 Have you any overall comments that you would like to make in relation to your experience of Recruitment, Selection and Progression within the organisation?

Appendix 4

Suggestions for inclusion in Terms and Conditions of Employment

Hours of attendance	Statements on
Sick leave entitlements certified and uncertified	Gifts, bribes and Corrupt practices where appropriate
Absence	Confidentiality
Annual Leave	Personal Mail and phone calls
Maternity Leave	Disciplinary and Grievance Procedures
Paternity Leave	Commitment to staff development
Adoptive Leave	Training opportunities
Parental Leave	Study leave, exam leave, and Course fees
Family Leave	Equal opportunity policies
Compassionate Leave	Sexual Harassment policy
Jury Service	Anti Bullying and Harassment policy
Interview Leave	Health and Safety Policy
Special Leave with and without pay	Termination of Employment and Resignation policies
Career Breaks	Exit Interviews
Work sharing	
Term time leave; special unpaid leave for parents who have special needs to be attended to with school going children	

Pay

- Rates of pay
- Pay frequency
- Deductions from pay; social welfare, pension deductions etc
- Any other deductions such as VHI, savings scheme
- Bonus scheme
- Overtime



Appendix 5

Code of Practice on Sexual Harassment and Harassment at Work

This code has been given legal effect in the Statutory Instrument entitled Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2002 (S.I. No. 78 of 2002)

(1) FOREWORD

The impact of sexual harassment and harassment

Sexual harassment, and harassment on the eight discriminatory grounds, pollutes the working environment and can have a devastating effect upon the health, confidence, morale and performance of those affected by it. The anxiety and stress produced by sexual harassment and harassment may lead to those subjected to it taking time off work due to sickness and stress, being less efficient at work or leaving their job to seek work elsewhere. Employees often suffer the adverse consequences of the harassment itself and the short and long term damage to their employment prospects if they are forced to forego promotion or to change jobs. Sexual harassment and harassment may also have a damaging impact on employees not themselves the object of unwanted behaviour but who are witness to it or have a knowledge of the unwanted behaviour.

There are also adverse consequences arising from sexual harassment and harassment for employers. It has a direct impact on the profitability of the enterprise where staff take sick leave or resign their posts because of sexual harassment or harassment. It can also have an impact on the economic efficiency of the enterprise where employees' productivity is reduced by having to work in a climate in which the individual's integrity is not respected.

Some specific groups are particularly vulnerable to sexual harassment and harassment as there may be a link between the risk of sexual harassment or harassment and the recipient's perceived vulnerability - such as new entrants to the labour market, those with irregular or precarious employment contracts and employees in non-traditional jobs.

(2) INTRODUCTION

This code has been prepared by the Equality Authority with the approval of the Minister for Justice, Equality and Law Reform and after consultation with IBEC, ICTU and other relevant organisations representing equality interests.

Aim

This code aims to give practical guidance to employers, employers' organisations, trade unions and employees on:

- what is meant by sexual harassment and harassment in the workplace
- how it may be prevented
- what steps to take if it does occur to ensure that adequate procedures are readily available to deal with the problem and to prevent its recurrence.

Status

The code thus seeks to promote the development and implementation of policies and procedures which establish working environments free of sexual harassment and harassment and in which the dignity of everyone is respected.

The provisions of this code are admissible in evidence and if relevant may be taken into account in any criminal or other proceedings before a Court, under Part VII of the EE Act, proceedings before the Labour Court, the Labour Relations Commission, the Employment Appeals Tribunal, the Director of Equality Investigations and a rights commissioner.

This code does not impose any legal obligations in itself, nor is it an authoritative statement of the law - that can only be provided by the Office of the Director of Equality Investigations, the Labour Court and the Courts. It is the employer's responsibility to ensure compliance with the EE Act and European equality law.

Application and adaptation of the code

The code is intended to be applicable to all employments, employment agencies and trade unions, employer bodies and professional bodies that are covered by the EE Act. Employers are encouraged



to follow the recommendations in a way which is appropriate to the size and structure of their organisation. It may be relevant for small and medium sized enterprises to adapt some of the practical steps to their specific needs. Any adaptations that are made however, should be fully consistent with the code's general intention.

An employer shall be legally responsible for the sexual harassment and harassment suffered by employees in the course of their work unless the employer took reasonably practicable steps to prevent sexual harassment and harassment from occurring and to reverse the effects of it and to prevent its recurrence. Employers who take the steps that are set out in the code to prevent their employees from committing acts of unlawful sexual harassment or harassment or to reverse the effects of it and to prevent its recurrence, may avoid liability from such acts in any legal proceedings brought against them.

It is essential that employers have in place accessible and effective policies and procedures to deal with sexual harassment and harassment. These measures should be agreed by the employers with the relevant trade union or employee representatives. In so far as practicable, clients, customers and business contacts should also be consulted.

Equality of opportunity

A policy on sexual harassment and harassment at work is an integral part of equal opportunities strategies in the workplace. Such policies will be more effective when operated in conjunction with similar policies on equal opportunities and health and safety.

(3) EMPLOYMENT EQUALITY ACT 1998

The Law and Employers' Responsibilities S8 EE Act

The EE Act prohibits discrimination on the nine specific grounds set out below in all aspects of a person's employment from:

- Access to employment
- Conditions of employment
- Training or experience
- Promotion or regrading

- Classification of posts
- Vocational training
- Equal Pay
- (It may also apply in certain circumstances when the relationship has ended for example to references).

The Act applies to employers, employment agencies, trade unions, employer bodies and professional and trade organisations.

An employer must not treat an employee less favourably due to their:

Discriminatory grounds

Gender - man, woman, (this also includes transgender)

Marital Status - single, married, separated, divorced or widowed

Family Status - responsibility as a parent or as a person in loco parentis in relation to a person under 18, or as a parent or the resident primary carer of a person over 18 with a disability which is of such a nature as to give rise to the need for care or support on a continuing, regular or frequent basis.

Sexual Orientation - heterosexual, bisexual or homosexual

Disability - this is very broadly defined in the Act and will include the vast majority of disabilities.

‘Disability’ means:

- a the total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body
- b the presence in the body of organisms causing, or likely to cause, chronic disease or illness
- b the malfunction, malformation or disfigurement of a part of a person’s body
- d a condition or malfunction which results in a person learning differently from a person without the condition or malfunction
- e a condition, disease or illness which affects a person’s thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour.



Age - between the ages of 18 and 65 (or from 15 in relation to vocational training).

Race - race, colour, nationality or ethnic or national origins.

Religious Belief - includes different religious background or outlook, (including absence of religious belief).

Membership of the Traveller Community - "Traveller community" means the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland.

Reasonable accommodation S16 EE Act

Employers have additional obligations to reasonably accommodate employees with disabilities (to the extent that it does not cost more than nominal cost). This obligation should apply to the format and content of the policy, the procedures on sexual harassment and harassment and their implementation.

Victimisation S74(2) EE Act

The EE Act protects employees who for example seek redress under the Act or give evidence in proceedings by prohibiting their being victimised by dismissal or other penalty for doing so.

Sexual harassment and harassment

The EE Act protects employees from employment related sexual harassment and harassment. There are different definitions and provisions in the EE Act. It distinguishes between sexual harassment (on the gender ground) and harassment that is based on one of the other grounds.

Sexual harassment and discrimination S23 (1) EE Act

Sexual harassment is a form of discrimination on the gender ground in relation to conditions of employment.

Harassment and discrimination S32 EE Act

Harassment that is based on the following grounds -marital status, family status, sexual orientation,

religion, age, disability, race, or Traveller community ground - is a form of discrimination in relation to conditions of employment.

What is sexual harassment? S23 EE Act

The definition of sexual harassment includes any:

- act of physical intimacy
- request for sexual favours
- other act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating.

Many forms of behaviour can constitute sexual harassment. It includes examples like those contained in the following list although it must be emphasised that the list is illustrative rather than exhaustive. A single incident may constitute sexual harassment.

Physical conduct of a sexual nature - This may include unwanted physical contact such as unnecessary touching, patting or pinching or brushing against another employee's body, assault and coercive sexual intercourse.

Verbal conduct of a sexual nature - This includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the work place after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments.

Non-verbal conduct of a sexual nature - This may include the display of pornographic or sexually suggestive pictures, objects, written materials, emails, text-messages or faxes. It may also include leering, whistling or making sexually suggestive gestures.

Sex-based conduct - This would include conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex such as derogatory or degrading abuse or insults which are gender-related.

What is harassment? S32(5) EE Act

The definition of harassment contained in section 32(5) of the EE Act is similar to that of sexual



harassment but without the sexual element. The harassment has to be based on the relevant characteristic of the employee whether it be the employee's marital status, family status, sexual orientation, religious belief (or none), age, disability, race, colour, nationality or ethnic or national origin or membership of the Traveller community. Bullying that is not linked to one of the discriminatory grounds is not covered by the EE Act.

The protection of the Act extends to situations where the employee does not have the relevant characteristic but the harasser believes that he/she has that characteristic, for example, if the harasser thought the employee was gay and the employee wasn't.

Harassment is any act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material if the action or conduct is unwelcome to the employee and could reasonably be regarded as offensive, humiliating or intimidating.

Many forms of behaviour may constitute harassment including:

- Verbal harassment - jokes, comments, ridicule or songs
- Written harassment - including faxes, text messages, emails or notices
- Physical harassment - jostling, shoving or any form of assault
- Intimidatory harassment - gestures, posturing or threatening poses
- Visual displays such as posters, emblems or badges
- Isolation or exclusion from social activities
- Pressure to behave in a manner that the employee thinks is inappropriate, for example being required to dress in a manner unsuited to a person's ethnic or religious background.

Common Element

The definitions of sexual harassment and harassment have several common concepts. There is an objective and subjective element to the different parts of the definition.

(a) Unwelcome conduct

The EE Act does not prohibit all relations of a sexual or social nature at work. To constitute sexual harassment or harassment the behaviour complained of must firstly be unwelcome. It is up to each employee to decide (a) what behaviour is unwelcome, irrespective of the attitude of others to the

matter and (b) from whom, if anybody, such behaviour is welcome or unwelcome, irrespective of the attitudes of others to the matter. The fact that an individual has previously agreed to the behaviour does not stop him/her from deciding that it has now become unwelcome. It is the unwanted nature of the conduct which distinguishes sexual harassment and harassment from friendly behaviour which is welcome and mutual.

(b) Sexually and/or otherwise offensive, humiliating or intimidating

In addition, to constitute sexual harassment or harassment under the EE Act the behaviour must also be reasonably regarded as offensive, humiliating or intimidating to the employee.

Intention

The intention of the perpetrator of the sexual harassment or harassment is irrelevant. The fact that the perpetrator has no intention of sexually harassing or harassing the employee is no defence. The effect of the behaviour on the employee is what is important.

Sexual harassment and harassment by employers, employees and non-employees S23(1) S32(1) S23(4) S32(2) EE Act

The EE Act protects employees from sexual harassment and harassment by:

- the employer
- fellow employees
- clients
- customers
- other business contacts including any person with whom the employer might reasonably expect the employee to come into contact in the workplace. This may include those who supply or deliver goods/services to the employer, maintenance and other types of professional contractors as well as volunteers.

Non-workplace sexual harassment and harassment

The scope of the sexual harassment and harassment provisions extend beyond the workplace for example to conferences and training that occur outside the workplace. It may also extend to work-related social events.

Different treatment because of acceptance of or rejection of sexual harassment or harassment S23(2)(b) S32(2)(b) EE Act



The protection extends to where the employee is treated differently in the workplace because he/she has rejected or accepted the sexual harassment or harassment for example in relation to decisions concerning access to training, promotion or salary.

Employment Agencies and Vocational Training S23(6) S32(7) EE Act

The provisions on sexual harassment and harassment also apply to employment agencies and vocational training.

Obligations on Employers

The EE Act requires employers to act in a preventative and remedial way.

Reasonably practicable steps

Employers are legally responsible for the sexual harassment and harassment directed at employees carried out by co-employees or clients, customers or other business contacts of the employer. It is a defence for the employer to prove that the employer took reasonably practicable steps to prevent:

- the employee from being harassed
- the employee from being treated differently in the workplace or in the course of employment and if and so far as any such treatment has occurred, to reverse the effects of it.

In order to rely on this defence employers would need to show that they have comprehensive, accessible, effective policies that focus on prevention and best practice and remedial action and an accessible effective complaints procedure. The steps taken to put the policies and procedures into practice will also be taken into account, as employers will not be able to rely on an excellent policy if it hasn't been effectively implemented. The core elements of a policy and complaints procedure will be dealt with below.

Time limits and Remedies under the EE Act S74-93

A complaint of sexual harassment or harassment on any of the other grounds may be made to the Office of the Director of Equality Investigations who may refer the complaint to an Equality Officer or, with the parties agreement, for mediation.

All dismissal claims (including constructive dismissal) under the EE Act are heard by the Labour Court.

In sexual harassment claims (and all gender claims) the employee may bypass either of the above and refer the matter to the Circuit Court.

A complaint must be made within 6 months of the alleged incident of sexual harassment or harassment or the latest incident of such harassment. This may be extended to up to 12 months where exceptional circumstances prevented the making of the complaint within the 6 months.

The maximum that can be awarded by the Office of the Director of Equality Investigations and the Labour Court is 104 weeks pay. However, section 82(3) provides that no enactment relating to the jurisdiction of the Circuit Court shall be taken to limit the amount of compensation which may be awarded by the Circuit Court.

The Labour Court or the Circuit Court may order re-instatement or re-engagement.

S98 EE Act

To dismiss an employee for making a complaint of sexual harassment or harassment under the EE Act in good faith, is an offence and an employer may also be subject to an order for re-instatement or re-engagement or the payment of compensation to the employee.

Right to seek information S76 EE Act S81 EE Act

Prior to making a complaint under the EE Act an employee is entitled to seek "material information" from an employer about alleged acts of sexual harassment or harassment or the employer's failure to deal with them or about the relevant procedures. There is no obligation on the employer to provide the information. However, the Circuit Court, the Director or the Labour Court in subsequent proceedings may draw such inferences as seem appropriate from the failure to supply the information.

(4) THE POLICY

Prevention is the best way to minimise sexual harassment and harassment in the workplace. An effective policy, and a strong commitment to implementing it is required. The purpose of an effective policy is not simply to prevent unlawful behaviour but to encourage best practice and a safe and harmonious workplace where such behaviour is unlikely to occur. This policy is likely to be more effective when it is linked to a broader policy of promoting equality of opportunity.



Employers should adopt, implement and monitor a comprehensive, effective and accessible policy on sexual harassment and harassment.

Preparing the Policy

Strategies to create and maintain a working environment in which the dignity of employees is respected are most likely to be effective when they are jointly agreed. In this way, employers and other parties to the employment relationship can create an anti-harassment culture and share a sense of responsibility for that culture.

The policy and complaints procedure should be adopted, where appropriate, in so far as is practicable with clients, customers and other business contacts after consultation or negotiation with trade union or employee representatives, where possible, over its content and implementation.

Simple direct language should be used in the policy. It should be accessible to those with literacy problems and those who may not speak fluent English.

Core Elements and Implementation Steps

- 1 The policy should begin by declaring:
 - a the organisation's commitment to ensuring that the workplace is free from sexual harassment and harassment
 - b that all employees have the right to be treated with dignity and respect
 - c that complaints by employees will be treated with fairness and sensitivity and in as confidential a manner as possible
 - d that sexual harassment and harassment by employers, employees and non-employees such as clients, customers and business contacts will not be tolerated and could lead to disciplinary action (in the case of employees) and other sanctions for example the suspension of contracts or services or exclusions from premises (in the case of non-employees).
- 2 Definition
 - a the policy should set out definitions of sexual harassment and harassment which are simple, clear and practical;

- b a non-exhaustive list of examples should be provided;
- c the policy should state that the protection extends to:
 - sexual harassment and harassment by co-workers, clients, customers and other business contacts
 - beyond the workplace to conferences and training and may extend to work-related social events
 - different treatment of an employee because he/she has rejected or accepted the sexual harassment or harassment
 - employment agencies and vocational training;
- d the policy should emphasise that it is up to the employee to decide what behaviour is unwelcome irrespective of the attitude of others to the matter;
- e the policy should state that employees who make a complaint or who give evidence in proceedings etc. will not be victimised.

3 Allocation of responsibilities under the Act

The policy should state that management and others in positions of authority have a particular responsibility to ensure that sexual harassment and harassment does not occur and that complaints are addressed speedily. The policy should state that in particular, management should:

- provide good example by treating all in the workplace with courtesy and respect
- promote awareness of the organisation's policy and complaints procedures
- be vigilant for signs of harassment and take action before a problem escalates
- respond sensitively to an employee who makes a complaint of harassment
- explain the procedures to be followed if a complaint of sexual harassment or harassment is made
- ensure that an employee making a complaint is not victimised for doing so
- monitor and follow up the situation after a complaint is made so that the sexual harassment or harassment does not recur.

4 Trade Unions

The policy should address the contribution to be made by the trade union/s.



Trade unions can play a role in the prevention of sexual harassment and harassment in the workplace through their participation in the development and implementation of policies and procedures, through their information and training services, and through the collective bargaining process. Trade unions may also play a role in providing information, advice and representation to employees who have been sexually harassed or harassed, and to employees against whom allegations of sexual harassment and harassment have been made.

5 Employees

The policy should make it clear that employees may contribute to achieving a sexual harassment and harassment free environment through co-operating with management and trade union strategies to eliminate sexual harassment and harassment and that sexual harassment and harassment by employees constitutes misconduct and may lead to disciplinary action.

6 Non-Employees

The policy should point out that the sexual harassment and harassment by non-employees such as clients, customers and business contacts will not be tolerated and may lead to termination of contracts or suspension of services, or the exclusion from a premises or the imposition of other sanctions (as appropriate).

7 Communication of Policy

The policy should include a commitment to effective communication of the policy. The policy should be communicated effectively to all those potentially affected by it including management, employees, customers, clients and other business contacts, including those who supply and receive goods and services. This effective means of communicating a policy could include for example, newsletters, training manuals, training courses, leaflets, websites, emails and notice boards.

To Employees

Employees, including those in management and all other positions of responsibility, should be made aware of the policy as part of any formal induction process whereby new employees become familiar with their job and their working environment and rules and regulations that apply such as health and safety.

Employers should consider a staff handbook where practicable to be distributed to all employees as part of the induction process. This handbook will need to be updated to reflect relevant changes.

To Non-Employees

There may be some practical difficulties in ensuring that the policy is effectively communicated to every relevant person particularly where there is no ongoing relationship. Summaries of policies should be prominently displayed. This may not be feasible for retail outlets or pubs. These should prominently display a short statement confirming the policy's existence and the organisation's commitment to it, making it clear that the complete policy is available.

The effective communication of the policy should be easier where there is an ongoing relationship with clients and customers. This can be achieved by way of a combination of means such as:

- leaflets summarising the policy being prominently displayed where members of the public, clients, and customers attend such as receptions and waiting rooms
- including a leaflet or short written statement summarising the policy in any of the company written material such as appropriate brochures etc.
- it may be appropriate for the contracts of the employer with clients, customers and other business contacts to provide that sexual harassment or harassment of employees of the employer will constitute a repudiation of the contract and may be a ground for the employer to treat the contract at an end

8 Monitoring

The policy should include a commitment to monitoring incidents of sexual harassment and harassment.

The only way an organisation can know whether its policy and procedures are working is to keep careful track of all complaints of sexual harassment and harassment and how they are resolved. This monitoring information should be used to evaluate the policy and procedures at regular intervals, with changes recommended when something is not working well.

9 Training

The policy should include commitments to training staff on issues of sexual harassment and harassment.



An important means of ensuring that sexual harassment or harassment does not occur is through the provision of training for managers, supervisors and all staff. This should happen for staff at induction or through appropriate awareness raising initiatives. Such training should aim to identify the factors which contribute to a working environment free of sexual harassment and harassment and to familiarise participants with their responsibilities under the employer's policy and any problem they are likely to encounter.

This is considered especially important for those members of staff responsible for implementing the policy and processing complaints.

10 Complaints Procedure

The policy should set out a complaints procedure.

It is essential for employers to attach to their policy a detailed complaints procedure that will be available to employees to process their complaint where they allege they have been subjected to sexual harassment or harassment. Clients, customers and others who interact regularly with the organisation should be made aware of the employees' right to make a complaint and that they may be requested to participate in the process.

11 Reviews

The policy should include a commitment to review on a regular basis in line with changes in the law, relevant caselaw or other developments.

A competent person should be designated to ensure that monitoring, training and reviews occur.

(5) THE COMPLAINTS PROCEDURE

The development of clear and precise procedures to deal with sexual harassment and harassment once it has occurred is of great importance. The procedure should ensure the resolution of problems in an effective and efficient manner. Practical guidance for employees on how to deal with sexual harassment and harassment when it occurs and with its aftermath, will make it more likely that it will be dealt with at an early stage.

The following are core elements which are relevant to any complaints procedure. They will need to be adapted and expanded upon to reflect the size and complexity of the employment.

Core Elements

1 Plain language

The procedures should be set out clearly, step by step in plain language and in relevant languages and formats so that a person making a complaint knows what to do and who to approach.

2 Time limits

Time limits should be set for every stage of the investigation.

3 Statutory rights

The procedure should make it clear that using the complaints procedure will not affect the complainant's right to make a complaint under the EE Act and should point out the statutory time limits.

4 Victimisation

The complaints procedure should make clear that an employee will not be victimised or subject to sanction for making a complaint in good faith, or for giving evidence in proceedings, or by giving notice of intention to do so.

The procedure should make clear that in the course of investigating the complaints the employer will make no assumptions about the guilt of the alleged harasser.

5 Sanctions

Employees should be informed that in the event of the complaint being upheld that the disciplinary process will be invoked which may lead to disciplinary sanctions up to and including dismissal. Non-employees should be informed that in the event of the complaint being upheld that appropriate sanctions may be imposed which could in particular circumstances include termination of contract, suspension of service, exclusion from premises etc. as appropriate.

6 Confidentiality

The procedure should make clear that confidentiality will be maintained throughout any investigation to the greatest effort consistent with the requirements of a fair investigation.



Resolving the problem informally

Most recipients of sexual harassment or harassment simply want the harassment to stop. The complaints procedure should provide for informal and formal methods of resolving problems.

The procedure should provide for a competent named person to be available to assist in the resolution of any problems through informal means and to provide information to both employees and non-employees on the procedure and on the policy in general.

The employee who is being sexually harassed or harassed should object to the conduct where this is possible and appropriate. The informal procedure should provide that employees should attempt to resolve the problem informally in the first instance. In some cases it may be possible and sufficient for the employee to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable and that it interferes with their work.

In circumstances where it is too difficult for an individual to do this on his/her own, an alternative approach would be to seek support from, or for an initial approach to be made by, a sympathetic friend or designated person or trade union representative.

The informal process could provide for mediation.

Formal complaints procedure

The complaints procedure should provide for a formal complaints procedure where:

- the employee making the complaint wishes it to be treated formally
- the alleged sexual harassment or harassment is too serious to be treated under the informal procedure
- informal attempts at resolution have been unsatisfactory
- the sexual harassment or harassment continues after the informal procedure has been followed.

Investigation of the complaint

The procedure should provide that investigation of any complaint will be handled with sensitivity and with due respect for the rights of both the complainant and the alleged harasser. The investigation

should be, and be perceived to be, independent and objective. The purpose of the investigation is to investigate the allegations and will focus on the complaint.

Those carrying out the investigation should not be connected with the allegation in any way. It is preferable that at least two people should investigate a complaint but it is acknowledged that this may not always be practicable. Such an investigation team should have gender balance and ideally should seek to ensure diversity across the other eight grounds. All of those on the investigation team should have received appropriate training. Every effort should be made to resolve the complaint speedily.

The procedure should provide that both the complainant and alleged harasser should be informed of the following:

- what the formal procedure entails and the relevant time limits
- that both parties have the right to be accompanied and/or represented, by a representative, trade union representative or a friend or colleague
- that the complaint should be in writing and that the alleged harasser be given full details in writing of the nature of the complaint including written statements and any other documentation or evidence including witness statements, interview notes or records of meetings held with the witnesses
- that the alleged harasser be given time to consider the documentation and an opportunity to respond
- that confidentiality will be maintained throughout any investigation to the greatest extent consistent with the requirements of a fair investigation
- that a written record will be kept of all meetings and investigations
- that the investigation having considered all of the evidence before it and the representations made to it will produce a written report to both parties outlining its findings and the reasons for its final decision
- if the complaint is upheld against an employee the report will recommend whether the organisation's disciplinary procedure should be invoked
- if the complaint is upheld against a non-employee the report should recommend appropriate sanctions against the non-employee or his/her employer which could extend where appropriate in the circumstances to



- exclusion of the individual from premises
- suspension or termination of service
- suspension or termination of a supply service or other contract
- the report may also, or as an alternative, recommend other actions such as the more effective promotion of the organisation's policy on sexual harassment and harassment or training
- if a right of appeal exists both parties should be informed of it and the time limits and procedures involved.

It is the responsibility of the employer to provide for proper notification of the complaint and fair determination of the complaint. What is required in any particular instance will depend on the circumstances and/or complexity of the case and may require the adaptation of the procedures.

Non-Employees

It is possible that if the person accused of sexual harassment or harassment is not an employee, he/she will not wish to participate in the formal procedure, and it will not be possible to secure their participation. Nonetheless a non-employee must be kept informed of all developments and given an opportunity to respond to them. The outcome of the investigation and any potential sanctions must also be explained to the non-employee and/or any person or company for whom he/she works.

(6) REASONABLE ACCOMMODATION

The content, form and implementation of the policy and procedures should be accessible to all with adjustments made and steps taken to ensure accessibility for people with disabilities and across the other grounds. Examples would include use of other languages in policy and procedure, availability of interpreters or signers and use of braille or large print formats etc.

(7) REVIEW OF THIS CODE

The EE Act has been in operation since October 1999. As caselaw emerges and as developments occur in the area of sexual harassment and harassment policies, it will be necessary to review and amend this code to reflect these changes.

(8) SOURCES FOR OTHER INFORMATION AND ADVICE

Equality Authority, Clonmel Street, Dublin 2

Tel: (01) 4173336 Lo-Call: 1890 245545

e-mail: info@equality.ie; website: www.equality.ie

ICTU, 31/32 Parnell Square, Dublin 1

Tel: (01) 8897777 website: www.ictu.ie

IBEC, 84/86 Lwr. Baggot Street, Dublin 2

Tel: (01) 6601011 website: www.ibec.ie

Rape Crisis Centre, 70 Lower Leeson Street, Dublin 2

Tel: (01) 6614911 (01) 6614564 (after 5.30 pm and weekends) Freefone: 1800 77 88 88

Labour Relations Commission

Tom Johnson House, Haddington Road, Dublin 4

Tel: (01) 6609662; website: www.lrc.ie

Health and Safety Authority, 10 Hogan Place, Dublin 2

Tel: (01) 6147000; website: www.hsa.ie

The codes on bullying prepared by the Health and Safety Authority (Code of Practice on the Prevention of Workplace Bullying) and the Labour Relations Commission (S.I. No. 17 of 2002) may also be of assistance.

The Labour Relations Commission code of practice on Grievance and Disciplinary Procedures should also be consulted (S.I. No. 146 of 2000)

This code has been produced for information purposes. For legal purposes recourse should be had to the statutory instrument.



EU DEVELOPMENTS

European Commission Recommendation

The European Commission's code of practice annexed to its Recommendation of 27th November, 1991 on the protection of the dignity of women and men at work (92/131/EEC) provides the following definition:

'Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work.'

Future Development

It is likely that there will be a new Gender Employment Directive which will contain a definition of sexual harassment.

Framework Directive and "Race" Directive definitions

Council Directive 2000/78/EC of 27th November, 2000 establishing a general framework for equal treatment in employment and occupation and Council Directive 2000/43/EC of 29th June, 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, contain definitions of harassment referable to religion or belief, disability, age or sexual orientation (Framework Directive) and racial or ethnic origin ("Race" Directive).

These Directives define harassment as follows:

'When unwanted conduct' (related to membership of a particular group) (.....) takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment".

Both Directives have to be implemented in Ireland by 2003 (Race Directive - 19 July, 2003; Employment Directive - 2 December, 2003 - however, in order to take account of particular conditions, Member States, may, if necessary, have an additional period of 3 years from 2 December, 2003, that is a total of 6 years to implement the provisions of the Directive on age and disability discrimination) and the definitions contained in the EE Act may require amendment.

Appendix 6

Measurements and Performance Management

Leading companies measure the costs and benefits of investments in workforce diversity policies for a number of reasons: first, there is a tendency for measurement to drive action – ‘what gets measured gets done’; second, good practice requires the measurement of the costs and benefits of all forms of investment, including investments in intangibles; third, measurement provides a justification for the continuing use of scarce resources; and, finally, measurement enables managers to learn lessons for future, similar investments¹.

Building diversity into an organisation’s strategic framework requires an ability to measure and evaluate achievements at managerial level. Without clearly identified metrics, managers may not be able to fully capitalise on the benefits of diversity management. In order to achieve this diversity objectives need to be clearly aligned with the organisation’s strategic goals and objectives. This may be done through the organisation’s performance management system. BizLab members have identified performance management as a key driver for change and for engaging the support of senior management.

Performance management is an element of strategic human resource management (SHRM) – a set of practices that provides employees with skills, information, motivation and latitude resulting in competitive advantage and higher performance. SHRM covers practices in staffing, training & development, performance management & remuneration and communication & participation. Compelling evidence exists which shows that the combined use of SHRM, partnership, diversity and equality as well as flexible working policies significantly improves productivity, innovation and employee turnover².



1 CSES (Centre for Strategy and Evaluation Services) 2003 *The Costs and Benefits of Diversity. A Study on Methods and Indicators to Measure the Cost-Effectiveness of Diversity Policies in Enterprises*. Brussels: European Commission DG for Employment, Industrial Relations and social Affairs

2 Patrick J. Flood, James P. Guthrie, Wenchuan Liu 2008 (January) *New Models of High Performance Systems The Business Case for Strategic HEM, Partnership and Diversity and Equality Systems* Dublin: The Equality Authority and National Centre for Partnership and Performance

An example of the how a PMDS can measure an individual's performance is given in the case example of a professional organisation's list of core competencies. As well as assessment on core competencies each individual will set and review their goals and objectives with their manager as outlined in the PMDS process such as the DCU case below.

Case: DCU³

Stages in the performance management & development review process

REVIEW PERIOD - May 2005 TO SEPTEMBER 2005

Step 1

Reviewers to meet with their respective reporting lines (whether this is the Head of School/Unit, Executive Dean, Senior Management) to:

- a agree broad parameters around the objective setting in their area, having regard to the University Strategy and the priorities for the Department/Faculty for the next 12-18 months (or longer term if appropriate).
- b allocate Reviewees to appropriate Reviewers

Step 2

Following the meeting(s), the Head of Department should contact the Reviewee to:

- a confirm who their nominated Reviewer is
- b give Reviewees an overview of the departmental strategy and priorities for the next 12-18 months (ie. prior to the completion of the self-assessment form). This will ensure that there is a common understanding/approach around objective setting by both the Reviewer and the Reviewee.

Step 3

Reviewers should then contact their respective Reviewees to set up a mutually agreeable time for the review discussion to take place.

3 Dublin City University - <http://www.dcu.ie/partnership/pmds/index.shtml>

Step 4

The Reviewee should complete Section 1 of the Self-assessment Review Form and pass this to their Reviewer (ideally one week) prior to the scheduled Review Meeting.

Note: If this is the first review meeting to take place between the Reviewer and the Reviewee, there may not necessarily be any agreed objectives from the previous 12 months. It is therefore suggested that the Reviewee list the main objectives, which in their view have taken priority over the last 12 - 18 months. This is also an opportunity to highlight achievements in the last 12-18 months.

Step 5

Review discussion takes place.

Step 6

Once all the Review Discussions have happened, the Senior Manager/Executive Dean/Head of Department should compile and send a brief report to the Training & Development Department together with a copy of Section III (ie. Section on Planning for Development) of each self-assessment form. The report should outline the strategy and the main priorities of the department for the next 12 - 18 months. The report should guide and direct the Training & Development Officer to meet both the prioritised and specific training needs of each department.

Reports to be received not later than the second week in October.

While the evidence unambiguously supports the use of SHRM including performance management in combination with diversity and equality policies, the next step is to use the organisation's performance management system as a vehicle for implementing and supporting diversity management and for embedding it into the organisations strategic goals and objectives. The use of PMDS identifies who can affect diversity management and how it may be implemented and ensures diversity management becomes a core concern by aligning it to the organisation's strategic goals and objectives.



Diversity Management Performance Standards for Managers - Measures within the PMDS⁴

- hires, retains and promotes individuals from different backgrounds
- coaches and mentors a diverse group of individuals
- builds cohesive, productive and diverse work-teams
- resolves diversity related conflicts between individuals
- maintains a low rate of discrimination and harassment complaints
- develops staff through delegation of responsibility
- plans and leads effective meetings with diverse teams
- provides diversity training for staff
- attends diversity awareness training and applies this knowledge to managing staff
- assists in the monitoring and auditing of diversity
- champions the benefits of diversity management
- effectively communicates and promotes diversity initiatives.

Additional measurements may be included in climate surveys with questions such as:

- my manager demonstrates respect for diversity (opinions, work style, race, ethnic backgrounds, gender etc)
- my manager creates a climate in which diverse perspectives are valued
- my manager leverages the individual strengths and differences of diverse people.

A more specific example of diversity performance measurements and ratings (1-7) for a police authority is given overleaf.

4 Adapted from - Australian Centre for International Business 2001 *Engaging Senior Managers: A Toolkit*

for Diversity Management Melbourne: Australian Centre for International Business

Case example: Performance criteria for measuring achievement of objectives linked to achieving cultural diversity in a police authority⁵

Level 1: Lacks knowledge and understanding that may result in the outward display of prejudice, inappropriate behaviour and/or lack of respect for others' feelings and their rights to dignity.

Level 2: At times may be insensitive to the feelings of others and does not consistently demonstrate knowledge and understanding of the diverse make-up of the community. Aware of the need for good community relations but does not demonstrate a complete understanding of the issues and/or does not display full commitment to the principles of good community and race relations.

Level 3: Understands the role of the police in providing service to diverse communities within a multi-racial society. Aware of community and race relations issues. Presents a positive image by fostering and improving good community relations. Recognises how own attitudes, values and prejudices may affect judgements and dealings with others. Demonstrates, through dealings with others, consideration, understanding, fairness, integrity, and respect for the right to equal treatment under the law (irrespective of race, class, gender, age, disability and sexual orientation). Openly challenges any incidents of inappropriate language/behaviour displayed by colleagues without causing bitterness.

Level 4: Takes an active role in working in and with the community. Effectively establishes contacts with key community representatives and partnerships with the aim of furthering improvements in community relations. Identifies, promotes and supports the developments of community and race relations initiatives. Possesses a good understanding of the cultural differences of the various minority groups present within the community and demonstrates empathy with these. Recognises when cross-cultural communication problems may occur and how these can be overcome. Able to provide diversity focused training and raise the level of cultural awareness for colleagues within the area/department. Demonstrates considerable sensitivity and understanding of the feelings and views of others and is able to provide support to people who feel victimised or subject to harassment or unfair treatment irrespective of race, class, gender, age and sexual orientation.



5 Nelarine Cornelius (Ed) 2002 *Building Workplace Equality* London: Thomson p.166

Level 5: As for level 3 plus: monitors and supervise and effective response to racial crime, incidents and reports of harassment and recognises the possible tensions/disputes that may exist in a multi-racial/cultural society and seeks to resolve them equitably. Establishes high standards in respect of community and race relations and acts as a role model to junior staff. Recognises and positively challenges any incident of inappropriate, unacceptable or improper behaviour/language and takes the appropriate action.

Level 6: As for level 3 plus: recognises and responds to the implications of different policing styles on the development to good race and community relations. Delivers workable solutions with the community of other agencies, recognising possible conflicts and effectively reviews the policing of racial crime incidents and reports of harassment. Monitors quality of service and performance against agreed qualitative targets. Identifies and establishes appropriate mechanisms for local community consultation and consults opinion leaders within local community to identify the policing needs of their different groups.

Level 7: As for level 3 plus: implements and drives through initiatives and programmes which significantly contribute to the development and improvement of community relations within the area. Effectively reviews and monitors these and influences area/department-wide standards and procedures on race relations and community relations. Ensures the delivery of the Policing Minority Communities and Race Relations Strategy.

Appendix 7

Detailed Diversity Audit⁶

Step 1 Establish the purpose of the cultural diversity audit.

Determine what questions need to be addressed?

Communicate clearly how the results will be used?

How will the outcome be communicated?

Will a report be written, who will write it?

Who will see it?

What is the next course of action and who will decide it?

Step 2 Sources of information need to be identified

1. Company documentation such as guidelines for personnel activities including selection, appraisal, disciplinary matters, job vacancy advertisements as well as general company documentation. These will all need to be reviewed in the context of cultural diversity management and brought into line with updated policies and procedures.

2. Gather together any data from any previous monitoring. Statistical data is often available in human resources. This would include information gathered from application forms. Other areas of information that may already be gathered is statistical data on gender figured across grades, numbers of ethnic groups in the organisation and their positions, promotion rates etc.

3. People are the most important sources of information in this area. How to gather information from people needs to be decided. Should it be gathered through survey, interview, group discussions or focus groups? There are advantages and disadvantages to each of these means of collecting information. For example, an organisation survey is a good way of including everyone in the process. But deeper and more personalized information can be gained from interviews. However, interviews are costly in terms of time and resources. Do you include everyone, or representative groups? If so, how are they identified? Group discussions can be a useful way of gathering good information but



⁶ Adopted from Pearn Kandola 2006 *Managing Diversity* Second Edition London: Chartered Institute of Personal Development (CIPD)

the determination of membership must be achieved with care so as not to allow for a suspicion of exclusion. In very big organisations the use of focus groups is a useful source of valuable information. Groups need to be limited in size with the optimum number being 8-15. They should be cross functional but in depth discussion can be hampered by the presence of immediate managers. Confidentiality needs to be assured in this approach.

Step 3 Deadlines need to be agreed at the outset.

Without target dates the process will be prolonged and interest will wane. Set attainable target dates and hold everyone to those dates. Having said that, it is important to remember that processes such as these always take longer than anticipated so it is a good idea to overestimate the time required.

Step 4 Who will do the cultural diversity work?

Will it be the responsibility of one or two people or even a project team to carry out the audit? In making this decision, consideration will need to be given to the workload and how best to allocate it. If one person is charged with the work then there is a danger that there will be only one champion. In this regard it may be better to establish a project team so that the responsibility and information can be distributed and the project is not left to one set of shoulders. Consideration also needs to be given to such areas as credibility of the project and therefore who carries most credibility so that it can be carried forward. Is there any relevant expertise to be included? Who do people trust most within the organisation and therefore will be more willing to speak frankly and openly with?

Step 5 Scheduling

Draw up a scheduling plan to cover all eventualities. For example, if the decision is taken to use a survey allow time for the drafting of the questionnaire, running a test of the questionnaire, making changes accordingly etc. Allow time for review meetings to take place while all the time setting mini deadlines.

Step 6 Communicate

The existence of an audit needs to be communicated and should be done at the very beginning of the project. The communications should be open and honest and should come from senior management. There should be a clear reason expressed for the audit along with how the results will be used. This information should be reinforced and updated regularly.

Step 7 Collect data

Once all of the above decisions are made the next step is to gather all the data together and prepare it for analysis.

Step 8 Analysis

In the analysis of the data there are several key areas to look for:

Identify themes and trends that are consistently emerging

Identify contradictions for example differences between perceptions and practices

Identify differences across functions, grades and groups

Complete a comparative analysis from different sources of information to establish solid conclusions.

Step 9 Action on results

Once the results have been pulled together the next step is to decide what options are available to progress the outcomes into actions. Decide what options are available using various reference points.

Seek advice and ideas from colleagues on how to tackle issues that have been identified

Seek contributions from the participants who supplied information. They are likely to be full of ideas on how to develop various solutions

Seek expert opinion from organisations who have already devised solutions and from associations representing various non-Irish groups.

Seek ideas from literature

Step 10 Plan

Consider what resources you will need such as time required to get the initiatives in place, who will support the initiatives, how best to start the introduction of the initiatives

Are other similar initiatives being started that could be used to support this one?

How do staff view the initiative and who will champion it?

Would an organisational level launch be useful to start with?

Should the initiative be launched gently starting with very achievable goals and objectives? For example establishing celebration days representing the different cultures in the organisation could be used to generate enthusiasm for the initiative.



Does the organisation's mission statement and strategy contain a statement on diversity?

If not, use the results from the survey to initiate such a statement with senior management. This would assist in the communication of the delivery from the survey and indicate to staff that management were supporting the initiative.

Can diversity training be enhanced?

Step 11 Mainstreaming

Appendix 8

Dublin Bus - Equality & Diversity – what we mean

INTRODUCTION

We aim to promote equality and diversity both as an employer and as a service provider. We are committed to creating an environment where employees and customers are treated with dignity and respect and where differences are respected, accommodated and valued.

Equality

Equality for Dublin Bus is primarily about fulfilling our legal obligations as an employer and service provider. We aim to achieve full equality in practice on the grounds of gender, marital status, family status, sexual orientation, age, disability, religion, race and membership of the traveller community.

Equality is also about creating an environment of mutual respect for individuals and groups and enabling them to participate fully as employees and users of our service.

Diversity

Diversity embraces the range of individual skills, educational qualifications, work experience, cultural background, languages and other relevant attributes and experiences that we bring to the workplace. It is about linking the positive aspects of these differences with the business needs of the organisation.

Managing diversity can be defined as the creation of an environment in which everyone can achieve his or her full potential and where a broad range of individual abilities, talents and perspectives are valued and supported. This helps to provide a quality service for our customers, improve staff morale, reduce absenteeism and facilitate real teamwork.

The Employment Equality Acts, 1998 & 2004

Promote equality of opportunity and prohibit discrimination in the workplace on the grounds of gender, marital status, family status, sexual orientation, disability, age, religion, race or membership of the Traveller community.



The Equal Status Acts, 2000 to 2004

Promote equality of opportunity and prohibits discrimination in the provision of goods and services on the same nine grounds.

Dublin Bus Equality & Diversity Strategy

INTRODUCTION

Our Equality and Diversity Strategy aims to both promote a more inclusive workplace and make a positive contribution to the successful operation of the business.

To achieve these aims we will take a proactive, results-focused approach. This will be linked to:

- providing a quality customer service
- improving staff satisfaction and contribution
- enhancing people-management skills and
- developing best practice in human resource processes

The Strategy includes an action plan which sets out a series of practical steps to be taken over the next five years. These steps will reflect best practice and create a truly inclusive workplace which will encourage full participation by all staff.

Objectives

The Strategy has identified three key objectives which will serve as a framework for developing the action plan.

- 1 Supporting and protecting staff and business needs
- 2 Building skills and awareness
- 3 Facilitating and driving change

Web Resources & Links

Irish Management Institute IMI BizLabs	Cultural Diversity BizLab - IMI Research Unit & Practitioner Network Executive Management Education & Training Provider	www.imi.ie/culturaldiversity www.imi.ie
Equality Authority	Independent body seeks to achieve positive change in the situation and experience of those groups and individuals experiencing inequality. Provides Legal Guidelines, Publications, Case results, best practices, codes of practice for employers and employees.	www.equality.ie
Dept. of Justice, Equality & Law Reform	Law Work permits National Action Plan Against Racism (NPAR)	www.justice.ie www.ria.gov.ie www.diversityireland.ie
Office of Minister for Integration	new interdepartmental function	www.ria.gov.ie/integration
Dept. Enterprise & Employment mits	Legal issues Work permits Economic Migration Policy Unit	www.entemp.ie www.entemp.ie/labour/workper- www.entemp.ie/labour/migration
National Employment Rights Authority (NERA)	NERA provides information to employees and employers. Established under the Social Partnership Agreement 'Towards 2016' to achieve a national culture of employment rights compliance. NERA covers many aspects of employment rights including Wages, Annual Leave, Working Hours, Redundancy, Dismissal and Notice	www.employmentrights.ie
Public Appointments Service (PAS)	The PAS is the centralised provider of recruitment, assessment and selection services for the Civil Service. It also provides recruitment and consultancy services to local authorities, health boards, an Garda Síochána and other public bodies. The PAS website provides many resources and toolkits etc.	www.publicjobs.ie www.cpsa-online.ie www.publicjobs.ie/client/toolkit/docs/a4_foldout.pdf



Dept. of Foreign Affairs		www.foreignaffairs.gov.ie
UNCERD	UN Convention on the Elimination of all forms of Racial Discrimination	www.justice.ie/en/JELR/Pages/UNCERD
UNHCR	Refugee Agency	www.unhcr.org
Irish Human Rights Commission	to ensure that the human rights of all people in the State are fully realised and protected, in law, in policy and in practice.	www.ihrc.ie
European Council	Human Rights & Legal Affairs European Commission against Racism and Intolerance (ECRI)	www.coe.int/justice www.coe.int/ecri
Garda Vetting Unit	No official website. Search under 'garda vetting' for general information	www.garda.ie

Business, Trade and Organisation Links

IBEC – Irish Business & Employers Confederation	Business Policy and Lobby Information & Training Networks	www.ibec.ie
ICTU – Irish Congress of Trade Unions	National umbrella body for 55 unions representing over 832,000 workers (including Northern Ireland)	www.ictu.ie
Irish Small and Medium Enterprises (ISME)	Representative group advisory services & training and development programmes	www.isme.ie
Small Firms Association (SFA)	represents the needs of small enterprises in Ireland advisory and information services	www.sfa.ie
Chambers of Commerce Ireland	business organisation, with 60 member chambers representing over 12,000 businesses working to promote the economic and social development of their community in order to make it a better place in which to live, work and do business.	www.chambers.ie

Business in the Community (BITC)	Membership of 50 companies focusing on improving Corporate Social Responsibility (CSR)	www.bitc.ie
EPIC (Employment for People from Immigrant Communities)	Also works with companies nationwide through its social inclusion programmes on: Employability of marginalised groups; and Business support for education.	www.bitc.ie/si_programmes/programme_profile.html?id=2
ILO – International Labour Organisation	International law and best practice Migration expertise	www.ilo.org www.ilo.org/public/english/protection/migrant/index.htm
Qualifications		
National Qualifications Authority of Ireland (NQAI)	including links to National Framework of Qualifications (NFQ)	www.nqai.ie www.nfq.ie/nfq/en/ www.nqai.ie/nfq/en/frameaction/levels.html
Qualifications	International Qualifications Database	www.qualificationsrecognition.ie
FETAC - Further Educations & Training Awards Council	Awards for education and training after second-level. Programmes by public and private bodies such as FÁS, Teagasc, Fáilte Ireland and Further Education Colleges e.g. National Craft Certificate (FÁS) & National Vocational Certificate (NCVA)	www.fetac.ie
HETAC – Higher Education & Training Awards Council	the qualifications awarding body for third-level education and training institutions outside the university sector	www.hetac.ie



Advocacy and Support Groups

Immigrant Council of Ireland	Independent Law Centre (ICI) Information, advocacy, research for immigrants	www.immigrantcouncil.ie
Integrating Ireland – the Immigrant Network	Independent network of community and voluntary groups	www.integratingireland.ie
Irish Council for Civil Liberties	Defense & promotion of human rights & civil liberties in Ireland – founders include Mary Robinson & Kadar Asmal	www.iccl.ie
Metro Eireann	Multicultural newspaper –Media & Multicultural Awards (MAMA)	www.metroeireann.com
AkiDwA	Support & information service for African women living in Ireland	www.akidwa.ie
Babylon Radio	Web & media forum for non-Irish nationals and groups	www.babylonradio.com
Cairde	community development organisation working to tackle health inequalities among ethnic minority communities	www.cairde.ie
First Step	specialises in micro-finance, providing loans to start-up and developing businesses	www.first-step.ie
MESEA – Society for Multi-Ethnic studies	Promotes the study of the ethnic cultures of Europe, Africa, and the Americas	www.mesea.org
Migrant Rights Centre Ireland	national organisation concerned with the rights of migrant workers and their families	www.mrci.ie
National Consultative Committee on Racism and Interculturalism (NCCRI)	Independent expert body – coordinator of the European Year of Intercultural Dialogue (EYID) in Ireland 2008	www.nccri.ie www.nccri.ie/useful-publications.html
NASC	Immigrant Support Centre, Cork	www.nascireland.org

National Women's Council of Ireland	representative organisation for women and women's groups in Ireland promoting equality, human rights and empowerment for all women	www.nwci.ie
ICARE	Internet Centre Anti Racism Europe	www.icare.to/
The European Union Agency for Fundamental Rights	Independent body of the European Union	www.eumc.at
SARI – Sports Against Racism Ireland	supports and promotes cultural integration and social inclusion through sport	www.sari.ie
Equality Commission for Northern Ireland	an independent public body	www.equalityni.org
Equality & Rights Alliance (ERA)	newly-formed coalition of over 40 civil society groups seeking to ensure the promotion and enhancement of human rights, equality and social justice in Ireland.	eracampaign.org
Pavee Point	a partnership of Irish Travellers and settled people working together to improve the lives of Irish Travellers through social justice, solidarity, socio-economic development and human rights.	www.paveepoint.ie
Amnesty International	Human rights organisation - Irish Section	www.amnesty.ie
Educate Together	representative organisation of the Educate Together schools and associations	www.educatetogether.ie
Irish Traveller Movement (ITM)	national network of organisations and individuals working within the Traveller community.	www.itmtrav.com
Crosscare Migrant Project	information, advocacy and referral organisation for migrants in vulnerable situations	www.emigrantadvice.ie



NGO Alliance Against Racism		
One Family	national organisation for one-parent families in Ireland	www.onefamily.ie

Academic and Research Institutes

Economic and Social Research Institute (ESRI)	Irish research and analysis – surveys & reports	www.esri.ie
DCU – Business School	Human Resource Management Group LnK: The Learning, Innovation and Knowledge Research Centre	www.dcu.ie/dcubs/hrm.shtml www.dcu.ie/dcubs/link/index.shtml
DCU - European Intercultural Workplace	The EIW research project was undertaken by 10 European countries to investigate challenges posed by an increasingly intercultural work environment	www.eiworkplace.net
DCU – Internationalisation, Interculturalism and Social Development	Including several reports and studies on workplace diversity, integration studies and translocations including the EIW above	www.dcu.ie/themes/international/mip.shtml www.dcu.ie/themes/international/workplace_diversity.shtml
TCD – Dept of Sociology	Research on labour and migration policy	www.tcd.ie/sociology/research/
TCD – Germanic Studies	Intercultural Research – GLOBE Project	www.tcd.ie/Germanic_Studies/index.htm
TCD – School of Business	Organisation and Business Research	www.business.tcd.ie
Institute for International Integration Studies	GLOBE Project	www.tcd.ie/iiis/
UCD Institute for Chinese Studies	Chinese related research and education	www.ucd.ie/china/ www.mis.ucd.ie/research/InterCulturalTrust

UCD – Clinton institute for American Studies	Education and activities devoted to advancing academic research and public discussion about the US	www.ucdclinton.ie/
CIPD - Chartered Institute of Personnel and Development	International - UK based with Irish branch Useful tools & research	www.cipd.ie
SHRM – Society for Human Resource Management	US based Useful tools & research	www.shrm.org
Central Statistics Office (CSO)	Population, census, migration, employment and trade statistics	www.cso.ie
Cyborlink	International business etiquette and manners. Information and analysis by country	www.cyborlink.com/besite



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