



Australian Government  
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## Practical guidelines for employers for promoting equality and preventing discrimination at work in Indonesia



Book

4

## Managing Equality In The Workplace



Australian Government  
Department of Foreign Affairs and Trade



Indonesian  
Employers  
Association



International  
Labour  
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Practical guidelines for employers for promoting equality and preventing discrimination at work in Indonesia

Book

# 4

## Managing equality in the workplace

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### Code of practice practical guide in five parts

Code of practice for employers
Practical Guide in five parts:
1. Equality in Employment: Key Concepts and Principles
2. Business Case for Equality
3. Equality in Company Practices
<b>4. Managing Equality in the Workplace</b>
5. External Support Resources for Equality Management at Companies

Indonesian Employers Association (APINDO)  
International Labour Office (ILO), Jakarta

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# Contents

<b>Foreword APINDO</b>	<b>vii</b>
<b>Foreword ILO</b>	<b>ix</b>
<b>Introduction</b>	<b>1</b>
<b>1. Planning and implementing equality measures</b>	<b>3</b>
1.1 Commit to equality, adopt an equality policy	5
1.2 Conduct an equality audit	10
1.3 Implement the equality policy and action plan	18
1.4 Monitor the equality policy and action plan	20
1.5 Communicate your progress	22
<b>2. Dealing with discrimination related complaints</b>	<b>23</b>

## Summary contents of the Code, the other Guide booklets and lists of cases, figures and tools

### Code of Practice for Employers:

1. Introduction
2. Guiding Principles To Promote Equal Opportunity And Treatment And Prevent Discrimination At Work
3. Possible Methods Of Implementation
4. Annex: Checklist For Employers On Working Principles For Equality Promotion

### Practical guide in five parts:

#### Booklet 1: Equality In Employment: Key Concepts And Principles

Foreword

Introduction

1. What does equality and non-discrimination at work mean?
  - 1.1 What is equality and non-discrimination at work?
  - 1.2 Non-discrimination: Key concepts in ILO Convention No. 111 and Indonesian law

#### Booklet 2: Business Case for Equality

1. Why should employers care about equality?
2. What can employers do to promote equality?

#### Booklet 3: Equality In Company Practices

1. Fair recruitment practices
2. Fair treatment during employment
3. Creating a productive working environment
4. Equality in company business practices

#### Booklet 5: External Support Resources For Equality Management At Companies

1. Employers' organizations
2. State authorities, workers' organizations and civil society groups
3. Learning from overseas experiences
4. ILO sources of information

Bibliography

### Case Studies

#### Booklet 2: Business Case for Equality

1. Case example 1. Compelling business case for workplace partnership, diversity and equality – Ireland
2. Case example 2. Female leadership and company profitability
3. Case example 3. Diversity management in European companies

### **Booklet 3: Equality In Company Practices**

1. Case example 4. Discriminatory use of selection tests – United Kingdom
2. Case example 5. Gender stereotypes in Indonesia
3. Case example 6. Good practices on maternity protection from PT. Dewhirst Company
4. Case example 7. Dhamawangsa Hotel Jakarta and persons with disabilities

### **Booklet 5: External Support Resources For Equality Management At Companies**

1. Case example 8. Hong Kong Equal Opportunities Commission – Hong Kong, China

## **Figures**

### **Booklet 1: Equality In Employment: Key Concepts And Principles**

1. Figure 1: Three components of discrimination definition under Convention No. 111

### **Booklet 4: Managing Equality In The Workplace**

1. Figure 2: Basic steps of equality management

## **Tools**

### **Booklet 1: Equality In Employment: Key Concepts And Principles**

1. Management tip 1. Prohibited grounds for discrimination
2. Management tip 2. Recognize different forms of discrimination
3. Management tip 3. Equality provisions in national law

### **Booklet 2: Business Case for Equality**

1. Management tip 4. Think about your business...
2. Management tip 5. Discrimination in SA8000 and ISO26000
3. Management tip 6. Checklist: How well is your business is doing in equality management?

### **Booklet 3: Equality In Company Practices**

1. Management tip 7. Criteria that should not be in job advertisements
2. Management tip 8. When can a personal characteristic be an inherent requirement of the job?
3. Management tip 9. Be aware of your bias
4. Management tip 10. Interview do's and don'ts
5. Management tip 11. How to define "value" of a job?

### **Booklet 4: Managing Equality In The Workplace**

1. Management tip 12. Non-discrimination road map
2. Management tip 13. Sample equal opportunity policy
3. Management tip 14. Examples of special equality measures adopted at company level – New Zealand
4. Management tip 15. Remember the role of middle managers and supervisors
5. Management tip 16. Sample Procedure for dealing with discrimination related grievances



# Foreword APINDO

Principle of equality and non-discrimination at the workplace are basic labour principles that have been included in the Manpower Act, Law No. 13, 2003. Basically, the principles aim to uphold the principles of human dignity in social and economic justice. In the business community, the principles have also been accepted as universal standard in achieving market efficiency and sustainable economic development.

Policy arrangements have been made by the government to support the application of the principle of equality and non-discrimination. A number of companies also have specific policies to apply the principles. However, some challenges are still present in practice. Discriminatory practices at the workplace are often encountered. Women, minorities, and other vulnerable groups still have great possibilities to be treated in discriminatory manner.

By issuing these Code of Practice and Practical Guide for Employers for Promoting equality and preventing discrimination at work, APINDO has taken a pro-active initiative to assist the employers in Indonesia to apply the principle of equality and non-discrimination at the work place. The Code of Practice contains general principles taken from the labor law in Indonesia as well the ILO Conventions, especially the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and Equal Remuneration Convention, 1951 (No. 100). The Practical Guide contains the application such general principles into practical steps. This Practical Guide is divided into 5 booklets by theme so that it is easier to use.

We would like to thank the ILO Office Jakarta and the ILO MAMPU project that have provided technical assistance in the development and publication of this Code of Practice and Practical Guide. We hope that these two materials could offer advice and benefit not only for employers but also for APINDO's partners i.e. workers and government, to jointly implement the principle of non-discrimination and equality at work.

Jakarta, October 1<sup>st</sup>, 2013



**Sofjan Wanandi**

Chairperson

National Board of the Indonesian Employers' Association (DPN APINDO)





# Foreword ILO

Non-discrimination and equal opportunities and treatment in employment are basic labour rights and are fundamental for the achievement of social justice and sustainable economic development in Indonesia. The principle of the right to equality in employment opportunities and treatment enables persons of all races, sexes, religions, social or ethnic origin, health status or disability to work their way out of poverty and to care for their families.

Equality of opportunity and treatment in employment is an integral part of the ILO's Decent Work Agenda and the Decent Work Country Programme in Indonesia. The ILO promotes opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. The Discrimination (Employment and Occupation) Convention, 1958 (No. 111) was adopted by ILO member States in 1958 and was ratified by Indonesia in 1999. This remains the most comprehensive international instrument dedicated to the promotion of equality of opportunity and treatment in the world of work. Following ratification of the ILO Convention, Indonesia has included principles of equality in employment in its Manpower Act (Law No.13 of 2003). ILO Convention No.111 and the Manpower Act provide the framework for the guidance provided in this Practical Guide and Code of Practice on equality in employment.

Successful employers understand that pursuing equality at work provides a competitive advantage over companies and employers who engage in discriminatory practices. Through the application of principles of equality and non-discrimination, employers are able to attract and retain the best talent, support greater innovation and enjoy productive working environments. The elimination of discrimination in employment is also an integral to pursuing a fair globalization.

This Practical Guide and Code of Practice was developed through a partnership between the ILO MAMPU project and APINDO. The Guide is divided into five separate booklets. It has been designed to support practical understanding by employers on how to apply principles of equality in employment in their workplaces.

It is our hope that this Guide and Code of Practice for employers on promoting equality and preventing discrimination at work in Indonesia will inspire employers to promote and realize principles of equality and non-discrimination in their workplaces.

October 1<sup>st</sup>, 2013



**Peter van Rooij**  
Director, ILO Jakarta Office

## Foreword

The ILO MAMPU – Access to Employment and Decent Work for Women Project is promoting equality in employment for women workers. This is being pursued through various strategies, including through partnerships and capacity building with employers in Indonesia. Employers' commitment to addressing discrimination in employment and active promotion of equal employment opportunities are crucial steps towards achieving substantive equality for women in Indonesia.

Women who are from minority ethnic or religious groups or who have a disability or health issue such as HIV and AIDs are often vulnerable to multiple forms of discrimination and face a double disadvantage in the labour market. Recognizing the particular vulnerabilities of these women and that gender-based discrimination is only one of many forms of discrimination found in employment, this practical Guide and Code of Practice, developed with APINDO, provide guidance to employers on how to prevent and address discrimination in employment based on a range of grounds including sex, ethnicity, religion, race, social origin, national extraction, health status, disability and political opinion.

The Project would like to thank APINDO for its commitment to pursuing equality in employment and for the lead role it has taken in developing and disseminating practical guidance on equality of opportunities and treatment to employers in Indonesia.

The development of guidelines for employers on equality and non-discrimination in employment initially began in China through the work of Ms Marja Paavilainen, Ms Nelien Haspels and Mr Tim De Meyer. The MAMPU project would like to thank colleagues in the ILO Decent Work Team for their contribution to the development of this Guide and Code of Practice.

We would also like to express our gratitude to Australian Aid, the donor of the ILO MAMPU Project, for their generous support and commitment to promoting equality in employment for women in Indonesia.

It is our hope that employers will use this Guide and Code of Practice in their hiring, firing and human resource decision-making processes in the future.

October 1<sup>st</sup>, 2013



**Miranda Fajerman,**

Chief Technical Adviser

MAMPU – Access to Employment and Decent Work for Women Project, ILO Jakarta

# INTRODUCTION

It is with great pleasure that the Indonesian Employers' Association (APINDO) in cooperation with the International Labour Office (ILO), presents this Code of practice and the accompanying Guide booklets, to assist employers in promoting equality and preventing discrimination at work in Indonesia.

The Guide comprises five booklets:

1. Equality in Employment: Key Concepts and Principles
2. Business Case for Equality
3. Equality in Company Practices
4. Managing Equality in the Workplace
5. External Support Resources for Equality Management at Companies

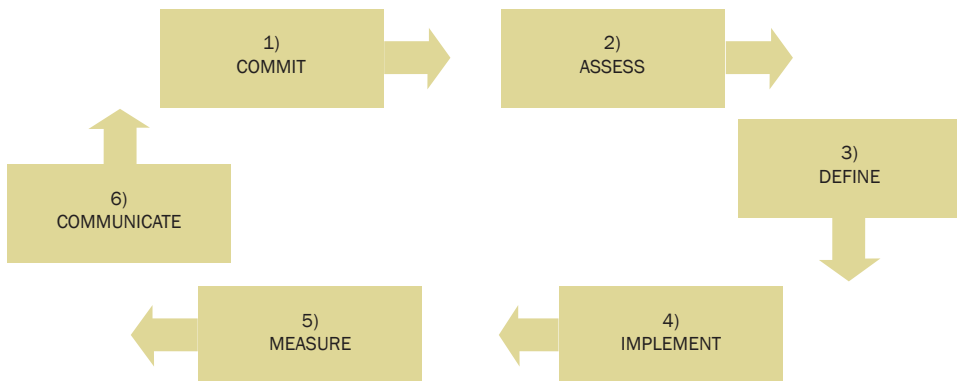
We hope that you use this Guide and find it effective. We welcome feedback on subsequent improvements in your equality and non-discrimination policies.




# 1. PLANNING AND IMPLEMENTING EQUALITY MEASURES

Ensuring that all human resource management policies and practices are free from discrimination requires a systematic approach to managing equality in the workplace. Action to review and revise human resource policies, to train staff responsible for recruitment and human resource management, and to incorporate equality in the company culture is best taken as part of a well-planned and structured company **equality action plan**. The company equality action plan is often based on an **equality policy** stating the company's commitment to equality. The equality action plan includes often a set of activities and affirmative action measures implemented following a staged approach, starting from assessments and defining targets and actions to implementation and measuring the progress made. (See figure 3.)

**Figure 2: Basic steps of equality management<sup>1</sup>**



This Chapter explains the main steps of equality management giving practical guidance to managers on how to implement equality measures at company level.

 For an overview of the main steps to integrate non-discrimination in your company human resource practices see **Management tip 13**. *Non-discrimination roadmap* below.

<sup>1</sup> Adapted from UN Global Compact: *UN global compact management model* (New York, 2010).



## Management tip 12

### Non-discrimination roadmap

Identify need for non-discrimination strategy	<ul style="list-style-type: none"> <li>◆ Link non-discrimination with business priorities.</li> <li>◆ Get top management support for initiatives.</li> <li>◆ Identify business benefits from non-discrimination.</li> </ul>
Prepare baseline information	<ul style="list-style-type: none"> <li>◆ Analyze the composition of workforce.</li> <li>◆ Analyze the composition of local labor market.</li> <li>◆ Get information on legislative requirements.</li> </ul>
Review and change recruitment policies	<ul style="list-style-type: none"> <li>◆ Move to competence-based systems.</li> <li>◆ Ensure recruitment is not based on personal specifications.</li> <li>◆ Train managers in non-discriminatory recruitment.</li> </ul>
Assess payment practices	<ul style="list-style-type: none"> <li>◆ Identify potentially discriminatory practices.</li> <li>◆ Audit payment disparities for women and minority groups.</li> </ul>
Implement an anti-harassment policy	<ul style="list-style-type: none"> <li>◆ Define an anti-harassment policy.</li> <li>◆ Communicate the policy to the workforce.</li> <li>◆ Train managers on the policy.</li> <li>◆ Support workers who are harassed.</li> </ul>
Develop family-friendly policies	<ul style="list-style-type: none"> <li>◆ Institute maternity leave policies.</li> <li>◆ Encourage flexible working where appropriate.</li> <li>◆ Consider the possibility of providing crèches.</li> <li>◆ Consider ways to accommodate breastfeeding mothers.</li> </ul>
Understand cultural and religious diversity	<ul style="list-style-type: none"> <li>◆ Know the cultural boundaries in the society in which you operate.</li> <li>◆ Train and develop managers to understand cultural differences.</li> <li>◆ Adjust workplace practices to facilitate religious cultural practices where possible.</li> </ul>
Involve under-represented groups in your workforce	<ul style="list-style-type: none"> <li>◆ Check your recruitment requirements: are they absolutely necessary?</li> <li>◆ Consider ways of providing training to potential employees to improve their chances of employment.</li> <li>◆ Consider whether you can work with government, workers' organizations and other</li> </ul>



	stakeholders to develop the potential of under-represented groups.
Devise a strategy to deal with disability and health issues	<ul style="list-style-type: none"><li>◆ Examine ways in which jobs can be readjusted to accommodate persons with disabilities.</li><li>◆ Have a health management system which seeks to rehabilitate or reintegrate employees who have long-term health problems.</li><li>◆ Develop a policy on HIV/AIDS.</li></ul>
Communicate	<ul style="list-style-type: none"><li>◆ Ensure your managers and workforce know the standards of behavior expected of them and are aware of company policies.</li><li>◆ Let marginalized communities know about your programs.</li><li>◆ Accentuate the positive advantages of non-discrimination with all stakeholders.</li></ul>

Source: International Finance Corporation: *Good practice note: Non-discrimination and equal opportunity*, No.5 (January 2006).

## 1.1. Commit to equality, adopt an equality policy

Employers who take equality seriously should adopt an equality policy to formally commit to the principle of equality of opportunity and treatment in their company human resource practices. Just as any other major company policy, the equality policy should be carefully prepared and approved by the company board. Strong senior management support is essential to the success of the equality policy implementation. After adoption the policy should be displayed and circulated in the workplace. Many successful companies choose to also incorporate their commitment to equal employment in their mission and core values.

The equality policy should be **prepared carefully** and **in consultation with workers' organizations or other employee representatives**. The nature of the equality policy and its manner of implementation vary from company to company, for example depending on the size and operational requirements of the enterprise. Smaller firms, for example, may require a lesser degree of formality. There are, however, common elements that should appear in all equality policies.

### Guidelines for preparing an equality policy

- ◆ Issue the policy in **written form**.
- ◆ State the company's commitment to **equality** in all human resource policies and practices. Confirm that **no discrimination or harassment** will be tolerated in the company.



- ◆ Define the **grounds of discrimination** covered by the policy. Ensure that at least the grounds covered in the law are included, and add more as applicable.
- ◆ **Publish** the policy through company notice boards, staff newsletters, employee handbooks, e-mail and the like so that staff knows that the policy is in place.
- ◆ Define the **coverage** of the policy by listing the recruitment and employment decisions to which the equality principle will be applied.
- ◆ State explicitly the **commitment** of the company board and senior management to the equality policy. Have the policy signed by the board or the chief executive officer of the company.
- ◆ Assign a member of the senior management the **responsibility** for putting the policy into practice and for monitoring progress.
- ◆ Appoint an **equality coordinator** to coordinate implementation of the policy.
- ◆ Train managers, supervisors and the staff on equality.
- ◆ Conduct an **equality audit** in the company to review the existing human resource policies and practices and to document the current staff demographics in different types of jobs in the company.
- ◆ Give a brief outline on how the policy is to be implemented and its objectives. Provide for preparation of an **action plan** to define the concrete actions and affirmative action measures to be taken.
- ◆ Outline how the effectiveness of the policy will be **monitored**.
- ◆ Include a description of how discrimination related **problems and complaints** are handled in the workplace. The procedure for grievance handling can also be adopted in a separate document.

## Consultation with employees and workers' organizations

Equality policy should be developed in consultation with the workers' organizations or other employee representatives. The objectives of the policy can only be achieved if employees accept introduction of the policy and support its effective implementation. The consultations of employees and the workers' organizations should be initiated at the early stage of policy formulation and continued throughout the process.

## Commitment from the Board and senior management

The equality policy should be approved by the company board and signed by the owner or chief executive officer (CEO). The support from the CEO and senior management is one of the most critical factors that contribute to the successful implementation of equality measures in the company. It is important for CEOs to lead by example and involve the senior management team in the implementation of fair employment practices.

To strengthen the responsibility of the senior management on equality, personal accountability for meeting the objectives can be established. In many leading companies, managers and supervisors are held accountable for their personal behavior as well as meeting fair employment objectives, such as developing and mentoring women leaders or employing older workers.<sup>2</sup>



## Management tip 13

### Sample equal opportunity policy

Below is a sample equal opportunity policy for SMEs developed by Hong Kong Equal Opportunities Commission. The Equal Opportunities Commission encourages companies to adapt the policy to their specific company needs, adopt it, and endorse it with the company seal.

#### Sample equal opportunity policy

\_\_\_\_\_ [add company name] \_\_\_\_\_ is an equal opportunity employer.

This means we make sure that every job applicant and employee has equal employment opportunities. You will not be disadvantaged because of **your sex, pregnancy, disability, race, marital status or family status** \_\_\_\_\_ [add any other characteristics you would like to include] \_\_\_\_\_ during your employment or when applying for a job with us. What matters to us is that you are the best person for the job and that you do a good job. At \_\_\_\_\_ [insert company name] \_\_\_\_\_ we believe that everyone has the right to work in an environment free of discrimination, harassment, vilification, and victimization. We will not tolerate such behaviour under any circumstances.

#### Discrimination

We will not tolerate direct or indirect discrimination based on sex, pregnancy, disability, race, marital status or family status or \_\_\_\_\_ [add any other grounds] \_\_\_\_\_.

**Direct discrimination** is when you are treated less favourably because of your sex, disability or other protected characteristic previously mentioned. For example, it would be direct discrimination for a supervisor to refuse you training because you were pregnant.

**Indirect discrimination** is when you are treated the same way as everyone else but you do not or cannot comply with a rule, condition or requirement of employment that applies to everyone because of

2 ILO: *As one employer to another... What is all this about EQUALITY?* Bureau of Employers' Activities (Jenewa, 1996); New Zealand Employers' Federation: *A guide for employers on discrimination in employment* (Wellington, 1993); Hong Kong Equal Opportunities Commission: *Equal opportunity essentials kit for SMEs* (Hongkong); Singapore Centre for Fair Employment: *Fair employment: Leading fair employment practices handbook* (Singapura, 2009).



## Management tip 13

your sex, pregnancy, disability, marital status or family status, and a higher proportion of people who do not have that characteristic do or can comply with it, and there is no valid reason for the rule or requirement. (For example, a policy of only hiring people who were able to relocate at short notice may disadvantage people whose family responsibilities (e.g. persons with young children) prevent them from speedy relocation.) However, it would not be indirect discrimination if we, as your employer, can give a valid reason for such a requirement.

### *Harassment*

We will not tolerate sexual harassment, disability harassment, racial harassment or \_\_\_\_*[add harassment on any other characteristics you would like to include]*\_\_\_\_. Harassment is behaviour that is not welcome, not asked for and not returned, and which is likely to cause an uncomfortable workplace by humiliating, seriously embarrassing, offending or intimidating someone. All employees are responsible for their own actions and should not engage in potentially offensive behaviour. It is not necessary for the person being harassed to have to tell you that they were humiliated or offended by the behaviour.

### *Vilification*

Vilification of an employee because of their disability is unacceptable in this workplace. Vilification is any activity in public that incites hatred, serious ridicule or contempt of a person because of their disability. Where such behavior includes threats of harm or property damage, it may constitute serious vilification, which is a criminal offence.

### *Victimization*

We won't disadvantage you for complaining about unlawful conduct in this workplace or for helping someone else to do so. We take reports of discrimination, harassment, vilification and victimization very seriously and will handle such complaints as quickly, confidentially and fairly as possible.

### *Who this policy covers*

This policy covers management, supervisors, all employees, including those on commission, casual and contract staff. It also covers customers and anyone else to whom we provide goods, services or facilities.



## Management tip 13

### *What this policy covers*

This policy covers:

- Advertising for job vacancies.
- Recruitment.
- Training and development opportunities.
- Work allocation.
- Shifts, rosters, hours of work and overtime.
- Salary levels and packages.
- Leave arrangements.
- Pregnancy arrangements and associated leave.
- Performance assessment.
- Disciplinary procedures.
- Restructuring.
- Dismissal, redundancy and termination of employment.
- Provision of goods, services and facilities.

### *Resolving problems*

If you feel you are being unlawfully discriminated against, harassed, vilified or victimized, we would like you to tell us as soon as possible so we can resolve the issue or problem at the earliest opportunity.

We have a procedure for handling EO related problems. We won't victimize you for speaking out and will not allow any employee of this company to do so. Employees found to have engaged in unlawful behaviour may be disciplined and, in serious cases, dismissed.

\_\_\_\_\_ Date \_\_\_\_\_

Signature of business operator  
/ company seal

Source: Adopted from Hong Kong Equal Opportunities Commission: *Equal opportunity essentials kit for SMEs* (Hongkong).

## 1.2. Conduct an equality audit

### Review of policies and practices

The first step that every employer committed to promoting equality should take is to review the company human resource management policies and practices. All existing policies, practices and procedures on recruitment, remuneration, entitlement to benefits, defining terms and conditions of work, access to vocational training, advancement and promotion, as well as termination of employment contracts should be reviewed and needs for amendments identified. The review of human resource management policies and practices should be conducted in consultation with workers' organizations or other employee representatives.

### Identifying hidden barriers through workforce assessment

Reviewing policies and practices at face value is not enough to identify all barriers to equality in the company human resource management practices. **Most barriers to equal opportunity and treatment are hidden**, and they can only be identified by analyzing the actual makeup of the company workforce. Employers should carry out a workforce assessment to analyze statistical data on who is in the company's workforce, in terms of e.g. sex, age, ethnicity, disability etc. This analysis can help in identifying those policies or practices that (intentionally or unintentionally) create **invisible or institutional divisions** among the workforce.

The manner in which the workforce assessment is carried out and the degree of formality needed will vary with the size of the organization. In a small organization with a simple structure an informal review to assess the distribution and payment of employees may be enough. In a larger and more complex organization, a more formal analysis may be required. Workers' organizations or other employee representatives should always be involved in planning and execution of the workforce assessment.

### Guidelines for analyzing the data from a workforce assessment:

- ◆ Assess the **staff composition** in terms of sex, ethnicity etc. in different kinds of jobs in the company, for example in each major grouping within the organization (e.g. managerial, clerical, skilled or unskilled employees), each occupational group (e.g. engineering, process work) and type of employment (e.g. undetermined duration or fixed duration contracts, full or part-time).
- ◆ Look at what kinds of persons apply to work in your company, who you interview and who gets **recruited** in your company.
- ◆ Establish what the **pay levels** for different groups of employees are in your company.
- ◆ Compare **performance ratings** of different employee groups in the company.
- ◆ Monitor who applies for **training** opportunities in your company, and who is provided with training and in what work areas.

- ◆ Monitor what kinds of persons apply for **promotion** in your company, and who gets promoted.
- ◆ Analyze the **lines of progression**, i.e. the order of jobs employees pass through in the process of promotion. Establish the levels at which members of different groups of employees are working to identify possible barriers to employment promotion. Analyze whether some staff members are in positions where they cannot make full use of their skills and talents.
- ◆ Analyze who takes on **grievances** in your company, and for what reason.
- ◆ Analyze who is **absent or sick**, and for what reason.
- ◆ Analyze who you **dismiss** and who **leaves** the company, and for what reasons.

When analyzing the data look at significant differences between groups of workers (e.g. women, men, ethnic minority employees) and identify trends over the periods of time. When significant differences are found, the reasons for them should be analyzed. The findings of the workforce assessment will form the basis of defining the affirmative action measures to be taken in the company as part of its equality action plan.

In most cases, the workforce assessment requires **collection of personal information**, such as marital status, ethnicity, or age, from employees for analytical purposes. It is important to explain to employees that data is collected solely for the purposes of identifying areas for improvement in the company human resource practices and detecting needs for adoption of equality measures in the company. Employees should be ensured that their personal data will be handled confidentially. In any case, provision of personal information should always be voluntary.<sup>3</sup>

## **Pay equity audit (objective job evaluation)**

Pay equity audits are carried out to assess whether salary levels for different jobs in the organization are determined at fair and equal level. The pay equity audit focuses on assessing the value of different jobs, by comparing knowledge, effort, responsibility and working conditions of different jobs.

Comparing the value of jobs should be done through a planned and structured process free from any discriminatory bias. Most often companies appoint a committee to plan and carry out the pay equity audit process. Both managers and employee or workers' organization representatives should be represented in the committee.

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3 ILO: *As one employer to another... What is all this about EQUALITY?* Bureau of Employers' Activities (Jenewa, 1996); New Zealand Employers' Federation: *A guide for employers on discrimination in employment* (Wellington, 1993); ACAS: *Delivering equality and diversity* (London, 2009).

## Guidelines for conducting a pay equity audit

The Ministry of Manpower and Transmigration issued Guidelines for Employers on conducting Gender-Neutral Pay Evaluations in 2013. These Guidelines provide step-by-step guidance to employers on how to conduct pay evaluations so as to ensure work of equal value receives the same remuneration. These Guidelines can be found at - XXX

### Define an equality action plan

The equality policy adopted by the company needs to be backed up by concrete action to review and change company policies and practices. In order to ensure successful implementation of equality measures, it is best to formulate an **action plan** clearly defining the objectives, steps and timeline for implementation.

The company equality objectives should be defined on the basis of the needs and challenges identified in the equality audit. Workers' organizations or other employee representatives should be consulted on setting the objectives and on selection of steps to achieve the objectives. Special **affirmative action measures** could be defined to tackle the challenges identified in the workforce assessment.

### Equality action plan

The action plan should:

1. Describe the immediate objectives in specific terms.
2. Define the concrete steps and actions needed to achieve the objective.
3. Assign clear responsibility for achieving the objective.
4. Set a realistic target date.
5. Establish a procedure for evaluating the action taken.<sup>4</sup>

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<sup>4</sup> See New Zealand Employers' Federation: *A guide for employers on discrimination in employment* (Wellington, 1993); ACAS: *Delivering equality and diversity* (London, 2009).

Some examples of action plan measures could include:

<b>Objective 1:</b>	<b><i>Ensure that all recruitment policies and practices are free from discrimination.</i></b>
Steps:	Review all recruitment policies and procedures (including job application forms and other recruitment documents), and remove any discriminatory elements in them. Train all staff involved in recruitment processes on non-discriminatory short listing and interviewing practices. Write objective job descriptions and competency statements for all jobs.
Responsibility:	Senior manager responsible for equality. Human resource department to carry out the review and to coordinate the training activities.
Target date:	Within 3 months.
Evaluation:	Human resource department to monitor implementation of the activities, and to evaluate the impact on actual recruitment outcomes.

<b>Objective 2:</b>	<b><i>Eliminate all forms of harassment in the workplace.</i></b>
Steps:	Develop, publicize and put in practice a company policy on harassment and establish a procedure for handling related complaints. Train all staff and managers on the policy and use of the complaints procedure.
Responsibility:	Senior manager responsible for equality, human resource department.
Target date:	Within 6 months.
Evaluation:	Human resource department to monitor the use of the complaints procedure.



## Affirmative action measures (positive action)

Affirmative action measures are special temporary measures to redress the effects of past or continuing discrimination in order to establish equality of opportunity and treatment between different groups of employees in the company. These measures target a particular group of employees or job applicants (such as women or men, workers with disabilities, ethnic workers, or older workers) that are under-represented in the company or in certain kinds of positions in the company. Some examples in Indonesia include the quota of 30% set for female Parliamentary candidates and the quota of employing 1 person with a disability for every 100 employees.

Affirmative action measures are also important for fighting horizontal and vertical job segregation based on bias, attitudes or stereotyped ideas about “what kind of work is suitable for what kind of person”.<sup>5</sup> Some ways this can be address is by promoting women’s access to wider range of occupations in Indonesia, including those at senior levels and in jobs traditionally dominated by men.

Employers should use the results of the equality audit to determine what kind of positive measures are needed in the company to even out unequal representation of different groups of employees in different types of jobs. Some examples of affirmative action measures include:

- ◆ Special recruitment programmes.
- ◆ Special career development courses.
- ◆ Upward mobility programmes.
- ◆ Goals, targets or quotas.

The affirmative action measures should be included in the company equality action plan, and clear objectives, steps, responsibility, timeframe and methods for monitoring effectiveness should be defined for each measure. For example:

<b>Objective 3:</b>	<b><i>Increase recruitment of ethnic minority applicants gradually by 10 per cent.</i></b>
Steps:	Include a special notice in the job advertisements to encourage ethnic minority persons to apply. Place the advertisements in ethnic minority newspapers and community centers. Train all staff involved in recruitment on equality.
Responsibility:	Senior manager responsible for equality, human resource department.
Target date:	Within 12 months.
Evaluation:	Human resource department to monitor the ethnicity of new recruits.

5 ILO: *Equality and non-discrimination at work in China: Training Manual* (Beijing dan Bangkok, 2010); New Zealand Employers’ Federation: *A guide for employers on Discrimination in Employment* (Wellington, 1993); ACAS: *Delivering equality and diversity* (London, 2009).

<b>Objective 4:</b>	<b><i>Increase proportion of women in senior management positions up to 30 per cent.</i></b>
Steps:	Advertise all opportunities for training and promotion openly and encourage women to apply. Ensure that training courses are organized so that women with family responsibilities can also attend. Provide individual career counseling to well-performing women with leadership potential.
Responsibility:	Within 3 years.
Target date:	Senior manager responsible for equality, human resource department.
Evaluation:	Human resource department to monitor the sex of persons promoted.



## Management tip 14

### Examples of special equality measures adopted at company level – New Zealand

The following are examples of strategies used in successful equality programmes in New Zealand.

#### Recruitment

- Develop **specific recruitment programmes** for occupations where, for example, women and members of ethnic groups are under-represented. Recruiting efforts might involve communication with relevant networks and the use of the ethnic press and radio etc.
- Develop **mature-age entry programmes** and generally facilitate workforce re-entry through retraining programmes and the like
- Liaise with relevant groups to determine strategies for increasing their representation, e.g. with ethnic minorities or workers with disabilities, either in the enterprise or the community
- Liaise regularly with educational institutions to facilitate the recruitment of technically and professionally qualified members of minority groups
- Review company job advertisements and career information materials to eliminate any existing bias in content, language and pictures
- Periodically review recruitment strategies for any remaining bias
- Developing training courses in selection techniques where possible sources of discrimination are described and discussed



## Management tip 14

### Training and staff development

- Establish appropriate **career development courses**
- Extend training activities to provide **courses in necessary basic skills** such as the local language, letter writing and basic office administration skills. Course access should not be limited to people already in positions requiring the use of these skills
- Provide **induction courses** for all employees, including, where relevant, for specific groups of employees
- Provide for **individual career counseling** and ensure that all employees are told about this service
- Identify **training needs** for designated groups in consultation with the group of workers directly concerned
- Encourage members of particular groups to apply for and to enroll in both external and internal **training programmes**, and review course nomination procedures
- Introduce periodic equality orientation courses for all staff, to provide information on equality and to promote continuing awareness of the need for equality promotion
- Examine existing training materials for bias. Develop new training material for use in equality orientation courses and in equality segments in other training courses
- Incorporate an equality segment into relevant training courses, such as public relations, supervisor development, effective management skills, interpersonal relations and organizational effectiveness courses

### Promotion and career opportunities

- Develop **upward mobility programmes** for low-level employees so that they have the opportunity to gain skills which will enable them to compete for higher-level positions, for example, through “bridging” positions
- Break down occupational stereotyping. Not only men, for example, are engineers nor women early childhood educators
- Implement job redesign and job **rotation programmes**
- Compile registers and/or personnel skills inventories using objective criteria so that managers become more aware of who is available for management and top-level jobs
- Ensure that relevant merit is always the basic criterion for any appointment or promotion, and **team diversity** and **affirmative action** measures are taken adequately into consideration.

Source: New Zealand Employers' Federation: *A guide for employers on Discrimination in Employment* (Wellington, 1993).

## 1.3. Implement the equality policy and action plan

### Internal communication

The equality policy and action plan are only effective if they are made known to all staff and managers. Staff and managers should know **what is and is not acceptable behavior** or practice in the workplace, and **what their rights and responsibilities are**. To ensure that the equality policy is effectively communicated to all employees, information on the equality policy should be included in the dossiers given to all new employees and regular updates on the policy implementation should be provided to all staff. Some recommended avenues for communicating equality practices internally include:

- ◆ CEO speeches and messages.
- ◆ Employee handbook, HR circulars, staff newsletter and company intranet.
- ◆ Information flyers, handouts, brochures and other PR materials announcing the equality policy and showcasing success stories.
- ◆ Posters highlighting equality of opportunity and treatment as the core value of the company.
- ◆ Briefing sessions on the policy during staff meetings, company events or training workshops.

Employers should ensure that employees have a possibility to communicate their views, ideas and concerns on the implementation of equality measures in the company. This **two-way communication** can be organized through formal mechanisms (e.g. suggestion box) or informal discussions. When necessary, the communications by employees should be kept confidential. Implementation of equality measures in the company should be carried out in consultation with workers' organizations or other employee representatives.

### Equality training

Training **managers, supervisors and staff involved in making recruitment and employment decisions on** equality is pivotal for success of any equality policy. Only if managers know how to ensure equality in every human resource management related decision they make can discrimination be eliminated in the company practices. Training should focus on providing managers with practical skills and tools for carrying out a fair recruitment process and managing a diverse work team. Managers should also be advised on how to develop the potential of team members while harnessing the differences that each team member brings. Equality training provided to **all staff** and managers can also help change the way staff and managers perceive differences, encouraging them to see diversity as a source of corporate strength.<sup>6</sup>

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<sup>6</sup> See Singapore Centre for Fair Employment, *Fair employment: Leading fair employment practices handbook* (Singapore, 2009); Hong Kong Equal Opportunities Commission: *Equal opportunity essentials kit for SMEs* (Hongkong).

## Appointing an equality coordinator

Employers should appoint an equality coordinator to coordinate the implementation of the equality policy and action plan. Depending on the needs of the company, a full-time equality coordinator post can be established, or the responsibility for equality coordination can be made a part of the duties of an existing employee. Most often the equality coordinator is somebody in the company human resource department.

The equality coordinator should report directly to the senior manager responsible for equality. The main task of the coordinator is to ensure that the steps defined in the equality action plan are implemented within the agreed timeframe to realize the objectives set in the policy and the action plan.

The coordinator should take an active role in facilitating change in the company through engaging employees and manager at all levels, and creating awareness on the importance of equality. He or she should also provide practical advice and assistance to line managers in ensuring that equal human resource practices are applied at all levels. The coordinator should also be the first contact point for employees who feel that they have been discriminated or harassed at the workplace.



### Management tip 15

#### Remember the role of middle managers and supervisors

The successful implementation of fair employment practices imposed by the top management requires positive involvement and support of middle managers and supervisors. Middle managers and supervisors can either serve as a catalyst for change in the adoption of fair employment practice or may hinder the organization's commitment to equality of opportunity and treatment.

It is important for organizations to ensure that middle managers understand the rationale for merit based employment practices and affirmative action, and their role in the implementation of these practices. In addition, middle managers and supervisors need to be aware of the benefits of fair employment practices and how they will impact the performance of employees within the organization. They are in the position to understand the concerns of employees and communicating these concerns to the senior management. Middle managers also play a vital role in explaining fair employment initiatives implemented by the organization.

How can organizations involve middle managers in the implementation of fair employment practices?



## Management tip 15

1. Communicate to middle managers what fair employment practices are, and the benefits gained through implementation of such practices.
2. Help them understand their own role in the implementation of such practices.
3. Provide the necessary expertise and competency for example through training opportunities on how to hire on merit.
4. Provide the appropriate tools, recruitment guides on fair hiring and other HR policies.
5. Help them to be conscious of their own bias and stereotypes, and encourage them to be open and receptive to new ideas and ways of doing things.
6. Hold them accountable for and provide rewards for the successful implementation of fair employment measures and outcomes. Where possible, share and showcase successful case studies with employees.

Source: Singapore Tripartite Centre for Fair Employment: Fair Employment. *Leading Fair Employment Practices Handbook* (Singapura).


## 1.4. Monitor the equality policy and action plan

### Policy review

It is recommended that the equality policy be monitored regularly, preferably annually, to ensure that it is working in practice and that the actions taken to promote equality are successful. The review should be planned and implemented by a joint committee consisting of management and workers' organizations or other employee representatives. Soliciting feedback from employees on the functioning and impact of the equality policy and action plan is a crucial part of monitoring progress.


The degree of formality needed will vary with the size of the organization. In a small organization an informal review to the functioning and the impacts of the policy and action plan may be enough. In a larger and more complex organization, a more formal analysis may be required.

### Data collection and records

With regards to collecting data on the existing workforce of the company, the methodology used of carrying out the workforce assessment before the design of the action plan can be applied also for monitoring purposes.  **See Section 8.2** *Conduct an equality audit.*


Employers should keep records on all employees and all employment decisions made. Well-maintained up-to-date records include information useful for monitoring the equality policy and action plan, and save the employer from collecting the data every time the periodic review is due. While giving personal information must always be voluntary, the employers should make sure that employees and job applicants understand the purpose for collecting the information and the importance of monitoring. Personal data collected from employees and job applicants shall be kept confidential.<sup>7</sup>

## Data analysis and outcomes

The data analysis should focus on identifying any impact of the equality measures and affirmative action implemented in the companies. This should be done by reviewing any changes in the company staff composition in different jobs and at different levels. Same method of data analysis can be used as when conducting the workforce assessment.  **See Section 8.2** *Conduct an equality audit.*

- ◆ If the workforce assessment shows clear impacts (i.e. disappearance or reduction of the disparities), the equality policy and action plan have been successful. The need for continuing the existing positive measures should be assessed, and unnecessary measures should be removed.
- ◆ If no impact can be identified, the equality policy and action plan are not effective. The employers and workers should work together to design new, more effective measures to promote equality.
- ◆ The monitoring results should also be used to identify new areas for equality promotion. Clear objectives, steps, responsibility, timeframe and monitoring arrangements should be defined for these measures, and they should be made part of the company equality action plan.

## Continuous improvement

The results and outcomes of the monitoring should be used to formulate a next round of equality measures in the company. Keeping the company free from non-discrimination requires continuous commitment to equality promotion. Without proper attention even already eradicated discriminatory practices may reappear. For this reason true commitment equality requires commitment to a **cycle of continuous improvement**.  **See Section 2.2** *Basics of equality management.*

<sup>7</sup> See New Zealand Employers' Federation: *A guide for employers on discrimination in employment* (Wellington, 1993); ACAS: *Delivering equality and diversity* (London, 2009); Hong Kong Equal Opportunities Commission: *Code of Practice on the family Status Discrimination Ordinance* (Hongkong).

## **1.5. Communicate your progress**

It is useful for companies to inform their stakeholders and the general public about their equality practices and the achievements made through implementation of the equality policy and action plan. Communicating the commitment to equality will also help in strengthening the company brand image, which can help the company in attracting talent to the company and building new customer base.





## 2. DEALING WITH DISCRIMINATION RELATED COMPLAINTS

Employers should set up a procedure for dealing with employee grievances and complaints of discrimination. A well-functioning internal procedure for grievance handling allows swift and flexible handling of the complaints, and as such can play an essential part in cultivating good worker-management relations. Discrimination related problems are best solved through practical amendments in policies or practices at the workplace level. It should also be remembered that disregarding employees' complaints until they take their case to Industrial Relations Courts is risky for the company, as letting the problem go public is likely to cause the company bad publicity.

### Guidelines for developing a grievance procedure:

- ◆ Prepare the grievance procedure in written form. It can be prepared separately or as part of the equality policy.
- ◆ State the company's commitment to resolving any discrimination related grievance in fair, confidential, efficient and thorough manner.
- ◆ Commit to carrying proper investigations in each case and handling all grievances seriously.
- ◆ Ensure confidentiality of the procedure.
- ◆ Guarantee that both the complainant and respondent will be treated fairly. Both sides should be allowed to clarify and explain their position to avoid misunderstanding.
- ◆ Prohibit victimization and penalizing of the employee bringing the grievance.
- ◆ Define the steps for bringing a complaint on discrimination. The steps should be simple and accessible to all employees.
- ◆ The complainant should be able to choose between an **informal procedure** and a **formal company investigation** to solve the issue. It is a good practice to define clear procedures for both approaches.
- ◆ Define the time frame for handling the case and giving a resolution.
- ◆ Provide for resolving the matter at the lowest possible level of the organization.
- ◆ Provide for an avenue to bring the grievance up to the next level of management if the employee is not satisfied with the settlement.
- ◆ State that both sides of the dispute should act in good faith and collaborate to reach a settlement.

The procedure should be made known to all employees, and line managers should be trained on dealing with complaints in accordance with the procedure. The employers should also make sure that line managers and supervisors understand the importance of the grievance process and their personal role in maintaining harmony in the workplace amongst all employees.<sup>8</sup>

The senior manager responsible for equality should be made accountable for ensuring the procedure is followed. The equality coordinator should monitor the use of procedure regularly, and take note of the outcomes of the procedures.



## Management tip 16

### Sample procedure for handling equality related grievances

Below is a sample procedure for handling equality related problems and grievances for SMEs developed by Hong Kong Equal Opportunities Commission. The Equal Opportunities Commission encourages companies to adapt the procedure to their specific company needs, adopt it, and endorse it with the company seal.

#### Sample procedure for handling equality related grievances

This procedure explains what to do if you have an equality related problem, issue or complaint.

At \_\_\_\_\_ [company name] \_\_\_\_\_ we understand that it may be hard for you to work to your full capacity if you are being treated unfairly or harassed at work. That is why we support equal opportunity in this workplace. You can obtain a copy of our equality policy from \_\_\_\_\_ (say where) \_\_\_\_\_.

\_\_\_\_\_ [Add name of person responsible for equality] \_\_\_\_\_ is responsible for making sure this procedure is followed and reviewed as necessary. If you bring a problem to us it will be handled confidentially, impartially and speedily.

#### *What to do if you have a problem*

We have outlined the procedure for handling problems in steps. Not all of these may apply to you, or you may follow them in a different order than shown here. You can seek help from the local disnaker office at any time, though we recommend that you try to resolve the issue at work first, if possible.

8 See Singapore Tripartite Alliance for Fair Employment Practices (TAFEP): *Tripartite guidelines on fair employment practices* (Singapore); Hong Kong Equal Opportunities Commission: *Equal opportunity essentials kit for SMEs* (Hongkong); Hong Kong Equal Opportunities Commission: "Sexual harassment in the workplace", in *Good management practice series* (Hongkong).



## Management tip 16

### **Step 1:** *Talk to the person/people involved*

If you can, it's best to try and resolve issues yourself and to do so as soon as possible after the incident. We understand that you may not always feel comfortable doing so, particularly if you have a problem with a supervisor.

### **Step 2:** *Talk to the person responsible for equality*

If you would like to talk over an issue or find out what your rights are, make time to talk to our company's equality representative \_\_\_\_*[insert name and contact details]*\_\_\_\_. They will meet with you as soon as possible. In general they will not discuss your problem with anyone else without your permission. The only exception to this is if you tell them something that may affect someone's safety.

Depending on what you decide and after taking details from you, the equality representative will approach the other person(s) involved in the issue as soon as possible (and preferably within two workdays of meeting with you) and obtain their side of the story.

We strongly encourage timely complaint resolution. Within \_\_\_\_*[time frame]*\_\_\_\_ after speaking to the other person(s), and \_\_\_\_*[time frame]*\_\_\_\_ from the date you first approached them, the equality representative will speak to witnesses if they need further information. Witnesses may include people who didn't actually see what happened, but who observed your reaction or other related behavior.

The equality representative will then decide if they have enough information to know whether your allegation happened (using the standard of proof that it is more likely than not to have happened). They will also work out whether disciplinary action is required.

Where allegations are proved, the equality representative (or your manager) will resolve the problem by:

- Bringing everyone together for a meeting to reach an agreement/ resolve issues if the allegation is not of a serious nature
- Taking appropriate disciplinary action (such as requiring an apology, counseling, an official warning, transfer, demotion, loss of promotion rights for a set period) against the person(s) responsible if the allegation is serious.

They may also arrange training on equality issues for all staff to ensure that everyone knows what is and isn't acceptable workplace behavior.



## Management tip 16

**Step 3:** *Contact the ministry of manpower, workers' organizations or a legal aid centre*

If you are unsatisfied with the decision reached under this procedure, or you do not feel comfortable bringing it to our attention, you can contact labour department hotline, workers' organizations or a legal aid centre to get further advice.

*How will our company handle your problem?*

We will handle your problem:

- **Confidentially** – Only those directly involved in your issue or complaint (including anyone helping to sort it out) will have access to information about it. Information about the problem will only go on an employee's file if they are disciplined in relation to it.
- **Impartially** – Everyone involved in the issue will get the chance to tell their side of the story, and will be treated as fairly as possible. The person handling the issue or complaint will not make a decision or take any action until all relevant information has been gathered.
- **Speedily** – We will handle all issues or complaints as quickly as possible. Where possible, we will try to resolve all issues within \_\_\_\_ [time limit]\_\_\_\_\_.

We will not tolerate **Victimization** – Less favourable treatment or disadvantage of anyone involved in an issue or complaint being handled under this procedure will be disciplined. Malicious use of this procedure (for example, to lie about someone) will also be disciplined. We will not take any action without proof. We will investigate all issues before making a decision and/or taking action. We will only take action if we believe that it is more likely than not that the allegations happened.

\_\_\_\_\_ Date \_\_\_\_\_

Signature of business operator / company

Source: Adapted from Hong Kong Equal Opportunities Commission: *Equal opportunity essentials kit for SMEs* (Hong Kong).