

Everything you need to know about: Equal employment opportunity policy

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Leaders are now far more willing to recognize the crucial importance of their people's power. How organizations deal with their personnel is now considered a fundamental concern and a matter of their highest priority. As a business owner, one has many decisions to make, but the wrong decisions are illegal. If you have 15 employees or more, you have to follow equal employment opportunity laws. One cannot discriminate against people for characteristics like race, gender, or religion when you hire, fire, promote, or hand out raises. Worldwide in various countries, there are laws and agencies to enforce this such that compliance is now a must. A good example is the United States of America there is the federal Equal Employment Opportunity Commission (EEOC) which enforces the law, as do many state agencies.

In a study done by EEOC (2018) analyzing 21 years of data it was found out that from 1997 to 2018 (the last year data was available), there were 1,889,631 discrimination complaints filed with the EEOC. In 2017, a majority of these complaints were categorized as retaliation (49%), race (34%), disability (32%), or sex (over 30%) (EEOC, 2018). 916,623 discrimination cases were filed with the EEOC between 2009 and 2018. Of these cases, the highest rates of discrimination complaints occurred in Southern states (EEOC, 2018). While race claims are often the most commonly filed with the EEOC, it was found out that they have the lowest percentage of success (15%) in terms of legal action or reaching a settlement.

WHAT IS EQUAL EMPLOYMENT OPPORTUNITY?

Equal opportunity employment means not discriminating against employees or job applicants because of their age, race, gender, religion, nationality, and similar protected characteristics. If an employee can prove you treat your staff unequally, you might have to pay out to settle the case (Sherman, 2018).

The 1964 Civil Rights Act made it a federal crime to discriminate among employees based on "protected classes." The federal government and state governments have expanded the list of covered classes in the 50-plus years since (Sherman, 2018). If you describe yourself as an equal opportunity employer in the help wanted ads or on applications, that means as an employer you treat employees and job applicants equally, as the law requires.

Equal employment opportunity law bans several types of discrimination:

- Race
- Color
- Religion
- Sex, including pregnancy, gender identity, and sexual orientation

- National origin
- Age, if an employee is 40 or older
- Disability
- Genetic information

It is also illegal to discriminate against someone for complaining about discrimination or suing over discrimination. Discrimination includes not just hiring and firing but promotion, harassment, getting training and receiving wages and benefits.

However, it is important to note that some businesses are not required to offer equal employment opportunities. If you have 14 employees or fewer, one is not required to comply. Religious organizations such as churches or mosques can favor hiring members of their religion over nonbelievers. However, they are bound by all the other nondiscrimination requirements.

Enforcing the Law (*equal employment opportunity laws*)

Despite there being *equal employment opportunity laws* it does not mean all employers obey it. In progressive countries for example the United States of America, the EEOC has the authority to investigate employees' claims that their employer discriminates (Vance, 2019). If the EEOC finds a complaint has merit, it tries to settle the charge; if that does not work, the commission can sue. State agencies do the same for state-level *equal-employment laws*, which may cover cases federal law does not (Sherman, 2018).

Even a company committed to non-discrimination may have employees who harass female employees, bully minorities, or insult based on gender (Vance, 2019). If one of an organization's employees complains they are the target of discrimination, the smartest thing for the organization to do is to take it seriously. There is a need to gather information, investigate the facts, and make a fair decision even if it means having to discipline a respected

manager. If the organization can handle the complaint to the victim's satisfaction, there is less chance the organization will face a lawsuit later.

Example of how equal employment opportunity laws work in Australia

The Australian Federal Government has passed numerous laws that aim to protect people from discrimination within the workplace (Legal Vision, 2020). These include the:

Sex Discrimination Act 1984;

Disability Discrimination Act 1992;

Age Discrimination Act 2004; and

Racial Discrimination Act 1975.

These laws, alongside other state laws, are the primary source of EEO obligations (Legal Vision, 2020). Employers who hire, manage, or dismiss employees are not allowed to discriminate based on:

- race;
- ethnicity;
- color;
- sex;
- sexual orientation;
- gender identity;
- relationship status;
- family or carer responsibilities;
- pregnancy;
- mental or physical disability;
- religion;
- political opinion; or
- age.

Why Should Employers Care About Equal Employment Opportunities?

Employers who promote EEO attract more diverse workers, improve worker productivity, and promote a healthy workplace culture. Furthermore, employers can minimize liability in the event of a complaint from an employee. Employers are usually held responsible for any discrimination, harassment, and bullying of employees by others in the company. However, if employers can show that they took reasonable steps to minimize the issue, they may not be held liable.

Therefore, EEO policies can set out a transparent and fair process for complaints to be managed and resolved. This reduces the chance of the complaint escalating to an external party such as the Fair Work Commission (Legal Vision, 2020).

WHAT SHOULD BE IN YOUR POLICY ON EQUAL OPPORTUNITY EMPLOYMENT POLICY?

An *equal opportunity employment policy* should set out how the employer will comply with all EEO obligations. Ideally, the *equal opportunity employment policy* should be included in an Employee Handbook and given to all employees as part of the onboarding process. An employer may also hold regular training sessions to ensure all employees are aware of their EEO obligations.

Here are some critical areas to cover when drafting an *equal opportunity employment policy*.

1. Application

The policy should apply to:

- all employees, including those who work full-time, part-time, casually or temporarily;

- employees at work, at work-related events or company functions or activities happening outside of work; and
- All employment processes, including hiring, training, and dismissing employees.

Also, the policy may highlight how the organization meets its obligations under the relevant anti-discrimination laws.

1. Responsibilities

The policy can set out who should be responsible for certain EEO processes. Managers and executives will have greater responsibility to ensure the workplace is free from discrimination, harassment, or bullying.

1. Recruitment and Dismissal

An *equal opportunity employment policy* may highlight the importance of merit-based hiring, without regard to attributes such as race, sex, or gender. Additionally, it can include details on the dismissal of employees without breaching unfair dismissal laws.

1. Discrimination, Harassment, and Bullying

Discrimination, harassment, or bullying in the workplace should be discussed in an *equal opportunity employment policy*. Employers should consider including details on:

- its definition;
- what steps are taken to minimize the issue;
- a grievances policy that allows employees to make a complaint; and
- a process to handle and resolve complaints.

Some employers may choose to draft a separate policy to address this topic in greater detail. However, *equal opportunity employment policies* should still set out the steps taken to address the issue and redirect the employee to the separate policy if required.

1. Promoting Equal Opportunities

An *equal opportunity employment policy* may highlight equal opportunities that are available to employees. For example, the policy can state if there are:

- workplace flexibility policies for parents or those with carer responsibilities;
- equal training opportunities for men and women in the workplace; or
- Reasonable adjustments for people with disabilities.

Conclusion

It has been shown that an *equal opportunity employment policy* can help promote diversity and minimize discrimination, harassment, and bullying in the workplace. A well-written *equal opportunity employment policy* also provides clear procedures in case of a complaint. This is something local organizations can adopt as best practices to align themselves with leading proponents of *equal opportunity employment*.

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<https://thehumancapitalhub.com/articles/Everything-You-Need-To-Know-About-Equal-Employment-Opportunity-Policy>