

Gender and Positive Action

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Equality Commission

FOR NORTHERN IRELAND

Positive Action and the Law

- Sex Discrimination (Northern Ireland) Order 1976 as amended
- Outlaws direct and indirect discrimination, harassment and victimisation

Positive Action and the Law

- Positive Action refers to a variety of measures designed to counteract the effects of past discrimination and to help eliminate sexual stereotyping for e.g.
- Introduction of non discriminatory selection procedures;
- Training programmes and;
- Policies aimed at preventing sexual harassment.

Positive Action and the Law

- Legal Provisions:
- 2 provisions facilitated by Articles 48 and 49 of the SDO:

Positive Action and the Law

- Positive action under Articles 48 and 49 can be targeted at men or women, though more often than not they are targeted at women

Articles 48 and 49

- Single sex training initiatives either to equip people to work in jobs more often carried out by members of the opposite sex, or to return to work after a period at home looking after children or other dependants
- Special encouragement to women only, or to men only, to apply for jobs more usually done by members of the opposite sex

Positive Action Training

- Affording one sex the opportunity to attend training for work or encouraging one sex to apply for work is ok where it appears to the training body that at anytime in the last 12 months there were no person of the sex in question doing that work in NI, or the numbers of that sex doing the work in NI, was comparatively small
- Employer specific case can also be made

Positive Action and the Law

- In addition, training can be provided where it reasonably appears that those persons are in special need of training by reason of the period for which they have been discharging domestic or family responsibilities to the exclusion of regular full-time employment

Positive Action Training-Examples

- Courses to develop confidence or assertiveness
- Specific training for women whose skills might be out of date
- Training based on work sampling
- Training in a skill
- Training in technique e.g. interviews
- Middle management training
- Career guidance training for women wanting to return to work

Positive Action Encouragement

- Can be used where the number of women is comparatively small
- Cannot use a general advertisement
- Specific circumstances of each job must be considered
- Ad should explain reason for positive action

Why do we need Positive Action?

Positive Action can:

- Redress limited range of job opportunities arising from limited curriculum choices
- Enable women to obtain skills required to enter the job market
- Encourage women to seek promotion or apply for vacancies in non-traditional areas of employment
- Help women returners to develop new skills
- Fill skills gaps in the economy

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How to Promote Positive Action

- Do it within the framework of Company's Equal Opportunities Policy
- Top level commitment and support of trade unions
- Consult and communicate
- Audit the proposed policy to ensure it complies with relevant equality legislation
- Be clear what the aims of the programme are
- Evaluate the impact of the programme

How to Promote Positive Action

Gender Employment Equality Plan

- Audit all employment policies on the basis of gender to determine the extent to which the policies meet legal requirements and best practice
- Implement an Action Plan
- Receive Equality Commission Support
- Receive Equality Commission Training
- Join an Employers' Network

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WINS

- Outreach
- Soft Skills Training
- Core/Accredited Training
- Work Placement
- Employability Skills Training
- Mentoring

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