

Q: I HAVE to make redundancies and I am preparing the selection criteria. How can I avoid inadvertently discriminating against anyone?

A: Your criteria will determine how individuals will be selected from your pool of potentially redundant employees.

Criteria must not be discriminatory and must stand up to objective assessment.

Be careful of indirect discrimination. Could criteria have a disproportionate effect on an ethnic or gender group or a disabled person?

Criteria based on flexibility in relation to working hours, for example, may adversely affect single parents. A greater proportion of single parents are women, which may constitute indirect sex discrimination.

Be careful using sickness absence in your selection criteria. Making a decision based partly or solely on time off in relation to pregnancy-related sickness would constitute sex discrimination.

Similarly, where an employee's physical or mental impairment has a substantial and long-term effect on their ability to carry out normal activities they are covered by the Disability Discrimination Act. In such cases you cannot count time-off related to an employee's disability.

First in, last out is increasingly unpopular as a selection criteria as it does not consider the skills the business needs going forward.

Using this criteria is potentially discriminatory both on the grounds of age, as it disadvantages younger employees, and on the grounds of sex as women are more likely to take career breaks.

Although both examples of indirect discrimination may be defended if you can objectively justify using this criteria, it would be safer to only use this criteria in conjunction with a number of others – it is not the sole reason for selection.

Q: ONE of the people whose role is disappearing has mobility problems covered by the Disability Discrimination Act. There is a possible alternative post, but this would mean travelling 30 miles to a new site. Does this fit the requirement that I have to offer suitable alternative employment?

A: Employers have a duty to



Fiona Martin, of Searle Solicitors, answers questions on the law relating to redundancy selection and discrimination



make reasonable adjustments to cater for any employee considered disabled under the Disability Discrimination Act.

What is considered a reasonable adjustment will vary depending on your organisation's size and resources.

This duty relates to the entire redundancy process including any offer of alternative employment.

A recent case ruled that travelling 50 miles to an alternative position was too far given the individual's severe arthritis.

The judgement made it clear that a reasonable adjustment should have been made in the form of an alternative position being offered in the employee's home town where he had previously worked.

It is important to use the redundancy consultation process to ask your employee whether the distance is problematic.

If he has problems driving to and from this site – and for business reasons cannot stay where he is – Access To Work may help with finding alternative transport such as taxis and providing funding for these costs.

Q: A NUMBER of employees in the selection pool are on maternity leave. Should I ask them to come in for meetings?

A: It is essential to consult with employees on maternity leave. Write to them explaining the situation and give them the option of attending. If they have recently had their babies, offer to liaise by email or telephone.

Failure to consult with someone on maternity leave is potentially discriminatory. If you do select employees on maternity leave for redundancy, the reason must have nothing to do with their pregnancy or maternity leave.

● More information and a redundancy factsheet is available online at www.ms-solicitors.co.uk.

Chamber of commerce hands awards to members



PROUD MOMENT: From left, Christian Fleming, Coun Ian Buchanan, who presented the awards, Gary Maskell and Trevor Lambert

BUSINESS awards were presented to chamber of commerce members.

The inaugural Peacehaven and District Chamber of Commerce Business Awards took place at the Chamber's AGM on Thursday in the main hall at the Meridian Centre.

Winners of the three categories walked away with the inscribed Monuments, based on Peacehaven's famous Meridian Line monument.

The prizes were presented by the Mayor of Peacehaven, Councillor Ian Buchanan.

Business Person of the Year winner was Gary Maskell and the Business of the Year winner was Northstar Technology Ltd.

Awards of Merit went to Icon Business Solutions and WASP printers. Phil Merry, vice-chairman and awards organiser, said: "These awards are indeed a milestone in the short history of our chamber."

For information about the chamber, go to www.peacehavenchamber.co.uk.

Conference to show importance of industry

Event to boost tourism sector

by RUTH LUMLEY

THE future of tourism and its importance to the Sussex economy will be promoted at a conference.

The event, for businesses in the sector, their staff and people considering a career in tourism, will take place at the Ramada Jarvis Hotel in King's Road, Brighton, tomorrow.

There will be an exhibition running at the Tourism Futures Conference from midday to 6pm, which will showcase all the local training and business support available.

Employers will also be offering advice and guidance on starting a career in the sector.

Businesses already involved include City College's Sold Project, City College Training, Engage Partnership and Jobcentre Plus, VisitBrighton, the Federation of Small Businesses and the Chamber of Commerce, Brighton Dive

Centre and Brighton Housing Trust.

Claire Mitchell, chairwoman of the Brighton and Hove LEADER Group, has organised the event as a way of getting more businesses in the tourism sector involved in the scheme.

She said: "The ultimate long-term aim is to raise the amount of staff working in the industry."

"In Brighton and Hove we do not have a large manufacturing industry. Instead, we have a large service economy and we need to make sure we get it right."

"We also want to get people into current job vacancies to for them to find out what employment opportunities there are."

A report, which involved talking to different businesses and people in the tourism sector, has also proved useful

when it comes to finding out where tourism is strongest in the city.

Forums have been held for hoteliers, charities, restaurants and retailers to look at their business and employment patterns.

Brighton Dive Centre said it always employed local people where possible, and co-owner Mark Raines said he was committed to providing his staff with flexible working hours.

He offered work placement opportunities in Tourism Future programmes, which will take place later on in the year.

He said: "We love the forum. It's the best thing we've ever done."

"We'll be able to create more jobs next year because of the forum and definitely offer our staff more hours of work because of our link up with Palace Pier and other hotels."

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SUBWAY OPEN DAY

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Engage Partnership Employment League

EACH month, the Engage Partnership Employment League will highlight those businesses which demonstrate their commitment to diversity by employing local marginalised people.

For more information on employing diverse people, contact claire.mitchell@engagesolutions.org.uk.

One job outcome per company other than those indicated ().

of Sussex, The Hanbury Club

Engage organisation:
RBLI Employment Solutions

Engage organisation:
Careers Development Group

Jolly Roger Childminding Service, Brighton and Hove City Council, Sainsbury's Lewes Road, Brighton, Adecco UK LTD, University

Monitor Cleaning Services, Inkfish, Reed, Nurserytyme Brighton, Clifford Catering, Epic Organisation, Kelly Services, St Aubyns School, Rottingdean, Amex.



Information for employers and staff in association with

