



jobcentreplus

## **Consultation Document**

# **Accepting and advertising employer vacancies from within the adult entertainment industry by Jobcentre Plus**

December 2008

**DWP** Department for  
Work and Pensions

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## Introduction

1. This consultation document seeks views on the current Jobcentre Plus policy to accept and advertise jobs from within the Adult Entertainment Industry.
2. A list of consultation questions can be found at [Annex 1](#).
3. Your comments would be welcomed and this document is on the Department's website at:

<http://www.dwp.gov.uk/consultations/2008/>

4. The comments received will be used to consider whether more needs to be done by Jobcentre Plus when advertising adult entertainment industry vacancies to ensure that:
  - the policy complies with diversity legislation;
  - jobseekers are sufficiently protected when applying; and
  - employers notifying vacancies that are compliant with civil and criminal law receive the service to which they are legally entitled.
5. Further copies of this consultation document in alternative formats can be obtained from:

**Paul Habershon  
Adult Entertainment Industry Consultation  
Jobcentre Plus  
Rockingham House  
Level 2, East Wing  
123 West Street  
Sheffield  
S1 4ER**

Email: [paul.habershon@jobcentreplus.gsi.gov.uk](mailto:paul.habershon@jobcentreplus.gsi.gov.uk)

## How to respond to this consultation

6. The consultation period began on 05/12/2008 and has now been extended to run until 27/03/2009. Please ensure that your response reaches us by that date.

7. Please send your responses, preferably by email, to:  
[paul.habershon@jobcentreplus.gsi.gov.uk](mailto:paul.habershon@jobcentreplus.gsi.gov.uk) or by post to:

**Paul Habershon**  
**Adult Entertainment Industry Consultation**  
**Jobcentre Plus**  
**Rockingham House**  
**Level 2, East Wing**  
**123 West Street**  
**Sheffield**  
**S1 4ER**

8. When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of a larger organisation please make it clear who the organisation represents, and where applicable, how the views of members were assembled. We will acknowledge your response.
9. We have sent this consultation document to people and organisations who have already been involved in this work or who have expressed an interest. Please do share this document with, or tell us about, anyone you think will want to be involved in this consultation.
10. The information you send us may need to be passed to colleagues within the Department for Work and Pensions and published in a summary of responses received, and referred to in the published consultation report.
11. All information contained in your response, including personal information, may be subject to publication or disclosure if requested under the Freedom of Information Act 2000. By providing personal information for the purposes of the public consultation exercise, it is understood that you consent to its disclosure and publication. If this is not the case, you should limit any personal information which is provided, or remove it completely. If you want the information in your response to the consultation to be kept confidential, you should explain why as part of your response, although we cannot guarantee to do this. We cannot guarantee confidentiality of electronic responses even if your IT system claims it automatically.
12. If you want to find out more about the general principles of Freedom of Information and how it is applied within DWP, please contact: Charles Cushing, Department for Work and Pensions, Adjudication and Constitutional Issues, Information Policy Division, Freedom of Information Unit, Adelphi 1-11 John Adam Street, LONDON, WC2N 6HT (Tel: 020 7962 8581, [charles.cushing@dwp.gsi.gov.uk](mailto:charles.cushing@dwp.gsi.gov.uk) or [carol.smith14@dwp.gsi.gov.uk](mailto:carol.smith14@dwp.gsi.gov.uk))
13. More information about the Freedom of Information Act can be found on the website of the Department of Constitutional Affairs.

## The consultation arrangements

14. The Cabinet Office Code of Practice on Consultation advises that a minimum of 12 weeks is appropriate for public consultations, unless there are good reasons for a shorter period.

## List of those consulted

15. A list of those consulted is at [Annex 2](#). If you are aware of any other organisation or people who you think should be included, please send details to us so they can also be consulted, preferably by e-mail, to: [paul.habershon@jobcentreplus.gsi.gov.uk](mailto:paul.habershon@jobcentreplus.gsi.gov.uk) or by post to:

**Paul Habershon**  
**Adult Entertainment Industry Consultation**  
**Jobcentre Plus**  
**Rockingham House**  
**Level 2, East Wing**  
**123 West Street**  
**Sheffield**  
**S1 4ER**

## Feedback on this consultation

16. We value your feedback on how well we consult. If you have any comments on the process of this consultation (as opposed to the issues raised) please contact our Consultation Coordinator:

**Roger Pugh**  
**Department for Work and Pensions' Consultation Coordinator**  
**Room 2A, Britannia House,**  
**2 Ferensway,**  
**Hull**  
**HU2 8NF**

(01482 609571, [roger.pugh@dwp.gsi.gov.uk](mailto:roger.pugh@dwp.gsi.gov.uk))

17. In particular, please tell us if you feel that the consultation does not satisfy Cabinet Office Code of Practice on Consultation. Please also make any suggestions as to how the process of consultation could be improved further.

## What will we do after the consultation?

18. A Jobcentre Plus response to the consultation will be published. We will aim to publish this summary within three months of the consultation closing. The summary of responses will be available on the Department's website: <http://www.dwp.gov.uk/consultations/2008/>

# **Accepting and advertising employer vacancies from within the adult entertainment industry by Jobcentre Plus**

## **The purpose of the policy in question**

1. Jobcentre Plus is a government agency supporting people of working age from welfare into work and helping employers to fill their vacancies. Jobcentre Plus is part of the Department for Work and Pensions (DWP) and plays a major role in supporting the Department's aim to 'promote opportunity and independence for all through modern, customer-focused services'.
2. Jobcentre Plus' key objectives are to:
  - Increase the effective supply of labour by promoting work as the best form of welfare and helping unemployed and economically inactive people move into employment.
  - Pay customers the correct benefit at the right time and protect the benefit system from fraud, error and abuse.
  - Provide high-quality and demand-led services to employers, which help fill job vacancies quickly and effectively with well-prepared and motivated employees.
  - Help people facing the greatest barriers to employment to compete effectively in the labour market and move into and remain in work.
  - Improve continuously the quality, accessibility and delivery of services to all customers.
  - Ensure that people receiving working age benefits fulfil their responsibilities while providing appropriate help and support for those without work.
  - Increase Jobcentre Plus' overall productivity, efficiency and effectiveness.
3. The policy of advertising adult entertainment industry vacancies is an aspect of bringing employers and jobseekers together in promoting a flexible and efficient labour market, which contributes to the achievements of our objectives.

## **The legal context**

4. As signatory to the International Labour Convention of 1919, the UK is obliged to provide a free public employment service to assist people seeking employment and employers seeking employees. Jobcentre Plus delivers this service in England, Scotland and Wales on behalf of the Secretary of State for Work and Pensions.

5. The legislative basis for this employment service is Section 2 of the Employment and Training Act 1973. The Secretary of State has discretion over the manner in which the employment service is provided, but the reasonableness in exercising that discretion, e.g. to exclude certain job vacancies, can be challenged by an application for judicial review.

### **Vacancies from within the adult entertainment industry**

6. Prior to 2003, Jobcentre Plus did not advertise vacancies from within the adult entertainment industry. As a public employment service, Jobcentre Plus requires many of its customers to be willing to consider the vacancies it advertises and to demonstrate they are actively seeking work. Failure to do so can lead to a loss or reduction in benefit entitlement. Against that backdrop, Jobcentre Plus did not (at that time) consider it right to handle vacancies that could potentially offend or embarrass some customers and that could place them in the position of either being willing to consider such vacancies or put at risk their benefit entitlement. Ann Summers Ltd. subsequently challenged this policy.

### **High Court ruling - Ann Summers Ltd v Jobcentre Plus**

7. On 18 June 2003, a High Court ruling concluded the Jobcentre Plus policy of refusing to handle vacancies from within the adult entertainment industry:
  - paid no regard to the benefit jobseekers could obtain through the jobs on offer and failed to recognise some people would readily want to apply for such vacancies;
  - paid insufficient regard to the legal obligation of Jobcentre Plus to assist employers fill vacancies via publicly funded services; and
  - elevated the sanctioning process in Jobseekers Allowance legislation beyond its purpose. By refusing to advertise vacancies from within the adult entertainment industry, Jobcentre Plus acted disproportionately as it had failed to consider it could do so without compelling jobseekers to apply for them, and thus did not have to sanction jobseekers if they failed to apply for a post or to accept any post offered in the industry.
8. The ruling further concluded that in agreeing to handle vacancies from within the adult entertainment industry, a measure of control could be exercised over the advertisements by, for example, including safeguards warning jobseekers about the nature of the employment.

### **Current policy and safeguards**

9. Following the Ann Summers ruling, Jobcentre Plus reversed its policy on 21 July 2003 and since then, has accepted and advertised vacancies from within the adult entertainment industry so long as they (like any other vacancy) comply with civil and criminal law.
10. However, when advertising such vacancies and in recognition of sensitivities associated with employment within the adult entertainment industry, a number of safeguards were implemented to make sure people are aware of the exact nature of the employment in question and not penalised for failing

to consider or take-up the offer of such work. These safeguards have been strengthened progressively in response to ongoing concerns about advertising vacancies from within the adult entertainment industry. The safeguards currently deployed are as follows:

- A strap-line is on every vacancy, stating applicants must be aged 18 or over.
- Each vacancy contains a detailed description of the job requirements.
- Adult entertainment industry vacancies are only discussed with people who enquire about them.
- Nobody is obliged to enquire about or apply for adult entertainment industry vacancies and we do not penalise any customer claiming benefits who, after expressing an interest, subsequently refuses the offer of employment.
- With the exception of adult entertainment industry vacancies from within retail and manufacturing, customers cannot apply directly to employers. Instead, they must first contact their local Jobcentre Plus office and arrange to see a personal adviser who will confirm the customer is at least 18 years of age and is fully aware of the nature of the job before the application can proceed.

11. Over and above this, the following additional safeguards are in place where vacancies involve physical contact, e.g. escort work or working in a massage parlour or sauna:

- Before Jobcentre Plus will advertise such vacancies, the employer will be sent a letter (see [Annex 3](#)) informing them that they must complete and return a statement (see [Annex 4](#)) to confirm they are not involved in illegal activities and the vacancy does not involve contact of a sexual nature.
- Once this statement is received and the job advertised, Jobcentre Plus will, as part of a routine 48-hour courtesy call to employers, confirm nothing illegal was subsequently found to be part of the job requirements.
- After the vacancy has been filled, Jobcentre Plus will contact people who have applied for the vacancy to see if anything illegal was subsequently found to be part of the job requirements.

12. If it is thought the employer is involved in the provision of illegal services because of either the above safeguards or a specific customer complaint, Jobcentre Plus services will be withdrawn from the employer and the Police informed. Since 21 July 2003, we have investigated five employers within the adult entertainment industry and withdrawn service to four of them.

13. Any member of staff not wishing to handle vacancies from within the adult entertainment industry can refer such business to a colleague or their line manager for re-allocation. This policy is in guidance to staff, but we do not gather information about if and how often this happens in practice.



## **Jobcentre Plus vacancy taking procedures**

### **Employer Direct**

14. Employer Direct is a virtual network of eight contact centres, enabling employers to notify vacancies using a single national telephone number, by e: mail or fax. As part of the vacancy taking process, policies and procedures are in place to ensure all advertised vacancies comply with employment and equality legislation. As part of this, contact centre operatives will also ensure the safeguards (outlined in paragraphs 10 and 11) are deployed for vacancies from within the adult entertainment industry.

### **Employer Direct online**

15. Employer Direct online (EDon) enables employers to notify and manage their jobs on-line via the Jobcentre Plus website. No vacancies received from within the adult entertainment industry via EDon are advertised until they have been vetted to make sure they comply with employment and equality legislation, and the safeguards (outlined in paragraphs 10 and 11) deployed.

### **LMRA 48 hour courtesy call**

16. Once a vacancy has been advertised, all employers receive a courtesy call from a Jobcentre Plus Labour Market Recruitment Adviser (LMRA) 48 hours after being notified. Part of the purpose of this call is to provide additional assurance that the vacancy complies with civil and criminal law and that the additional safeguards for adult entertainment industry vacancies are deployed fully.

## Adult entertainment vacancies advertised by Jobcentre Plus

17. Between 01 August 2007 to 31 July 2008 Jobcentre Plus advertised over 2.26 million vacancies of which, 351 (0.015%) were within the adult entertainment industry. A breakdown of these vacancies is as follows:

Vacancy Type	Number
Party Planner (Adult products)	68
Retail (Adult Products)	58
Lap dancing club non-dancing e.g. bar staff, receptionists, managers, DJ's, supervisors etc	54
Dancers e.g. lap, pole, table, erotic	44
Adult chat line operators and supervisors	30
Models including Lingerie & Nude	28
Warehouse	20
Escorts	12
Masseuse	8
TV channel - Topless	8
Web cam operators/performers	7
Topless/semi nude bar staff	3
Others, including semi nude butler, nude cleaner, kissogram	11

## Customers applying for vacancies within the adult entertainment industry

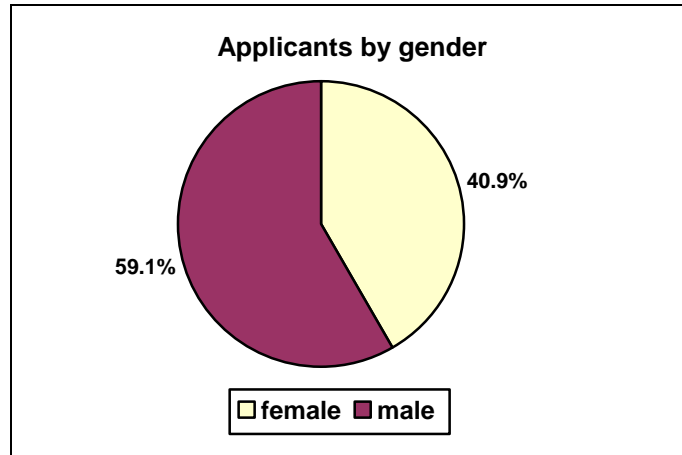
18. 5,514 people applied for the 351 adult entertainment industry vacancies advertised by Jobcentre Plus – an average of just under 16 applicants for each vacancy. A breakdown of applicants by vacancy type and gender is as follows:

Vacancy Type	Male	Female	Total
Retail (Adult Products)	384	779	1163
Warehouse	997	142	1139
Escorts	517	207	724
Lap dancing club non-dancing	430	275	705
Models including Lingerie & Nude	194	273	467
TV channel - Topless	255	137	392
Adult chat line operators and supervisors	191	165	356
Dancers e.g. lap, pole, table, erotic	28	100	128
Party Planner (Adult products)	12	49	61
Web cam operators/performers	40	19	59
Masseuse	22	27	49
Topless/semi nude bar staff	2	1	3
Others	190	78	268
<b>Total</b>	<b>3262</b>	<b>2252</b>	<b>5514</b>

19. This data suggests a significant level of interest from customers for adult entertainment industry vacancies.

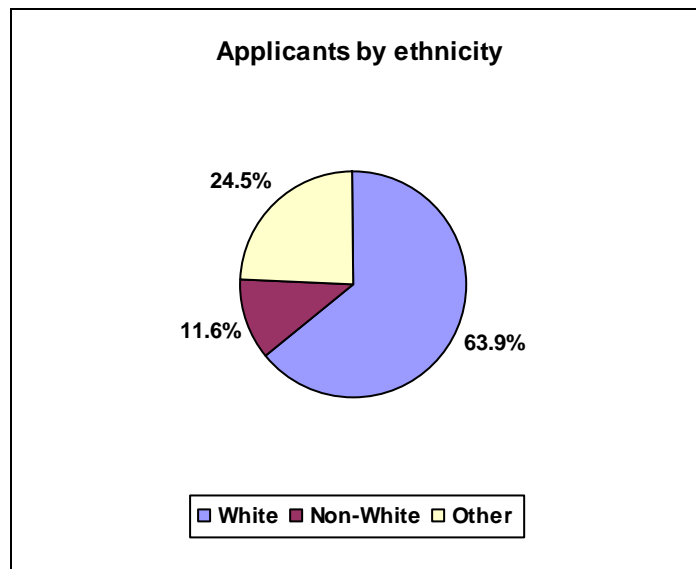
**Gender**

20. Of the people who applied for the 351 adult entertainment industry vacancies, 59.1% were male and 40.9% were female.



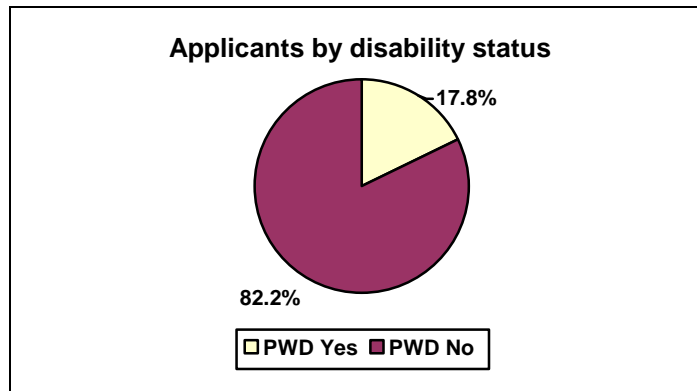
**Ethnicity**

21. Of the people who applied for the 351 adult entertainment industry vacancies, 64% were white, 12% non-white and 24% preferred not to say.



## Disability

22. 18% of applicants for the 351 adult entertainment industry vacancies identified themselves as having a disability.



## Age

23. A breakdown of applicants by age is as follows:

Age Group	Male		Female		Total	
	Applicants	%	Applicants	%	Applicants	%
<b>18-20</b>	503	15.4%	518	23.0%	1021	18.5%
<b>21-30</b>	1471	45.1%	1013	45.0%	2484	45.0%
<b>31-40</b>	680	20.9%	373	16.6%	1053	19.1%
<b>41-50</b>	396	12.1%	253	11.2%	649	11.8%
<b>51-60</b>	195	6.0%	92	4.1%	287	5.2%
<b>61+</b>	17	0.5%	3	0.1%	20	0.4%
<b>Total</b>	<b>3262</b>	<b>100%</b>	<b>2252</b>	<b>100%</b>	<b>5514</b>	<b>100%</b>

## Other data

24. No data is available on the outcome of jobseekers who applied for these vacancies.

## Jobcentre Plus staff handling vacancies within the adult entertainment industry

### Staff in Employer Direct contact centres

25. Of the 1038 staff handling employer vacancies in Employer Direct contact centres, 605 (58.3%) are female, 433 (41.7%) are male and 42 (4.0%) have a stated disability.

26. In terms of ethnic origin:

Ethnic	White	Unknown	Total	Percentage
46	537	455	1038	4.4%

27. In terms of age:

Age Range	Total	Percentage
Under 21	84	8.1%
21 - 30	310	29.9%
31 - 40	217	20.9%
41 - 50	236	22.7%
51 - 60	151	14.5%
61+	34	3.3%
Not Known	6	0.6%
Total	1038	100%

### Staff in Jobcentre Plus offices

28. Customers wishing to apply for non-retail or non-manufacturing vacancies must first discuss the vacancy face-to-face with a personal adviser in a Jobcentre Plus office. Staffing figures for Jobcentre Plus offices are as follows:

#### Gender

Job Role	Female	Male	Total	Female	Male
Admin Officer	11398	3620	15018	75.9%	24.1%
Executive/Adviser	12354	4195	16549	74.7%	25.3%
Total	23752	7815	31567	75.2%	24.8%

## Ethnic origin

Job Role	Ethnic	White	Unknown	Total	Percentage
Admin Officer	1894	10193	2931	15018	12.6%
Executive/Adviser	2003	12369	2177	16549	12.1%
Total	3897	22562	5108	31567	12.3%

## Disabled

Job Role	Disabled	Non-disabled	Unknown	Total	Percentage
Admin Officer	1034	12226	1758	15018	6.9%
Executive/Adviser	1379	14978	192	16549	8.3%
Total	2413	27204	1950	31567	7.6%

## Age

Job Role	16 - 30	31-40	41-50	51-60	61+	Total
Admin Officer	2114	3461	5226	3465	752	15018
Percentage	14.1%	23.0%	34.8%	23.1%	5.0%	100%
Executive/Adviser	881	4026	7273	3876	493	16549
Percentage	5.3%	24.3%	44.0%	23.4%	3.0%	100%
Total	2995	7487	12499	7341	1245	31567
Total Percentage	9.5%	23.7%	39.6%	23.3%	3.9%	100%

## Does available data show/suggest a disproportionate or adverse impact on either customers or staff?

### Gender

29. Within the gender equality duty, public authorities are required to carry out their duties having due regard to the need to:

- eliminate unlawful discrimination and harassment, and
- promote equality of opportunity between men and women.

30. Jobcentre Plus vacancy taking policies and procedures are designed to ensure all vacancies advertised comply with employment and equality legislation. However, under certain circumstances it is possible for an employer to discriminate against men or women when advertising a vacancy, as long as they can provide evidence that an exception to the Sex Discrimination Act applies.

31. If having placed a vacancy, an employer appears to have unlawfully discriminated against men or women, Jobcentre Plus will withdraw service and in the case of a formal complaint, co-operate fully with any subsequent legal proceedings.
32. Jobcentre Plus advisers will signpost customers who are seeking advice about employment rights to local organisations and sources of support, e.g. the Citizens Advice Bureau and the Department for Business Enterprise and Regulatory Reform.
33. With regard to adult entertainment industry vacancies specifically, those that comply with civil and criminal law are made available to the public through the Jobcentre Plus website, touch-screen Jobpoints located in all offices and some external sites and our telephony-based jobsearch service (Jobseeker Direct). Although these vacancies are advertised openly, they are not proactively brought to the attention of individual customers unless they ask about them specifically.
34. We do not insist people consider or apply for vacancies from within the adult entertainment industry or penalise any customer claiming benefits who, after expressing an interest, subsequently refuses the offer of employment.
35. We have safeguards in place to help identify concerns about harassment, e.g. if having accepted a job, a customer is asked or expected to undertake activities not previously specified and of an illegal nature. In such cases, service to the employer is withdrawn, the Police informed and no further vacancies advertised unless the employer subsequently contacts Jobcentre Plus and satisfies us that our concerns are unfounded.
36. We have two recorded complaints of harassment from jobseekers regarding the duties they were asked to perform by the employer – both complainants alleged they were asked to provide sexual services. In both cases, Jobcentre Plus services were immediately suspended pending further investigation. In:
  - the first case, the employer did not respond to the allegation made, so service was withdrawn permanently; and in
  - the second, the employer denied the allegation and despite attempts to communicate with the complainant, no further comment or evidence was provided, so service was reinstated. However, it has been made clear to the employer, the standards we expect in terms of the vacancies we are prepared to advertise and the circumstances in which service will be withdrawn. Details of the incident have also been kept on file and will be taken into account should any further complaints be received or concerns raised.
37. In terms of equality of opportunity, the data provided within this initial screening suggests no disproportionate impact in terms of gender. Of the applicants for the adult entertainment industry jobs advertised through Jobcentre Plus 59.1% were male and 40.9% female.

## **Ethnicity**

38. The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 gives protection against racial discrimination by public authorities and places a new enforceable positive duty on public authorities to eliminate unlawful discrimination and promote equality of opportunity and good race relations between people of different racial groups.
39. We do not proactively inform or sell adult entertainment industry vacancies to any section of the community, but provide all jobseekers with the same level of service should they wish to apply for a vacancy of this nature. Of the people who applied for the 351 adult entertainment industry vacancies, 64% were white, 12% non-white and 24% preferred not to say.
40. In taking such vacancies, we have policies and procedures in place to make sure they comply with employment and equality legislation. However under certain circumstances it is possible for an employer to discriminate on the grounds of race when advertising a vacancy as long as they can provide evidence that an exemption under the Race Relations Act applies.
41. Any employer who, having placed a vacancy, was subsequently found to have discriminated on the grounds of race in contravention of the Race Relations Act, would have Jobcentre Plus service withdrawn and Jobcentre Plus would co-operate fully with any subsequent proceedings against the employer.
42. In addition, where a customer tells us they have been discriminated against by an employer, we will give the customer advice about their rights and give them details of local organisations, such as their local Citizens Advice Bureau that may be able to support them.

## **Disability**

43. The disability equality duty requires public bodies when carrying out functions to have due regard to:
- Promote equality of opportunity between disabled people and other people.
  - Eliminate discrimination that is unlawful under the Disability Discrimination Act.
  - Eliminate harassment of disabled people that is related to their disability.
  - Promote positive attitudes towards disabled people.
  - Encourage participation by disabled people in public life.
  - Take steps to meet disabled people's needs, even if this requires treatment that is more favourable.
44. Jobcentre Plus vacancy taking policies and procedures are designed to ensure all vacancies advertised comply with the Disability Discrimination Act.



45. We do not proactively inform or sell adult entertainment industry vacancies to any section of the community, but would provide appropriate services to any customer, including those with a disability or health condition, enquiring about or wishing to apply for such vacancies. Of the total number of people applying for adult entertainment industry vacancies advertised through Jobcentre Plus, 18% stated they had a disability.
46. Jobcentre Plus offices are designed to allow access for customers with restricted mobility or health conditions, to enable people to make best use of Jobpoints and other services. Our text phone services are available through Jobseeker Direct (our telephone service for anyone who is looking for work) to enable jobseekers who are deaf, hard of hearing or have speech difficulties to be notified about suitable vacancies.
47. If having placed a vacancy, an employer appears to have unlawfully discriminated against a disabled person in contravention of the Disability Discrimination Act, Jobcentre Plus will withdraw service and in the case of a formal complaint, co-operate fully with any subsequent legal proceedings.
48. If a customer tells us they have been discriminated against by an employer, we will provide advice about their rights and give them details of local organisations such as their local Citizens Advice Bureau that may be able to support them.

## **Age**

49. Jobcentre Plus vacancy taking policies and procedures are designed to ensure all vacancies advertised comply with the Employment Equality (Age) Regulations 2006.
50. We do not proactively inform or sell adult entertainment industry vacancies to any section of the community, but provide all jobseekers irrespective of their age with the same level of service should they wish to apply for a vacancy of this nature. Of the people who applied for the 351 adult entertainment industry vacancies:
- 18.5% were aged 18-20;
  - 45.0% were aged 21-30;
  - 19.1% were aged 31-40;
  - 11.8% were aged 41-50;
  - 5.2% were aged 51-60; and
  - 0.4% were aged over 61.
51. Any employer who, having placed a vacancy, was subsequently found to have discriminated on the grounds of age in contravention of the Employment Equality (Age) Regulations 2006, would have Jobcentre Plus service withdrawn and Jobcentre Plus would co-operate fully with any subsequent proceedings against the employer.

52. In addition, where a customer tells us they have been discriminated against by an employer, we will give the customer advice about their rights and give them details of local organisations, such as their local Citizens Advice Bureau that may be able to support them.

### **Religion or belief or sexual orientation**

53. Jobcentre Plus vacancy taking policies and procedures are designed to ensure all vacancies advertised comply with the Employment Equality:

- (Religion or Belief) Regulations 2003; and
- (Sexual Orientation) Regulations 2003.

54. If having placed a vacancy, an employer appears to have unlawfully discriminated against a person on the grounds of religion or belief or sexual orientation, Jobcentre Plus will withdraw service and in the case of a formal complaint, co-operate fully with any subsequent legal proceedings.

55. If a customer tells us they have been discriminated against by an employer, we will provide advice about their rights and give them details of local organisations such as their local Citizens Advice Bureau that may be able to support them.

### **Concerns and complaints**

56. Our policy of advertising certain vacancies from within the adult entertainment industry receives a good deal of media interest and comments from people and organisations that feel a public organisation like Jobcentre Plus should not be handling vacancies that they feel are morally repugnant.

57. In the period 01 August 2007 to 31 July 2008 we are aware that Jobcentre Plus received:

- sixteen complaints from pressure groups (several from the same group);
- four complaints from jobseekers who saw and objected to such vacancies while searching for other vacancies advertised by Jobcentre Plus;
- two complaints from customers who had applied for specific vacancies and been asked to perform sexual services. An investigation into each complaint was carried out by Jobcentre Plus, which is detailed at paragraph 36; and
- no complaints from members of staff in the period, although one complaint has been received since.

## Annex 1 – Consultation questions

You are invited to comment on the following specific questions:

1. The Gender Equality Duty came into force in April 2007. Do you consider that this policy and associated processes pays due regard to the duties to:
  - promote gender equality?
  - eliminate harassment?
  - eliminate sex discrimination?

Please give reasons for your answers.

2. The Race Equality Duty came into force in April 2001. Do you consider that this policy and associated processes pays due regard to the duties to:
  - promote equality of opportunity?
  - promote good relations between people of different racial groups?
  - eliminate unlawful discrimination?

Please give reasons for your answers.

3. The Disability Equality Duty came in to force in December 2006. Do you consider that this policy and associated processes pays due regard to the duties to:
  - promote equality of opportunity?
  - promote positive attitudes?
  - promote participation in public life?
  - eliminate unlawful discrimination?
  - eliminate disability related harassment?
  - take steps to meet disabled peoples' needs?

Please give reasons for your answers.

4. To what extent do you think that this policy and associated process reflects consideration of good practice in terms of equality for other diversity strands such as:
  - Age?
  - Religion or belief?
  - Sexual orientation?
5. Can more be done by Jobcentre Plus to strengthen the safeguards in place for the safety of jobseekers and if so, please provide details?
6. Do the safeguards go too far and ignore the needs of the employer in favour of the safety of jobseekers. If yes, please explain why?
7. Please provide any other comments you have on the Jobcentre Plus policy of accepting vacancies from within the adult entertainment industry.

## **Annex 2 – List of those consulted**

Adult Industry Trade Association (AITA)

Bob Russell, MP, Liberal Democrat, Colchester

Dave Alston (by email), TU Secretary, C/o Jobcentre Plus

Departmental Trade Unions

Des Browne MP, Labour, Kilmarnock & Loudoun

Dumbarton District Women's Aid

DWP Customer Insight Group

EAVES – Putting Women First

End Violence Against Women (EVAW)

Equality and Human Rights Commission

Fawcett Society

Government Equalities Office

International Union of Sex Workers, Thorne House, London

Jobcentre Plus Customer representative group forum

Lap Dancing Association

Mr Robert Beckett

Object

Women's Interest Collective, C/O North Ayrshire Women Aid,

Women's National Commission

## **Annex 3 – Adult entertainment industry assurance letter**

(Employer name/address)

(Contact Centre name/address)

Date:

Thank you for your recent request to advertise a vacancy for a ..... with Jobcentre Plus.

However, as discussed, Jobcentre Plus has previously received adverse publicity that questioned the legality of a small number of adult entertainment industry vacancies we have advertised. Therefore, to help ensure applicants are not asked or encouraged to engage in illegal activities we require you to complete and return the attached assurance statement before we can advertise your vacancy.

To assist us with this, we will also contact customers who we know have applied for your vacancy.

Please sign and return the enclosed statement to the above address within 14 days of the date of this letter. If you do not return it within this time, we cannot advertise your vacancy.

Regards

**Customer Service Agent**

## Annex 4 – Adult entertainment industry assurance statement

(For official use)

<b>Employer Name:</b>	
<b>Employer LMS Ref No:</b>	
<b>Address:</b>	
<b>Postcode:</b>	
<b>Vacancy Job Title:</b>	
<b>PVac Ref no:</b>	
<b>Date Vacancy Notified:</b>	
<b>Issued By (Print Name):</b>	
<b>Contact Centre Name:</b>	

I confirm the above vacancy does not involve employees providing any sexual services that require physical contact with customers.

I confirm this organisation is involved in legal activities only and does not condone or encourage the provision of sexual services that require physical contact nor does it require employees to provide such services.

(For completion by employer)

**Signed by:**.....

**Print name:**.....

**Position in Organisation:**.....

**Date:**.....