

EQUALITY & DIVERSITY AWARENESS BOOKLET



EQUALITY

Equal opportunity legislation was originally introduced to protect certain groups of people who had been, or were likely to be discriminated against. It is no longer appropriate to have policies which protect the few; we need to embrace everybody and respect the individual differences that each person brings to the workplace.

What does equality mean?

Equality means treating everyone fairly and giving everyone equal opportunity to reach their full potential. However, equality is not about treating everyone the same, but making sure that no-one suffers or is disadvantaged when it comes to getting what they need.

DIVERSITY

Diversity covers a much wider framework and is an important change of emphasis. It is all about treating people with dignity and allowing everyone to be able to perform to their level of ability. By recognising the need for diversity, you include everyone and value their differences by creating opportunities for them no matter what their circumstances are.

What does diversity mean?

Diversity is about valuing and embracing the differences in people, whether that relates to gender, race, disability, age or a whole host of other individual characteristics not currently covered by legislation. It is about accepting that we are all different and that we are meant to be!

What are your equality and diversity responsibilities?

Individuals are responsible for their own conduct and behaviour and should ensure that it does not offend others. You must treat people as individuals and respect their needs, discourage colleagues from harassing others and be prepared to offer support to those individuals who suffer harassment. Treat people how you would like to be treated.

What are your equality and diversity rights?

An individual has a right to be free from discrimination, harassment and to have a choice in what they believe and to be safe.

Equality and diversity will have an effect on both individual performance and the organisation:

Individual

- Increases individual's motivation
- Reduction in the levels of stress
- Team orientated
- Empowerment
- Pride in own performance

Organisations

- Increased performance from everyone
- Increased attendance levels
- Recruitment from a wider pool of people
- Loyalty of staff to the business
- Improved staff retention
- Increased client satisfaction
- Excellent reputation



Everyone should embrace diversity and ensure that they practice the following points at all times:

RESPECT	For others, for differences, for ourselves
TOLERANCE	For other people's language, dress, style and behaviour
FLEXIBILITY	In situations that are new, difficult or challenging
SELF AWARENESS	Of your own attitude, behaviour, prejudices and what you can bring to the work environment
EMPATHY	To understand and feel what someone else feels when they are different from everyone else
PATIENCE	With people who are slow to accept change and with diversity situations that may be difficult
HUMOUR	Gives you a sense of perspective and humanity and can help to lighten a difficult situation. Remember, there is a world of difference between ridicule and humour

DISCRIMINATION

This is where we allow our prejudices to influence the way in which we deal with people. Discrimination is unlawful behaviour and it can have a very negative effect upon everyone, especially if people's intolerances are overlooked and not curtailed. It is important that we avoid discrimination especially in the working environment and we must ensure that we remain impartial in every aspect of work.

The following groups are more prone to be subject to discrimination:

- Gender - includes sex, marriage, pregnancy, gender re-assignment
- Race - includes ethnic origin, colour, nationality and national origin
- Disability
- Sexual orientation and civil partnerships
- Religion or belief
- Age

What is discrimination?

Discrimination is being thought of as having different worth or value, being treated differently/less favourably or given fewer opportunities.

What is direct discrimination?

When a person is treated less favourably than another person would be treated in the same circumstances e.g. refusal to give someone a job because of their sex, race or disability.

What is indirect discrimination?

This happens when a requirement is applied equally to everyone but has the effect of excluding a group of people more than another e.g. a trainer would employ a boy or a girl however only has accommodation for a boy.

Are there any grounds in which an employer can discriminate?

A requirement for a job that is held by someone of a particular gender or race e.g. you can advertise for a female model to model women's clothes or for someone who is under 9 ½ stone to ride work.

Recruitment

Vacancies should be advertised as gender non-specific and based upon a clear set of skills and abilities. Job description, roles and responsibilities should relate only to the work on offer and not a particular individual.

Training and Development

Everyone should have equal opportunity to train and develop their skills; this applies to both full and part time staff.

Discipline and Grievance

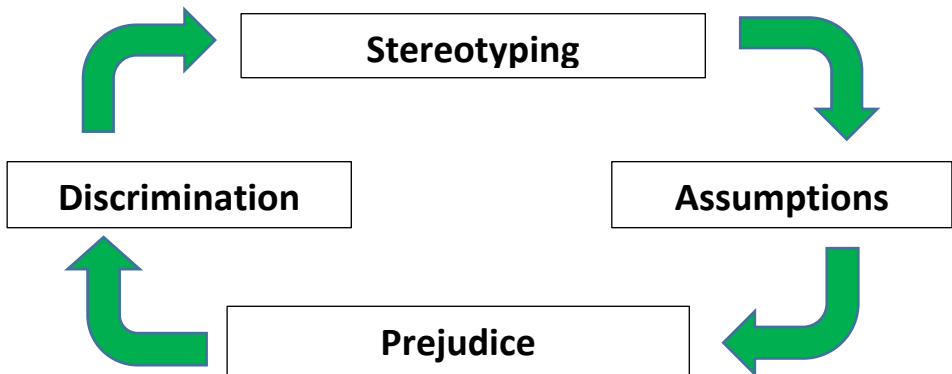
The policy should be open and brought to the attention of all staff. People should be informed about breaches of disciplinary codes, what will happen and how they can appeal if necessary. Grievance procedures should be fair and give everyone the opportunity to challenge something that they believe has been done or said against them.

Victimisation of someone who has brought a grievance against a supervisor or a member of the team is discrimination itself.

Disciplinary Action should be applied fairly and consistently regardless of sex, race, disability, sexual orientation, religion, belief or age.



It is important to ensure that everyone is aware of why people discriminate against others and where the prejudices begin. The diagram below demonstrates how pattern behaviour can lead to discrimination.



Stereotyping

This is normally a generalisation/judgement made about certain groups of people or individuals based on purely superficial characteristics, for example their age, gender or perhaps their ethnic origin.

Assumptions

We tend to make assumptions based on our first impressions of somebody or, from information that we have been told or have read.

- People who receive state benefits are all lazy
- People who wear hoods are all thugs
- People who work with animals are uneducated

When we explore the reality of these statements, we can see how it is very easy to believe these assumptions as actual facts.

- People who have worked all their life and suddenly been made redundant; are they lazy?
- People who use their hoods to keep out the cold and rain; are they thugs?

- Anyone who works with animals e.g. veterinary Surgeons; are they uneducated?

Prejudice

We prejudge others without knowing the facts and quite often prejudice is only an opinion and has no substance to support it. Lack of knowledge or ignorance, can lead to prejudice.

You may be prejudiced against some one because of their:

- Gender
- Age
- Accent
- Ethnic origin
- Learning ability or disability
- Marital status
- Medical history
- Religion and belief
- Sexual orientation
- Criminal conviction
- Appearance
- Family background
- Trade Union membership
- Political affiliation

The Disability Discrimination Act

This makes it illegal to treat someone with a disability less favourably than other people, unless there is a justifiable reason to do so. A disabled person is one who has a physical or mental impairment which has a substantial long-term adverse effect on his or her ability to carry out normal day to day activities e.g. if they are wheel chair bound, deaf or blind.

The Sex Discrimination Act

This makes it illegal to treat a woman or a man less favourably on the grounds of their sex or marital status in the following areas: job selection, terms (pay), training opportunities for promotion.

The Equal Pay Act

Men and women, who do the same work in the same job, are entitled to be paid the same wages. The purpose of this act is to eliminate discrimination between men and women in pay and other terms of their contracts of employment such as piecework, output, bonus payments, holidays and sick leave. It covers like work, work rated as equivalent and work of equal value.

The Race Relations Act

This makes it illegal to discriminate on the grounds of colour, race, nationality, ethnic or national origins. The law protects people from all racial groups, including white people.



BULLYING AND HARASSMENT

This is classified as direct discrimination and is unlawful behaviour. Harassment is defined as:

Unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

It can consist of verbal abuse (including teasing and joking), racist jokes, insensitive comments, leering, physical contact, unwanted sexual advances, ridicule or isolation. It can be a one off incident.

Harassment creates an environment that is hostile, offensive, degrading and humiliating against others. By law, every organisation must have clear policies to prevent this type of unacceptable behaviour. There are clear and obvious signs that bullying and harassment is present within an organisation:

- There is an 'atmosphere' amongst the workforce
- Levels of stress and anxiety increase
- Behaviour changes – people become withdrawn, emotional and can suffer physical changes such as severe headaches and sickness
- Absenteeism increases as people remove themselves from the perpetrator
- Relationships at work are strained and tense
- Performance levels decrease
- The best people leave the organisation

It is not the intent of the perpetrator which defines a particular type of harassment but the effect it has on the recipient(s).

Despite raising awareness of bullying and harassment, recent evidence indicates that certain minority groups are still experiencing this unacceptable behaviour. There have been examples of disability hate crimes against those who have a physical or mental impairment, racial hate and an increase in homophobic bullying.

It is the responsibility of everyone to ensure that cases of harassment and bullying are dealt with quickly and in accordance with disciplinary procedures.

The definition of what constitutes bullying and harassment should be brought to the attention of everyone. Some individuals wrongly believe that they're 'playing a joke' on someone or 'just having a bit of fun and banter'. This is not the way the behaviour is interpreted by the victim. Harassment may include any of the following:

- Bullying and intimidation
- Undermining other people
- Deliberate isolation
- Making snide remarks and using low level sarcasm

- Abuse of disciplinary procedures
- Humiliating others
- Misuse of authority e.g. promising to recommend promotion in exchange for sexual favours
- Coercion for sexual favours
- Offensive name-calling
- Displaying inappropriate posters or materials
- Sending rude or provocative emails or text messages
- Lewd behaviour
- Offensive language
- Crude jokes
- Unwanted touching
- Not recognising personal space
- Criticism in front of others
- Refusing annual leave for no particular reason
- Unfair reference to someone's background, family or status
- Giving people offensive nicknames that directly relate to their origin

Bullies like to create an environment that is based on fear and intimidation. It is normally repeated behaviour, not amongst equals. Research has show that up to 53% of employees have, at one time, been bullied at work. The consequences of bullying can be far-reaching and sometimes it is only when the victim takes drastic action that the full extent of the problem is noticed.

What is the difference between reasonable teasing and when does it become unacceptable harassment/bullying?

As soon as it offends a person it becomes unwanted behaviour, so it depends on the individual's perception.

Complaints about Discrimination or Harassment

Complaints must be directed through the complainant's immediate supervisor or manager. If it cannot be resolved, the complaint should be escalated to a higher level. The complaint should be investigated thoroughly and supported by written statements from both the complainant and the alleged perpetrator.

The complaint should be dealt with through the internal Disciplinary and Grievance Procedures and, if the outcome is successful, the complaint will be deemed to have been satisfied by these means.

If, however an employee has been discriminated against or harassed by his or her employer, or if the individual believes that the internal procedures have not dealt with the complaint satisfactorily, he or she has the right to take the case to an Employment Tribunal using form ET1, which can be obtained through any Job Centre.

Flexible Working

Wherever possible job sharing and part time work should be available for those who have caring responsibilities.

Disability

Reasonable adjustment should be made for those who have learning difficulties or physical impairment. It is not seen as discrimination to refuse employment to someone who has a severe physical disability. It may be inappropriate under health and safety law as they would have difficulty carrying out the full range of duties outlined in the job specification.

Maternity/Paternity Law

If a member of staff becomes pregnant the employer will:

- Allow her paid time off for antenatal care
- Provide additional health and safety protection for her during pregnancy
- Offer alternative duties to enable her to continue to work
- Allow her to return to her job after a period of maternity leave

This applies to all employees no matter how short a time they have been in employment and regardless of how few hours they work.

The law also allows fathers, who have worked for you for at least a year, to take two weeks paid paternity leave when their child is born. The cost of statutory paternity pay can be reclaimed.

Individual Responsibilities

Everyone should ensure that their working environment is free from harassment and that the dignity of others is respected at all times. Individuals are responsible for their own conduct and behaviour and should ensure that it does not offend others.

You must treat your colleagues in a reasonable and fair manner, discourage colleagues from harassing others and be prepared to offer support to those individuals who suffer harassment.

There are certain individuals who believe that ridiculing, name calling, excluding others and belittling them in front of others, is fun; it isn't fun for the person on the receiving end of this behaviour. It is hurtful, humiliating and unacceptable and this form of behaviour will be dealt with severely, as it has no place in today's working environment. Always remember to:

- Treat people as individuals and respect their needs
- Treat people as you would expect to be treated yourself
- Value people whatever their current position or status within the organisation
- Don't make assumptions about the ability of another person to carry out a task
- Respect others' opinions and ideas
- Always remember that there are specific groups of people who may encounter discrimination and harassment within the working environment
- Challenge negative behaviour in others
- Improve behaviour through encouragement and the raising of awareness
- Support those who are the victims of harassment and bullying
- Never interfere with the rights of others



GLOSSARY OF TERMS

Ethnicity

A strict definition of an ethnic group is a group regarded as a distinct community by virtue of certain essential characteristics – a shared history which distinguishes it from other groups and a cultural tradition of its own. Seikhs and Gypsies are examples. However it has come to have a broader meaning and the expression ‘ethnic monitoring’ is used in reference to groups defined by colour, race or national origin as well.

Gender

The word ‘Gender’ is often used in place of the word ‘sex’ in equality issues. ‘Gender’ does not appear in legislation (except for gender re-assignment) but ‘sex discrimination’ and ‘gender discrimination’ are generally interchangeable.

Gender re-assignment

This is a process undertaken under medical supervision for the purpose of re-assigning a person’s sex by changing physiological or other characteristics of sex. The Sex Discrimination Act was extended in 1999 to make it unlawful to discriminate in employment on the grounds of an employee intending to , undergoing or having undergone gender re-assignment.

Genuine Occupational Requirements

The Sex Discrimination Act, the Race Relations Act, the Religion or Belief Regulations and the Sexual Orientation Regulations allow for circumstances where a person’s sex, racial group, religion or sexual orientation as a genuine requirement for a particular job.

Liability

Employers have legal liability for any act of discrimination (including harassment) carried out by their employees unless the employer can show that they have taken all reasonable and practical steps to prevent it.

Quotas

It is unlawful to select a person for a job on the basis of their gender or race in order to achieve a fixed quota of employees of that gender or race.

Sexual Orientation

Where a person is attracted to people of their own sex, the opposite sex, or both sexes. Assumptions and perceptions of a person’s sexual orientation are also protected by law.

Targets

These can be percentages of under-represented groups within a particular organisation. It is the aim of the employer to recruit from such groups as part of their equality and diversity action plan. It is unlawful to use targets as a reason for selecting someone, but it is not unlawful to take steps to re-dress the balance. A good example was the positive action taken to recruit more male nurses into the NHS where females predominantly account for the majority of the workforce.

Transsexual

A person with gender dysphoria who feels a consistent and overwhelming desire to live their life in the opposite gender to that assigned to them at birth.

Victimisation

If a person has made or is making an accusation of discrimination in good faith, it is unlawful to discriminate against them for having done so, or because they intend to do so or, it is suspected that they intend to do so. This also applies to someone who has supported an individual for making such an accusation.

FURTHER HELP

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Euston Tower

LONDON

NW1 3JJ

National helpline: 08457 474747

Website: www.acas.org.uk

Equality and Human Rights Commission

The Equality and Human Rights Commission champions' equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and build good relations.

Website: www.equalityhumanrights.com

Acas Equality Direct Helpline

Tel: 08456 003444

Website: www.acas.org.uk/index.aspx?articleid=454