

EQUALITY AND DIVERSITY AWARENESS FOR EMPLOYERS

Harlow College is committed to ensuring equality of opportunity for all who learn and work with us. We strive vigorously to remove conditions which place people at a disadvantage. Our commitment to social inclusion is reflected in our efforts to ensure all of our communities have the same access to every opportunity that we have to offer.



ABOUT THIS GUIDE

This guide has been written for employers. It is developed to help you to build success by understanding your rights and obligations under equality law. It is about encouraging good practice in the workplace and to increasing accessibility to your services and products for all people.

It was inspired by working with small and medium sized employers, all at different stages of growth, who shared their experience and learning doing their best to meet their commitments under equality laws over recent years.

THE EQUALITY ACT

There have been many changes to the legislative landscape. The Equality Act 2010 (the Act) brings together lots of different equality laws within a single Act to make it simpler and easier to understand.

The Act applies to virtually every employer. It does not matter about the size of the organisation, how many people are employed or which sector it operates in.

The Equality Act 2010 prevents discrimination on the grounds of:

Age

Disability

Gender Re-assignment

Pregnancy and Maternity

Marriage and Civil Partnership

Race

Religion and Belief

Sex

Sexual Orientation

These are referred to in the Act as 'protected characteristics'.

It also lays down the circumstances in which discrimination may be unlawful. These are known as 'prohibited conduct' and include:

Direct Discrimination

- This occurs when you treat a person less favourably than another person because of a protected characteristic.
- Discrimination by Association – this occurs when you treat a person less favourably because of their association with another person of a protected characteristic.
- Discrimination based on perception – this occurs if you treat a person less favourably because you think they have a protected characteristic on the basis of combined characteristics – a single claim can be brought for discrimination on more than one protected characteristic.

Indirect Discrimination

- This applies when you put in place a condition or provision which appears to affect everyone equally but which in fact disadvantages people who share a protected characteristic.

ie. A strict rule against adapting uniforms to allow women to wear trousers at work may give rise to indirect discrimination against a Muslim woman, whose religion and customs prevent her from complying with the uniform policy.

Discrimination Arising from Disability

- This occurs when you treat a person with a disability less favourably because of something related to their impairment.
- Employers are also expected to make reasonable adjustments and take proportionate steps to overcome disadvantage and to remove barriers which a disabled person experiences because of their disability.

Harassment

- This occurs when someone is subjected to sexual harassment or less favourable treatment because they submit to or reject sexual harassment. It is based on unwanted contact; where an individual's dignity is violated; or they are subjected to intimidating, hostile, degrading, humiliating, offensive behaviour.

ie. A female employee is subjected to suggestive remarks and offensive comments about her appearance by some male employees that undermines her confidence. This form of treatment is likely to be sexual harassment.

Victimisation

- This occurs when someone is subjected to less favourable treatment following a complaint of discrimination, or where an individual has given evidence or supported another complainant.

Note: Laws can be updated and changed frequently, and new laws and regulations introduced. Try to stay up-to-date.

POLICIES, PROCEDURES AND PRACTICES

As a small employer your company may work informally and you may not have written policies that provide a statement of intent for carrying out your work. In contrast, virtually every public authority is subject to legislation concerning equality and discrimination, known as equality duties. They have responsibilities to ensure all employees and clients are treated fairly and with dignity and respect, and that there is no discrimination, harassment or victimization of people with protected characteristics in the way that they provide employment, goods and services, facilities and in exercising public functions.

Public authorities are also required to establish equality objectives and carry out an equality analysis on the impact of their strategies, programmes and policies. These are designed to help them to make good decisions by ensuring they consider how different people will be affected by their activities and services by making them accessible to all and meeting the needs of different people.

Many public authorities have developed responsible procurement policies as an essential factor in all their contracts. If your company is working with a local public authority you may be required to demonstrate your ability to perform your services in a manner that supports the equality objectives set by the public authority. You may therefore need to consider how you are able to demonstrate your commitment to taking active steps to remove barriers and people's experience of unfair discrimination.

THE BUSINESS CASE FOR PROMOTING EQUALITY AND DIVERSITY

Employers that support their employees and actively engage with the local community often find that this also helps to achieve business objectives. Some reported business benefits include:

As an employer

- A happier workforce.
- Improves retention and recruitment of staff.
- Reduces recruitment, training and retention costs.
- Reduces absenteeism, sick leave and stress.
- Improves staff management and morale.

As a key driver of local employment opportunities

- Promotes well being of the local workforce, community, and economy.
- Affirms business commitment to the locality.
- Increases understanding of the changing demographics in the community and markets.

As a service provider

- Increases productivity and performance.
- Improves your business presence to increasingly larger markets.
- Achieves greater customer satisfaction and loyalty.



KEY TIPS TO AVOID DISCRIMINATION COMPLAINTS

Discrimination in the work place and in provision of goods and services is a serious issue. The number of discrimination cases and compensation awards brought before employment tribunals has increased over the years. Here are some ways you can avoid complaints of discrimination and inequality:

As an employer

- Comply with the Equality Act 2010.
- Comply with up-to-date employment legislation.
- Consider developing an equality, diversity and inclusion policy and train staff to raise their awareness.
- Build equality and diversity principles into your recruitment, staff development and retention practices.
- Make reasonable adjustments to remove barriers for disabled people.
- Be a flexible employer relating to a workers disability, religion or belief, gender reassignment, maternity, paternity and adopted leave requirements.
- Develop a compliments and complaints procedure for your employees and clients.
- Develop guidance on grievance and disciplinary and make sure staff are aware of the procedures and actions to take.
- Collect quantitative and qualitative evidence to monitor the impact of your strategies, policies and programmes.
- Promote best practice.

As a key driver of local employment opportunities

- Build partnerships with local employers and community organisations to support and encourage the promotion of equality and diversity.
- Engage and consult with local community organisations who are able to offer specialist advice, raise awareness and access support.

As a service provider

- Engage and consult with people and listen to what they say.
- Consider what practical support or access issues may need to be addressed particularly for People who feel excluded.
- Respond to changing populations and expectations.
- Publicise achievements in the local area so that your company becomes known.

WHERE CAN I GET FURTHER INFORMATION, ADVICE AND HELP?

Equality and Human Rights Commission

Website: www.equalityhumanrights.com
Email: info@equalityandhumanrights.com
Telephone: 0845 604 6610

Access to Work

Website: www.direct.gov.uk
Email: atwosu.london@jobcentreplus.gsi.gov.uk
Telephone: 020 8426 3110

ACAS – Independent Advisory, Conciliation and Arbitration Service

Website: www.acas.org.uk
Telephone: 0845 747 4747

Mindful Employer

Website: www.mindfulemployer.net
Email: info@mindfulemployer.net
Telephone: 01392 208 833

Stonewall

Website: www.stonewall.org.uk
Email: info@stonewall.org.uk
Telephone: 08000 502020

Government Equalities Office

Website: www.equalities.gov.uk
Telephone: 0303 444 0000