

EQUALITY AND DIVERSITY

Information for Learners

Access and Equality and Diversity

As one of the region's largest Training Providers, we recruit and train hundreds of people from a diverse range of backgrounds. It is our aim to provide equality of opportunity for all those who learn and/or work with us.

As part of our role we have to ensure that we follow good equality and diversity practices and over the past few years we have worked hard to develop policies and procedures.

We have a company Equality and Diversity Policy including a Dignity at Work Policy. We have also recently introduced a Safeguarding Policy in line with Independent Safeguarding Authority guidelines. All staff have recently undergone training and achieved at least Level 2 qualifications in Equality and Diversity.

We offer all our learners the opportunity to complete a project based on equality and diversity in the workplace, which is certificated. Reviews occur on a regular basis in the workplace to discuss your progress, safety and welfare.

This guide has been developed (and over time revised) to give you some basic background information. It has not been written to influence your opinions or beliefs, but to give you advice and guidance on what is acceptable behaviour at your workplace, college or training provider.

We hope that you find it useful and, although we do not claim to be experts, we will be happy to discuss any aspect of it with you.

This document, along with guidance for learners is available to download from our website on www.accesstraining.org



Understanding Equality and Diversity

Equality and Diversity are concepts that go hand in hand but are not the same.

Equality is about making sure people are treated fairly and given fair chances. Equality is not about treating everyone in the same way, but it recognises that their needs are met in different ways.

Equality tends to focus on those areas covered within the law (race, gender, disability, religion or belief, sexual orientation and age) and is about creating an environment where no-one is unfairly discriminated against.

Diversity on the other hand is about valuing individual differences. It incorporates the principle that whilst everyone should receive equal rights, rather than ignoring the differences between people their diversity should be recognised, valued and enjoyed.

Embracing diversity brings to an organisation a wide range of experience, ideas and creativity and if managed well it can ensure that each individual utilises their skills effectively and feels valued for their individual qualities.

What is Acceptable Behaviour?

Every learner has a responsibility towards his or her employer and Training Provider to behave properly and not to contravene the law. The way you conduct yourself will have an affect on the relationships that you build with your colleagues, and the environment in which you work and learn. So how do you ensure that your behaviour is acceptable? Obviously it is important that at no point could your conduct be construed as harassment. Direct harassment could be jokes, gestures and touching. However, harassment can also be indirect. Some people find pin-up pictures offensive or may be embarrassed by two colleagues flirting in front of them.

You should also bear in mind that people can be offended by jokes and comments that are not directed at them personally – white people can often find remarks about black people offensive and vice-versa. Do not assume racist or sexist comments are acceptable because the person or people they have been aimed at do not complain. Likewise remember that saying nothing when you are aware that someone has been subject to harassment can imply that you accept the harasser's views or actions.

Acceptable behaviour involves considering the feelings of others. Harassment is really a misuse of power and people who have experienced it often feel embarrassed, humiliated or intimidated. Everyone has the right to work and train in an environment which is free from discrimination or harassment and it is up to all of us to ensure that this happens.

Types of Discrimination

The aim of equality in the workplace is to ensure that everyone has an equal chance when it comes to recruitment, employment terms and conditions, discipline, promotion, training, personal development and any other benefits that an employer may offer. Where equality is effective, decisions are not influenced by assumptions and stereotypes but are made on the basis of the 'best person for the job or programme.'

Implementing equality successfully means trying to remove all types of unlawful discrimination. But what types of discrimination are there? Under the new Equality Act discrimination against individuals comes under a list of Protected Characteristics (PC) which are detailed overleaf.

Direct Discrimination occurs when one person is treated less favourably than another would be treated in the same circumstances. Refusing to employ someone because of their race is a type of direct discrimination. This type of discrimination is usually intentional.

Indirect Discrimination occurs when a requirement is set that cannot be justified as necessary and, as a result, discriminates against certain individuals or groups. An example of this would be to insist on only recruiting people over 6 feet tall, even though this requirement is not essential for doing the job. Because this condition excludes far more women than men (as well as individuals from certain ethnic minorities) this could constitute indirect discrimination. Indirect discrimination is usually unintentional and often occurs through misunderstanding, ignorance, or lack of awareness.

Harassment is any type of unwelcome or unwanted behaviour that makes the recipient feel embarrassed, humiliated or intimidated. It may be deliberate although it doesn't have to be. Someone could be harassing you even if they don't realise they are doing it. However, this does not mean it isn't wrong or that you shouldn't complain about it. Harassment may be verbal (jokes, comments or gossip), visual (staring, gestures, unwanted letters or emails etc), or physical (standing too close, touching, or even physical assault). Bullying, intimidation and ignoring someone are all types of harassment.

Harassment by a Third Party: Employers are potentially liable for harassment of their staff by people they don't employ.

Victimisation occurs when someone is treated unfairly because they have complained of discrimination against themselves, or have given evidence in respect of someone else's complaint. An employee who complains of racial abuse, and is then passed over for promotion because he or she is considered to be a 'troublemaker', would have been victimised.

Associative Discrimination: Direct Discrimination against someone because they associate with another person who possess a PC.

Discrimination by Perception: Direct Discrimination against someone because the others think they possess a particular PC.

How the Law Protects You

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with. It also strengthens the law in important ways to help tackle discrimination and inequality. It came into force on 1 October 2010.

People who access goods, facilities and services are protected from discrimination on the basis of a 'Protected Characteristic'.

The Protected Characteristics (PC): Key Points

Age: The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination, if you can justify it, ie if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

Disability: The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities, which include things like using a telephone, reading a book or using public transport. As before, the Act puts a duty on your employer to make reasonable adjustments for their staff to help them overcome disadvantages resulting from an impairment (eg by providing assistive technologies to help visually impaired staff to use computers effectively).

Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement an employer has in place disadvantages people with the same disability. Unless they can justify this, it would be unlawful.

The Act also includes a new provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

Gender Reassignment: The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected—so a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

Marriage and Civil Partnership: The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

Pregnancy and Maternity Leave: A woman is protected against discrimination on the grounds of pregnancy and maternity during a

period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. You must take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.

Race: For the purposes of the Act 'race' includes colour, nationality and ethnic or national origins. A racial group can be made up of two or more different racial groups (eg Black Britons).

Religion or Belief: In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or do not follow a religion at all. Discrimination because of religion or belief can occur even where both the discriminator and the recipient are of the same religion or belief.

Sex: Both men and women are protected under the Act.

Sexual Orientation: The Act protects bisexual, gay, heterosexual and lesbian people.

Equal Pay: The purpose of this Act is to ensure that men and women who are doing the same work or work of equal value are not discriminated against in terms of their pay and/or other terms within their employment contract.

Other legislation that may be relevant to you includes:

The Human Rights Act came into force in England in October 2000. Under the Act, individuals have rights called Articles (11) including things like freedom of expression and privacy, and Protocols (4) such as the right to education. Currently, the Act does

not allow an individual to bring a case against an employer who is not a public authority but this is likely to change in the future.

And Finally...

In certain circumstances discrimination may be allowed. These can include:

Where there is a 'genuine occupational' requirement for a position, eg where a young actress is required to play the role of a female teenager in a film.

Where an organisation takes 'positive action' to counteract the effects of past discrimination or help abolish stereotyping, eg an employer may encourage particular racial groups to take advantage of training programmes where they have previously been under-represented.

Where existing legislation may override anti-discrimination law, eg health and safety and licensing laws and the national minimum wage regulations.

However, whatever the reason for discrimination, it can only be lawful if your employer or learning provider can 'justify' his or her actions. If not you have the right to complain!



Access's Grievance Procedure

If you feel that whilst in training you have been subject to discrimination or harassment and that you have been unable to resolve the situation yourself, you have the right to make a formal complaint through the Access Grievance Procedure. To do this you should follow the steps outlined below:

Firstly, you should make your complaint known to your Skills Adviser. They will try to resolve your complaint immediately but if this is not possible they have 3 working days to tell you of the actions that will be taken to sort it out. During this time they may discuss your complaint with their Manager.

If, after 3 days, you are not satisfied with their response you can take your complaint to the Managing Director (Malcolm Armstrong). The Managing Director has 5 working days to inform you of the actions he will take to try and resolve your complaint.

If, at this point, you are still unhappy, you will be advised to take your complaint to the Company's Contracts Manager at the Skills Funding Agency.

We will try to handle all complaints with speed, confidentiality and objectivity in a manner sensitive to the situation.

Further Information

For more information about equality and diversity issues, the following websites may be useful:

Citizens Advice Bureau
www.citizensadvice.org.uk

Equality North East
www.equality-ne.co.uk

The Commission for Equality and Human Rights (CEHR)
www.equalityhumanrights.com

Disability North
www.disabilitynorth.org.uk

ACAS www.acas.org.uk

