



EQUALITY AND DIVERSITY

Information for Learners

Access and Equality and Diversity

As one of the largest Training Providers in the region, we recruit and train local 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 and over the past few years we have worked hard to develop comprehensive policies and procedures to do this.

To ensure our commitment to equality and diversity is practised by all, we recognise that everyone should have some awareness and understanding of what it is all about.

This guide has been developed (and over time revised) to give you a basic knowledge of the equality and diversity issues that at some time may affect you. It has not been written to influence your opinions and beliefs, but to give you advice and guidance on what is acceptable and appropriate 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.

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.

Types of Discrimination

The aim of equality in the work or training place 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?

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 e-mails etc), or physical (standing too close, touching, or even physical assault). Bullying, intimidation and ignoring someone are all types of harassment.

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.

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 effect 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. We have already mentioned examples of direct harassment such as 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.

Appealing Against an Unfair Assessment

If you are working towards an NVQ you will be assessed regularly to show that you can consistently perform a range of duties to a specified standard. Your Skills Adviser will use their knowledge to judge the evidence you have collected to prove that you have met National Standards.

If at any point you, or your Skills Adviser, disagree about the evidence collected or the decision made about its use you have the right to appeal.

Initially you should explain your grievance to your Skills Adviser. If you are unable to come to an agreement you should then take

your grievance to Alan Dent who is the lead Internal Verifier (IV) at Access's Centre. He will be responsible for ensuring an investigation is taken up on your behalf and the findings discussed with the IV Team at the Appeals Board.

The Appeals Board should give you a written decision about your appeal within 7 working days of receiving it.



How the Law Protects You

There have been extensive developments in anti-discrimination legislation over the past few years. Some of these laws now make it illegal to discriminate in many aspects of life ranging from accommodation and education to the provision of goods, facilities and services. Others are limited to employment and vocational training. However, what they all have in common is that they have all been introduced to ensure equality of opportunity and ensure all individuals have a right to fair treatment.

Outlined below is some information about what the current legislation covers. However, this is a very basic introduction and it is advisable to do your own research on what each piece of legislation says – you never know when you may need it!

Age

Age discrimination law currently applies in employment and vocational training and makes it illegal for an individual to be treated less favourably than another because of their age. The law applies to individuals already in work and those applying for a new job and means that employers can no longer use age as a factor in their employment, training, promotion or retirement decisions.

Relevant legislation includes:

The Employment Equality (Age) Regulations 2006

Disability

Under current legislation it is illegal to treat someone with a disability less favourably than another, unless there is a justifiable reason to do so. A person is classified as disabled if they have 'a physical or mental

impairment, or a long term health condition that has a substantial and long term impact on their day to day life.' Disability legislation now gives disabled people rights in the areas of employment, education, access to services, goods and facilities as well as in the buying or renting of land or property.

One of the major consequences of the legislation is the need for organisations to make 'reasonable adjustments' to help disabled people access their services. Examples of a 'reasonable adjustment' include a physical change to a building or more flexible working arrangements for a disabled employee.



Relevant legislation includes:

The Disability Discrimination Act 1995

The Disability Discrimination Act 2005

The Disability Equality Duty 2006
Special Educational Needs and Disability Act 2000

Gender

Sex discrimination legislation currently applies in employment and vocational training and makes it unlawful to discriminate against a person because of their gender. The legislation which also covers sexual harassment applies to women; men; individuals who are married or in a registered civil partnership and individuals who

are undergoing or have undergone gender reassignment (changing to another sex).

Also included in this area of legislation is the Equal Pay Act 1970. 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.

Relevant legislation includes:

The Sex Discrimination Act 1975
The Employment Equality (Sex Discrimination) Regulations 2005
The Gender Reassignment Regulations 1999
Equal Pay Act 1970

Race

Under race relations legislation it is illegal to discriminate on the grounds of race, colour, ethnic or national origin and nationality in the areas of employment, training, education, the provision of goods, facilities and services and accommodation. This means that wherever you were born, wherever your parents came from or whatever the colour of your skin, you have a right to be treated fairly. This legislation covers people from all racial groups including white people.

Relevant legislation includes:

The Race Relations Act 1976
The Race Relations Amendment Act 2000

Religion or Belief

Under this legislation everyone (if they want to) has the right to practice a religion or belief, express their views and get on with their day to day life without experiencing threats or discrimination.

The legislation applies to many areas of life including vocational training and all areas of employment.

Relevant legislation includes:

The Employment Equality (Religion or Belief) Regulations 2003

Sexual Orientation

Under this legislation it is unlawful to treat someone less favourably because of their actual (or perceived) sexual orientation.

Therefore whether an individual is homosexual, heterosexual or bisexual they have a right to be treated fairly. This legislation applies to both vocational training and employment.

Relevant legislation includes:

The Employment Equality (Sexual Orientation) Regulations 2003

Other anti-discrimination legislation includes:

The Equality Act 2006, The Human Rights Act 1998 and the EU Employment Directive 2000.

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 Learning and Skills Council.

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