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FURTHER HELP

THE ADVISORY, CONCILIATION AND ARBITRATION SERVICE (ACAS) HAS PRODUCED A RANGE OF EXCELLENT PUBLICATIONS THAT COVER ALL OF THE ABOVE AREAS IN MORE DETAIL. THEY ARE ALSO ABLE TO OFFER ADVICE AND GUIDANCE ON ISSUES RELATING TO POSSIBLE DISCRIMINATION, HARASSMENT AND BULLYING.

ACAS Helpline: 08457 47 47 47
ACAS Publications Orders: 08702 42 90 90
www.acas.org.uk

THE FOLLOWING WEBSITES ALSO CONTAIN USEFUL INFORMATION:

www.equalityhumanrights.com
www.everychildmatters.gov.uk
www.workSMART.org.uk
www.diversitymeansbusiness.org.uk

Paragon has a dedicated Equality and Diversity team, who can provide advice and information.

Contact them on: equality@pgon.co.uk

www.paragonskills.co.uk
www.platinum-training.co.uk

DISCLAIMER

Remember that we have only given you a brief overview of the law and some potential implications for employers. It is up to you as an employer to take action to ensure that you are aware of and are adhering to your legal responsibilities in the areas covered above.

EQUALITY & DIVERSITY

A Guide for Employers

All walks of life

INTRODUCTION

FEEDBACK FROM OUR EMPLOYERS TELLS US THAT THERE IS A GREAT DEAL OF CONFUSION AND UNCERTAINTY AROUND LEGISLATION CONCERNING EQUALITY AND DIVERSITY AND HOW IT IMPACTS UPON THEM.

As a service to our valued customers, we have pulled together this brief outline of the seven main areas of equality and diversity legislation and given you an overview of what the legislation covers and how it might affect you as an employer.

This information is provided for guidance only and should not be regarded as an authoritative statement of the law. In all specific cases we strongly recommend that you take legal advice or contact ACAS – contact details for ACAS are given on the back cover.

THE LAW

THE EQUALITY ACT 2010 BECOMES EFFECTIVE FROM OCTOBER 2010, HARMONISING AND REPLACING PREVIOUS LEGISLATION, AND COVERS ALL ASPECTS OF EMPLOYMENT, INCLUDING RECRUITMENT, PAY, TRAINING, PROMOTION AND TERMINATION OF EMPLOYMENT. THESE ARE THE CURRENT STRANDS OF ANTI-DISCRIMINATION LEGISLATION:

- Age
- Disability
- Ethnicity and Race
- Gender / Sex
- Religion / Non-Belief / Faith
- Sexual Orientation
- Transgender

We have provided a brief overview and an example for each strand. The following three strands will come into effect in the near future:

- Pregnancy / Maternity
- Marriage / Civil Partnership
- Socioeconomic

AGE

IT IS UNLAWFUL TO DISCRIMINATE AGAINST EMPLOYEES, TRAINEES AND JOBSEEKERS ON THE GROUNDS OF AGE.

This anti-discrimination legislation covers a range of workplace issues, for example:

- Employers cannot specify that a new recruit should be above or below a particular age.
- Employers who fire workers or deny them the same training opportunities as their colleagues on the grounds of their age will be in breach of the law.
- Employees subjected to ageist comments may have a case for harassment.

The law does not apply to workers over the age of 65, where they merely have the right to request an extension of their working lives. However there are procedures that have to be followed in these instances.

EXAMPLE: A 66 year-old clerical worker at a hospital was dismissed. She took her case to her union, who planned to take the employer to an employment tribunal. In an out of court settlement, she was allowed to return to work and was awarded back pay to her date of dismissal.



DISABILITY

DISABLED PEOPLE AT WORK HAVE PROTECTION FROM DISCRIMINATION. THIS MEANS THAT:

- Employers must not treat a disabled person less favourably because of a reason relating to their disability, without justifiable reason.
- Employers are required to make reasonable adjustments to working conditions to accommodate a particular disabled person, such as providing wheelchair access and accessible toilets, or providing information in Braille.

The act covers the following disabilities: physical disabilities that affect movement and the senses (such as sight and hearing); mental illnesses, depression and learning disabilities; severe disfigurement; progressive conditions such as HIV or multiple sclerosis.

EXAMPLE: A dyslexic policeman was paid £17,500 in compensation by his employer in an out of court settlement, on the grounds of discrimination against his condition. Despite disclosing his disability, he was not given the required support during his recruitment and training period. He became depressed and resigned.

RACE

IT IS ILLEGAL TO TREAT A PERSON LESS FAVOURABLY THAN OTHERS ON RACIAL GROUNDS.

A range of issues are covered under the Act, including:

- Employers cannot treat someone less favourably on racial grounds.
- Employers cannot employ practices that might favour one racial group.
- Employees experiencing harassment in terms of unwanted conduct that violates a person's dignity and creates a hostile or degrading environment have grounds for a case.
- Employers cannot victimise an employee who has made a complaint about racial discrimination.

EXAMPLE: An Iraqi-born leisure centre worker was awarded more than £100,000 after winning a discrimination case against his employers. He was dismissed after complaining about the treatment of Asian customers. He was represented by the Race Equality Council, who submitted a schedule of loss of earnings, aggravated damages for racial discrimination, injury to feelings and holiday pay.



SEX

EMPLOYERS SHOULD NOT DISCRIMINATE ON GROUNDS OF SEX, MARRIAGE, PREGNANCY, OR MATERNITY.

The Equal Pay Act 1970 also states that men and women must be given equal treatment in the terms and conditions of their employment contract if they are employed in the same or similar job roles or work in roles of equal value.

EXAMPLE: A female town clerk who was subjected to sex discrimination and victimisation at work was awarded £33,000 in compensation after taking her case to an employment tribunal.

RELIGION, BELIEF

AN ORGANISATION'S RECRUITMENT AND SELECTION PROCEDURES, AS WELL AS EMPLOYMENT PRACTICES, MUST TREAT EVERYONE FAIRLY REGARDLESS OF RELIGION OR BELIEF (OR NON-BELIEF).

EXAMPLE: A Muslim man was sacked after he went on a six-week trip to Mecca, despite having had approval from his manager to take unpaid leave for the trip. He was awarded £10,000 when a tribunal found he had been dismissed unfairly on the grounds of religious belief.

SEXUAL ORIENTATION

THE EQUALITY ACT PROVIDES PROTECTION FROM DISCRIMINATION ON THE GROUNDS OF SEXUAL ORIENTATION. THIS INCLUDES ORIENTATION TOWARDS SOMEONE OF THE SAME SEX, THE OPPOSITE SEX OR BOTH SEXES.

EXAMPLE: a media sales manager for a publishing company who was harassed and suffered discrimination because he is gay was awarded almost £118,000 in compensation. The man found himself subject to daily abuse in front of those whom he was managing and was sacked after 8 days of employment for not being 'psychologically balanced'.

GENDER REASSIGNMENT

ALL TRANSGENDER PEOPLE SHOULD BE TREATED AS THE GENDER IN WHICH THEY ARE WORKING OR STUDYING, IRRESPECTIVE OF THEIR LEGAL GENDER. IF YOU WANT TO KNOW MORE GO TO: WWW.GIRES.ORG.UK WWW.GENDERTRUST.ORG.UK / WWW.LSIS.ORG.UK

EXAMPLE: A local council was fined £34,765 for discriminating against an ex-employee when providing a reference disclosing her change of gender, breaking confidentiality.

