

boston:college

Equality and Diversity in the Workplace

Good Practice Guide

Recommended reading for:

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| ▶ Employers | ▶ Assessors |
| ▶ Training Providers | ▶ Employees |
| ▶ Learners | ▶ Internal Verifiers |

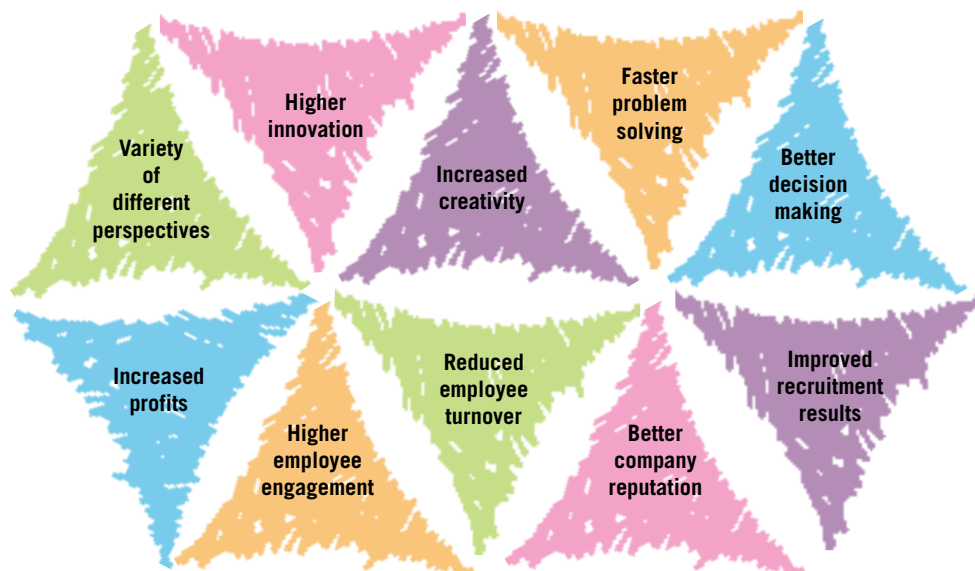
Introduction

Diversity is the mix. Inclusion is making the mix work. ~Andres Tapia

Boston College and our partners welcome the diversity of our learners. We want to make sure everyone is treated fairly and has the same opportunities to aspire and achieve. All of our learners, whether studying on our campuses or in the workplace, are entitled to learn in a supportive environment free from discrimination, victimisation, bullying and harassment.

We hope this guide will provide support to all of us involved in meeting the legal requirements of the Equality Act 2010. It includes a variety of useful tips, case studies and information from reliable and trusted sources. In many cases, this is information that is tailored for employers.

TOP TEN BENEFITS OF WORKPLACE DIVERSITY



The Equality Act 2010

The Equality Act 2010 consolidated and extended legislation and makes a huge difference to everyone. All employers and service providers have a responsibility under the Equality Act to treat their employees and service users fairly.

There are nine groups of 'protected characteristics' in the Equality Act. 'Protected characteristic' is simply a term that covers aspects of our identity that are protected by law from discrimination, harassment and victimisation.

PROTECTED CHARACTERISTICS

- Age
- Disability
- Gender re-assignment
- Pregnancy and maternity
- Religion and belief
- Sexual orientation
- Race
- Sex
- Marriage and civil partnership

Remember – we all belong to more than one of these groups!

DID YOU KNOW?

A person can be discriminated against because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do.

Harassment and Bullying

Everyone has a right to work in an environment where they are treated fairly and with respect. Definitions of harassment and bullying vary and there is much overlap. Both are unacceptable on moral grounds and if left unchecked or badly handled can create serious problems for an employer.

Examples of harassment and bullying can include:

- ▶ Physical assault and abuse
- ▶ Unwelcome physical contact
- ▶ Cyber bullying
- ▶ Verbal threat and abuse
- ▶ Offensive comments
- ▶ Non-verbal abuse including wolf-whistling, signs and gestures
- ▶ Incitement of others to behave in an offensive or oppressive manner
- ▶ Homophobic bullying or harassment
- ▶ Provocative behaviour such as wearing racist badges or insignia
- ▶ Distributing offensive or discriminatory materials such as leaflets, videos and emails
- ▶ Being deliberately left out and excluded

CASE STUDY

In Scotland a former cleaner won her employment tribunal claim for sexual harassment. The woman claimed that a security guard used security cameras to watch her as she worked, and would radio lewd comments to her. The 26 year-old said that she had reported the harassment to her supervisor, but nothing was done about it. The employment tribunal ruled that she had been the victim of sexual harassment and awarded her £27,750 in compensation. The security guard was also ordered to pay the woman £1,000.

To find out how your business can benefit from free equality and diversity advice, speak to one of our Business Development Advisors on **01205 313242** or email **businessinfo@boston.ac.uk**

We can meet you at your convenience to discuss your requirements and help you to take your business forward.

Dealing with Harassment and Bullying

We all have a responsibility to prevent harassment or bullying taking place and ensuring a good working environment. We can do this by following the good practice examples below:

- ▶ Being alert to the possibility that harassment or bullying may be happening in your organisation.
- ▶ Using your judgement to correct behaviour that could be considered offensive and reminding employees and learners of company policy on these matters.
- ▶ Taking prompt action to stop harassment or bullying as soon as it is identified.
- ▶ Making sure all learners and employees understand your equality policy.
- ▶ Dealing with all incidents in confidence and have a reporting procedure in place.

In dealing with a complaint at either the informal or formal stage it is vital that you:

- ▶ Maintain an open mind.
- ▶ Do not get emotive, outbursts of emotion by the employee should be dealt with calmly.
- ▶ Avoid being distracted by irrelevant information.
- ▶ Focus on the facts, checking the complainant's understanding routinely as part of the process.
- ▶ Allow the individual to state their case without interruption.

Victimisation

This is when a person is treated badly because they have made a complaint or supported somebody else to make a complaint under the Equality Act 2010.

Example of victimisation

A complaint is made by a learner about discrimination in the workplace related to her religious beliefs. If her employer threatened or punished her in some way for making the complaint, this would be classed as victimisation.

Awareness Raising

Make sure your staff and learners are aware of and understand your equality and diversity policy or you could end up with the wrong sort of headlines for your business!

CASE STUDY

A restaurant in Lincoln found itself getting all the wrong headlines after a member of staff refused to give a same sex couple a rose which were being handed out to diners following their valentine meal. The waitress said they couldn't have one because they were for couples and 'lesbians aren't real couples'. The restaurant's Manager had to later make a public apology through a local newspaper.

We can do this by following the good practice examples below:

- Show leadership and commitment by making equality and diversity a priority within your organisation's business or strategic plan.
- Provide training for staff and make sure you keep a record that they have completed and understand it. There are lots of free training materials such as podcasts, booklets and activities available from organisations featured in this leaflet.
- Make sure you properly investigate when complaints are made and keep a record of any action taken.
- Employees - make sure you comply and support your organisation's equality and diversity policy.

GOOD PRACTICE TIP!

ACAS have produced an excellent guide for employers called '[Prevent Discrimination Support Equality](http://www.acas.org.uk)'. Inside you will find a sample equality policy. Simply tweak to suit, add your company name and job done - you have an equality policy ready to put into practice. For more information go to www.acas.org.uk

DID YOU KNOW?

In 2018/19 £172,070 was the largest award made by an employment tribunal for age discrimination, and the average award was £26,148.

Source: Morton Fraser Lawyers from MOJ data

GOOD PRACTICE TIP!

Stonewall have produced a fantastic booklet available free to download. It's called 'Straight Allies: How to help create gay-friendly workplaces'. For more information go to: www.stonewall.org.uk

DID YOU KNOW?

JUST Lincolnshire, a registered charity, is the 'single equality' organisation in the county and whose vision is:

Creating a place where everybody is valued and where people's rights are respected and everyone's responsibilities are taken seriously.

- The elimination of discrimination on the grounds of race, age, sex, gender reassignment, disability, pregnancy and maternity, sexual orientation, religion and belief, marriage or civil partnership.
- Advancing education and raising awareness in equality and diversity.
- Promoting activities to foster understanding and acceptance between people from diverse backgrounds.
- Conducting or commissioning research on equality and diversity issues and publishing results to the public.
- Developing a sense of fairness and a respect for all.

JUST Lincolnshire are keen to work with employers and employees to assist in good equality and diversity practice in the workplace. For advice and to find out more, visit their website at : www.justlincolnshire.org.uk

Summary of where to go for Further Information

Organisations	Protected Characteristics							
	Pregnancy/Maternity	Marriage/Civil Partnership	Sex	Sexual Orientation	Gender-Reassignment	Race/Ethnicity	Religion/Belief	Disability
You can find out more information and advice from the organisations below, which in many cases have been tailored for employers								
Equality and Human Rights Commission www.equalityhumanrights.com	▶	▶	▶	▶	▶	▶	▶	▶
Just Lincolnshire www.justlincolnshire.org.uk	▶	▶	▶	▶	▶	▶	▶	▶
Stonewall www.stonewall.org.uk				▶				
Age UK www.ageuk.org.uk								▶
The Governing Equalities Office www.homeoffice.gov.uk/equalities	▶	▶	▶	▶	▶	▶	▶	▶
Stop Hate UK www.stophateuk.org.uk				▶	▶	▶	▶	▶
ACAS www.acas.org.uk	▶	▶	▶	▶	▶	▶	▶	▶
Transhaven www.transhavenboston.co.uk					▶			
Boston Disability Forum www.bostondisabilityforum.co.uk								▶

If you would like to discuss any aspect of this leaflet, please contact
Rebecca Clark on **01205 365701** or email
rebecc-c@boston.ac.uk

Legal information in this leaflet is provided for guidance only and should not be regarded as an authoritative statement of the law.