



Principles of Equality & Diversity in the Workplace

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Equality Act 2010

- The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society
- The Act became law on 1 October 2010
- It replaced various other discrimination and equality laws including:
 - Sex Discrimination Act 1975
 - Disability Discrimination Act 1995
 - Equality Act 2006



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Forms of Discrimination

The Equality Act protects individuals from the following forms of discrimination:

- Direct Discrimination
- Associative Discrimination
- Perceptive Discrimination
- Indirect Discrimination
- Workplace Harassment
- Victimisation



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Protected Characteristics

The following are called protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or beliefs
- Sex
- Sexual orientation



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Prohibited Forms of Conduct

Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (Perceptive Discrimination), or because they associate with someone who has a protected characteristic (Associative Discrimination).



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Associative Discrimination

How will they be with me if I'm seen with them?

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perceptive Discrimination

e.g. 'I saw them holding hands, so s/he must be...'

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.



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Indirect Discrimination

e.g. a no headwear policy

This tends to adversely affect Sikh men.

Indirect discrimination can occur when you have rules, policies or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic.

Objective Justification

Indirect discrimination may be justified if you can show that you acted reasonably, that it is *'a proportionate means of achieving a legitimate aim'*. A *legitimate aim* might be any lawful decision made to run the organisation, but if there is a discriminatory effect, it is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.



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Workplace Harassment

*Different from the criminal act definition in Protection From Harassment Act

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of:

- a) violating an individual's dignity OR
- b) creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual



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Victimisation

Under Equality Act or organisations procedure

Victimisation occurs when an employee is treated badly because they have:

- made or;
- supported a complaint or;
- raised a grievance under the Equality Act; or
- because they are suspected of doing so, please note that individuals are not protected from victimisation if they have maliciously made or supported an untrue complaint.

Detrimental treatment of a Trade Union Representative is covered under separate legislation



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Public Duty

In April 2011 The Equality Act 2010 introduced a single equality duty on public bodies

In carrying out their functions, public bodies will be required to have due regard for the following:

- Eliminate conduct that is prohibited by the Act, that is discrimination, harassment and victimisation
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it,
- Foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.



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Eliminating Discrimination, Harassment and Victimisation

- Clear effective policy and practice on behaviour and language
- Train all staff, front line and backroom on equalities and diversity issues regularly. Ensure such training includes case studies that are real to them
- Use surveys and questionnaires regularly to gauge what is happening in the organisation
- Analyse complaints received and actions taken and use outcomes to change and develop practice
- Make reasonable adjustments

Advancing Equal Opportunities

Equal opportunity is a needs based approach it cannot work on a one size fits all. **COLAT** needs to:

- Create a 'People, Equality and Inclusion Committee'
- Equal Opportunities Statement and Policy
- Use surveys, social networks, outside groups to inform us of needs and gaps
- Monitoring
 - Employees and service providers
 - Explain why and how we keep data confidential
 - What we have learnt since the last monitoring and what we have done to make a positive difference
- Embed learning in all areas of both service delivery and employment

Fostering Good Relations

Requires tackling prejudices and promoting understanding



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- Inform people about the issues - history of oppression, problems of accessibility, past lack of inclusion
- Education – curriculum and images and language
- Ensure that the diversity of the population is represented in all the material we use
- Use diversity months
- Ensure our material, publicity, forms are inclusive in image and language and intent