

Equality and Diversity Project (Part 2)

Learner's name _____

Assessor's name _____

Date issued ____/____/20__

Target date for completion ____/____/20__

Actual completion date ____/____/20__



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Introduction

When you started your training, you completed an equality and diversity project as part of your induction. This project is designed to *extend* your existing knowledge and looks at equality legislation and how we can all play a part in making a society that is fairer to all.

Please ensure that your answers are written in full sentences unless otherwise stated and be sure to check that your spelling, punctuation and grammar are correct.

Contents

This project contains information and 8 mini tasks to complete.

Page

6	Task 1 – Identifying 4 types of discrimination
7	Task 2 – This is me
8	Task 3 – Identifying a further 3 types of discrimination
11	Task 4 – Unprotected characteristics
12	Task 5 – Positive action job advertisement
13	Task 6 – Pre employment health related checks
14	Task 7 – Equal pay
16	Task 8 – True or false
17	Learner evaluation and Assessor feedback

Equality Statement

Inter Training Services Ltd will not tolerate discrimination of any kind and seeks to remove any barriers that do not support this principle.

Your rights

A lot of your rights are included in the Equality Act 2010.

The Equality Act covers the same groups that were protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are now called ‘**protected characteristics**’ and are described on pages 12-14.

The Act extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law.



So for example, the Equality Act makes it clear that a woman can't be treated less favourably than other people for breast-feeding her baby in public places like cafes, shops and buses. A bus driver can't ask a woman to get off the bus just because she's breast-feeding her baby.

Also, the Equality Act says that you can't be treated less favourably than other people because you are a carer, for example for a disabled person. So, an employer can't refuse to give someone a job just because they think they will take too much time off to look after their disabled father.



Equality

Equality recognises that:

- Inequality exists and that discrimination needs to be tackled
- Employment and services should be accessible to all
- Everyone should be treated fairly
- Everyone has individual needs and the right to have those needs respected
- **Equality is about fair treatment**

Diversity

Diversity recognises that:

- It is the mix of individuals and groups with varying backgrounds, experiences, styles, perceptions, values and beliefs
- Everybody is different – where there are two people there is diversity
- We need to understand and value our differences
- **Diversity is about respecting difference**

What is discrimination?

Discrimination means treating someone less favourable than other people for some reason. Everyone has the right not to be treated less favourable than others, in some situations, because of a characteristic that is protected by law.

Protected characteristics:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation



“Britain is a multi-racial and multi-faith country and everyone has the right to have their culture and religion respected by others. Nobody has the right to call you names or to treat you badly because of your colour, race or religion. It’s illegal and it can be stopped. You don’t have to be a different colour to suffer racist bullying. You might have come from Romania or the former Yugoslavia.”

(Bullying UK)

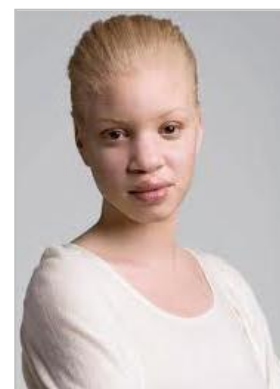
Thinking Point

How do you think you are expected to behave because you are male or female? Do you think these expectations are fair to you and members of the opposite gender?

Types of Discrimination



"Discriminatory behaviours take many forms, but they all involve some form of exclusion or rejection."



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 (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

Discrimination by association

Applies to race, religion or belief and sexual orientation and has been extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception discrimination

Applies to age, race, religion or belief and sexual orientation and has been extended to cover disability, gender reassignment and sex. 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.

Indirect discrimination

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership and has been extended to cover disability and gender reassignment. Indirect discrimination can occur when there is a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of

reducing costs 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.

Task 1

Using the definitions of discrimination, look at the examples below and decide if each one is:

- Direct discrimination
- Discrimination by association
- Perception discrimination
- Indirect discrimination.

1.1 A method of assessment involves asking students to post a piece of their written work on the web so that other students on the course can critique their work.

Answer: This is an example of _____

1.2 Marco is 29 but looks much older. Many people assume that he is in his late 40s. He is not allowed to represent the salon at Salon International because the Marketing Manager thinks that he is too old.

Answer: This is an example of _____

1.3 Vrinda works as a salon trainer and is looking forward to a promised promotion. After she tells her employer that her mother, who lives at home, has had a stroke, the promotion is withdrawn.

Answer: This is an example of _____

1.4 Edmond, the salon manager, turns down Angela's application for promotion as Head Technician. Angela, who is a lesbian, learns that Edmond did this because he believes the other technicians are homophobic. Edmond thought that Angela's sexual orientation would prevent her from gaining the team's respect and managing them effectively.

Answer: This is an example of _____

Thinking Point

Have you experienced or witnessed racist behaviour? How did it make you feel? What did you do, or what would you have liked to do about it?

Identity

Identity is how people see and label themselves as members of particular groups or subgroups. This may be influenced by your race, gender, sexuality, religion and even by circumstances that have a big impact on your life such as whether you have a home, 'are looked after' or employed. You may identify yourself by the music you like, the places you go, what you wear, your accent, your age, what you like look and your parentage.

"The different aspects of our identity are a source of pride and strength. But they can also make us the target of prejudice on more than one level. For example, a Black gay man might experience homophobia from some parts of the Black community, racism from some parts of the gay community, and both racism and homophobia from everyone else. This is known as multiple discrimination."

(Stonewall)

Thinking Point

Think about your own identity. How would you describe yourself if someone asked you? What are the most important aspects of your identity to you?

Task 2 – This is me

I would describe myself as . . .

What I really care about when thinking about equality and diversity at work is:

If I had the power I would:

Because:

Social Class



Your 'social class' may be determined by how wealthy you or your family are, whether you or your parents are employed and what kind of work they do, where you live and your educational achievements. In Britain, we used to talk about the upper class (aristocrats and land owners), the middle class (professionals such as doctors and teachers) and the working class (skilled and unskilled manual workers), with the upper classes being the wealthiest and therefore having the most power. Although some of

these distinctions have become blurred, many people in Britain live in relative poverty, which has a negative effect on access to education, health care, good housing and job opportunities. You may also experience harassment and discrimination because of the way you look because you may not be able to afford fashionable clothes, iPods etc.

Although these things are not covered by legislation, many young people believe that everyone should be treated fairly no matter how much money they have. Some young people who come from poor backgrounds and did not do well at school feel so excluded that they think 'equality and diversity' has nothing to offer them. Some young prisoners have suggested they received tougher sentences because they were judged on how they looked e.g. wearing hoodies.





Thinking Point

Is class an issue you think about? Is class just about wealth?

“I know my place”

If you are able to log on to the internet, use the link below to watch a short clip about class which features John Cleese, Ronnie Barker and Ronnie Corbett. It was filmed in 1966 (!) for a programme called ‘The Frost Report’.

<http://tinyurl.com/5gdyxi>



Harassment



Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Harassment applies to all protected characteristics *except* for pregnancy and maternity and marriage and civil partnership. Employees are able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Harassment examples may include:

- Verbal abuse or taunting
- Racist and/or sexist comments or jokes
- Unwanted physical contact
- Ignoring someone
- Unfair allocation of work
- Display or circulation of offensive materials/books etc.
- Intrusive questioning about ethnic origin
- Unnecessary references to sex.



Bullying

Bullying is also a form of harassment and can mean many different things. These are how some children and young people have described bullying:

- Being called names
- Being teased
- Being pushed or pulled about
- Being hit or attacked
- Having your bag and other possessions taken and thrown around
- Having rumours spread about you
- Being ignored and left out
- Being forced to hand over money or possessions
- Being attacked or teased or called names because of your religion or colour
- Being attacked or teased or called names because of your sexuality.

Thinking Point

Could you offer support to someone who is being bullied or harassed? What would you advise them to do? What other support might you give them?

Third party harassment

This applies to sex and has been extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation. The Equality Act makes employers potentially liable for harassment of employees by people (third parties) who are not employees of the company, such as customers or clients. Employers will only be liable when harassment has occurred on at least two previous occasions, they are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.



Victimisation



Victimisation is when an employee has made a complaint, or has supported a colleague making a complaint, and is then treated less favourably because of it. An employee is only protected under the ACT if they have not maliciously made or supported an untrue complaint.

Task 3

Using the types of definitions you have just read, look at the examples below and decide whether they describe

- Harassment
- Third party harassment
- Victimisation

3.1 Paul is disabled and is claiming harassment against the training manager after she frequently teased and humiliated him about his disability. Amy works with Paul and she too is claiming harassment, even though she is not disabled, as the training manager's behaviour has also created an offensive environment for her.

Answer: This is an example of _____

3.2 When Josie was disciplined for lateness, her salon mentor accompanied her to the disciplinary meeting. Since that meeting, the mentor has been treated indifferently by the employer and excluded from conversations that would normally involve her.

Answer: This is an example of _____

3.3 Alina manages a small salon. One of her staff, Frank, is gay. Frank mentions to Alina that he is feeling unhappy after a client made homophobic remarks that he overheard. Alina is concerned and monitors the situation. Within a few days the same client makes further offensive remarks. Alina reacts by having a word with the client pointing out that this behaviour is unacceptable.

Answer: This is an example of _____

Protected Characteristics

1. Age
2. Disability
3. Gender Reassignment
4. Marriage and Civil Partnership
5. Pregnancy and Maternity
6. Race
7. Religion or Belief
8. Sex
9. Sexual Orientation

Age

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if it can be justified i.e. if an employer 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. The Act continues to allow employers to have a default retirement age of 65 until April 2011.



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 and would include things like using a telephone, reading or using public transport.

The Act puts a duty on the employer to make reasonable adjustments for staff to help them overcome disadvantage resulting from an impairment (e.g. by providing assistive technologies to help visually impaired staff use computers effectively). The Act includes a new protection from discrimination about disability. It states that it is discriminatory to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes because of dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. Additionally, indirect discrimination now covers disabled people. This means that a job applicant or employee could claim that a



particular rule or requirement disadvantages people with the same disability. Unless the employer could 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 as a man but does not undergo any medical procedures would be covered. It is discriminatory 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

A woman is protected against discrimination on the grounds of pregnancy and maternity during the 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. Employers must not 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.

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 have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and 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.



Thinking Point

How important are your faith and beliefs to you?

How much do you know about other people's faiths and how similar or different they are to your own?

Task 4

From the list below, identify which characteristics are NOT protected by law:

Characteristic	Cross if this is NOT protected by law
Height	
Hair colour	
Age	
Social class	
Skin colour	
Where you live	

Positive action

The Equality Act allows employers to take positive action if they think that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.



Task 5

A salon is located in the heart of a district that has a very high number of people from the African-Caribbean community but all the staff are white and none has experience of doing African-Caribbean hairdressing. The employer wants to attract more African-Caribbean clients into the salon and decides to take on a new stylist.

In the space below, compose a **POSITIVE ACTION** advert for a new stylist to do African-Caribbean hairdressing:

Pre-employment health-related checks

The Equality Act limits the circumstances in which employers can ask health-related questions before offering the individual a job. Up to this point, employers can only ask health-related questions to help:

- decide whether to make any reasonable adjustments for the person to the selection process
- decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- monitor diversity among people making applications for jobs
- take positive action to assist disabled people
- assure that a candidate has the disability where the job genuinely requires the jobholder to have a disability



Task 6

Put a tick against the health-related questions an employer could ask before offering the job and a cross against the ones that may not be asked:

	Tick or cross
Do you or have you had dermatitis?	
Do you or have you had any problems with standing for long periods?	
Do you or have you had any mental health issues?	
Have you had any serious operations in the past 5 years?	

A jobseeker cannot take an employer to an Employment Tribunal if they think the employer is acting unlawfully by asking questions that are prohibited, though they can complain to the Equality and Human Rights Commission.



However, if an employer does ask prohibited questions, and does not employ the applicant, they may bring a claim of discrimination against the employer and the burden of proof would be on the employer to demonstrate that s/he had not discriminated.

Once a person has passed the interview and has been offered a job (whether this is an unconditional or conditional job offer) employers *are* permitted to ask appropriate health-related questions.

Extension of employment tribunal powers

Under previous legislation, an employment tribunal could make a recommendation that an employer must eliminate or reduce the effect on the claimant of any discrimination. The Act extends this power so that it will now be possible for a tribunal to make recommendations that an organisation takes steps to eliminate or reduce the effect of discrimination on other employees, not only on the claimant. For example, the tribunal might specify that an employer needs to train all staff about the organisation's bullying and harassment policy. This power does not apply to equal pay cases.



Equal pay – direct discrimination

In most circumstances, a challenge to pay inequality and other contractual terms and conditions still has to be made by comparison with a real person of the opposite sex in the same employment. However, a change in the Equality Act allows a claim of direct pay discrimination to be made, even if no real person comparator can be found. This means that a claimant who can show evidence that they would have received better remuneration from their employer if they were of a different sex may have a claim, even if there is no-one of the opposite sex doing equal work in the organisation. This would be a claim under sex discrimination.

Pay secrecy

The Act makes it unlawful for employers to prevent or restrict employees from having a discussion to establish if differences in pay exist that are related to protected characteristics. It also makes terms of the contract of employment that require pay secrecy unenforceable because of these discussions.



Task 7

Two stylists have the same qualifications, are doing the same job and receive the same salary. Stylist 1 works 38.5 hours over five days a week and Stylist 2 works 35 hours over four days.

7.1 Does Stylist 1 have a case?

Answer: Yes / No

7.2 On what grounds?

Answer: _____

7.3 What should Stylist 1 do?

Answer: _____

Diversity

Diversity is the mix of people who bring a variety of backgrounds, styles, perspectives, values and beliefs to the groups and organisations with whom they interact.

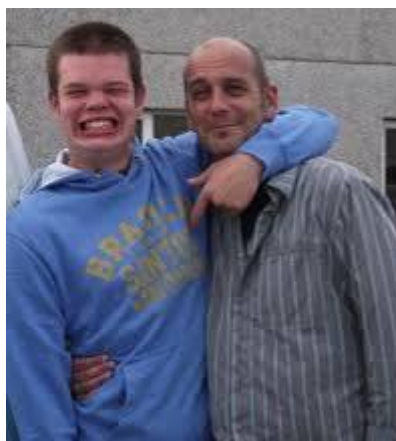
Diversity is not only to do with only protected characteristics. It includes individuals' unique experiences, communication styles, physical appearances, values, styles of dress and personalities to name but a few.

Diversity **EQUALS** Difference



Equality and Diversity Working Together

- Equality involves treating people fairly regardless of any differences between them
- Diversity involves valuing differences and the specific contributions that different people make
- This means that we can treat people according to their different needs without being unfair to them or others



What does this mean in practice?



“To fight inequality and discrimination, first there needs to be an understanding of each other’s differences so that we can accept and celebrate them. Without talking to each other and really appreciating and respecting our differences, this is impossible to happen.”

Theo Gavrielides, former Chief Executive, Race on the Agenda



Diversity is about . . .

- Creating an environment that respects, includes and values differences
- Being tolerant
- Treating people the way they want to be treated
- Recognising that we have prejudices and challenging these before we act or speak
- Taking positive steps to address inequality



Task 8

Tick all the statements you think are true. Diversity is . . .

Being tolerant about people’s differences	
Seeking to understand people’s differences	
Treating people how they want to be treated	
Valuing what is different about people	
Challenging my own prejudices	
Tackling discrimination to make it a fairer society for all	

**Well done! You have completed this project.
Please turn to the next page and complete the evaluation.**

Project Evaluation

To be completed by the learner:

Which parts of the project did you find most interesting or useful?

You have probably used a range of personal, learning and thinking skills (PLTS) when completing this project. Tick the ones you think you used from the list below:

	Work towards goals with commitment and perseverance
	Organise time/resources and prioritise actions
	Deal with competing pressures, including personal and work-related demands
	Seek advice and support when needed
	Explore issues from different perspectives
	Analyse and evaluate information, judging its relevance and value
	Consider the influence of circumstances, beliefs and feelings on decisions and events
	Support conclusions, using reasoned argument and/or evidence
	Ask questions to extend your thinking
	Question your own and others' assumptions

Assessor Feedback/Comments

Content:	
Presentation:	
Spelling:	
Punctuation:	
Grammar:	
Full stops and capital letters:	

Assessor e-signature	
Date	
Notification to info@its-ltd.net that task is ready to certificate	
Date	