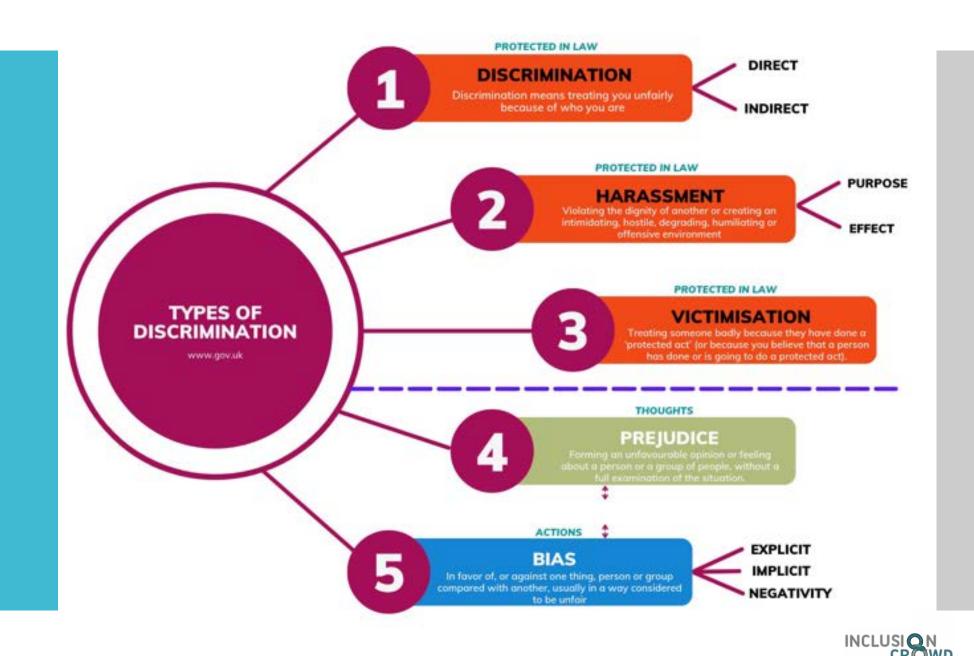
### The Licence to Recruit Programme

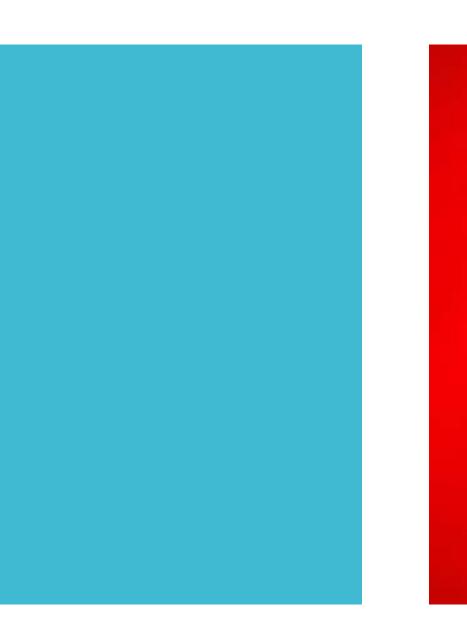
Session 2 (7002) 2022/23



Session Overview (*Module 7001*)









#### **Today's session**

Everyone in this session is at a different stage & has different experiences

You will get out from these sessions what you put in

This is a safe space to explore, question and learn - do not discuss details outside this group

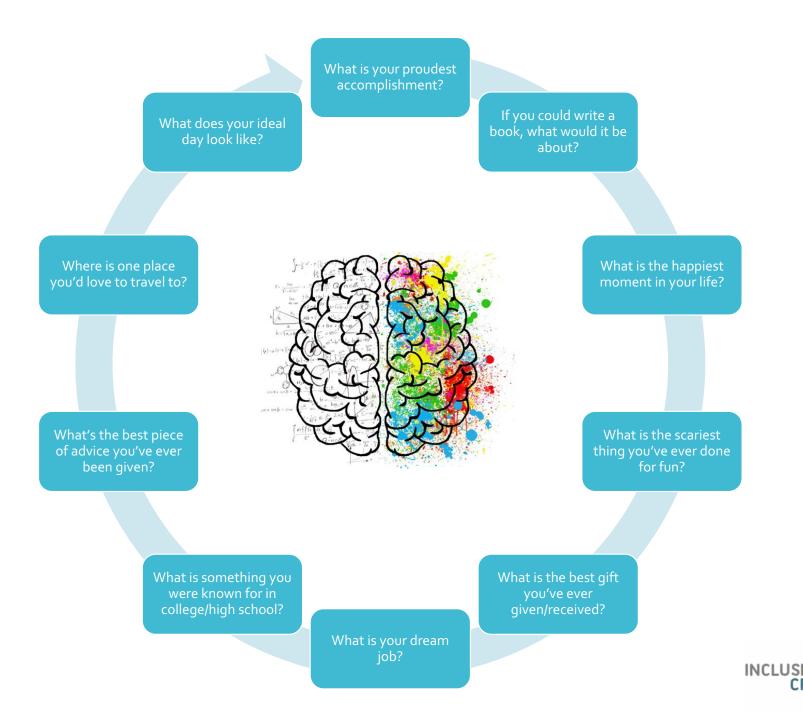
Before the organisation can improve we need to establish a solid leadership capability baseline



#### Research tells us...

If we don't speak within 5-7 minutes of a meeting...

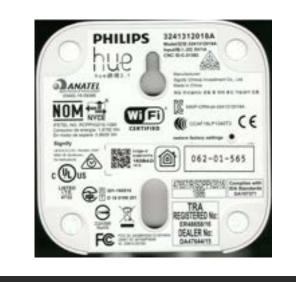
we are unlikely to speak at all



### **Quick Recap**

Session 1 - Module 7001







#### CMs: COMMON EXAMPLES



Woolmark (wool purity)





Red Tractor (farming standards)









#### 



#### DI-VER-SI-TY

All the ways in which people differ.

#### EQ·UI·TY

Fair treatment, access, opportunity, and advancement for all people. One's identity cannot predict the outcome.

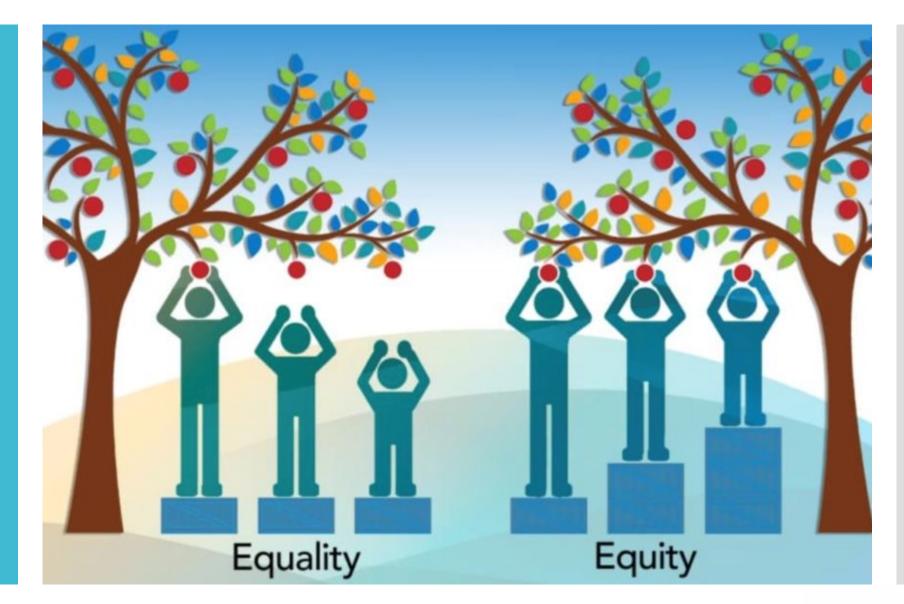
#### IN-CLU-SION

A variety of people have power, a voice, and decision-making authority.

Definitions sourced from City of Portland Office of Equity and Human Rights, The Independent Sector, and UC Berkeley.

### Equality vs Equity

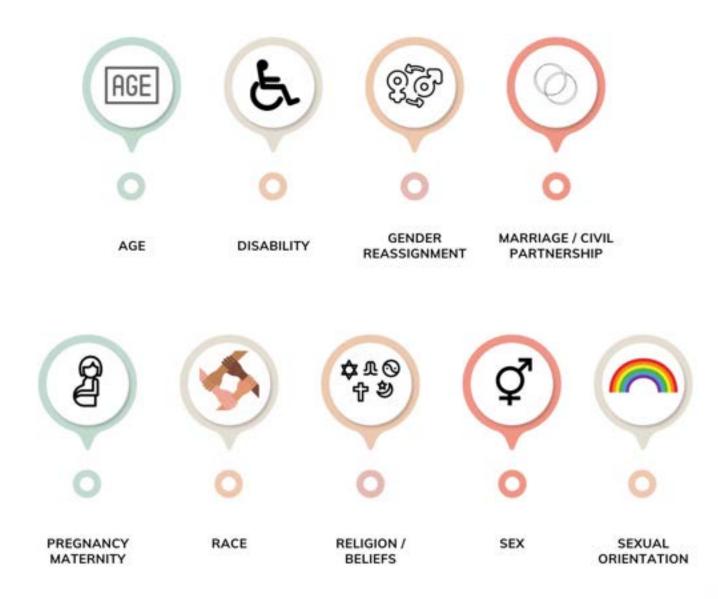
Why we focus on Equity!





# Backgrounds & Characteristics

+ Mental Health & Wellbeing





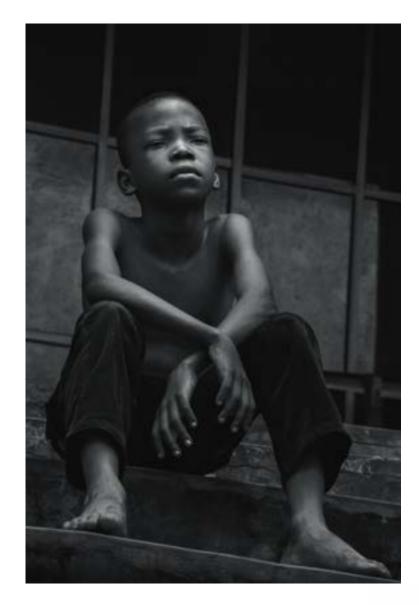
TERM	DEFINITION Physical characteristics that define a person as being a member of a specific group	EXAMPLES	
Race		Skin color, hair color and texture, eye color, facial features, physical build	
Ethnicity	Cultural characteristics that define a person as being a member of a specific group		
Nationality	The legal sense of belonging to a specific political nation state	Citizenship (birthright or naturalized)	

### Race, Ethnicity & Nationality

What do we know about human beings?

They need to feel 3 things: (Self – Determination Theory)

(1). Autonomous(2). Connected(3). Competent





Why...

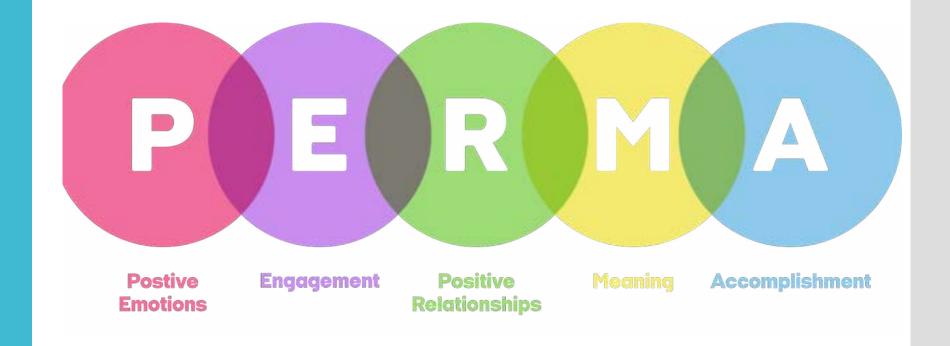
### Positive Psychology?





What do you think we mean by wellbeing?

Optimal Human Functioning



How do you show up at work?

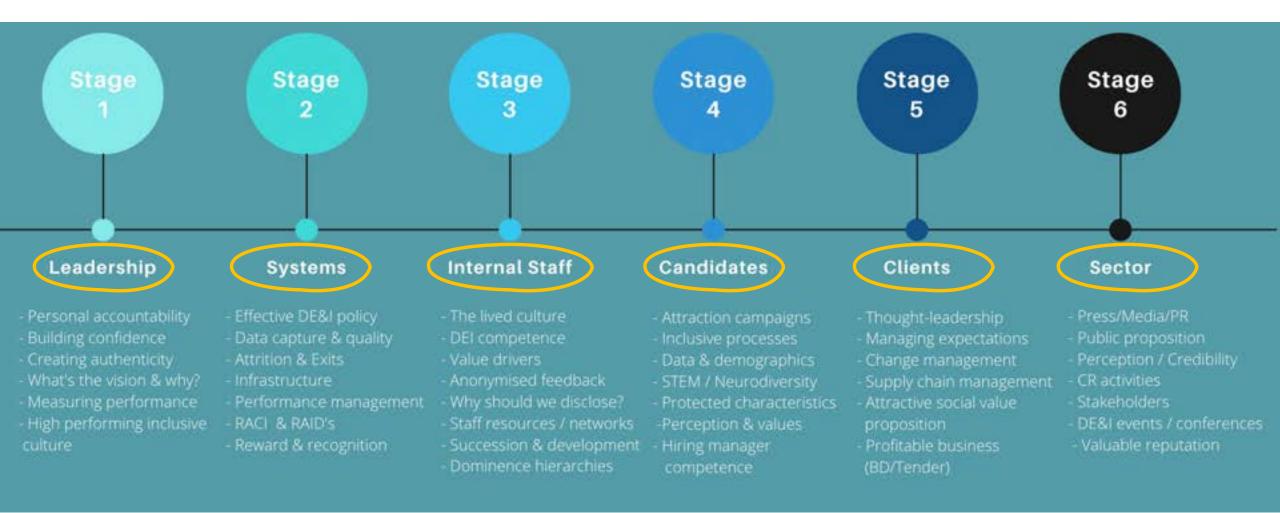
- Who and how are you and those around you, impacted by the choices you make?
- How does this shape the culture at work?

Put these in context....

- Emotional Contagion -
- Toxic Positivity ~
  - Talk about how this currently manifests at work

### 6-Stage DEI Plan





### Session 2

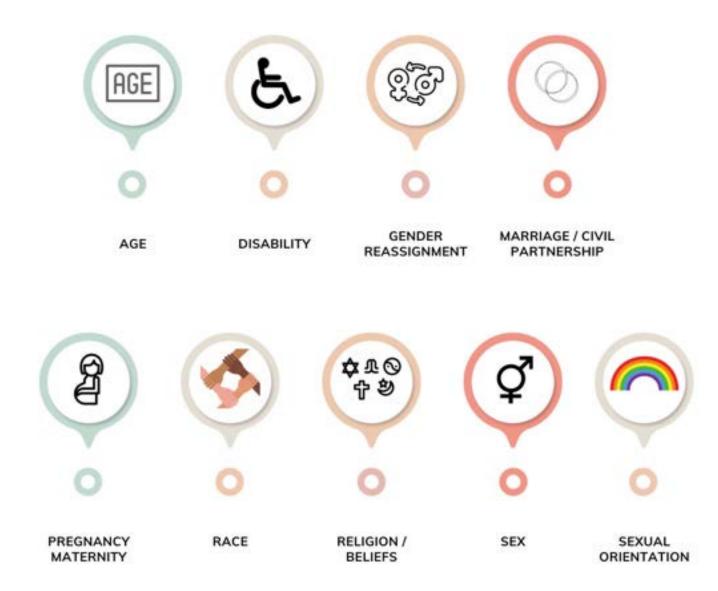
Module 7002

### Discrimination

Discrimination means treating you unfairly because of who you are



The 9 Protected Characteristics



### You're protected from discrimination:

- at work
- in education
- as a consumer
- when using public services
- when buying or renting property
- as a member or guest of a private club or association

# Types of discrimination

- <u>direct discrimination</u> treating someone with a protected characteristic less favourably than others
- <u>indirect discrimination</u> putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage
- <u>harassment</u> unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them
- victimisation treating someone unfairly because they've complained about discrimination or harassment

# Discrimination at work

The law protects you against discrimination at work, including:

- dismissal
- employment terms and conditions
- pay and benefits
- promotion and transfer opportunities
- training
- recruitment
- redundancy

### Disability

If you're disabled you have the same rights as other workers. Employers should also make 'reasonable adjustments' to help disabled employees and job applicants with:

- <u>application forms</u>, for example providing forms in Braille or audio formats
- <u>aptitude tests</u>, for example giving extra time to complete the tests
- dismissal or redundancy
- discipline and grievances
- <u>interview arrangements</u>, such as providing wheelchair access, communicator support
- making sure the workplace has the right <u>facilities</u> and <u>equipment</u> for disabled workers or someone offered a job
- promotion, transfer and training opportunities
- <u>terms</u> of employment, including pay
- work-related <u>benefits</u> like access to recreation or refreshment facilities

### Suggested language

Always check with HR or Legal before making any changes to process.

 Applicants with a disability are invited to contact us in confidence at any point during the recruitment process to discuss steps that could be taken to overcome operational difficulties presented by the job, or if any adjustments of support is required. Please state if you require any assistance, equipment, adaptations or adjustments to working conditions or to attend interview.

Please contact us in confidence at contact@yourcompany.com

# Action against discrimination

Positive Action

### **Action against discrimination**

You can do something voluntarily to help people with a protected characteristic. This is called **'positive action'.** 

Taking positive action is legal if people with a protected characteristic:

- are at a disadvantage
- have particular needs
- are under-represented in an activity or type of work



### Northern Ireland Policing

- Two main communities live in Northern Ireland
- Catholics and Protestants
- In 2001 the police force (Royal Ulster Constabulary, RUC) was 91% protestant
- If you do not use 'Positive Action' how else would you redress the balance of under-representation?



# When is positive action allowed?

You can take positive action when three conditions are met:

1. You must reasonably think that a group of people who share a protected characteristic and who are, or who could be, using your services:

• suffer a disadvantage linked to that characteristic

• have a disproportionately low level of participation in this type of service or activity, or

• need different things from this service from other groups.

'Reasonably think' means that you can see the disadvantage, low level of participation or different needs, but you do not have to show any detailed statistical or other evidence.

2. The action you take is intended to:

• meet the group's different needs

• enable or encourage the group to overcome or minimise that disadvantage, or

• enable or encourage the group to participate in that activity.

3. The action you take is a proportionate way to increase participation, meet different needs or overcome disadvantage.

This means that the action is appropriate to that aim and that other action would be less effective in achieving this aim or likely to cause greater disadvantage to other groups.

### What does the law say...

- 159 Positive action: recruitment and promotion
  - (1) This section applies if a person (P) reasonably thinks that-
    - (a) persons who share a protected characteristic suffer a disadvantage connected to the characteristic, or
    - (b) participation in an activity by persons who share a protected characteristic is disproportionately low.
  - (2) Part 5 (work) does not prohibit P from taking action within subsection (3) with the aim of enabling or encouraging persons who share the protected characteristic to—
    - (a) overcome or minimise that disadvantage, or
    - (b) participate in that activity.
  - (3) That action is treating a person (A) more favourably in connection with recruitment or promotion than another person (B) because A has the protected characteristic but B does not.
  - (4) But subsection (2) applies only if-
    - (a) A is as qualified as B to be recruited or promoted,
    - (b) P does not have a policy of treating persons who share the protected characteristic more favourably in connection with recruitment or promotion than persons who do not share it, and
    - (c) taking the action in question is a proportionate means of achieving the aim referred to in subsection (2).
  - (5) "Recruitment" means a process for deciding whether to-
    - (a) offer employment to a person,
    - (b) make contract work available to a contract worker,
    - (c) offer a person a position as a partner in a firm or proposed firm,
    - (d) offer a person a position as a member of an LLP or proposed LLP,
    - (e) offer a person a pupillage or tenancy in barristers' chambers,
    - (f) take a person as an advocate's devil or offer a person membership of an advocate's stable,
    - (g) offer a person an appointment to a personal office,
    - (h) offer a person an appointment to a public office, recommend a person for such an appointment or approve a person's appointment to a public office, or
    - (i) offer a person a service for finding employment.
  - (6) This section does not enable P to do anything that is prohibited by or under an enactment other than this Act.

Band	Amount	Description	Sample award
Lower	£990- £9,900	For less serious cases such as a one-off act	£2,500 for refusal to allow time off for ante- natal appointments (Stranska v One Life Management Solutions Ltd (2016)) (a) (C) £6,000 for unjustified refusal to allow part- time working on return from maternity leave (Griffin v Early Days UK Ltd (2016)) (a) (C)
Middle	£9,900- £29,600	For cases which are serious but don't fall into the top band. For example, a serious one-off act of harassment or where you lost your job because of the discrimination	E16,000 for discrimination against employee with cancer when doctors said it would impact on her recovery (Colgan v Hideaways Club UK (2015)) 🙆 C
High	£29,600- £49,300	For the most serious cases of discrimination. For example, where there's been a length campaign of discriminatory harassment	£35,000 for race discrimination over a number of years (Chandok v Tirkey (2015)) @

#### Work out how much compensation you could get for discrimination

Apart from money, how else could this damage the business?

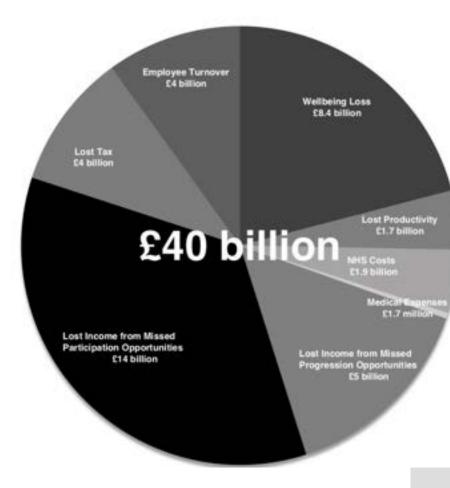
# The cost of discrimination

The moral case for ending discrimination is clear, but its economic costs remain largely unexplored.

By our calculations, discrimination in the workplace carries an estimate annual cost to society of

### £40 billion

Source: Route 2



## What an employer can do to prevent discrimination

You can help prevent discrimination in the workplace by steps including:

- having an up-to-date equality policy
- providing regular anti-discrimination training to staff
- making it clear how staff can complain if discrimination happens
- regular one-to-one catch-ups between employees and their line managers, to help build positive working relationships

This can help:

- make sure your workplace treats employees fairly
- make it less likely you'll be held responsible for discrimination carried out by an employee

## Preventing discrimination

How well is this done in your organisation?

Does everyone know how to complain if discrimination happens?

Do employees know where to find information / advice?

Do you have an equality policy, do you know where to find it?

Have you had anti-discrimination training?

### Harassment

violating the dignity of another or creating an intimidating, hostile, degrading, humiliating or offensive environment

# What is harassment?

**<u>1. Unwanted conduct</u>**, that relates to a protected characteristic.

2. That either has the:

a. **purpose** of <u>violating the dignity</u> of another or creating an <u>intimidating</u>, <u>hostile</u>, <u>degrading</u>, <u>humiliating</u> or <u>offensive</u> environment ("the Environment"); or

b. **effect** of violating the dignity of another or creating the Environment

https://www.equalityhumanrights.com/sites/default/files/sexual\_harassment\_and\_harassment\_at\_work.pdf

https://www.farrer.co.uk/news-and-insights/blogs/banter-harassment-and-the-equality-act-an-overview-for-employers/

### Meaning of 'unwanted conduct'

**Unwanted conduct** covers a wide range of behaviours. It can include:

- spoken words
- banter
- written words
- posts or contact on social media
- imagery
- graffiti
- physical gestures
- facial expressions
- mimicry
- jokes or pranks
- acts affecting a person's surroundings
- aggression, and
- physical behaviour towards a person or their property.

### Sexual harassment

Conduct 'of a sexual nature' includes a wide range of behaviours, such as:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photos
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages, and
- unwelcome touching, hugging, massaging or kissing.

Purpose or Effect.

What is the difference?

#### Meaning of 'purpose or effect'

- 2.25. For all three types of harassment, if the harasser's **purpose** is to violate the worker's dignity or to create an intimidating, hostile, degrading, humiliating or offensive environment for them, this will be sufficient to establish harassment. It will not be necessary to look at the effect that conduct has had on the worker.
- 2.26. Unwanted conduct will also amount to harassment if it has the effect of violating the worker's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if that was not the intended purpose.

#### Example

Male workers download pornographic images on to their computers in an office where a woman works. She may make a claim for harassment if she is aware that the images are being downloaded and the effect of this is to create a hostile and humiliating environment for her. In this situation, it is irrelevant that the male workers did not intend to upset the woman, and that they merely considered the downloading of images as 'having a laugh'.

### What does the law say...

- 26 Harassment
  - (1) A person (A) harasses another (B) if-
    - (a) A engages in unwanted conduct related to a relevant protected characteristic, and
    - (b) the conduct has the purpose or effect of-
      - (i) violating B's dignity, or
      - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
  - (2) A also harasses B if-
    - (a) A engages in unwanted conduct of a sexual nature, and
    - (b) the conduct has the purpose or effect referred to in subsection (1)(b).
  - (3) A also harasses B if-
    - (a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
    - (b) the conduct has the purpose or effect referred to in subsection (1)(b), and
    - (c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.
  - (4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account-
    - (a) the perception of B;
    - (b) the other circumstances of the case;
    - (c) whether it is reasonable for the conduct to have that effect.
  - (5) The relevant protected characteristics are
    - age;

disability;

gender reassignment;

race;

religion or belief;

sex;

sexual orientation.

## Victimisation

Treating someone badly because they have done a 'protected act' (or because you believe that a person has done or is going to do a protected act).

## What is Victimisation?

Victimisation is defined in the Act as:

• Treating someone badly because they have done a 'protected act' (or because you believe that a person has done or is going to do a protected act).

#### <u>A 'protected act' is:</u>

- Making a claim or complaint of discrimination (under the Equality Act).
- Helping someone else to make a claim by giving evidence or information.
- Making an allegation that you or someone else has breached the Act.
- Doing anything else in connection with the Act.

## What does the law say...

#### Victimisation

27

- (1) A person (A) victimises another person (B) if A subjects B to a detriment because-
  - (a) B does a protected act, or
  - (b) A believes that B has done, or may do, a protected act.
- (2) Each of the following is a protected act-
  - (a) bringing proceedings under this Act;
  - (b) giving evidence or information in connection with proceedings under this Act;
  - (c) doing any other thing for the purposes of or in connection with this Act;
  - (d) making an allegation (whether or not express) that A or another person has contravened this Act.
- (3) Giving false evidence or information, or making a false allegation, is not a protected act if the evidence or information is given, or the allegation is made, in bad faith.
- (4) This section applies only where the person subjected to a detriment is an individual.
- (5) The reference to contravening this Act includes a reference to committing a breach of an equality clause or rule.

#### Top Tip:

#### Think about 'isms'

- Ageism
- Sexism
- Classism

## PREJUDICE

**Prejudice** comes from the words 'to judge before'. It is forming an unfavourable opinion or feeling about a person or a group of people, without a full examination of the situation

**Prejudice** can exist wherever there is any kind of difference between people.

Prejudice based on **gender** is called **sexism**. Both women and men can be victims of this, but it is more common for women to be the victims.

Prejudice based on the national grouping or **race** a person has is known as **racism**. Colour prejudice is the most common form of racism, as skin colour is a more obvious sign of the race a person belongs to.

It is possible for racism to occur between people of the same skin colour. Connected to this are prejudices based on **ethnicity** - cultural heritage, language, traditional dress code, etc.

There are forms of prejudice that combine religion and race and it can be difficult to distinguish between the two elements. Prejudice towards Jews is called **anti-Semitism**. Prejudice towards Muslims is called **Islamophobia**. Prejudice towards **homosexual** people is called **homophobia**.

When people, young or old, suffer from prejudice because of their age, it is called **ageism**.

Other main categories of prejudice are concerned with social class, disability, life-style choice, eg **travellers**, and appearance.

### What is prejudice?

**Prejudice** comes from the words 'to **judge before**'. It is forming an <u>unfavourable opinion</u> or <u>feeling</u> about a person or a group of people, without a full examination of the situation. In theory, it is possible for somebody to be prejudiced without anybody else knowing about it.

## Types of prejudice

Usually, prejudice is based on stereotypes and generalisations we have about groups of people. For example, we can irrationally think negative thoughts about someone based on their age, race, gender, or social class.

Some examples:

- Non-Anglo Names On Job Applications
- Racial Profiling
- Accent Prejudice
- Judicial Prejudice
- Xenophobia
- Classism
- Religious Prejudice
- Cultural Stereotypes

#### What are the causes and origins of prejudice?

The reasons for **prejudice** vary. Some are related to historical events.

Often, prejudice is based on **ignorance**. The solution is education, but many people choose to remain ignorant, as their prejudices often make them feel superior.

Victims of a particular kind of bullying may go on to become bullies themselves. In the same way, if a person has been a victim of prejudice, there is a chance that they will come to hold similar opinions about others.

A person's upbringing may cause them to become prejudiced. If parents had prejudices of their own, there is a chance that these opinions will be passed on to the next generation.

One bad experience with a person from a particular group can cause a person to think of all people from that group in the same way. This is called **stereotyping** and can lead to prejudice.

The media has a powerful influence on people in the 21st century and can often be responsible for promoting a stereotype of a particular group.

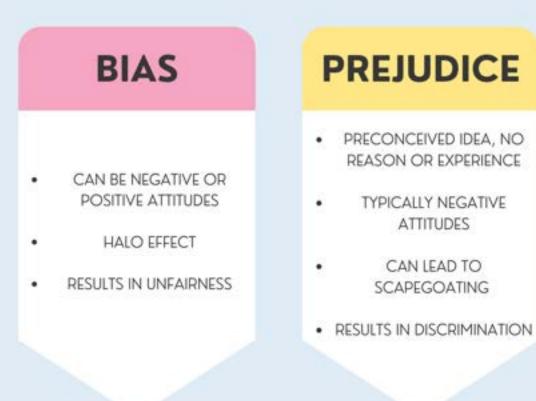
**Scapegoating** is an example of a specific type of prejudice. A person or group can be blamed for the sins or wrongs of another person or group. For example, in 1930s Nazi Germany, Jews were made scapegoats for the country's economic difficulties.

### Stereotyping

A stereotype is a widely held, simplified, and essentialist belief about a specific group. Groups are often stereotyped on the basis of sex, gender, nationality, age, socioeconomic status, language, and so forth. Stereotypes are deeply embedded within social institutions and wider culture. They are often evident even during the early stages of childhood, influencing and shaping how people interact with each other

## BIAS

In favor of, or against one thing, person or group compared with another, usually in a way considered to be unfair Bias VS Stereotyping VS Discrimination



#### **BIAS IS A RESULT OF PREJUDICE**

# Types of biases

**Explicit bias:** bias that is expressed and can be seen

**Implicit bias:** attitudes or stereotypes that can influence our beliefs, actions and decisions, even though we're not consciously aware of them and don't express those beliefs verbally to ourselves or others – Think Unconscious bias

<u>The negativity bias</u>: Also known as the negativity effect, is the notion that, even when of equal intensity, things of a more negative nature have a greater effect on one's psychological state and processes than neutral or positive things There are many types of bias. Here are some common to the workplace

#### Confirmation bias

To search for, interpret, favour, and recall information that confirms one's beliefs, while giving disproportionately less attention to information that contradicts it

#### Halo effect and horn effect

HALO: If the observer likes one aspect of something, they will have a positive predisposition toward everything about it HORNS: if the observer dislikes one aspect of something, they will have a negative predisposition towards other aspects

#### Relevant types of Bias

#### Anchoring

To rely on the first piece of information encountered when making decisions

#### Status quo bias

Status quo bias is an emotional bias; a • preference for the current state of affairs.

#### Framing

events

Think Media & Social Media: It is an influence over how people organise, perceive, and communicate about reality. A collection of anecdotes and stereotypes, that individuals rely on to understand and respond to

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....

...



Track all your live training courses and programmes, as well as access the Inclusion Academy Content Library

0

The Inclusion Academy blends gamification & social learning engaging and robust learning experiences. Why it is revolutionary. - Encourages learners with customised praise badges - Drives healthy competition with experience points - Create leaderboard: and player vs player Battles ....and we can finely tune the training programmes with our dynamic reporting suite.

#### INCLUSION ACADEMY

People don't always say what's on their minds. One reason is that they are unwilling. For example, someone might report smoking a pack of cigarettes per day because they are embarrassed to admit that they smoke two. Another reason is that they are unable.

A smoker might truly believe that she smokes a pack a day, or might not keep track at all. The difference between being unwilling and unable is the difference between purposely hiding something from someone and unknowingly hiding something from yourself. The Implicit Association Test (IAT) measures attitudes and beliefs that people may be unwilling or unable to report. The IAT may be especially interesting if it shows that you have an implicit attitude that you did not know about.

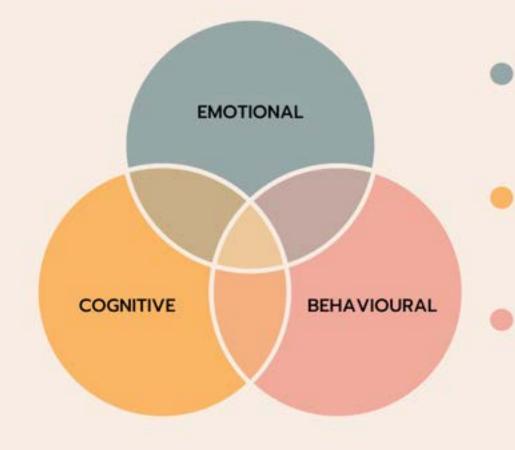
or example, you may believe that women and men should be equally associated with science, but your automatic associations could show that you (like many others) associate men with science more than you associate women with science.

TAKE A TEST

Check you biases by taking the Harvard bias tests... I bet you will be surprised at the results.

You can find the link in your client dashboard at www.inclusioncrowd.biz

## Telling the difference



#### PREJUDICE

**HOW TO TELL THE DIFFERENCE** 

Prejudice comes from the words 'to judge before'. It is forming an unfavourable opinion or feeling about a person or a group of people, without a full examination of the situation

#### STEREOTYPES

A stereotype is a widely held, simplified, and essentialist belief about a specific group.

#### DISCRIMATION

Discrimination means treating you unfairly because of who you are

Jon has bipolar disorder. He asks his employer if he can apply for a new post doing work he is able to do. His employer says he cannot apply because he has a mental health problem.

This is an example of direct discrimination.

Edward has raised a complaint in work, against his employer, and feels he is being discriminated against on the basis of his sexual orientation. Edward's manager denies him a promotion?

This is an example of victimisation.

Ryan works on a construction site. His co-workers recently found out he was gay and have started calling him "princess".

This is an example of Harassment (unwanted conduct) spoken words / banter / mimicry Mary has an eating disorder. Mary's manager knows she has an eating disorder and she makes offensive remarks in the open plan office about people with anorexia.

This is likely to be indirect discrimination as it puts Sarah at a disadvantage. But it will not be discrimination if her employer is able to justify the arrangement by showing that it is:

- for a good reason, and
- appropriate and necessary.

#### **Direct Discrimination**

#### Indirect Discrimination

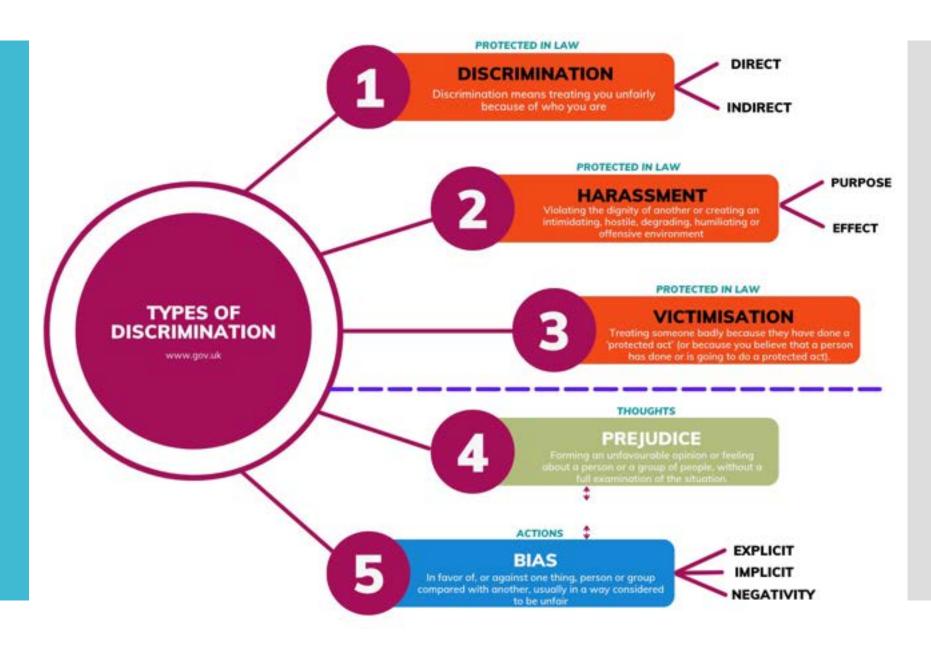
#### Harassment

Victimisation

In your groups, please read the following 4 examples. Each example relates to a form of workplace discrimination, harassment or victimisation. As a group you must decide which one applies to each of the examples and why

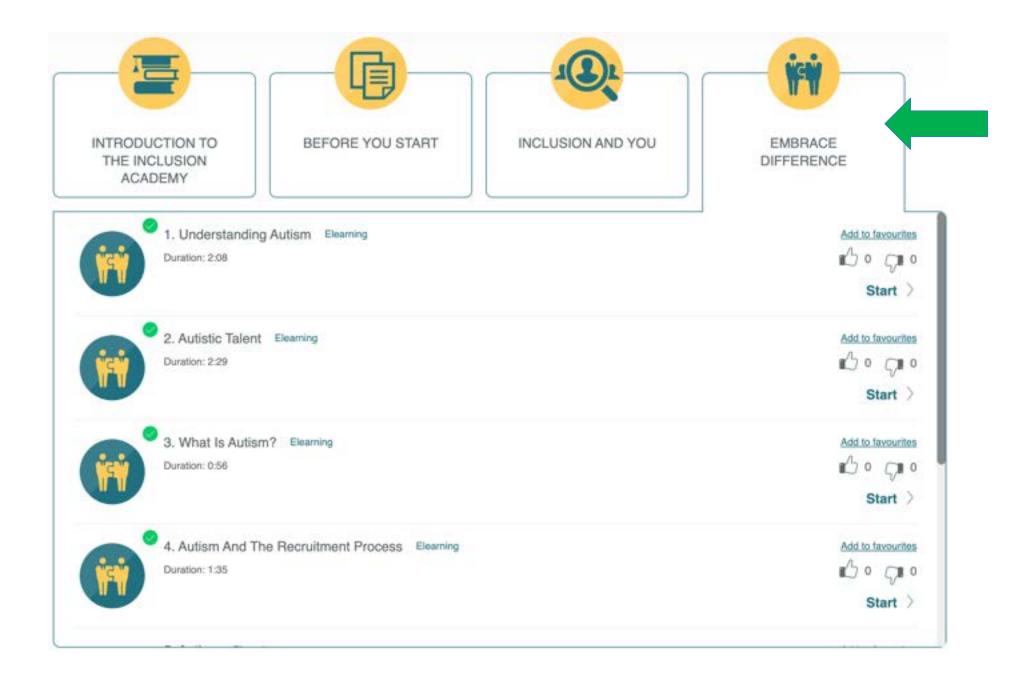
### Types of Discrimination

It can be lawful to have specific rules or arrangements in place, as long as they can be justified.



## Next Steps

- Complete the 7002 Essay Questions [5 questions, 1000 words]
- Complete 'Embracing Difference' in your on-line content library
- Complete the 7002 Feedback Survey



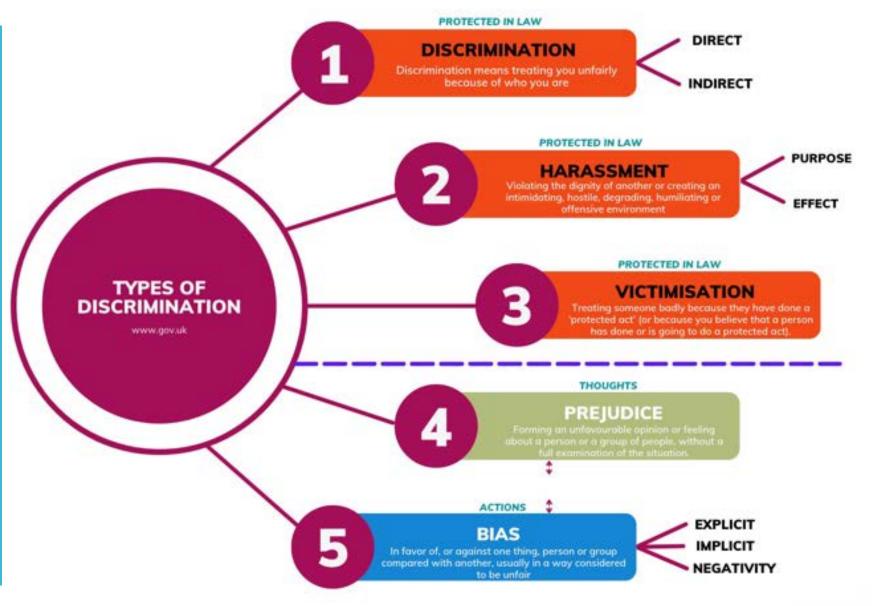
In preparation for session 3, please complete the embrace difference section, within your Inclusion Academy on-line 7002 Essay Questions

- You are asked by a client if you can provide thought-leadership around DEI and their current approach. How would you structure this conversation?
- Describe the difference between Discrimination, Harassment and victimisation.
- Explain the concept of 'Positive Action'. Including an overview of when this can be used, why it is used and what are the exceptions to its use.
- Explain the model PERMA and articulate how and why this model drives inclusion within the workplace
- Define non-binary identity, what this means and why recognising it is important.

See separate guidance word document, with references and supporting materials

## SUMMARY:

Leaders can talk confidently to each aspect of this diagram, providing detail, examples, analysis and personal opinion









029/33





## Question 1: Who are we at our best?





## Why awareness is key?

How could the negativity bias be impacting...

- Current staff's appetite for change / trust / authenticity
- How might we have to compensate / adjustments

/ support, to create a powerful DEI Strategy?



How do we make ourselves aware?

Interrupting habits and challenging our daily norms, takes awareness, effort and & practice

How do we do this when we are busy / stressed / under pressure?

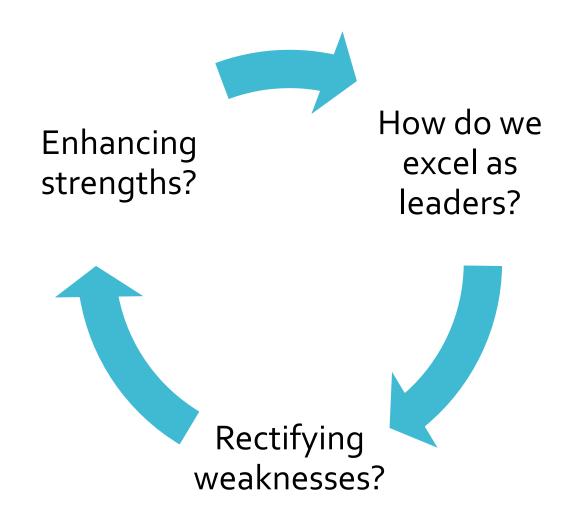
"Between stimulus and response there is a space. In that space is our power to choose our response. In our response lies our growth and our freedom." - Viktor Frankl

Which produces the better return?

Rectifying weaknesses

(or)

Enhancing strengths?





By knowing our strengths, we can create powerfully positive habits

'Neurons that fire together, wire together'

What happens when we harness our strengths?

- People who use strengths daily [6 x more likely to be engaged at work]
- Improved relationships
- Stronger identity and self- esteem
- More autonomy & greater progress towards goals
- Enhanced wellbeing
- Boosted resilience
- Greater ability to tackle/ overcome perceived weaknesses (which strength is missing here?)

## What are the 24 Universal Character Strengths?

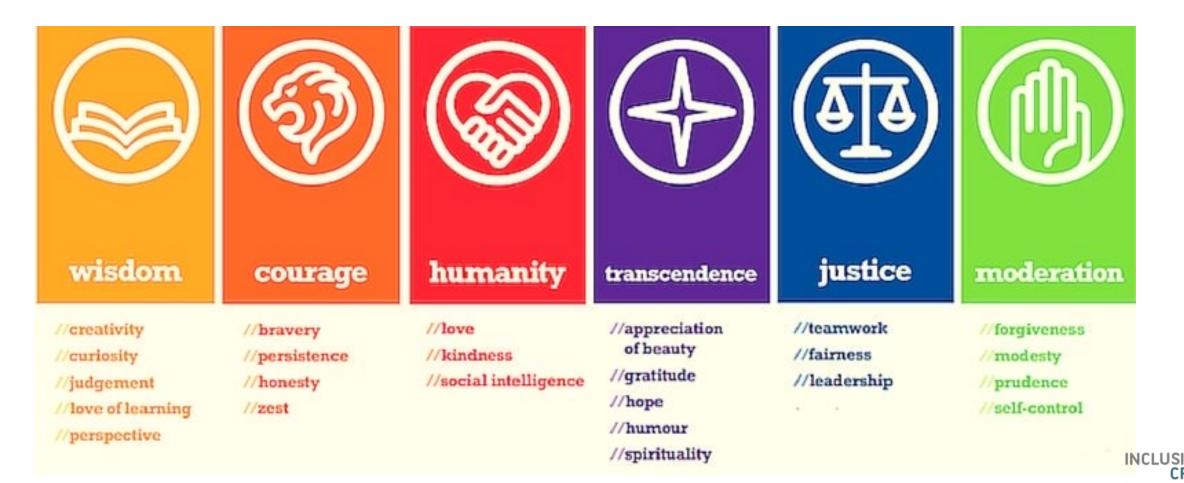
wisdom	courage	humanity	transcendence	justice	moderation
//creativity //curiosity //judgement //love of learning //perspective	//bravery //persistence //honesty //zest	//love //kindness //social intelligence	//appreciation of beauty //gratitude //hope //humour //spirituality	//teamwork //fairness //leadership	//forgiveness //modesty //prudence //self-control



# Strengths shower



- Which strength does you partner have?
- What difference does this strength make to the team?
- How will this strength help create and implement a successful DEI strategy?



### Over to You!

- How does it feel to have your strengths acknowledged by others?
- Do you find it easy / difficult to recognise your own strengths vs weaknesses?
- How can you consciously recognise and celebrate the strengths of colleagues? What could we do more of in SRI?
- Which of your strengths support a positive emotional climate? (Emotional Contagion)



Why using strengths is like baking a cake? Strengths can be 'overcooked' and lead to 'weakness'/ frustration

Strengths can be 'undercooked' underperformance







What 'Ah-Ha' moments have you had today? What will you <u>think</u>, <u>feel</u> or <u>do</u> differently as a result of today?



Shall we introduce quotas, targets & objectives? What are these?

What are we going to measure, over how long?

How do we leverage best practice, learn from those who are already active and make space for those who are learning?

How do we set up leaders & Kao up for success?

## Quickly – let's do stuff now!



## What will your legacy be?

EnvironmentSocial JusticeMental Health

