



Dorset
Council

Equality, diversity and inclusion

The statistics are quite shocking

People of colour make up only 3.5% of the faces at top UK companies, compared to 13% of the population

And ethnic minority workers earn 37% less than their white counterparts.

Fewer than 1 in 20 disabled people are in paid work.

1 in 5 mothers are harassed or bullied at work because of having children

1 in 9 mothers are pushed out of their jobs altogether.

There are more leaders at top companies called James, than there are female leaders altogether.

What is Diversity, Equality and Inclusion?

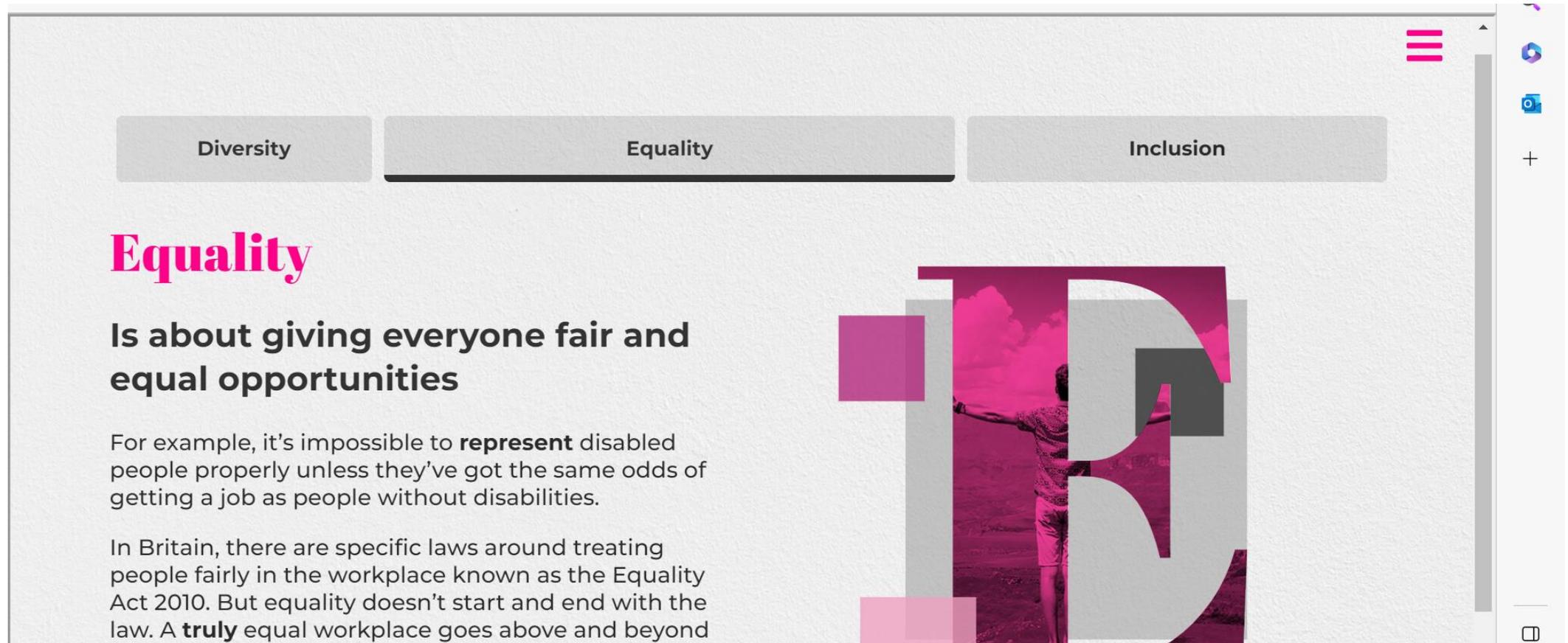


Diversity

Is a way of saying there are many different kinds of people

What pops into your mind when you think of a Wall Street trading floor? If it's a bunch of young, white, mainly male bankers, then that's an example of an **undiverse** workplace.

A **diverse** workplace is one with people from a range of backgrounds who better represent the population as a whole. People of varied ages, races, genders, religions, social backgrounds and levels of education.



The image shows a screenshot of a website's navigation menu. At the top, there are three grey buttons: 'Diversity', 'Equality', and 'Inclusion'. The 'Equality' button is highlighted with a thick black underline. To the right of the buttons is a hamburger menu icon (three horizontal lines). Below the navigation, the word 'Equality' is written in a large, pink, serif font. Underneath it, the text reads: 'Is about giving everyone fair and equal opportunities'. This is followed by two paragraphs of text. The first paragraph states: 'For example, it's impossible to **represent** disabled people properly unless they've got the same odds of getting a job as people without disabilities.' The second paragraph states: 'In Britain, there are specific laws around treating people fairly in the workplace known as the Equality Act 2010. But equality doesn't start and end with the law. A **truly** equal workplace goes above and beyond'. To the right of the text is a large graphic featuring a person with their arms raised in a celebratory gesture, set against a background of a sunset or sunrise. The graphic is overlaid with large, semi-transparent letters 'E' and 'Q' in shades of pink and grey. On the far right edge of the screenshot, there are several small icons: a blue circular icon, a blue square icon, a plus sign, and a square icon at the bottom.

Diversity Equality Inclusion

Equality

Is about giving everyone fair and equal opportunities

For example, it's impossible to **represent** disabled people properly unless they've got the same odds of getting a job as people without disabilities.

In Britain, there are specific laws around treating people fairly in the workplace known as the Equality Act 2010. But equality doesn't start and end with the law. A **truly** equal workplace goes above and beyond



Inclusion

Is about creating an environment where everyone feels welcome and valued

While diversity focuses on representation, inclusion is all about making sure everyone feels safe, accepted and valued. Everyone has equal access to opportunities and resources.

Inclusive environments are what diversity and equality are built upon. But inclusion **doesn't** happen by accident. We'll look at some of the things you can do to help build an inclusive working environment a little later on.

It might surprise you to know that equality isn't created by treating everyone exactly the same. Instead, it's about creating a level playing field where everyone has equal access to opportunities...



Imagine...

Interviews for a job are taking place on the third floor of a building

A candidate who uses a wheelchair shows up and is told that they can only be interviewed on that floor.

But there is no lift.

This example shows how treating everyone **identically** sometimes gives an **invisible boost** to certain types of people. Those people tend to be the ones with more advantages in life already.

Equal opportunities

Mean different things to different people

So organisations need to take everyone's needs into account. That could look like:

- Letting people work flexibly around religious commitments
- Providing technology, such as screen readers, to help people with sight loss
- Making workplaces as accessible as possible for disabled people

Only when **opportunity** is equal can people be fairly compared. Then you can be sure that everyone working for an organisation is there because they're the best person for the job.





But...

Positive discrimination is still discrimination

Regardless of how well-meaning it is, discriminating in favour of disadvantaged people is unlawful too. By law, everyone must be judged on their ability to do the job.

Luckily, there are other ways to encourage diversity in the workplace. One example is taking **positive action** to encourage people from underrepresented groups to apply for jobs, training and mentoring schemes, and promotions.

Creating a level playing field is important

Most of us want to live in a country where everyone has the same opportunities and we want our workplaces to be like that too.

But the advantages of equality and diversity go further than generally creating a better world. Whatever your background, there are **specific benefits** that working in a more equal and diverse environment can have for you **personally**. Let's look at these next...



The benefits



You'll be happier

Research shows that when people aren't discriminated against, they're happier and more productive. Fewer people leave and there's less sick leave. The end result is less stress for you, and a more pleasant and efficient working environment for everyone.



You're protected from discrimination

Don't be naive and assume that discrimination wouldn't happen to you. The Equality Act also protects against positive discrimination - without it you could be discriminated against precisely because of your advantages!



You'll have more opportunities

Studies show organisations that employ a diverse workforce are more successful than those that don't. And this success has direct benefits for you, in the form of job security, financial rewards and career opportunities, for example.

The Equality Act 2010

This 3 minute video from the European Human Rights Commission explains the act and how you are protected.

<https://www.youtube.com/watch?v=I4MWVEAww2g>



Who is protected?

The Equality Act protects everyone in Britain from discrimination, harassment and victimisation. It defines nine **protected characteristics** and it's against the law to treat anyone unfairly because they have, or are perceived to have, one of them.



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What isn't protected?

Though bullying is always wrong, it's not against the law to discriminate against people because of things like their hobbies, wealth or attractiveness. These aren't protected characteristics. So, let's take a look at what is covered by the law...

All these protected characteristics apply equally to volunteering

Age

Is it okay for a trendy clothes shop to specifically recruit a younger team who represent their brand better?

Or for an accountancy firm to take on older workers just because they appear more experienced to clients?

According to the law, no. As a rule, you can't treat people more or less favourably based on their age, regardless of the reasons.



Age

Disability

Gender

Partnership

Maternity

Race

Belief

Sex

Orientation



Disability

To be considered disabled under the Equality Act 2010, you must have a physical or mental impairment that has a substantial and long-term negative effect on your ability to do normal daily activities. This includes some illnesses too, such as cancer and HIV.

As well as it being against the law to treat someone unfairly because they're disabled, employers also have a responsibility to make reasonable adjustments to working conditions where it helps them to do their job.

Age

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Gender reassignment

This section of the Equality Act 2010 protects transgender people from discrimination at work.

You must not be discriminated against on the basis that you have transitioned, are transitioning, or intend to transition, from the sex you were assigned at birth. You don't need to have undergone any specific medical procedures to be protected by the law.

You might see organisations use the terms gender identity and gender expression in their policies instead of gender reassignment to be more inclusive.



Age

Disability

Gender

Partnership

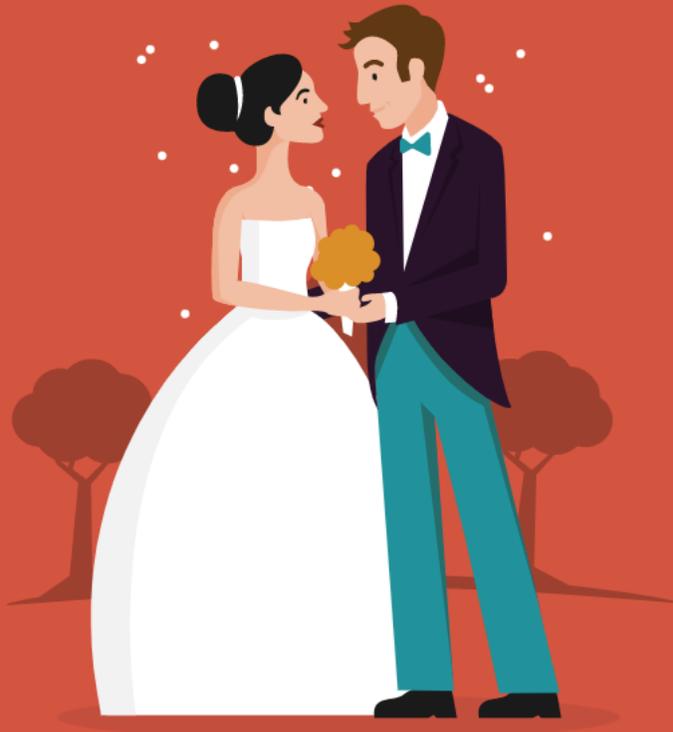
Maternity

Race

Belief

Sex

Orientation



Marriage or civil partnership

People who are married or in a civil partnership are protected from unfair treatment based on their relationship status, but singletons and those in legally unrecognised relationships aren't.

As an example: it's against the law to promote Kevin over Carl because Kevin's unmarried so might have more time on his hands, but there's nothing unlawful about allowing Carl time off for his honeymoon.

Age

Disability

Gender

Partnership

Maternity

Race

Belief

Sex

Orientation

Pregnancy & maternity

Long gone are the days when a company could let a woman go as soon as she got pregnant with her first child. Now, people are protected by the law when they're pregnant and on maternity leave.

This includes employers not being allowed to take into account any pregnancy-related illness when considering other sick leave or making decisions about employment.





Race

This characteristic actually has four different aspects to it:

- Skin colour (such as black or white)
- Ethnic origin, including religious or cultural factors that give a group a distinct social identity (such as Sikh or Irish Traveller)
- National origin, based on birthplace (such as Welsh or English)
- Nationality, based on the state in which someone's a citizen (such as British or Spanish)

More local and regional distinctions, such as Geordie or Southerner, aren't covered.

Age

Disability

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Sex

Orientation

Religion or belief

Only religions with a clear structure and belief system are protected by law. Certain religious and philosophical beliefs, or a lack of religion or belief, are included too.

This protected characteristic can have knock-on effects on how organisations handle things like food provision, dress codes, working hours and prayer facilities.



Age

Disability

Gender

Partnership

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Race

Belief

Sex

Orientation



Sex

This is probably one of the best-known areas of workplace inequality. Men and women are protected from unfair treatment as a result of their sex. That includes sexual harassment specifically.

Recently, the law has changed to force major organisations to publish the difference between average earnings for men and women.

Age

Disability

Gender

Partnership

Maternity

Race

Belief

Sex

Orientation

Sexual orientation

No matter someone's sexual orientation, they can't be treated worse because of their sexuality.

In fact, it's not just about someone's actual sexual orientation, other people's perception also counts. They just have to be perceived that way. So, firing someone because you think they're gay is just as illegal as if they actually were gay.



Direct Discrimination

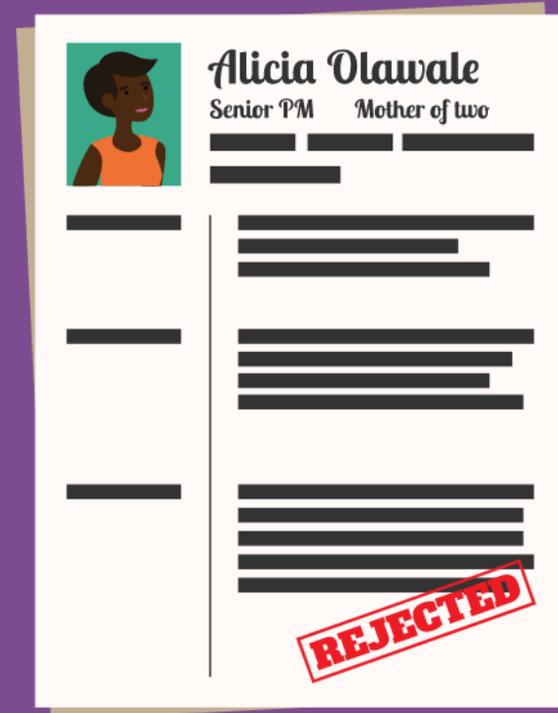
Direct discrimination

One person is treated worse than another person because they've got, are perceived to have, or associate with someone who has a protected characteristic.

For example:

- A hiring manager rejects any mothers who apply for a new role because he believes they won't have time to commit to the job.

Although direct discrimination can be hard to prove, it's pretty simple to see it's wrong.



Indirect discrimination



Indirect discrimination is harder to detect, as it doesn't involve directly treating one person worse than another.

Instead there will be a rule or practice in place for everyone that puts people with a protected characteristic at a disadvantage. On the surface everything looks equal, but underneath it's really not.

For example:

- A company moves to a first floor office without a lift, denying access to disabled people who use mobility aids such as wheelchairs.

Harassment

This is basically bullying someone because they have, or seem to have, a protected characteristic. According to the Equality Act, harassment is unwanted behaviour that violates the victim's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.

For example:

- Naheed discovers that her colleagues have been spreading rumours and calling her racist names behind her back, purely because of her skin colour.



Victimisation



Sometimes, people might be scared to complain about discrimination because they're worried about losing their job or being treated worse as a result. That's why the Equality Act defines victimisation as discrimination.

Victimisation is when someone is treated poorly because they've made a complaint of discrimination, are giving evidence in someone else's case, or are doing anything else in connection with the Equality Act.

For example:

- Roger's colleagues exclude him from social events after he complained to his manager that they were picking on him because of his stammer.

Times when discrimination isn't against the law



There are some rare jobs where it's okay to ask that applicants have a certain protected characteristic. For example, a Catholic priest needs to be Catholic, and an actress playing the role of a young woman might need to be a young woman. There are strict rules about when employers can do this.



Sometimes, indirect discrimination is acceptable if there's a **good business reason** for the rule or practice and no easy alternative. A warehouse might be able to insist that every worker can lift a certain amount of weight, even if this puts women and disabled people at a disadvantage.



Employers can take **positive action** to encourage people who are disadvantaged or underrepresented due to a protected characteristic. However, it's important that this action doesn't discriminate against others. The difference between positive discrimination (unlawful) and positive action (lawful) is tricky, so let's explore it...

Achieving Equality and Diversity

Please watch this 50 second video on the story of Alex and Julia's business.

<https://www.youtube.com/watch?v=1d7dnnl5W8Q>



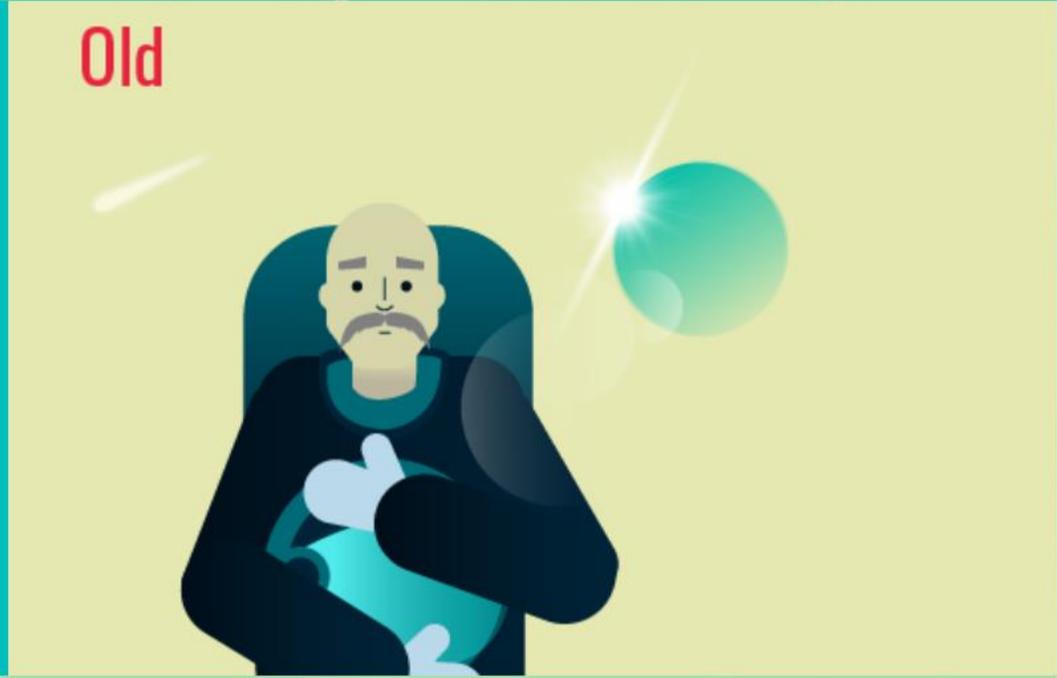
Achieving equality and diversity

In the review, the auditor mentioned three areas for Alex and Julia to improve to achieve a more equal workplace: **stereotypes, accidental offence** and **team cohesion**.

Mark Bloom

"I'm a financial adviser in a large international company, but that's just how I earn my money. I spend my cash and spare time on gadgets. Whenever there's new tech out, I'm always the first of my friends to get it, and they can read how it works on my blog."

From this information, do you think Mark is young or old?



"I travel all over the world with my friends, trying extreme sports from BASE jumping to wakeboarding. I built my tech business from the ground up. At first it was just me coding on my own, now I employ 11 people."

From this information, do you think Bella is single or married?

Married



You can't know for sure

Bella's independence and active social life might make you think she's not in a committed relationship, but it turns out she manages to fit her marriage into all that too!

Mark Bloom

"I'm a financial adviser in a large international company, but that's just how I earn my money. I spend my cash and spare time on gadgets. Whenever there's new tech out, I'm always the first of my friends to get it, and they can read how it works on my blog."

From this information, do you think Mark is young or old?

Old

Mark is an older man

Mark seems very independent, not mentioning a relationship or a family, and his interests are similar to those of many younger people. But those aren't sure-fire ways to tell his age.



We're all individuals...

It seems obvious to say that everyone is different, but if we all remembered that all the time, stereotypes wouldn't exist!

Stereotypes can be positive or negative, and most of the time we don't even realise we're using them. Though we might have good intentions, stereotypes or generalisations can make people feel uncomfortable or worse.

So, what can we do to avoid using stereotypes when we interact with others?



Our brains deal with lots of information

So they often take shortcuts

Some of these shortcuts can affect how we interact with others, like stereotyping.

When we interact with someone who looks, sounds or acts a certain way, we might assume they are similar to other people we know with those traits.

One example is young children: if you see a baby dressed in the colour blue, you might assume it's a boy because blue is often associated with baby boys.





But that's not always true

And you risk embarrassing or offending the parents if you assume incorrectly

That's a soft example, but we do need to be careful when it comes to stereotypes. At best they can be boring and repetitive, at worst they can cause great offence. In a company, groups of individuals might be treated in the same way as one another when really they have little in common.

Stereotypes provide many of the reasons for workplace discrimination, so it's important to recognise when you're using them, so you can work on avoiding them.

What to do

1

Look for your own stereotypes

Your response to a person can be driven by lots of things, including your mood and their behaviour. However, if you always imagine people with shared traits in the same way, that's a stereotype. Identify it and try to avoid it in future.

2

Work on being consistent

Once you've found your stereotypes, pay attention to how you act towards people you don't imagine in a stereotypical way. These will probably be friends, people you know as individuals. Try to treat people you don't know the same way, regardless of who they are.

And bear in mind...

1

Stereotypes can be positive or negative

Both positive and negative stereotypes can be harmful. For example, it's important to avoid thinking someone must be angrier because of the country they come from. It's also important to avoid thinking that all women have a natural maternal instinct.

2

Stereotyping is just a habit

But the more often you rely on it, the stronger the habit becomes. If you actively notice stereotypes as they occur to you, and try to push them aside, they should start occurring to you less and less.

Lift announcement

About a year ago, Alex and Julia commissioned a new gravity lift that will help disabled patrons access higher floors of the hotel. Alex announced this over the intercom.

"Good afternoon. For those of you confined to a wheelchair, I am happy to announce that our new gravity lift is now available on every floor. Thank you."

Can you spot his mistake?



His delivery



His wording

Both we would say!

Please watch this short video on Inclusion starts with an I

<https://www.youtube.com/watch?v=QDna1RV-tYo>

DISCRIMINATION

IS AGAINST THE LAW

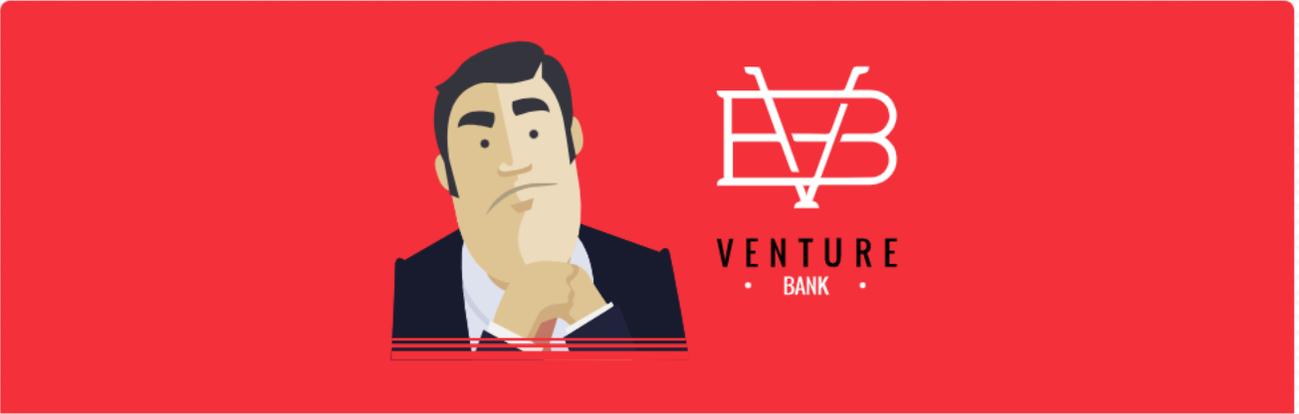
The Equality Act 2010 is the main law in Britain that deals with workplace equality. When we talk about discrimination in this module, we're basing it on what that law says.

The Equality Act defines four main types of discrimination: direct discrimination, indirect discrimination, harassment and victimisation.

In this module, we'll focus on two of them:

Direct and indirect discrimination.





WHAT COUNTS AS DISCRIMINATION?

Sometimes it can be tricky to tell, but situations at the investment company Venture Bank might get you thinking...

THOMAS MANAGES A TEAM OF STOCKBROKERS

HE'S RECRUITING FOR A NEW GRADUATE AND BINS THE CVS OF ANYONE WHO SEEMS TO BE OVER THE AGE OF 25 BECAUSE HE'S LOOKING FOR A 'YOUNG HUNGRY GO-GETTER' WHO WILL FIT WELL INTO THE COMPANY CULTURE.

DISCRIMINATION

**NOT
DISCRIMINATION**

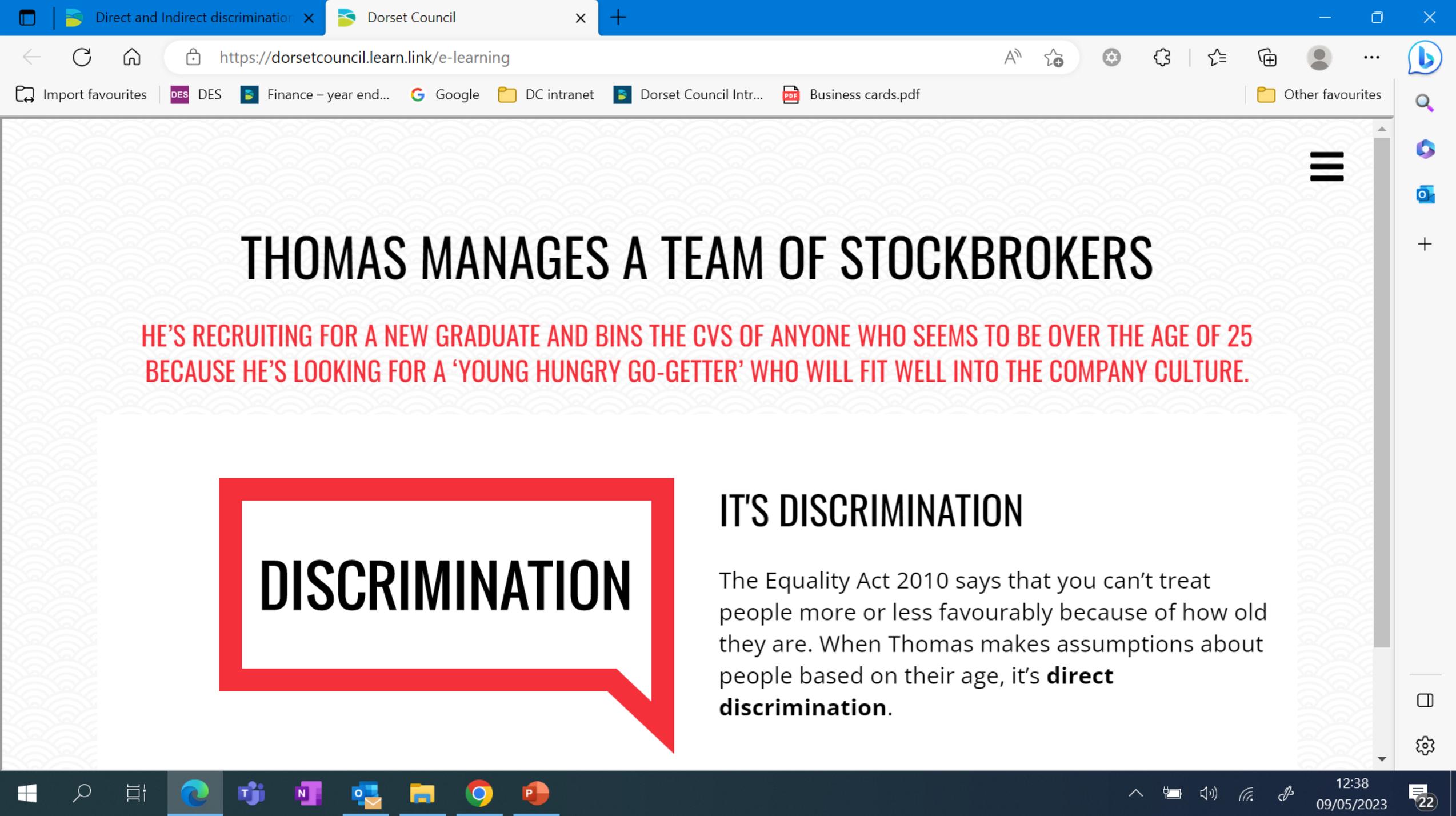
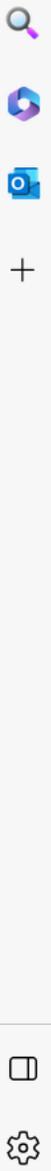
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DISCRIMINATION

IT'S DISCRIMINATION

The Equality Act 2010 says that you can't treat people more or less favourably because of how old they are. When Thomas makes assumptions about people based on their age, it's **direct discrimination**.



THOMAS IS DECIDING WHO WILL REPRESENT HIS TEAM AT A BIG CLIENT EVENT

WHEN MAKING THE DECISION, HE WEIGHS UP PEOPLE'S EXPERIENCE, HOW GOOD THEY ARE AT TALKING TO CLIENTS AND HOW ATTRACTIVE THEY ARE.

DISCRIMINATION

NOT DISCRIMINATION

THOMAS IS DECIDING WHO WILL REPRESENT HIS TEAM AT A BIG CLIENT EVENT

WHEN MAKING THE DECISION, HE WEIGHS UP PEOPLE'S EXPERIENCE, HOW GOOD THEY ARE AT TALKING TO CLIENTS AND HOW ATTRACTIVE THEY ARE.

IT'S NOT DISCRIMINATION

Though it's not in the spirit of equality, there's no law against treating people differently based on how attractive you think they are. Still, it's not a good idea and Thomas could run into trouble if word got out.

**NOT
DISCRIMINATION**

HARRIET IS A RECEPTIONIST AT VENTURE BANK

SHE'S ALLOWED LONGER BREAKS THAN HER COLLEAGUES BECAUSE SHE HAS PROBLEMS WITH HER BACK THAT AFFECT WALKING AND IT TAKES HER LONGER TO GET AROUND.

DISCRIMINATION

**NOT
DISCRIMINATION**

HARRIET IS A RECEPTIONIST AT VENTURE BANK

SHE'S ALLOWED LONGER BREAKS THAN HER COLLEAGUES BECAUSE SHE HAS PROBLEMS WITH HER BACK THAT AFFECT WALKING AND IT TAKES HER LONGER TO GET AROUND.

IT'S NOT DISCRIMINATION

The law says it's fine to treat disabled employees more favourably than non-disabled ones in order to accommodate their disability. Employers should make **reasonable adjustments** so that disabled employees aren't left at a disadvantage.

NOT
DISCRIMINATION

IT'S ALL TO DO WITH

PROTECTED CHARACTERISTICS

Discrimination is when someone is treated differently because they have, seem to have, or associate with someone who has a protected characteristic.

There are **nine protected characteristics** outlined in the Equality Act 2010.

These are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.





IT MAKES SENSE

WHEN YOU THINK ABOUT IT

Otherwise, people could be complaining of discrimination every time they thought something was unfair.

"It's not that I don't apply myself - it's that I've been discriminated against for my chatty personality."

So now we know what discrimination is, let's look at the two types we're focusing on...

Direct discrimination

Indirect discrimination

DIRECT DISCRIMINATION

THIS IS WHEN...

One person is treated worse than another person because they have, are perceived to have, or associate with someone who has a protected characteristic.

Remember Thomas at Venture Bank, who would only recruit someone under 25? This is direct discrimination due to the protected characteristic of age. And whether someone is over 25 or not, it's still direct discrimination if he perceives that they are.



Direct discrimination

Indirect discrimination



INDIRECT DISCRIMINATION

IS HARDER TO DETECT

It doesn't involve directly treating one person worse than another. Instead, there will be a rule or practice in place for everyone that puts people with a protected characteristic at a disadvantage.

What if Ronald, wanted every man at Venture Bank to shave? This could count as indirect discrimination due to the protected characteristic of religion or belief. With indirect discrimination, everything might look equal on the surface, but it isn't underneath.

REGARDLESS OF WHO YOU ARE, YOU CAN BE **DISCRIMINATED**
AGAINST

YOU CAN BE **RESPONSIBLE FOR IT TOO**, EVEN IF YOU DON'T
MEAN TO BE

IT'S **NOT JUST** THE PEOPLE AT THE TOP WHO CAN MAKE A
WORKPLACE UNEQUAL



NOW IT'S YOUR TURN

Imagine you're acting as a discrimination consultant for Venture Bank. How would you tell the staff to act in each of these situations to avoid direct or indirect discrimination?

Let's go

VENTURE BANK DIRECTOR RONALD IS INTERVIEWING A WOMAN FOR A HR POSITION

HE WANTS TO MAKE SURE THAT CHILDCARE RESPONSIBILITIES WON'T EVER INTERFERE WITH THE LONG HOURS OF THE JOB. WHAT WOULD YOU TELL HIM TO DO?

Ask whether she's planning to have kids

Don't bring up the topic of kids

STOCKBROKER ELLIE IS FEELING CONFUSED

A TRANSGENDER COLLEAGUE HAS RECENTLY CHANGED THEIR NAME AND STARTED USING DIFFERENT PRONOUNS. ELLIE IS UNSURE WHAT THAT MEANS. WHAT WOULD YOU TELL ELLIE TO DO?



Ask HR for information about gender identity and pronouns



Avoid questioning anything



RECEPTIONIST HARRIET HAS CLOCKED SOMETHING IN THOMAS' BEHAVIOUR

HE ALWAYS KEEPS OLDER CLIENTS, WHO HE CALLS 'COFFIN DODGERS', WAITING MUCH LONGER THAN THE YOUNGER ONES. WHAT WOULD YOU TELL HARRIET TO DO?



Ignore it



Tell her line manager



USEFUL TIPS



CHECK THE POLICY

Your workplace might have its own equality, diversity and inclusion policy. Give it a read so you know how you should act when it comes to discrimination.



JUDGE PEOPLE BASED ON THEIR SKILLS, EXPERIENCE AND ACHIEVEMENTS

Even people with good intentions can have prejudices they're not aware of. Be factual and consistent when making judgements about others to help treat everyone equally.



SHOW SENSITIVITY

If someone raises a discrimination concern, respond sensitively and take it seriously. It may have taken a lot of courage for the person to speak up, so they'll need their colleagues' support.



SAY SOMETHING

If you see something happening that you think is discrimination, don't just mind your own business. To create organisations that are equal, everyone needs to step up and play a part in stamping out discrimination.

LET'S TAKE A STEP BACK

Sometimes, people are worried about raising discrimination concerns

“Maybe I’m overreacting.”

“Is it really discrimination?”

“Reporting this would be bad for my career.”

“My colleagues would hate me for saying something.”



THAT'S WHY YOU'RE PROTECTED BY

THE LAW

It's natural to feel anxious about reporting discrimination, but luckily the law specifically protects people who do so, by making it against the law to **victimise** someone who's spoken up.

The victimisation rules mean that you can't be treated worse because you've complained about discrimination or supported someone else's discrimination claim, or because you've raised anything to do with discrimination, full stop.





EVEN IF YOUR COMPLAINT

GOES NOWHERE

As long as it's been made in **good faith** (basically, it's genuine and you're telling the truth) you're protected from being treated any differently because of it.

If your organisation, boss or colleagues treat you worse after you've reported discrimination, they're breaking the law.

SO THERE'S NO EXCUSE TO NOT

REPORT IT

But what is the best thing to do if you see it happening?

To start with, you could choose to **confront the behaviour directly**, if you're comfortable with that and it's safe to do so. This can be effective when a person isn't aware they're doing anything wrong.

Let's revisit one of the Venture Bank situations we came across earlier to see how this approach can work...





REMEMBER

THOMAS' STRATEGY?

Whilst recruiting, he bins the CVs of anyone who seems to be over the age of 25.

The manager of another team hears what's happening and has a quiet word:

"Did you realise that's age discrimination?"

Thomas changes his approach and even asks the other manager to check the CVs and remove anything that might indicate a candidate's age before he sees them, to prevent accidental prejudice.

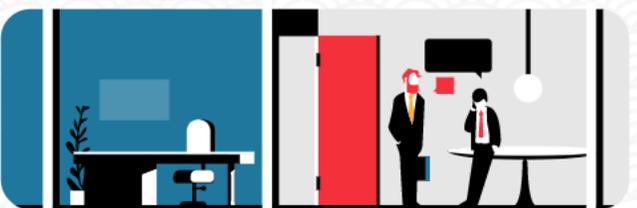
OPENLY CHALLENGING DISCRIMINATION CAN WORK

BUT SOMETIMES PEOPLE DON'T FEEL LIKE THEY CAN DO THAT

This might be because they're not sure that they're right, they don't like confrontation or they know that the person doing the discriminating won't take it well.

Whatever the reason, if you don't want to raise the matter directly with the person responsible, there are other options available to you...





YOUR CHOICES

- **Speak to your line manager.** If they're not the person responsible for the discrimination and you have a good relationship, this person is your best first port of call.
- **Contact the HR department.** They're trained in dealing with discrimination matters, so should be able to give you advice and even handle the situation on your behalf.

IF IT KEEPS

HAPPENING

If a problem has been going on for a while or is not solved straight away, it's a good idea to keep a diary and hold onto any evidence.

Most discrimination complaints are resolved informally within an organisation, but if you're struggling to get your issue taken seriously or dealt with to your satisfaction, you have the option of raising a **formal grievance** with your organisation or taking them to an **employment tribunal**.





WHEN YOU'RE NOT SURE...

We've given examples of discrimination to help you recognise it. But real life isn't always so straightforward. Often, it's not clear if someone's being treated differently because of a protected characteristic. So if you're not sure, what do you do?

Let's go

“I’M NOT SURE IF IT’S DISCRIMINATION OR NOT”



If anything makes you feel uncomfortable at work, you have a right to ask for that behaviour to stop, whether it’s covered by discrimination law or not. Never suffer in silence.

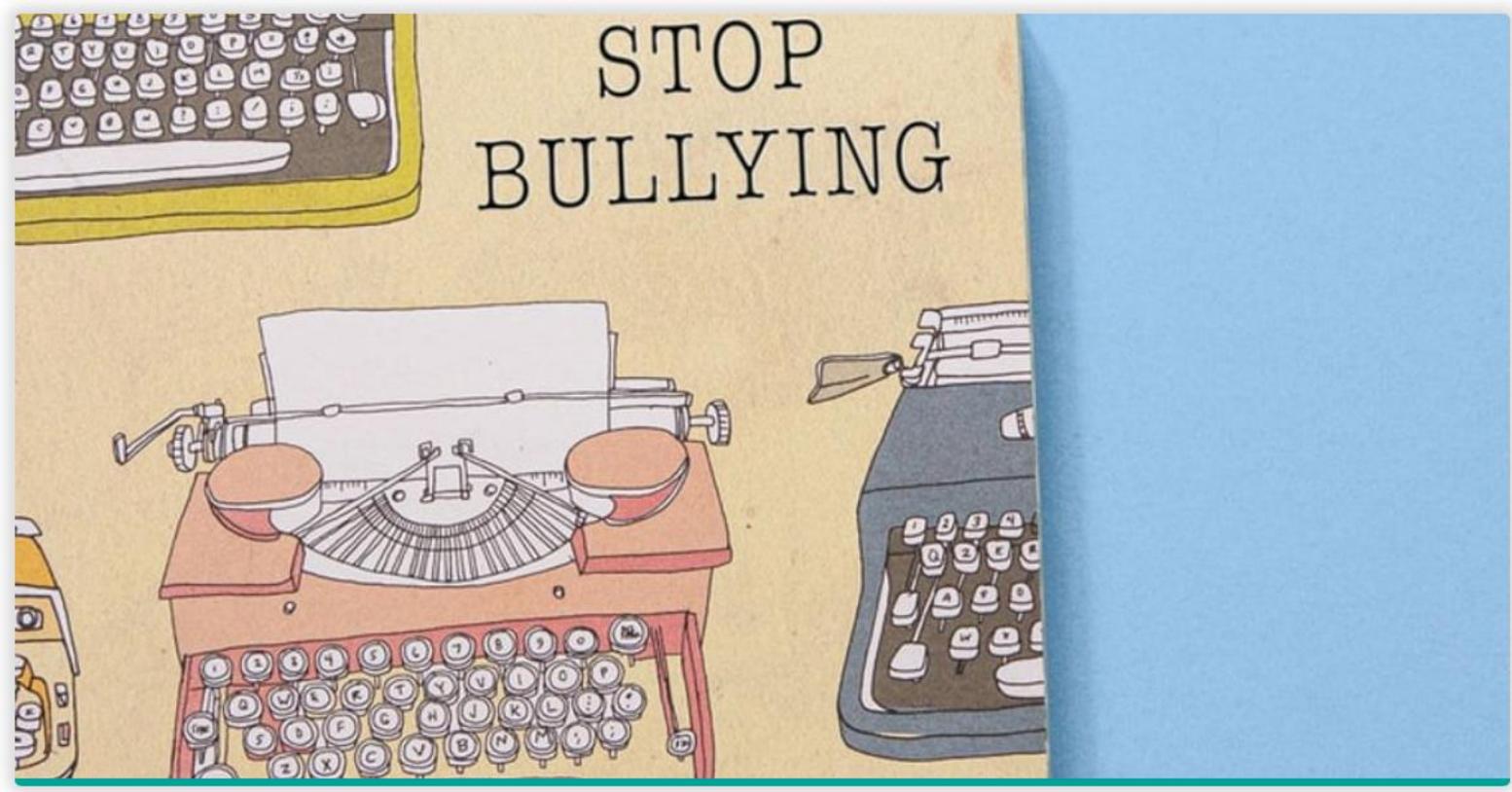


Ask your manager or HR department for a second opinion and advice. You’re protected by law when raising a discrimination issue, so don’t be afraid to ask the question.



Struggling to get anywhere within your organisation and not sure what route to take? Contact ACAS or the Equality Advisory Service for independent advice. We've linked to both of these services at the end of this module.





E-LEARNING

LAUNCH >>

What are bullying and harassment?

We all know what bullying looks like: someone deliberately using their power or influence to make someone else feel intimidated or uncomfortable.

Behaviour like this definitely counts as harassment. But while bullying is a deliberate act, it's possible to harass someone without even knowing it.

To help avoid confusion, let's see what the Equality Act 2010 says about harassment...



Spotting bullying and harassment

It's important that you know when behaviour becomes bullying or harassment, as it might not always be what it seems.

- 1** Firstly, the law defines harassment as **unwanted** conduct. So, to start with, there must be someone who's unhappy that it's happening. This can be the victim or a witness.
- 2** Next, the bullying or harassment must create an **intimidating, hostile, degrading, humiliating or offensive** environment for that person.
- 3** Finally, the conduct must be based on one of the protected characteristics in the Equality Act 2010. This could be because the victim **has** one, **seem like** they do, or **associate** with someone who does. General comments about a protected characteristic also count.

Question 1

A group of coworkers of Indian ethnicity make jokes with each other about some of the stereotypes of Indian culture. Everyone finds this fun and inoffensive.

Is this bullying and/or harassment?

No

This isn't harassment

In this situation, everyone is from the same background and the behaviour isn't unwanted by anyone in the group. Nobody is being targeted or made fun of, and the environment is not intimidating, hostile, degrading, humiliating or offensive.



Question 2

A team member often uses the word 'gay' to mean 'bad'. He doesn't realise that this is homophobic but his comments are overheard by a gay colleague, who finds them upsetting.

Is this bullying and/or harassment?

Yes

This counts as harassment

He might not mean any harm, but his intention is irrelevant. This behaviour has all the markers of harassment according to the Equality Act. His homophobic comments are unwanted, link to a protected characteristic, and create a hostile environment.



Question 3

A woman's coworkers give her mostly boring and menial jobs to do just because she's new to the workplace. She doesn't think this is fair.

Is this bullying and/or harassment?

No

This isn't harassment

While the behaviour is unwanted and she doesn't find it fair, being new to a workplace isn't a protected characteristic under the Equality Act.



Question 4

A man's coworkers make derogatory comments about him and his wife after finding out that she's transgender. They insist on using the wrong name and pronouns when referring to her, misgendering her on purpose.

Is this bullying and/or harassment?

Yes



This counts as harassment

The behaviour is unwanted, humiliating and offensive and is happening to the man because he's associated with someone who has a protected characteristic.

Question 5

A woman's manager outs her as bisexual to the rest of the office behind her back after finding out on social media. The woman only finds out what happened after days of uncomfortable whispering and is mortified.

Is this bullying and/or harassment?

Yes



This counts as harassment

The behaviour towards the woman is unwanted, hostile and based on the protected characteristic of sexual orientation.

It can be complicated...

As we've seen in this activity, there are several different criteria that define behaviour as bullying or harassment. It's not always easy to say for sure what counts according to the Equality Act.

But regardless of what it looks like, bullying and harassment are never okay. Your workplace should have a zero tolerance policy for bullying and harassment. So if you even suspect it's happening, it's best to speak up and do something. We'll look at how to report bullying or harassment a little later on.



Here are some other possible examples of harassment and bullying...



Being an overbearing manager



Piling too much work on someone



Spreading malicious rumours



Insulting someone behind their back



Abusing your power



Setting someone up to fail





There are lots of options...



Talk to your colleagues

See if anyone else is suffering or has witnessed what's happened.



Speak to your manager or HR

They're trained to deal with these matters and should be able to advise you.



Hold onto any evidence

Keep a diary of what's happened, especially if it's been going on for a while.



Raise a formal grievance

If you think the law is being broken and nothing else has resolved the problem.



Get independent advice

If you can't talk to someone at work, independent agencies like Acas can help.





One last thing

Sometimes people worry about raising bullying and harassment concerns because they think it will make things worse. They might be scared that they'll be seen as too sensitive, that the bully will treat them even more badly, or even that their career might suffer because they kicked up a fuss.



Victimisation is illegal

It's natural to feel anxious about confronting bullying and harassment, but the law specifically protects people who do so, as long as it's related to the protected characteristics. It's against the law to treat someone worse for complaining about bullying or harassment, supporting someone else's complaint, or raising anything to do with the behaviour.



You are protected

As long as your complaint has been made in good faith (basically, it's genuine and you're telling the truth), you're protected from being treated any differently because of it. If your organisation, boss or colleagues treat you worse after you've reported bullying or harassment, they're breaking the law.

What is sexual harassment?

Please watch this brief video on Sexual harassment
<https://www.youtube.com/watch?v=kGxC246PbmY>

MYTH-BUSTING SEXUAL HARASSMENT

Myth: It only counts if there's physical contact

Sexual harassment isn't just limited to sexual contact. It can include sexual comments or jokes, sexual advances, displaying images of a sexual nature, or sending messages or emails with sexual content.

Myth: It only counts if it's directed at someone

Sexual harassment doesn't have to be directed at anyone in particular (for example, a sexual image might be posted above someone's desk). If anything like this makes you feel uncomfortable at work, then it could be sexual harassment.

Myth: It's unclear and open to interpretation

The Equality Act 2010 clearly defines sexual harassment. If sexual behaviour makes the victim feel intimidated, degraded or humiliated, if it violates their dignity, or if it creates a hostile or offensive environment, then it's sexual harassment.

#ME·TOO

SEXUAL HARASSMENT IS UNACCEPTABLE

Many organisations are realising that they play a part in stamping it out too. For example, in the wake of the 'Me Too' movement, Netflix have restricted certain behaviours at work. This includes lingering hugs, flirting and asking for phone numbers. They emphasise how important it is to report unwanted behaviour.

Next



#ME TOO

BUT THIS IS ONLY THE BEGINNING

So we all need to be vigilant

There are some situations and environments that might make it more likely for sexual misconduct to occur at work. Let's take a look at some of these now...

UNCHECKED POWER

When a person has power over a subordinate without oversight

POWER CAN CORRUPT



OPINIONS OF WHAT IS ACCEPTABLE CAN BECOME SKEWED

LIGHT PUNISHMENT

When reports of sexual harassment are not taken seriously

PERPETRATORS ARE EMBOLDENED



VICTIMS ARE LESS WILLING TO REPORT INCIDENTS

WITNESSES SEE NO POINT IN SPEAKING UP

WHAT CAN YOU DO TO PREVENT THIS?



Gain understanding

Familiarise yourself with your organisation's policy on sexual harassment. If you're informed, you'll know exactly what to look for.



Examine and observe

Look at your own behaviours, and take note of how people respond. Could anything you do or say be taken as sexual or offensive? Then do the same with your colleagues.



Confront with caution

Find a way to gently confront and question sexually oriented behaviour, even if it seems harmless. It might be that people don't know they're behaving that way.



IF IT'S TOO LATE TO PREVENT...

If you know sexual harassment is happening, it's time to act. If you are being sexually harassed, it's not your fault and you are right to object. If you are a witness, don't stand by.

Let's take a look at how you can proceed if you're affected by sexual harassment.

Keep a diary

Tell a friend

Report it

Speak to HR

Go to court

KEEP HOLD OF EVIDENCE

Documenting what happens will help to keep things clear in your mind

A single act of harassment is enough to make a complaint, but if it's part of an ongoing campaign, then keeping a record is helpful. If there is written evidence, such as emails, print those and keep them with your diary.



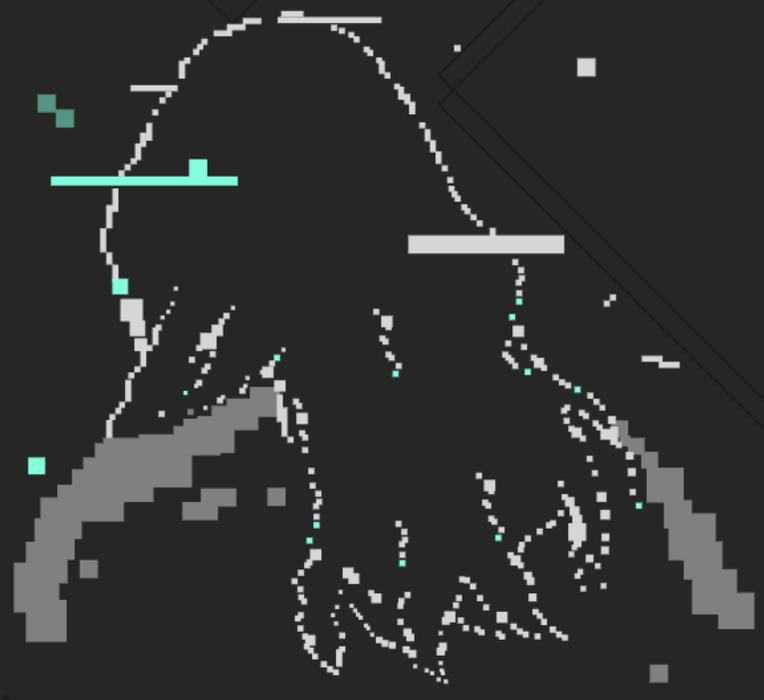
Keep a diary

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CONFIDE IN A TRUSTED FRIEND

It might be helpful to speak to someone you trust about the situation before going further. They know you personally, so they can support you emotionally.

Get help on your terms

A friend might offer to speak to the harasser directly, which could be helpful depending on your individual situation. But remember, you can ask them not to do anything that could make the situation worse.

Keep a diary

Tell a friend

Report it

Speak to HR

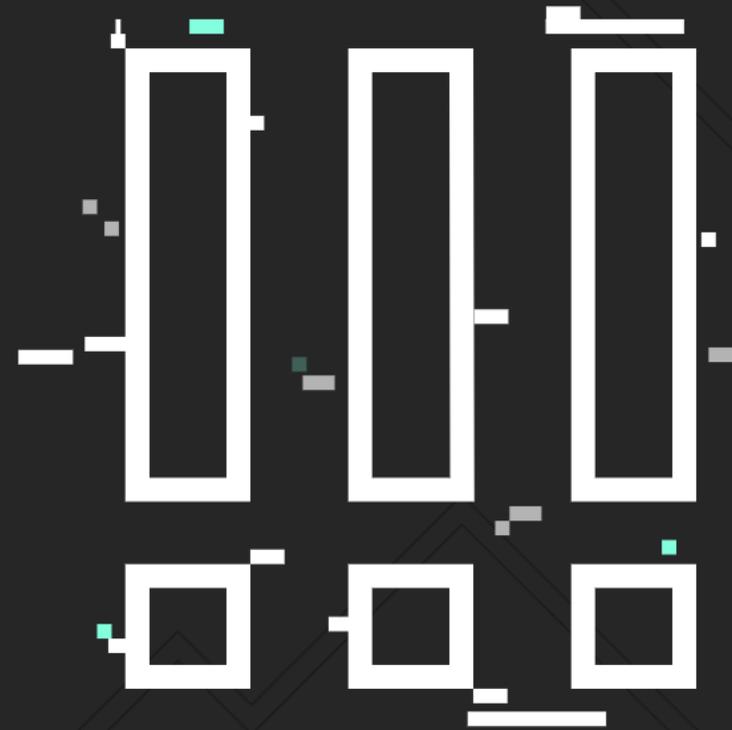
Go to court

REPORT THE HARASSMENT

If there is a senior team member available that you can report the harassment to, do so. Ideally, this will be your line-manager or someone above them.

Don't be the only one who knows

In some situations, such as your manager being the perpetrator of the harassment, it might not be easy to come forward, but it's an important stage if you wish to take legal action later.



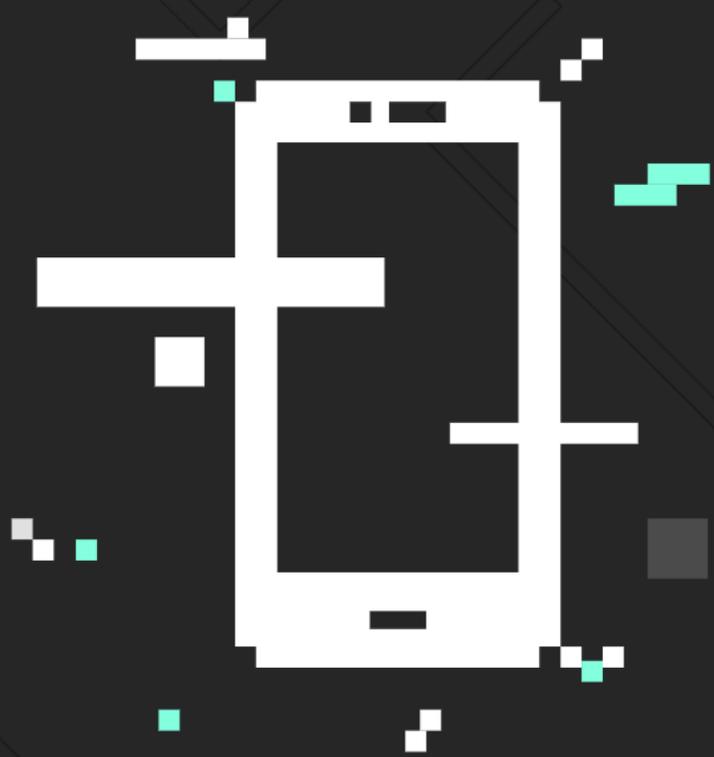
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GET EXTERNAL ADVICE

If reporting it hasn't resolved the problem, the next stage should be to contact your **HR department** or **trade union** for further advice. They should be able to clarify the formal processes that you need to go through.

There is more than one option

If you are uncomfortable talking to these people, you can anonymously contact independent services such as the Equality Advisory Service. We've added a link at the end of this module.

Keep a diary

Tell a friend

Report it

Speak to HR

Go to court

TAKE IT FURTHER

If the harassment has occurred in the last three months and is still unresolved, you can take your employer to court.

Employment tribunal

Here, the government will look directly at your case and decide how your employer must respond. The harasser can be immediately dismissed if an allegation is found to be accurate, while an employer can face an unlimited fine.





ONE LAST THING...

All of these are good ways to respond if you're experiencing sexual harassment. But not all cases are the same.

Sexual **assault**, or unwanted physical contact of a sexual nature, requires an immediate response. **If you're a victim of sexual assault, you should contact the police.**

Thank you for taking part in this training

We hope you agree that there is no place in any workplace for these behaviours. Certainly not in Dorset Council. If you ever feel uncomfortable about any conversation or incident, please report it to the Senior Tutor, or any member of staff. You will be treated with respect and taken seriously.

Please complete the knowledge quiz on the link below.

<https://forms.office.com/e/jg37P7uuQJ>