

Unit 230 Principles of Equality and Diversity in the Workplace

What Does the Term 'Equality and Diversity' Mean?



Equality and Diversity is a term used to define and champion equality, diversity and human rights as defining values of society. It promotes equality of opportunity for all, giving every individual the chance to achieve their potential, free from prejudice and discrimination.

Although intrinsically connected, equality and diversity are not the same thing:



Equality is ensuring individuals or groups of individuals are treated fairly and equally and no less favourably, specific to their needs, including areas of race, gender, disability, religion or belief, sexual orientation and age.

Promoting equality should remove discrimination in all of the aforementioned areas. Bullying, harassment and victimization are also considered as equality and diversity issues.



Diversity means 'difference' and in the context of legislation, aims to recognise, respect and value people's differences so that individuals and groups can contribute and realise their full potential. It seeks to promote an inclusive culture within organisations where differences are respected and embraced.

*At work and in society as a whole, we **all** have a responsibility to make sure that people are given a fair chance and that we value differences.*

Legal Responsibilities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single **Act**, making the law easier to understand and strengthening protection in some situations. It requires equal treatment in access to employment as well as private and public services, regardless of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.

Promotion of Equality and Diversity

There is a strong legislative framework which protects individuals from discrimination and this is supported by Government departments and specialist organisations, set up to promote equality and diversity, monitor activity, provide advice and guidance and seek out ways to eradicate injustice.

The Government Equalities Office



The Government Equalities Office (GEO) is responsible for equality strategy and legislation across government. It works to take action on the government's commitment to remove barriers to equality and help to build a fairer society, leading on issues relating to women, sexual orientation and transgender equality. It also has a commitment under Equality Duty (introduced by the Equality Act 2010) to a [diversity strategy](#), which sets out its ambitions for equality and diversity in relation to staff and in delivering services to the public. This strategy ensures that, as a

department, it continues to champion equality and diversity both with its own public sector staff and the wider public.

.The Equality and Human Rights Commission (EHRC)



The Equality and Human Rights Commission (EHRC) is a non-departmental public body that was established by the Equality Act 2006 and came into being on 1 October 2007. The Commission has responsibility for the promotion and enforcement of equality and non-discrimination laws in England, Scotland and Wales.

It has a general duty to work towards the development of a society where equality and rights are rooted. This is taken to mean,

- (a) people's ability to achieve their potential is not limited by prejudice or discrimination,
- (b) there is respect for and protection of each individual's human rights (including respect for the dignity and worth of each individual),
- (c) each person has an equal opportunity to participate in society, and
- (d) there is mutual respect between communities based on understanding and valuing of diversity and on shared respect for equality and human rights.

The EHRC has powers to ensure compliance with anti-discrimination laws.

These include:

- **Inquiries**

The Commission can conduct an inquiry into any matter which relates to sections 8 or 9 of the Equality Act, namely equality and diversity or human rights. There is no specific standard of evidence needed to trigger an inquiry and The Commission does not need to suspect that there has been a breach of equality or human rights legislations to launch such an inquiry. Examples of previous formal enquiries include human trafficking and disability related harassment.

- **Investigations**

The purpose of an investigation is to establish whether a person or organisation has acted in breach of the Equality Act 2010. The Commission can carry out an investigation where it has evidence to suspect that an unlawful act may have been committed.

- **Unlawful Act Notice**

If an investigation finds that a person has committed an unlawful act the Commission can issue them with an unlawful act notice. The notice will set out what the unlawful act was and may require the preparation of an action plan to avoid it being repeated or continued. The Commission can recommend action to be taken for that purpose.

- **Agreements**

The Commission can enter into a formal agreement with a person who it believes has committed an unlawful act. This will involve putting in place an action plan. In many instances an agreement will be entered into as an alternative to taking other formal enforcement action. Agreements can be entered into even where there has been no formal investigation.

- **Public Sector Duty Assessments**

The Commission can carry out an assessment of a public sector organisation to ascertain whether they are demonstrating commitment under Equality Duty, where bodies must prove that they are not only rectifying cases of discrimination and harassment after they occurred, but seeking to prevent them happening in the first place.

- **Compliance Notice**

Where the Commission thinks that a public authority has not complied with a public sector duty, it has the power to serve a compliance notice. The notice may require compliance with the duty or provide an opportunity for a written proposal to show the steps which will be taken to ensure compliance. This written information must be produced to the Commission within 28 days of receipt of the compliance notice.

A person who receives a compliance notice must comply with it. Failure to comply can result in the Commission applying to the relevant court for an order requiring compliance. Failure to comply with the court order is a criminal offence.

Benefits in the Workplace



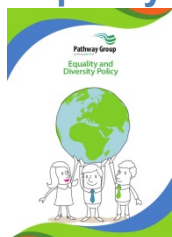
Diversity management and promotion of equality of opportunity can result in many benefits for an organisation. In terms of the employer, the **main benefit** is the likelihood of **increased productivity**.

This is because staff who feel included, valued and respected will likely be more motivated to perform well.

Additional benefits are that good practice will raise the profile of the business, aid in entering new markets and widen the pool of talent available.

With a diverse workforce, an organisation is also **in a better position to serve the whole community**, because it will better understand the needs of its clients and have staff who can respond positively to these needs.

Equality and Diversity Policy



Everyone has responsibility for promoting equality and diversity. It is a very significant aspect of employment in all respects - for employers and workers. If you are an employer you need to be aware of, and act upon, the implications of equality regulations. Understanding equality is also helpful for individuals too, to understand their rights and their personal responsibilities. A clear policy will help define these responsibilities. It will guide decision-making and how its intent is carried out in day-to-day operations.

Equality and diversity should be embedded into all organisational policies and procedures, for example:

- Recruitment

Advertisements for job vacancies should reflect a diverse workforce and not make discriminatory comments. Applicants should be interviewed fairly and equally, considering their skills and qualities and not personal characteristics such as age and gender.

- Employment Terms and Conditions

Terms and conditions should ensure that all staff are treated fairly in terms of pay, hours disciplinary and grievance and benefits such as sick pay and maternity/paternity pay.

- Training and Promotion Opportunities

All staff have the right to equal access to personal development and should be considered for promotion on their merits and what they bring to the organisation. Standard procedures such as performance review and appraisal should be applied to every member of staff in the same way.

- Access to Equipment and Facilities

The employer has a responsibility to make reasonable adjustment to premises, equipment and procedures to ensure inclusive access for all, for example modifying equipment in the workplace for those with a physical disability.

Staff Responsibilities



Organisations expect high standards from employees and all staff need to be aware of how to apply the Equality and Diversity Policy in their day-to-day roles. In addition they must recognise how their behaviour can affect others.

All staff have a responsibility for equality and diversity in accordance with policy. This includes:

- acting in ways that are in accordance with legislation, policies, procedures and good practice.
- treating everyone with whom he/she comes into contact with dignity and respect.
- acknowledging other people's different perspective
- recognising that people are different and makes sure they do not discriminate against other people.
- Recognising and reporting behaviour that undermines equality and diversity.
- Achieving these competences as part of any performance review / appraisal system.

Grievance Procedure

This procedure is designed to help employees if they have a genuine complaint against their employer and this process would apply in the case of equality and diversity issues such as discrimination, bullying or harassment. A clearly defined procedure must be made available to all employees to ensure consistent and fair treatment for every staff member.



Any complaint by an employee **MUST** be taken seriously by the employer. Failure to do so is not only in breach of the law, but more importantly could have serious implications for the employee. For example, in a case of harassment or bullying, failure to address the problem could lead to impairment of the employee's mental health.

Any grievance should be addressed promptly and employers and employees should seek to rectify the situation internally. However, sometimes an individual is not satisfied with the internal outcome and will have to look for external sources to help them. The final option, for example if someone is being continually bullied and receives inadequate support from their employer, is to use an **employment tribunal**.

Employment tribunals make decisions about employment disputes. Nearly all legal cases about employment are heard in employment tribunals. In most cases, you can contact ACAS (the Advisory, Conciliation and Arbitration Service) to try to resolve your dispute. You must do so before you can make a claim to an employment tribunal. You will be asked if you want to take part in early conciliation to try to resolve your dispute without the need to go to a tribunal. However, if this is unsuccessful you may have to attend a tribunal. These are normally held in office buildings and the hearings are held in individual tribunal rooms. There are three members of the tribunal who will decide on your case. Together they are called the **tribunal panel**. They are an employment judge who will run the proceedings, a person representing the employer and a person representing the employee. After the tribunal, you will be sent the decision in the post a few days or weeks after the hearing. In certain cases you may also be given the decision at the hearing. If you win your case, for example for gender discrimination, the tribunal can order the losing party to do certain things depending on the type of case, for example **paying costs and damages or improving policies**.



Inclusivity



Diversity is useless without inclusivity. This means that an organisation must not just have a mix of different people, those within the business must also feel included without prejudice or discrimination. A good employer must seek ways to recognise, embrace and utilise diverse skills, experience and knowledge. With so many factors influencing beliefs and behaviour, this is not an easy task. However, the more people can learn from each other and see positivity in differences, the more inclusive an organisation can be.

Negative behaviours must be eradicated, for example discrimination, stereotyping and treating people differently, for example in a patronising way.

Promoting an inclusive approach may include:

- Clear policies to deal with discrimination, harassment and bullying
- Flexible working e.g. to support carers, parents
- Clear procedures for dealing with tensions and differences between groups
- A sickness policy which considers those with long-term illness or disability
- Health and Safety policies which consider wearing of religious dress
- Objective recruitment processes and sourcing from a wide a pool as possible
- Objective criteria for pay, reward and promotion
- Training on awareness of equality, diversity and inclusion
- Staff consultation e.g. forums and networks
- Monitoring of practices e.g. through applications, appraisals, exit interviews and staff surveys
- Arrange activities to bring staff together
- Engage with the local community

Inclusion is not just about respecting differences and respecting individuals' differing needs but also about actually **doing something** to build an inclusive environment.