

Equality and Diversity

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Equality and Diversity Team

Coalition Programme for Government: Equality measures

The Government believes that there are many barriers to social mobility and equal opportunities in Britain today, with too many children held back because of their social background, and too many people of all ages held back because of their gender, race, religion or sexuality. We need concerted government action to tear down these barriers and help to build a fairer society

The Equality Act 2010

- The Act – passed in April 2010
- Majority came into force in Oct 2010
- The Public Sector Equality Duty came into force on 5 April 2011
- Specific Duties will come into force later this year

The protected characteristics

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership*
- Pregnancy and maternity
- Race – includes ethnic or national origins, colour or nationality
- Sex
- Sexual orientation

* Only in respect of the requirement to have due regard to the need to eliminate discrimination

Direct Discrimination

- Direct Discrimination - in services and public functions happens when someone is treated less favourably than another person because of a protected characteristic. This has been extended to cover disability.
- Example: A local authority advice centre refuses to provide advice that it would normally provide to a member of the public to Denise, a person with a learning disability, as staff assume that she will not be able to understand the advice because of her disability.
- Also can now happen because they are linked or associated with someone who has a characteristic.
- Direct Discrimination can also occur if a person is wrongly thought to have a particular protected characteristic.

Indirect Discrimination

- Indirect discrimination has been extended to disability and gender reassignment
- Indirect discrimination happens when there is a rule, a policy or even a practice that applies to everyone but which particularly disadvantages people who share a particular characteristic.
- Indirect discrimination can be justified if it can be shown that the rule, policy or practice is intended to meet a legitimate objective in a fair, balanced and reasonable way. A lack of resources alone is unlikely to be a sufficient justification.
- Example – a department has a policy to remind people of appointments by telephone. This puts deaf people who cannot use the telephone at a disadvantage as they do not receive a reminder about an appointment.

Harassment/Victimisation

- Harassment - Janet a black woman stood in a queue in our customer services office overhears 2 members of staff making racially abusive comments. As this conduct is unwanted by Janice and it makes her feels humiliated and degraded, she can bring a claim of harassment.
- Victimisation - This occurs when someone is treated badly because they have done something in relation to the Equality Act such as making or supporting a complaint or raising a grievance about discrimination, or because it is suspected that they have done or may do these things.

Other changes

- Asking questions about health and disability in recruitment is now not allowed (except in some circumstances – check on the Government Equalities Office Website)
- Positive action
- Breastfeeding mothers

What is the Equality Duty?

- A duty on public bodies to ensure that we consider the needs of all individuals when carrying out our day-to-day work.
- It covers all protected characteristics
- It is about making society fairer

The 3 aims

- Due regard to the need to:
 - Eliminate unlawful discrimination
 - Advance equality of opportunity
 - Foster good relations

Any questions?

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