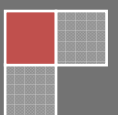


2010

Delegate activities

Reflection on equality and diversity

These activities have been developed to support your learning and to provide you with information on which to base your judgments.





Exercise 1

What is Equality?

What does the term 'Equality' mean to you?

What is Diversity?

What does the term 'Diversity' mean to you?

Notes:

The Equality Act 2010 – Protected characteristics

Age

- Refers to a person of a particular age or within a particular range of ages.
- The person can be 'Old' or 'Young'.
- Currently only applies at work or if someone is being trained for work.

Currently employers can still force staff to retire at the age of 65 regardless of their circumstances. However, from **1st October 2011** this default retirement age (DRA) will be scrapped. The proposals state that from 6th April 2011, employers will not be able to issue any notifications for compulsory retirement using the DRA procedure.

After 1st October 2011, if employers wish to use retirement ages they will have to be able to demonstrate that these are objectively justified, e.g. air traffic controllers, police officers, where the required level of physical or mental agility could reasonably be expected to decline with age.

Notes:

Disability

- Refers to a person who has a particular disability.
- Defined as – ‘A physical or mental impairment that has a substantial and long term adverse effect on that person’s ability to carry out normal day-to-day activities’.
- Service providers have a duty to remove barriers for disabled staff and service users to improve accessibility. This is known as making ‘reasonable adjustments’. This involves a lot more than making physical changes.

A person cannot be treated less favourably because of something connected with their disability, if an employer or service provider knows, or could reasonably be expected to know, that person has a disability. This type of discrimination is only justifiable if ‘a proportionate means of achieving a legitimate aim’ can be shown.

The Equality Act also makes it unlawful for employers to ask about a candidate’s health through a pre-employment health questionnaire. There are some exceptions to this, e.g. if the employer wants to know about making reasonable adjustments at the interview, or if the job role makes it necessary to ask health related questions.

Notes:

Gender Reassignment

- Refers to a person who is transsexual, i.e. transitioning from one gender to another.
- 'A person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning that person's sex by changing physiological or other attributes of sex'.
- To qualify for protection from discrimination a transsexual person no longer has to show that they are under medical supervision.

People who have gender identity issues [i.e. a boy who believes he is 'trapped' in a girl's body, or vice versa] are also recognised and included. This condition is also known as 'gender dysphoria' and often leads to the person undergoing a process to permanently change their gender.

People who are transvestite or cross-dress would not be covered because they do not intend to live permanently in the gender opposite to their birth gender.

Notes:

Marriage and Civil Partnership

- Refers to a person who is married or a civil partner.
- Currently only applies at work or if someone is being trained for work.

The first day that same sex couples could give notice of their intention to form a civil partnership was 5th December 2005 in the UK. The first day that same sex couples could officially form a partnership was 21st December 2005 in England and Wales.

There have been more male partnerships than female partnerships every year since civil partnerships were introduced.

Notes:

Pregnancy and Maternity

- 'Pregnancy' refers to a person who is pregnant.
- 'Maternity' refers to the period after birth.
- A woman is protected against discrimination on the grounds of pregnancy and maternity during her pregnancy and any statutory maternity leave she is entitled to. During this period pregnancy and maternity discrimination cannot be treated as sex discrimination.

Employers must not take into account an employee's period of absence due to pregnancy-related illness when making a decision about employment.

The Act has specifically clarified that it is unlawful to discriminate against a woman because she is breastfeeding. Therefore any woman who is being provided with a service [e.g. on a bus, in a restaurant] must be allowed to breastfeed, even in public.

Notes:

Race

- Refers to a person of a particular racial group.
- Includes 'race', 'colour', 'nationality' (including citizenship), 'national origin' and 'ethnic origin'.
- A racial group can be made up of two or more different racial groups, e.g. mixed race and British.

The 'racial divide' still features in our society, with numerous instances of unfair treatment due to race. This has been recognised and in an attempt to improve opportunities for ethnic minorities the new Act will introduce new duties and obligations.

Examples include a requirement for public bodies with 150 or more employees to annually publish details of their ethnic minority employment rate, to address any issues of discrimination in recruitment.

Another would be to encourage political parties to use positive action when electing new candidates by reserving a specific number of electoral shortlist places for people from more diverse backgrounds.

Notes:

Religion or Belief

- Refers to a person who has a particular religion or philosophical belief, including lack of belief, e.g. Atheism.
- A belief must form a substantial aspect of human life and behaviour and should affect a person's life choices or the way that person lives their life.
- Discrimination can occur even where both parties are of the same religion or belief.

This protected characteristic is often central to service delivery dilemmas that many employers face. This situation occurs when a particular service that the employee is asked to provide comes into conflict with his or her personal values and preferences, which are often supported by a religion or belief system.

For example, a man works as a suit fitter in a clothes store and one of the store's busiest shopping days coincides with one of his religious festivals. He requests the day off to attend the festival but he is needed at work for his expertise and to help make a profit for the store. Both parties would make their own case but only one would prevail.

Notes:

Sex

- Refers to a man or a woman, including a transgender person.

There are still some inequalities that exist between men and women and the new Act will attempt to address one of the main ones – that of pay. Currently the pay gap is around 22.5% [i.e. men earn around 22.5% more than women overall]. This figure is higher in the private sector where it can be as high as 60%.

The Act contains power to require reporting on the gender pay gap by employers with 250 or more employees. However, this is not planned to be implemented until 2013 and it will only be used if sufficient progress on pay reporting has not been made.

Unless action is taken to reduce the difference it is thought that the gender pay gap will not close significantly until 2085.

Notes:

Sexual Orientation

- Refers to a person who is of a particular sexual orientation.
- Sexual orientation towards persons of the same sex, opposite sex or either sex.

Sexual orientation issues are not confined to adults. There has been a lot of research in schools and one [2007] survey in particular found that two thirds of young lesbian, gay and bisexual school children have experienced direct homophobic bullying.

A 2009 survey [of teachers] found that 90% of secondary school teachers and over 20% of primary school teachers were aware of homophobic bullying in their school. Teachers explained that gay pupils are not the sole targets for homophobic bullying, and it is a problem that affects heterosexual pupils too.

Notes:

Case exercise notes

Case exercise number

Action planning

Use the space below to reflect on the awareness session you have had today. Write some notes about your key learning points and considerations you might make for changes in service delivery:

Key learning points:

1.

2.

Considerations for future service delivery:

1.

2.

Notes