

Dear All

Welcome to our special 'Equality Act' Edition of Employment Matters, prepared by our Senior HR Consultant, Katherine Motteram.

With a number of laws stating what discrimination is and isn't and who is and isn't covered, the Equality Act (introduced on 1 October 2010) may seem like another cause for a headache! In this special issue of Employment Matters, we offer clear, practical guidance on what the Equality Act is and how it may affect you and your business – hopefully taking the hassle out of harassment and the distress out of discrimination.

So if you want to know what discrimination actually is, who is protected and how you may be affected, read on.

Regards
Lucy Turner



Why has the Equality Act been introduced?

The Equality Act can be summed up in three points:

- It brings together some of the individual equality laws
- It sets out what is and what isn't lawful behaviour
- It aims to make workplaces fairer by minimising discrimination



So the Equality Act aims to minimise discrimination, but what does 'discrimination' actually mean?

Discrimination means treating somebody less favourably than another person because of a 'protected characteristic' (e.g. age, sex or race). Discrimination can occur in a few ways:

- When someone is treated less favourably than another person because of a protected characteristic, this is direct discrimination.
- When somebody is treated less favourably because they associate with another person who possesses a protected characteristic, this is associative discrimination.
- When somebody thinks another person possesses a particular protected characteristic and treats them less favourably because of this, this is discrimination by perception.
- Indirect discrimination happens when a rule, policy or practice that applies to everyone particularly disadvantages some people.

But what are 'protected characteristics'?

'Protected characteristics' include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Gender reassignment
- Sexual orientation

Consider the following scenarios, all these are examples of discriminatory behaviour:

Anna and Phil are selected to attend a two day training course because they are young and might stay in the business longer. Nobody else is considered.

It would be deemed unfair for someone to be selected for an employment opportunity based on their age. This is direct discrimination as all employees should be considered when making these decisions.

The Newspaper Company Ltd is recruiting a new editor. Before the interview, the applicants are asked whether they have any medical issues that could affect how they get to work in the morning.

To assume that a person is unable to undertake a job because of a medical issue is unfair. It would be fair, however, to ask if an applicant can carry out a function that is essential to the job.

Amy is looking forward to a promised promotion. She tells her manager that her mother has just had a stroke and the promotion is withdrawn. This is because her manager thinks she won't be able to concentrate on the new job because of caring responsibilities for her mother.

Even if somebody does not possess a 'protected characteristic', treating them unfairly because they are associated with somebody who does, is unlawful.

Jim is disabled. He shares an office with Andy. Jim is frequently teased by his manager because of his disability. Andy believes the manager's behaviour has also created an offensive environment for him.

An employee can claim harassment because of one person's discriminatory behaviour against another – even if they themselves do not possess a 'protected characteristic'.

Trevor works on reception. He is gay. A regular client makes some homophobic remarks and Trevor overhears. He mentions this to his manager who does nothing. The client continues to make these remarks on their next 2 visits. Still the manager does nothing to stop the client from making these remarks.

Now, an employer can be liable if they fail to take action against a third party (client or customer) who acts in a discriminatory way toward an employee.

So what does this mean for your business?

Essentially, the Equality Act doesn't require businesses to change anything; but to avoid the risk of discrimination occurring in the workplace, it is sensible to be aware of what it is and who is protected. Informing your managers of this and the potential effects on your business are also recommended.

If you think your business could be more proactive in making your workplace fairer, you may wish to consider reviewing your existing HR practices to ensure they are free from unfair discrimination. Are your Equal Opportunities policy and practice robust? Do you ask the right questions in your pre-employment questionnaires? Are your internal promotion practices free from discrimination?

If you want to discuss the Equality Act and how it affects you in further detail, contact Turner HR on info@turnerhr.co.uk or 01823 618 781 where one of our qualified consultants can recommend small changes that can create big differences for you and your business.



Turner HR NEWS FLASH

Client Workshops

Managing Workplace Absence

Wednesday 20th October 2010

£75 + VAT per delegate

Turner HR will be holding two workshops for our clients over the next couple of months. On 20 October 2010, we will be holding a one day workshop on managing absence. Here, we will offer pragmatic guidance on how best to manage sickness absence (both short and long term) and how to take appropriate action when absence impacts the business.



Reorganising your Business

Wednesday 24th November 2010

£95 + VAT per delegate

If your business is changing and you need your workforce to develop with it, then our second workshop will outline how. On 24th November 2010, we will be holding a one day workshop on reorganising your business. So if you've wondered how to prepare your business case, manage the implementation of a new structure and roles plus how to retain the best employees in doing so, then this is the workshop for you.

Workshops will run from 9.30 – 4.30pm, cost includes all materials, lunch and refreshments.

To book your place at either of these workshops (to be held at our offices in Taunton), then contact: Katherine@turnerhr.co.uk

Have you had some of our money...?



In our Summer 2010 Edition of Employment Matters, we told you how you can earn £150 in either John Lewis or M&S vouchers and the offer still stands!

So if you are an existing client of Turner HR and you refer our services to another client who initiates a piece of work with us, some vouchers could be whizzing their way to you!

T: 01823 618781

info@turnerhr.co.uk www.turnerhr.co.uk

1st Floor, 13 Hammet Street, Taunton, Somerset TA1 1RN