

**Equal Opportunities
Diversity
Harassment & Bullying at Work**

GUIDANCE NOTES FOR EMPLOYERS

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We receive public funds and are therefore bound by public duties. In accordance with the Equality Act 2006, we are committed to promoting good race relations and harmony between individuals and groups. We therefore ask you to actively support and implement the principles of equality and diversity in employment and oppose all forms of unlawful or unfair discrimination on the grounds of age, nationality, national origins, skin colour, ethnicity, perceived 'race', disability, gender, gender reassignment, religion, belief, philosophical belief, sexual orientation, marital status, social class or any other any other unjustifiable basis.

It is the duty of all directors, managers and employees* to accept personal responsibility for the practical application of the equality and diversity policy. A responsible employer should take active steps to ensure that all employees are treated equally and fairly in terms of recruitment, training, promotion and career progression.

Please note that the use of racist or offensive materials and/or behaviour within any working environment should be banned and it is illegal to display pornography at work or allow its downloading.

- **Note: All references to employees includes learners**

1. EQUAL OPPORTUNITIES

What is meant by equal opportunities?

Equal opportunities mean protecting the rights of every employee to be treated fairly and especially supporting those who suffer exclusion.

It protects people from unfair treatment because of their:

- age,
- nationality, national origins, skin colour, ethnicity or perceived 'race',
- disability,
- gender or gender reassignment,
- religion, belief, philosophical belief,
- sexual orientation,
- Pregnancy
- Physical or mental impairment
- marital status,
- social class or any other criteria which is irrelevant to a persons working or learning at Rochdale Training

There are many acts that directly address Equal Opportunity issues. These include:

- Race Relations Act
- Sex Discrimination Act
- Disability Discrimination Act
- Human Rights Act
- The Employment Equality (Sex Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Age) Regulations 2006

Benefits of Equal Opportunities

Equal Opportunities:

- Help create an attitude of respect and dignity for all
- Fair treatment enables employees reach their full potential
- Reduce workplace stress, emotional and physical pain

2. DIVERSITY

Diversity means recognising that the individual and professional differences are a natural part of society.

Diversity occurs naturally. We all differ as individuals and on the basis of the social, professional and organisational groups we belong to:

INDIVIDUALS	We are all individuals. There are no two human beings who are the same. We therefore, have unique requirements, abilities and motivations.
SOCIAL GROUPS	We have different identities within the social groups in which we are classified, eg. Male/Female (gender), Black/White (ethnicity), English/Scottish (nationality) etc.
PROFESSION	Career activities are also sources of differing cultures.
ORGANISATION	The organisation is a source of differing approaches eg. Small business, Large business, National company or one man band

A diverse workforce helps a company to:

- Bring a wider range of skills and experiences to the workplace
- Attract capable employees

3. DISCRIMINATION & HARASSMENT

Discrimination is treating people less favourably at work because of their ethnicity, colour, sex, sexuality, religion or age.

- People may be treated less favourably because of prejudice, making assumptions based on sex, ethnicity, colour etc.

Harassment is any unwelcome or offensive remark, request or other act that discriminates against the person. Harassment is subjective in its effect on the feelings of an individual.

What is Sexual Harassment?

The legal definition of sexual harassment has been defined in law as:

- Comments about the way you look which you find demeaning
- Indecent remarks
- Questions about your sex life
- Sexual demands by a member of your own or the opposite sex
- Any conduct of a sexual nature which creates an intimidating, hostile or humiliating working environment for you;
- this includes **displays of pornography and Internet downloading** of offensive material at work or vocational training

In the European Commissions code of practice, sexual harassment is:

“Unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of women and men at work. This can include unwelcome physical, verbal or non-verbal contact”

Examples of sexual harassment include:

- Unwelcome sexual attention
- Suggestions that sexual favours may further your career (or their refusal may hinder it)
- Comments, teasing or jokes of a sexual nature
- Staring & winking

Even one incident is enough to constitute sexual harassment. The law says that the act does not need to be repeated for it to be illegal. Most people who are sexually harassed are women but it can affect men also. Sexual harassment is the imposition of unwelcome sexual attention or action and creates a stressful and hostile environment for the victim – affecting mental & physical health. It is often accompanied by overt or implied threats to the victim’s job or career.

What is Racial Harassment?

Racial harassment is unlawful under several Acts of Parliament including the Race Relations Act. It is behaviour which discriminates on grounds of skin colour, perceived race, nationality, ethnic or national origins and can include elements involving religion.

Examples of racial harassment include:

- Name calling, racist abuse and jokes
- Patronising remarks
- Display or racially offensive written materials, images and graffiti
- Non selection for promotion/post because of skin colour, nationality, religion or ethnic background, for example
- Threatened assault or physical attack.

The laws and penalties applied in these cases can be civil but are more often criminal.

4. BULLYING

Workplace bullying is a separate issue from sexual or racial harassment but it is still illegal and can be considered as harassment under the Protection from Harassment Act 1997. Bullying can be regarded as a person or persons who use their position or power to coerce others by fear, persecution or by force or threat.

Bullying is a gradual wearing down process that makes individuals feel degraded and inadequate, that they can never get anything right and that they are hopeless not only within their work environment but also in their domestic life. In many instances bullying can be very difficult to detect, it often takes place where there are no witnesses. It can be subtle, devious and difficult for those on the receiving end to confront the perpetrator.

What constitutes bullying within the workplace?

- Offensive treatment through vindictive, cruel, malicious or humiliating attempts to undermine an individual or groups
- Persistently negative attacks on personal and professional performance which are typically unpredictable, irrational and often unseen.

This abuse of power or position can cause chronic stress and anxiety to the extent that an individual gradually loses belief in themselves, suffering physical ill health and mental distress.

Forms of bullying:

- Persistent criticism
- Setting objectives with impossible deadlines or tasks unachievable in the given time
- Ignoring or excluding an individual by talking only to a third party to isolate another. Freezing people out.
- Withholding information
- Removing areas of responsibility and giving people menial or trivial tasks to do instead.
- Constantly undervaluing effort
- Spreading malicious rumours
- Blocking leave or training applications for no reason
- Taking credit for other peoples ideas.

Identifying a bully:

A bully within the work environment is a person who:

- Is likely to have Jekyll & Hyde characteristics
- Insists their method of working is always right
- Tells a person what is required to be done, then changes the instructions, perhaps in the hope that mistakes will be made
- Shouts in order to get things done
- Persistently picks on, criticises and humiliates people in front of others
- Gives people tasks that he/she knows that are incapable or achieving
- Blames anyone other than himself or herself when things go wrong.

Ensuring Equal Opportunities in the workplace

- Treat colleagues the way you would want to be treated
- Remember that working in a team depends on trust. Build it through open, honest communication
- Speak up! People may not be aware that they are causing offence

5. NOTES FOR EMPLOYERS

Please:

- Ensure that you have and review an Equality & Diversity Policy
- Ensure that all your staff are aware of this policy and how to implement it
- Ensure you have systems to deal with complaints effectively
- Ensure when recruiting new staff you welcome applications from all individuals irrespective of ethnicity, gender, disability, religion or age.

Useful Contacts:

**Equality & Human Rights Commission (EHRC), 3 More London, Riverside
Tooley Street, London, SE1 2RG**

<http://www.equalityhumanrights.com>

Helplines: Mon, Tue, Thu, Fri 9:00 am-5:00 pm; Wed 9:00 am-8:00 pm (last call taken at 7:45pm)

0845 604 6610 - England main number

0845 604 6620 - England textphone

0845 604 6630 - England fax

Main Switchboard Telephone 020 3117 0235 (non helpline calls only)

Fax 0207 407 7557

**Employers Forum on Age, Astral House, 1286 London Road, London SW16 4ER
www.efa.org.uk**

ACAS (The Advisory, Conciliation and Arbitration Service), Boulton House, 17-21 Chorlton Street, Manchester M1 3HY www.acas.org.uk

**Rochdale Training Association Ltd Fishwick Street, Rochdale, OL16 5NA
www.rochdaletraining.co.uk**

EQUALITY DIRECT: The Employer's help line on equality

A free and confidential help line has been set up to give employers' advice on any aspect of legislation and good practice. The expertise provided by Equality Direct is not limited to gender, race or disability issues but also can advise on age, sexual orientation and religion, areas now covered by legislation. Employers seeking advice on an equality issue can ring the Equality Direct Help Line seven days a week on 0845 600 3444.

Lines are open from 8.00am – 8pm Monday to Saturday and 10am – 4pm on Sundays.

Advice is free; all employers pay is the cost of a local call. General information on good practice is also available on the website at www.equalitydirect.org.uk