



Re-thinking equalities

Training into Action

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About this session

- Critical review of the equality challenges facing those working in the training environment
- Briefing on the new equality legislation and roles and responsibilities of trainers and training organisations
- Exploring practical approaches that can improve, inform and support your equality practice as a trainer or training organisation.

The Disclaimer

- We are all starting at different places, have different politics and passions
- We all have different learning needs in terms of becoming competent around equality
- This session is about information and creating spaces for reflection
- I am not an expert...I simply think about this more than most

Quiz Time!

So.....how up to date are you on your equality knowledge?

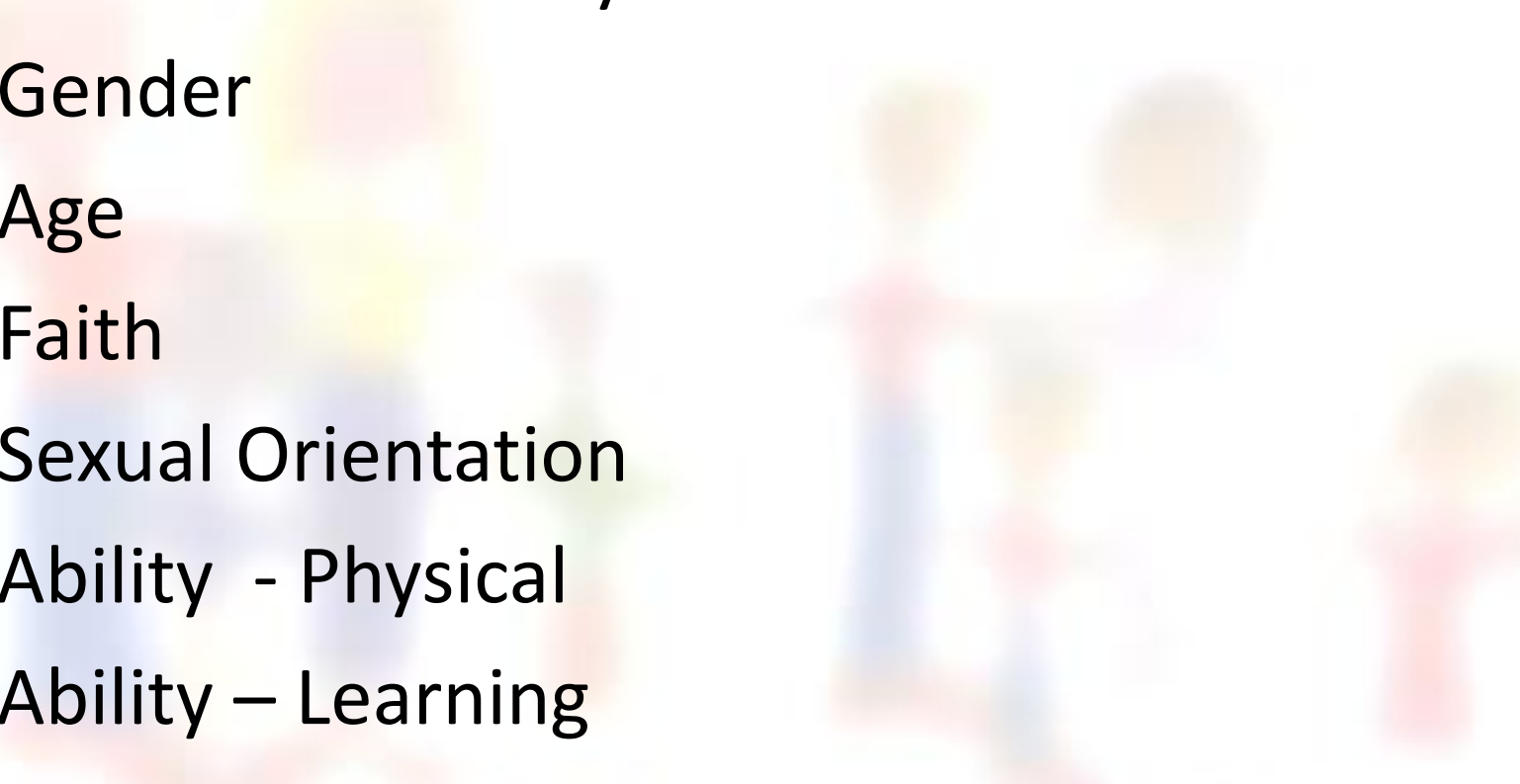
Throughout this presentation you will be asked to answer questions that your table will need to answer. You have been provided with an answer sheet to note your responses and we will check these at the end of the presentation.

NO CHEATING!!

Quiz Time!

1. In 2010 what percentage (%) of the West Midlands working age population lacked basic literacy skills?
2. In 2010 what % of the West Midlands working age population lacked basic numeracy skills?
3. In 2010 with 1 being the region with the highest percentage, what position does the West Midlands come in the rankings for working age adults with no qualifications?
4. What % of Bangladeshi and Pakistani people are not in paid employment and do not want to work

Equalities - The 'Usual Suspects'

- Race and ethnicity
 - Gender
 - Age
 - Faith
 - Sexual Orientation
 - Ability - Physical
 - Ability – Learning
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Scenario 1

You have been asked to compile a 'Initial Assessment' questionnaire to help you find out key information about your students before you begin working with them. What sorts of questions might you ask?


Can you note 5 questions that you might include on the questionnaire that will help you gather this information?

Equalities - Less visible issues?

- Culture ...*norm vs diversity?*
- Tran-sexuality
- Power...*identity...status... familiarity*
- Access to opportunity
- Poverty
- Learning experience/achievement
- Lifestyle
- Communication competence, confidence and application

Scenario 1 - Part 2

Revisit your *'Initial Assessment'* questionnaire. Can you note any further questions you might ask to get a more comprehensive picture of your students?



The Equality Act 2010

- A new Equality Act came into force on 1 October 2010. The Equality Act brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a single new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.
- The Act simplifies, strengthens and harmonises the current legislation to provide Britain with a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

What is covered by the EA 2010

- Employment
 - Delivery of goods and services to the public
 - There are some differences depending on your organisation size and type
 - Clubs, societies and associations
 - Charities
 - Business
- e.g. If a club has no formal rules governing membership and has less than 25 members, in law it is not an association. This sort of informal club is not covered by equality law at all.

Equality Act 2010 – Protected Characteristics

- **Disability** - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
- **Marriage and civil partnership** - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.
- **Pregnancy and maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Equality Act 2010 – Protected Characteristics

- **Race** - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
- **Religion and belief** - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
- **Sex** - A man or a woman.
- **Sexual orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes
- **Gender reassignment** - The process of transitioning from one gender to another.
- **Age** - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Quiz Time - Qu 5

Can you name any of the previous equality related acts that the Equality Act 2010 replaced? Please include the Act and Year.

You will receive 1 point for each correct answer (act and year).

You will also receive 1 point for noting any 'Amendment Acts'.

Equality Act 2010 – Types of Discrimination – Quiz Qu 6

This happens when an employer treats an employee less favourably than someone else because of one their protected characteristic. For example, it would be this type of unlawful discrimination if a outward bounding course was only open to male applicants.

Direct discrimination

There are limited circumstances in which an employer might be able to make a case for a genuine occupational requirement for the job. For example, a Roman Catholic school may be able to restrict applications for a scripture teacher to baptised Catholics only.

Equality Act 2010 – Types of Discrimination – Quiz Qu 7

This happens when a working condition or rule disadvantages one group of people more than another. For example, saying that applicants for a job must be clean shaven puts members of some religious groups at a disadvantage.

- **Indirect discrimination**

Indirect discrimination is unlawful, whether or not it is done on purpose. It is only allowed if it is necessary for the way the business works, and there is no other way of achieving it. For example, the condition that applicants must be clean shaven might be justified if the job involved handling food and it could be shown that having a beard or moustache was a genuine hygiene risk.

Equality Act 2010 – Types of Discrimination – Quiz Qu 8

You have the right not to experience this at work or in a work-related setting (eg an office party). This means you have experienced offensive or intimidating behaviour - sexist language or racial abuse, which aims to humiliate, undermine or injure its target or has that effect. For example, allowing displays or distribution of sexually explicit material or giving someone a potentially offensive nickname.

Harassment

Equality Act 2010 – Types of Discrimination – Quiz Qu 9

This means treating somebody less favourably than others because they tried to make, or made, a complaint about discrimination. For example, it could be preventing them from going on training courses, taking unfair disciplinary action against you, or excluding you from company social events.

Victimisation

Equality Act 2010 – Types of Discrimination – Quiz Qu 10

The EA 2010 introduces 2 new forms of discrimination, which apply to all protected characteristics except marriage and civil partnership:

Where someone thinks a person has a particular protected characteristic, even if they do not.

Discrimination by perception

For example, a man is not offered a place on a sports coaching course because the trainer has made an assumption that he is gay and does not think the qualification is suitable for him.

Equality Act 2010 – Types of Discrimination – Quiz Qu 11

This happens when a person is discriminated against because a person they are connected to has a protected characteristic.

Discrimination by association

For example, Jenna is a student on a certificated course, gives birth to a disabled child. On her return to the programme after maternity leave, she applies to do a diploma. She is turned down and a less qualified student (also a mother, but whose child is not disabled) is given the place because the trainer thinks that Jenna will need more time off and be less reliable because her child is disabled.

Positive Action

The Equality Act allows service providers to take action that may involve treating one group more favourably where this is a '*proportionate*' way to help members of that group overcome a disadvantage or participate more fully, or in order to meet needs they have that are different from the population as a whole. This is called 'positive action'.

Positive Action – When does it apply?

2. The action you take is intended to:

- meet the group's different needs
- enable or encourage the group to overcome or minimise that disadvantage, or
- enable or encourage the group to participate in that activity.

Positive Action – When does it apply?

3. The action you take is a proportionate way to increase participation, meet different needs or overcome disadvantage.

This means that the action is appropriate to that aim and that other action would be less effective in achieving this aim or likely to cause greater disadvantage to other groups.

Your liability ?

- Staff and 'agents' working for you
- A worker employed by you or your agent may be **personally** responsible for their own acts of discrimination, harassment or victimisation carried out during their employment or while acting with your authority. This applies where either:
 - you are also liable as their employer or principal, or
 - you would be responsible but you show that:
 - you took **all reasonable steps** to prevent your worker discriminating against, harassing or victimising someone, or
 - your agent acted outside the scope of your authority.

Positive Action – Quiz 12

A local community group that offers accredited training is concerned that very few of its students are of Somali origin, despite many Somali families living in the area. The group considers the following different steps it could take.

It considers waiving training fees for Somali people to access their training services in order to encourage them to join.

Is this action lawful under the ‘positive action’ dimension of the Equality Act 2010?

Positive Action – When does it apply?

You can take positive action when three conditions are met:

1. You must reasonably think that a group of people who share a protected characteristic and who are, or who could be, using your services:

- suffer a disadvantage linked to that characteristic
- have a disproportionately low level of participation in this type of service or activity, or
- need different things from this service from other groups.
- ‘Reasonably think’ means that you can see the disadvantage, low level of participation or different needs, but you do not have to show any detailed statistical or other evidence.

Reducing the risk...improving your equality practice

Over to you.....

In groups explore a few ideas that can improve/enhance/demonstrate your individual and organisational response to equality both in term of compliance and good practice.

Some of the themes that you can consider:

- Knowledge
- Training
- Systems
- Making people more confident
- Measuring success/outcome
- Limiting Risk

A quote.....

In terms of equality and diversity, if you not even a little bit confused your really not thinking about it.

Cheryl Garvey