

A Useful Guide to Diversity



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Diversity in the Workplace

If you are interested in finding out about diversity in the workplace, then read on. Whether you are an employee or manager wanting to assess or improve your knowledge and understanding of diversity, or perhaps you are applying for a new job or promotion, or you simply have an interest in the topic and want to learn more, then you will find this guide very useful.

After reading the Useful Guide and working through the exercises you will ...

- Have a clearer understanding of equality and diversity and their relevance and importance in the workplace.
- Have assessed your own performance in implementing diversity in the workplace against a model of good practice.
- Understand the difference between acceptable and unacceptable behaviour in the workplace.
- Be able to challenge unacceptable behaviour in the workplace.
- Be able to take practical steps to improve your implementation of diversity in the workplace.

There are several exercises in the Useful Guide. You can either print out the relevant page and write on the printout or, if you prefer, you can download the MS Word toolkit from [here](#) and do the exercises on your computer.

Before you begin, you might find it useful to assess your current level of knowledge and awareness by undertaking the **Knowledge Assessment Questionnaire** below. Then after you have read the guide, review your answers, make a note of any changes to your original responses and compare these with the answers in Appendix A on page 42.

Knowledge Assessment Questionnaire

1. The ethos and spirit of diversity is about putting up with people's differences.
True or false?
2. Diversity is only about the visible and noticeable differences between us.
True or false?
3. Discrimination legislation does not apply to employers with less than 10 employees.
True or false?
4. Bill, the site manager, needs to appoint one of his skilled construction workers as an acting team leader for a particular project. The best person to take on this role would be Sally Smith; she has the expertise and the people management skills. But Bill is a bit concerned about giving Sally the job because he thinks that a couple of the workers, with quite macho attitudes, might react negatively to her in this role as a woman. On the basis of this, and in order to protect her, Bill decides not to appoint Sally to the acting up role.
Has Bill done the right thing? Could his actions be seen as discriminatory if his intention is to protect her?
5. Three internal candidates apply for a job working with a medium sized retail company. Two of the applicants are female and one is male. An essential part of the job they are applying for requires attendance at some late evening meetings during the week. It is known that all three candidates have children. The two female candidates are asked how they will cope with their childcare arrangements in order to attend evening meetings. The male candidate is asked if anything would prevent him from attending evening meetings.
Could this be discriminatory?

6. Mathew is in the early stages of gender reassignment. He hasn't spoken to any of his colleagues about this, but decides that he now needs to discuss it with his manager. He arranges a meeting with his manager, during which he tells her that he wants to be known as Mary in the office, and will start wearing women's clothing at work the following week. A couple of days after the meeting with his manager, he walks into the office and hears his colleagues laughing and joking about his situation. They all go quiet and look embarrassed when they notice he has entered the room.

What are the implications of his colleagues' behaviour?

7. Olumbi asks his manager for special leave to attend the funeral of his aunt. The manager refuses, saying that special leave is only for very close family members, e.g. mother, father, siblings, spouses. Olumbi argues that his aunt actually brought him up and that he is closer to her than he is to his mother, but the manager refuses his request and argues that he is simply following company policy. Company policy sets out basic guidelines and leaves it to the discretion of the manager to agree special leave.

Do you think the manager's decision is the right one? How does this fit in with valuing diversity?

8. Mani often by-passes his line manager Anne, and goes straight to the manager above her to discuss both technical and employee matters. From his cultural perspective he finds it difficult to accept a younger person and a female as his superior.

In showing respect for Mani's cultural background, should this behaviour be accepted in the workplace?

9. Clare has a disability but prefers not to disclose this to her employer because she is concerned about how her manager and colleagues might react. She feels that she can manage her condition herself and that others do not need to know.

Does she have to declare her disability to her employer?

10. You are recruiting for a job which involves inspecting different types of properties, including tower blocks, many of which do not have lifts. The post holder has to be able to walk up and down flights of stairs, some of which have several floors.

Would it be unlawful to state that the person must be able bodied?

11. John manages a small clothes shop on the high street. One of his sales assistants is allowed to take a 10 minute break twice a day to undertake prayers as required by her religion. On one occasion, two of her colleagues are off sick and there is no one available to provide cover during her prayer breaks. John explains that it will not be possible to allow her to have her prayer breaks whilst her colleagues are off sick, as it would breach the security arrangements for the shop and disrupt the operation of the business.

Is John justified in making this decision?

12. Margaret is committed to her religion which advocates 'spreading the word' to others. She can often be found in the office 'preaching' to colleagues about her religion and handing out leaflets and brochures. Her manager does not think this is appropriate in the workplace, and she is aware that some members of staff find it uncomfortable. When she asks Margaret not to do this at work, Margaret is offended and accuses her of discriminating against her because of her religion.

Is Margaret correct?

13. Peter applies for a senior administrative post with a community organisation. In support of his application he gives details of his experience as the secretary of a local gay support group. It is clear from his experience that he would be an ideal candidate for the post, but the interview panel decide not to shortlist him because they are concerned that service users will not accept an openly gay man.

Is their decision lawful?

14. Patsy works as a registrar performing birth, death and marriage ceremonies in the local registry office. She is asked by her manager to undertake a civil ceremony for a gay couple. She refuses to do this because she says it is against her religious beliefs, and that the law protects her from doing things which are against her religious beliefs.

Is Patsy correct?

15. After telling her boss that she is two months pregnant, Jane is discouraged from applying for a promotion post because her line manager thinks it might be too much for her in her condition.

Has the manager acted appropriately?

16. Bill is recruiting internally for a manager for one of his top performing teams. The team members are all young, vibrant and ambitious, and he wants someone who can keep them motivated and successful. He decides not to shortlist Bob, one of the applicants, because he doesn't feel he has the skills and personality to motivate the group. Bob is 54 years of age.
Has Bill acted appropriately and within the law?

17. Angela is looking for experienced customer service staff who have good interpersonal skills, a kind and friendly approach, and the ability to empathise with customers, so she places an advert in the local paper which includes the statement; *Mature Candidates Preferred*. One of Angela's colleagues says this could be unlawful.
Is her colleague correct?

18. In order to encourage greater diversity, the law allows organisations to have quotas for underrepresented groups.
Is this statement true or false?

The answers are in Appendix A on page 42.

CHAPTER 1

EQUALITY AND DIVERSITY

The terms Equality or Equal Opportunities and Diversity are often used interchangeably, and although they are similar in many ways, each has a different emphasis or slant.

Equality

Equality is very much driven by the Equal Opportunities legislation and the resulting legal cases and decisions, which really began to develop in this country from the early 1970s. A number of factors triggered the introduction of the legislation including the effect of large scale immigration from the commonwealth countries, and changing attitudes and values in our society.

There has since been a raft of legislation over the years, covering different aspects of equality. This has included equal pay, part time work, family friendly policies, and what have commonly been known as the 6 strands of equality...

- Sex
- Race
- Disability
- Religion or belief
- Sexual orientation
- Age

Equality is about creating a fairer society for everyone and providing equal access to jobs, opportunities, services and benefits. Equality is about balance, and trying as far as possible to creating a level playing field. Equality recognises that we are all different and that to treat everyone the same could result in excluding people.

Example

If we said that our service was open to anyone who completed a request form, but the only way to get the form was to collect it from our office, we could be excluding those with mobility problems who were physically unable to come into the office to collect the form.

We need to treat people fairly and according to need in order to achieve equality, and this sometimes requires flexibility. To enable everyone to access to our service, (in the example above), we may need to post out copies of the

request form, make it available for people to download on line, or complete request forms via the telephone.

Equality is about preventing discrimination so that individuals and groups are not treated less favourably than others. It recognises that there have been some imbalances in the past, where groups have experienced discrimination and disadvantage, and the legislation tries to address this in a fair and balanced way. This might include the use of positive action in appropriate circumstances.

Positive Action

The equality legislation allows an employer to use positive action if they have evidence that employees or job applicants who share a particular protected characteristic, suffer a disadvantage connected to that characteristic, or if their participation in a particular organisation or profession is disproportionately low relative to the local or national population data. This might include the use of positive action statements in job adverts to encourage people from the underrepresented groups to apply for vacancies, targeted marketing to attract particular groups to apply, or positive action training or mentoring to develop confidence, skills or experience. Whilst employers can use positive action initiatives to attract people to apply for vacancies, the law specifies that, at the point of selection, decisions must be based on merit. The point of selection includes the application form, any testing or assessment and the interview.

Positive action is sometimes mistaken for positive discrimination. But positive discrimination as a general principle is unlawful in this country. If for example, you positively discriminate in favour of a female for a secretarial position, you would be actively discriminating against a man, and the law stipulates that you must not discriminate on the basis of gender. The exception to this is where a job qualifies as a Genuine Occupational Requirement.

Genuine Occupational Requirement

This means that it is a genuine requirement of a particular job for someone to be of a specific protected characteristic (see page 14). An example of this would be a job requiring a female refuge worker to work in a women's refuge, providing support to female victims of domestic violence.

Diversity

So what about Diversity? Well diversity is wider than equality. In short diversity means difference, and it refers to every kind of difference which exists between us, and which makes each and every one of us into a unique human being.

Some of these differences will be visible and more noticeable, such as our skin colour or physical features. Other differences will be less visible or noticeable, such as our life experiences or personal circumstances. Have a look at the list below which highlights some of the many areas of difference.

Age	Skin colour	Ethnicity	Gender
Marital / partnership status	Religion	Languages spoken	Culture
Physical appearance	Personal values & beliefs	Working patterns	Mental abilities
Physical abilities	Skills & knowledge	Class	Financial situation
Parental status	Caring responsibilities	Style of communication	Educational Background

So what impact can these differences have on us in the workplace?

- They may impact on the way people see or prejudge us
- They may impact on the way we see ourselves , e.g. level of confidence or belief in our ability
- They may impact on the opportunities we have had or been denied
- They may mean that we see or do things differently
- They may mean that we have different needs and requirements
- They may mean that we have different things to contribute in the workplace and in different ways
- They may provide opportunities for us to learn and understand about others
- And they may also create some challenges for us – but more about this in the next chapter.

Valuing diversity is about the way we value the differences between us. It's not really about tolerating differences, as this has somewhat negative and restrictive implications. It also goes beyond the requirements of the equalities legislation to prevent discrimination, redress imbalances, and promote fairness and

equality. Valuing diversity is the way in which we respect, acknowledge, include and embrace the differences between us to benefit individuals, organisations and communities.

There may of course be differences which we personally find difficult to appreciate, such as a person's religion whose beliefs are alien to our own, or a life style which does not fit in with our own personal values and beliefs. In the workplace we do not have to share our colleague's beliefs or endorse the way they live their life, but to respect the fact that they are entitled to their beliefs, and to live their life as they see fit. Where flexibility is required in the workplace to accommodate a religious or personal need, that does not disrupt the operation of the business, then it would be prudent to provide it. In the workplace we need to focus on our professional relationships as colleagues, working supportively together to achieve organisational objectives and goals.

Now that we have defined and explored equality and diversity a little bit, let's have a look at some of the ways in which the two differ. Read through the list of items below and decide which item should go under the heading of equality and which should go under the heading of diversity.

Items

- It's a problem
- It's an opportunity
- We are doing it because we have to
- We are doing it because we want to
- The approach is proactive
- The approach is reactive
- It's mainly of importance to HR
- It's of importance to all aspects of the business
- Its focus is on increasing the number of people from underrepresented groups
- It's about improving the environment and organisation of the business so that we attract and keep a wide range of people – the best!
- It's driven by business considerations
- It's driven by the legislation
- It's about removing barriers to some group, e.g. 'The Glass Ceiling'
- It's about developing everyone in the organisation
- Initiated externally
- Initiated internally

Equality

Diversity

See Appendix B on page 47 for the correct answers.

CHAPTER 2

WHY ARE EQUALITY AND DIVERSITY IMPORTANT IN THE WORKPLACE?

There are a number of reasons why equality and diversity are important in the workplace and these mainly fall under the following 3 headings...

- Moral
- Legislative
- Business

The Moral Case

The moral case for equality and diversity in the workplace is simple and straight forward. As human beings we are all equal, and everyone has the right to be treated fairly and with respect. Very few people would argue with this principle, and yet cases of discrimination, harassment and bullying in the workplace, are still a daily occurrence. * So why is that? Well read on and carry out the exercises in the Useful Guide and you will get some answers. You'll also become aware that discriminatory behaviour isn't always based on conscious or intentional thoughts and actions. Nevertheless the impact of the behaviour is the same irrespective of the intention.

*For statistical information on cases of discrimination, harassment and bullying check out the following links ...

- <http://www.employmenttribunals.gov.uk/Publications/annualReports.htm>
- <http://www.justice.gov.uk/publications/employment-eat-annual-stats.htm>
- www.acas.org.uk

The Legislative Case

Equality legislation was introduced from the early 1970s to prevent discrimination and create a more equal society. It required organisations to introduce good policies, practices and procedures to prevent and address discrimination, and to promote greater equality and fairness, with particular emphasis on people from traditionally disadvantaged groups. This legislation was introduced in a piecemeal way, covering the different strands of equalities in slightly different ways, and at different time during the 1970s 80s, 90s and 00s.

The main aim of the Equality Act 2010 which came into effect on 1st October 2010 was to replace the existing equality legislation, to harmonise concepts, and to iron out inconsistencies across the different equality strands. Under the

Equality Act 2010, there are 9 Protected Characteristics, i.e. 9 characteristics which are protected from discrimination, namely...

- Age
- Disability
- Gender re-assignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

All 9 characteristics were covered by legislation which existed prior to the 2010 Equality Act, but the new act extends some protection into areas that were not previously covered, and strengthens some other aspects of the existing equality laws.

The following are the different types of discrimination which are unlawful under the Act ...

Direct Discrimination

This occurs when someone is treated less favourably than another person because of a protected characteristic.

- **Associative Discrimination**

This is a form of direct discrimination against someone, when they are treated less favourably because they associate with another person who possesses one of the protected characteristics.

- **Perceptive Discrimination**

This is a form of direct discrimination which occurs when an individual is treated less favourably because it is thought or believed that they possess one of the protected characteristics, but they don't.

Discrimination arising from a disability

This type of discrimination occurs when a disabled person is treated unfavourably because of something connected with/arising from their disability. It is unlawful discrimination where the person discriminating knows or could reasonably be expected to know that the person has a disability.

Indirect Discrimination

This occurs when a provision, criterion or practice is applied to everyone, but disadvantages people who share one of the protected characteristics and the provision, criterion or practice cannot be objectively justified.

Harassment

This is defined as unwanted conduct relating to a relevant protected characteristic which has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile or degrading environment for them.

- **Third Party Harassment**

Employers are liable for harassment which their employees receive from third parties, i.e. people who are not their employees. This could be a contractor or customer. The employer is liable only if the harassment has occurred on at least two previous occasions and the employer did not take reasonable steps to prevent it happening again.

Victimisation

This occurs where an employee suffers detrimental treatment because they have made a complaint or raised a grievance relating to the Act, or because they have supported someone who has done so.

Read the short scenarios below and see if you can identify which of the above types of discrimination it refers to...

1. Raj is 45 years of age but looks much younger. Many people assume that he is in his late 20s. His request to represent his organisation at a high profile business meeting is turned down because the managing director thinks he's too young.
2. Munju works as a team leader and is looking forward to a promised promotion. However, after she informs her boss that her mother recently had a stroke and become disabled, the promotion promise is withdrawn. This is because her boss thinks Munju will now have caring responsibilities for her mother, and that this will affect her attendance and focus on the job.
3. The company uniform stipulates that all female staff must wear a black knee length skirt, a white blouse and a black jacket.
4. John is not shortlisted for the post of secretary to the managing director because it is known that the managing director would not accept a male secretary.
5. After Shirley puts in a complaint of sexual harassment against Errol, a popular member of the team, she notices that her colleagues' behaviour towards her changes. When she walks into a room they all turn away.

She has noticed them going off to lunch together but not inviting her. When she tries to speak to them they ignore her or brush her off.

6. Mike, a gay man, is frequently teased by his colleagues who call him female nicknames and respond to him using exaggerated camp gestures. They're only having a laugh with him and he doesn't seem to mind as he never complains.
7. Ian works in a public office. On two previous occasions he was racially abused by customers who were angry and frustrated with the service. Ian was quite upset by the incidents and spoke to his manager about it. His manager was very supportive but didn't actually take any appropriate action to prevent the situation recurring. Earlier today another incident occurred and Ian was racially abused again by a customer.
8. A publican throws a customer out of her pub because he was slurring his words and appeared drunk to her. The customer wasn't drunk he had cerebral palsy, and the slurring was behaviour related to his condition.

The answers are in Appendix C on page 48.

The Business Case

The business case for diversity in today's society is highly relevant to both public and private sector organisations. If organisations wish to attract and keep the highest achievers, they will need to make sure they do not purposefully or inadvertently exclude individuals and groups through inappropriate or outdated recruitment practices and procedures, or indeed through the ignorance or prejudices of individual staff and managers involved in recruitment. Retention of highly skilled, effective staff, (e.g. women who may have childcare responsibilities), requires an open and flexible approach to working practices and patterns. This may include job share, part-time work, term time work, home working, etc.

Similarly, from a service delivery perspective, organisations need to be aware of who their actual and potential customers are, and what goods and services they want, in order to meet their needs. This will give organisations a competitive edge and help them to attract and retain customers. Even public sector organisations, that may not have competitors for some of their services, need to provide appropriate services in order to attract government funding and achieve high levels of customer satisfaction.

A significant number of private sector companies rely on public sector contracts for their income, e.g. a construction company winning a contract with a local authority to build a new council building. Public authorities now have responsibilities to ensure that they proactively promote equality of opportunity for specified groups and prevent discrimination in everything they do. In order to win and retain contracts with these organisations, private sector companies need to demonstrate that they have good equality and diversity policies and practices in operation.

The additional benefits of embracing good diversity policies, practices and procedures are highlighted in the next chapter, so do read on.

CHAPTER 3

THE PERSONAL AND ORGANISATIONAL BENEFITS AND CHALLENGES OF EMBRACING DIVERSITY

Having read the previous chapters, you should by now have some ideas about the benefits of embracing good diversity policies and practices within organisations. Jot your ideas down on a piece of paper ...

- What are the benefits to the organisation?
- What are the benefits to the individual?

When you have finished, click [here](#) to compare your ideas with the recognised benefits or see Appendix F on page 52.

Challenges

As you can see from the online list, embracing diversity brings many benefits to organisations and individuals, but it also presents a number of challenges. Let's now have a look at some of these challenges.

Individual Challenges

Personal values and beliefs

As individuals we have our own set of personal values and beliefs and these are very important to us. They impact on how we think, feel and live our lives, and how we see or judge others. We often choose our partners and close friends because they share our key personal values and beliefs.

In work situations we do not choose our colleagues, and we may be required to work with people whose own personal values and beliefs, life styles and interests, may be in conflict with ours. In these situations we have to focus on our professional relationships, not our personal values and beliefs in order to build constructive working relationships.

Stereotypes and prejudices

When we stereotype people we put them in to boxes and give them labels. We think that if someone fits into Box A, then they are like this or that. It's something which we all do to a greater or lesser extent. We do it for our own safety or to make sense of someone we have just met or don't know very well. Sometimes we do it simply out of habit. If we stereotype people we do not see them as they really are, and this has obvious limitations both for the person being stereotyped and the person doing the stereotyping. For example, in a job

interview situation, we could end up denying an opportunity to someone and losing out on the best person for the job. Have you ever been stereotyped? I'm sure you have at some time or other. What effect did it have on you?

A prejudice is a pre judgement which we make about an individual or group. So we judge or make assumption about a person before we have got to know them. Often our prejudices are based on stereotypes.

Unconscious Bias

We also need to be aware of unconscious biases which exist within us, and which can be contrary to our consciously held explicit beliefs. We may believe with confidence and conviction that a job applicant's race, gender, sexual orientation etc, has no bearing on our assessments or decisions. However, psychological research indicates that counter intentional unconscious biases can result in the most well meaning person, unwittingly allowing unconscious thought and feelings to influence seemingly objective decisions.

Its scary stuff, but we shouldn't be too hard on ourselves. As human beings we are all affected to a greater or lesser degree by these unconscious biases. Increasing our awareness helps us to keep a check on them, and organisational processes and procedures based on objective criteria, with inbuilt checks and balances, can help to minimise their influence.

Example

Many organisations committed to equality and diversity will use selection panels to interview job applicants rather than just having one interviewer, and they use objective criteria as the focus to assess candidates' ability to do the job, to eliminate or significantly reduce subjectivity, personal bias and preferences.

So are you aware of your biases and prejudices? You may be highly aware of some things which press the wrong buttons for you and cause a negative reaction. However, you may be much less aware of others which only become apparent when you are truly tested, often on a more personal basis. Have a look at the list of characteristics on the next page and tick the ones which invoke a negative response from you ...

Motorbike riders	New age travellers
Limp handshakes	Goths
Facial/body piercings	Visible tattoos
Vegans	Vegetarians
Health fanatics	Junk food fanatics
Size zero people	Obese people
Skinheads	Facial disfigurements
People with dirty finger nails	People with physical disabilities
People with mental illnesses	People with learning disabilities
Aristocratic people	People who smoke in public
People who dislike smokers	People who drink alcohol
Gay men	Lesbians
Black people	White people
Born again Christians	Muslims
Jehovah Witnesses	Orthodox Jewish People
Poorly groomed people	Highly groomed people
People with unattractive teeth	People with strong body odours

Look at the list again and think about each characteristic being more closely connected to you this time, e.g. your new next door neighbour, your daughter or son's fiancé, your co-worker, the person sitting next to you on the crowded tube, the person you have to share a room with, your parent's new partner, etc. Now, with this in mind, tick the ones which invoke a negative response.

Did you find that you added more ticks second time round?

We can sometimes tolerate or ignore differences which we are not too keen on if they are kept at a distance, but the real test of our conscious and unconscious biases is when the connection is more personal to us and our lives.

Discrimination

Values and beliefs, stereotypes and prejudices are how we think and feel. If we then act on how we think and feel we are likely to end up treating people more or less favourably. This is when the law kicks in, as it makes it unlawful to discriminate against people in the workplace on the grounds of protected characteristics.

To avoid discriminating we need to work with our colleagues in an inclusive and respectful way and focus on our shared work tasks, goals and objectives, not on personal issues. By being open minded, flexible and inclusive, we can appreciate the professional skills our colleagues have, and work together in a positive and constructive way.

Organisational Challenges

The challenge for organisations is to establish and implement effective policies, procedures and practices to ensure that they are inclusive and non discriminatory. If organisations do not check and review these regularly, they could inadvertently be excluding or disadvantaging individuals or groups. Similarly, without proper training, checks and balances, it is possible that individual employees could act on their own biases and prejudices when making business decision, with disastrous outcomes. A combination of all these factors could result in institutional discrimination, which leads to the disadvantage of particular groups in the same way as institutional racism ...

Institutional Racism

'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviours which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people.'

In order to address the issue of institutional discrimination and prevent it recurring, public authorities have been given a pro active equality duty to eliminate discrimination and promote equality of opportunity. They have to regularly produce and review equality schemes setting out how they will meet the duty. [Equality impact assessments](#) are one of the tools they use to comply with this duty as it helps them to identify the potential impact of policies, services and functions on different groups of services users and staff. The information they obtain from the assessments enables them to apply measures to eliminate or minimise any potential discriminatory effect.

All organisations have vicarious liability for the actions of their employees and need to provide them with the tools, guidance and infrastructure to operate in a fair and equitable way.

An example of this might be in recruitment and selection. If the organisation implements the following they are significantly reducing the risk of discrimination occurring...

- Regular and effective training for all staff involved in the recruitment and selection process
- The use of clear objective criteria to select candidates , i.e. knowledge, skill, experience, aptitude required to undertake the job

- The use of regularly reviewed job descriptions, job specifications and application forms, and the removal of unjustified discriminatory requirements and language from these
- The use of selection panels to carry out short listing and interviews, rather than one individual. With diversity amongst panel members
- Monitoring to ensure that the process is being followed effectively and consistently across the organisation.

CHAPTER 4

UNACCEPTABLE BEHAVIOUR IN THE WORKPLACE

In this chapter we will look at the types of behaviour which are considered unacceptable in the workplace, focusing on harassment and bullying. We will explore the effect of unacceptable behaviour on the individual, team members and the organisation itself, and we will consider ways to prevent and challenge this behaviour. Let us begin with some definitions.

Harassment

'Unwanted conduct which is personally offensive and unacceptable to the recipient and therefore fails to respect the rights and dignity of others'.

In the Equality Act 2010 harassment is defined as...

'Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'

Bullying

'The often persistent misuse of power and aggression, sometimes subtle in nature, intended to hurt, humiliate or belittle an individual or group of individuals'.

Bullying is a form of harassment which often involves misuse of power, intent to hurt or harm someone, and the behaviour is often persistent.

Read the following scenarios and decide whether the behaviour could be considered as a form of harassment and if so why...

- All the men that work with Stephen were given nicknames by their colleagues shortly after they started working in the unit. The nicknames are all shortened versions of their last names, e.g. Robertson is Robo and Dickenson is Dickie. However Stephen's nickname is Shakespeare, because he has difficulty with his reading and spelling. He has dyslexia and is very self conscious of the challenges this presents for him.
- Tim's performance and output is well below the level expected of someone in his position, so the manager decides to turn down his request for a week's leave, even though his request could be easily accommodated.

- Jan is in the canteen talking to Paul about Sandy, one of their colleagues. During the conversation she tells him that Sandy is a lesbian and lives with her partner. This was confidential information which Sandy had shared with her a short while ago. She had asked Jan not to say anything to anyone, as she was unsure it would be a good idea to come out at work, as she sensed a couple of colleagues would disapprove.
- George had not been performing well at work. His manager arranged a meeting with him during which they discussed his performance, agreed what action needed to be taken and what support provided. They also agreed a time schedule for the performance improvements, and weekly meetings to monitor progress. The meeting was very productive and the manager was supportive, but George was upset when he came out of the meeting. He finds it difficult to accept any criticism.
- Sue and Simon were enjoying a little friendly banter in the office. Simon then made a risqué sexist joke which he thought Sue would find funny, but she was insulted by the comment and later reported him to her line manager.
- Marcia is a black woman of Caribbean origin. She often makes offensive jokes about other black groups and uses derogatory words to describe them. When one of her white colleagues questioned the appropriateness of her making these comments, Marcia's response was, "its okay for me to make these comments because I'm black".

See Appendix D on page 49 for the answers.

Harassment and bullying can raise its ugly head in many guises: verbal, physical, and other. What types of behaviours would you put under each of these headings? Spend a few minutes and jot some ideas down before you look at the list on the next page ...

Verbal

Physical

Other

Verbal

Name calling, offensive jokes, lewd remarks, mimicry of accents or speech, abusive language, shouting, screaming, swearing, spreading rumours or gossiping, sharing confidential information about someone.

Physical

Hitting, punching, touching, invading personal space.

Other

Offensive pictures, visual images, posters, graffiti, letters, emails or screen savers, undermining or belittling a person, setting someone up to fail, unfair sustained criticism, over supervision, unfair allocation of jobs, leave, etc, ignoring, avoiding, playing practical jokes which cross the line and cause upset, excluding access to information, pestering, stalking.

All the behaviours above are unacceptable in the workplace and alien to the principle of welcoming and embracing diversity. There are occasions when people may carry out some of the milder behaviours listed above with no evil intent, e.g. a joke which they think will be acceptable to the person or people hearing it. But the joke is not received in that way. In such cases, it is the impact of the behaviour on the recipient/s which matters more than the intent of the person causing the offence. In the workplace we also need to be aware of the effect our words and actions may have on others who are not direct recipients, but who see or overhear what we have done or said, as they may find it offensive and raise a complaint of harassment.

So does that mean that we can't have a laugh and a joke at work? No, not at all, it doesn't mean that. It simply means that we shouldn't make jokes at the expense of others dignity and that we should be sensitive about the things we laugh and joke about. Remember that we all different, with different experiences and different sensitivities, and when we are in the workplace we are after all paid to be professional at all times.

The Effects of Harassment and Bullying

Harassment and bullying has a negative effect on organisations and all those either directly or indirectly involved. Let's have a look at some of the ways in which it can affect individuals, team members and the organisations themselves.

The individual/victim

- Individuals can feel isolated and unsupported
- Lowers confidence and self belief
- May feel frustrated and powerless because they are unable to stop the behaviour
- May have feelings of guilt or blame themselves for the behaviour
- Can create emotional and psychological problems and illness, such as stress and depression
- Can have a negative effect on the individual's performance, effectiveness and productivity
- Can trigger absenteeism and sickness from work
- May look for alternative employment with another company
- Can also have a negative impact on relationships outside of work with family and friends
- The negative effects may be long term, lasting for several years after the incident occurs

The Team

- Individuals may feel uncomfortable in the tense or unhappy work environment
- May feel powerless or frustrated by their inability to change the situation
- May impact negatively on the effectiveness and productivity of individuals and the team as a whole
- There may be a lack of confidence in management and/or the organisation if the situation is not dealt with promptly and effectively
- Members of the team may look for alternative employment with another company.

The Organisation

- Organisations may end up losing valuable employees because they are directly or indirectly affected by the behaviour. This may result in an increase in recruitment, selection and training costs
- Increased absenteeism and unhappiness at work will affect the morale and performance of staff, which will impact negatively on productivity
- Business opportunities and the reputation of the company can be damaged if cases of bullying and harassment become known in the wider public arena.

Preventing and Challenging Unacceptable Behaviour in the workplace

Ultimately it is the responsibility of the organisation to make sure that it has policies and practices in place to prevent and deal with inappropriate behaviour in the workplace, and managers should make sure that these are communicated to all staff and adhered to. However, every employee also has a responsibility to make sure that they behave in a professional and respectful way towards their colleagues, and they should challenge or report inappropriate behaviour.

If inappropriate behaviour is not challenged it will unfortunately often continue. There are a number of reasons why victims of harassment and bullying do not challenge the behaviour. One of the reasons is that some people do not know how to do this effectively. In a number of cases, inappropriate behaviour will stop if the harasser is made fully aware of their behaviour and its impact, or the consequences if the behaviour continues. This can be done by the victim themselves preferably, or by someone else on behalf of the victim such as a colleague, trade union rep or a manager.

A useful model you can use to challenge behaviour which is causing upset or distress is the DESC model, often used in assertiveness training. This model can be adapted or modified to suit your needs, so you can use it on a face to face basis, over the telephone or in a letter or email. However it is always most effective if you use it when you are feeling calm and controlled, rather than when you are still angry or upset because of the harasser's behaviour. If you use it on a face to face basis, find a suitably private but safe place to speak to the harasser, and try to put your message across in a positive and assertive way.

DESC

Describe

Describe to the harasser the behaviour which is causing you upset or distress. Be clear and specific about the behaviour, e.g. precise things they have done or things they have said.

Explain

Explain how the things that were said or done have made you feel: *"I feel hurt, upset, humiliated"*. It is important to take ownership of your feeling, hence the use of the word 'I'.

Specify

Specify to the harasser what you want to happen: *"I'd like you to stop making jokes about my height".*

Consequences

You can include the consequences section if you feel it would be appropriate. It involves telling the harasser what the consequences will be if the behaviour does not stop, i.e. *"If the behaviour does not stop I will go and speak to my line manager about it "or" I will be putting in a formal complaint".*

Try not to be distracted by any counter arguments or excuses which the other person makes. Whilst you may acknowledge these, the key to the effectiveness of this approach is to stick to your point and get your message across to the other person.

DESC Model in Action

John was unaware that he was causing his colleague Mary some distress by frequently putting his arm around her, and leaning over her with his chin on her shoulder. Mary eventually plucked up the courage to speak to him. Below are two examples of how the conversation might go using the DECS model:

Example 1

Mary: Hi John. How's it going? Have you 5 or 10 minutes to spare, I'd just like to have a chat with you about something that's bothering me.

John: Yeah sure Mary, what's bothering you?

Mary: Let's go and sit over in the corner. I'd like to get away from the crowds.

John: Sure.

Mary: John, I wanted to talk to you about the way you often get quite physically close to me. You often put your arm around me when we are having conversations, and when you lean over me you frequently put your chin on my shoulder. **(Describe)**

John: Oh do I. I hadn't noticed.

Mary: The thing is I feel really uncomfortable when you do it to me. I feel like my space is being invaded and it upsets me. **(Explain)**

John: Mary, I am really sorry. You know I didn't realise I was doing it. The last thing I'd want to do is upset you or make you feel uncomfortable. Please accept my apologies, and if I ever do it again by mistake let me know.

Mary: Thanks for your apology John. I just want you to make sure it doesn't happen again. **(Specify)**

John: No it won't. Sorry

Example 2

Mary: Hi John. How's it going? Have you 5 or 10 minutes to spare, I'd just like to have a chat with you about something that's bothering me.

John: Yeah sure Mary, what's bothering you?

Mary: Let's go and sit over in the corner. I'd like to get away from the crowds.

John: Sure.

Mary: John, I wanted to talk to you about the way you often get quite physically close to me. You often put your arm around me when we are having conversations, and when you lean over me you frequently put your chin on my shoulder. **(Describe)**

John: So what's the problem?

Mary: The thing is I feel really uncomfortable when you do it to me. I feel like my space is being invaded and it upsets me. **(Explain)**

John: Oh come on Mary. I don't mean anything by it. You're just being over sensitive. I do it to everyone and I've been doing it for years. No one has ever complained before. Get a life.

Mary: John I want you to know how I feel. I feel very uncomfortable and upset. I feel like my personal space has been invaded. I'd like you to stop making physical contact with me. I'm sure we can still get on well as colleagues but without the physical contact. **(Specify)**

John: I just can't take you seriously Mary. Is it your time of the month?

Mary: John you need to know that I am serious and that if you touch me again I will be putting in a formal complaint. **(Consequences)**

So how should managers deal with cases of inappropriate behaviour? If you are a manager and you witness or are informed by the victim or anyone else of incidents of inappropriate behaviour, you have a responsibility to respond and do the following ...

- Take prompt action to stop the harassment
- Speak to the victim and find out exactly what happen and who was involved
- Listen objectively and refer to the definition of harassment
- Find out what outcome the victim would like and advise on possible options to resolve the matter
- Take the complaint seriously
- Make it clear that the behaviour is unacceptable and will be treated as a disciplinary matter where appropriate
- Follow the organisation's relevant policy and procedures
- Take appropriate action to resolve the situation. This may involve a number of things depending on the severity of the situation, and could include: apologising to the victim, diversity training to increase awareness, verbal or written warnings, and in the worst case scenario sacking
- Always make a note of any action which you take to address the problem, even if that action is informal, and keep records of what was agreed and what subsequent action taken.

As far as possible managers should deal with these situations at the earliest possible opportunity, to prevent the situation escalating and becoming more serious. Ignoring the problem may result in things becoming more problematic further down the line, and if that should happen and the case goes to an employment tribunal, the lack of action taken by management does not bode well for the organisation.

As a manager you have to set the tone and agree standards of behaviour with your team. You then have to walk the talk and model the behaviours you expect of others. Take appropriate opportunities to reinforce the message of inclusion and respect, and always demonstrate to your staff that behaviour which is alien to this will not be tolerated.

In the next chapter we will look at what staff and managers can do to create a positive working environment, which prevents discrimination and inappropriate behaviour from occurring in the first place.

CHAPTER 5

VALUING AND EMBRACING DIVERSITY – PUTTING IT INTO PRACTICE

Valuing diversity is the way in which we respect, acknowledge, include and embrace the differences between us to benefit individuals, organisations and communities.

So how do we achieve this when we are all so different and have such different needs? Well it requires some give and take, flexibility, understanding, communication and respect, etc. But let's begin by looking at how well you are currently embracing diversity at work by completing the short questionnaire. There are two questionnaires, the first one is aimed at those who work in teams and do not have any staff management responsibilities, and the second one is for those of you who manage others.

HOW EFFECTIVELY DO YOU EMBRACE DIVERSITY AT WORK?

Read through each of the 13 statements on the next page and give yourself ...

- 3 points if you agree with the statement
- 2 points if you partly agree but feel there is room for improvement
- 1 point if you disagree.

When you have given yourself a score for each of the 13 statements, total up your scores and then read the Assessment section on page 35. The maximum score is 39.

	Statement	Score
1	I encourage everyone to put their views across.	
2	I am open to differences of opinion and see this as a useful way to learn and understand about myself and others.	
3	I appreciate that different colleagues have different skills and abilities, all of which are valuable.	
4	I make a point of getting to know new colleagues.	
5	I make a point of getting to know colleagues who are different to me rather than just sticking with the people I know or am comfortable with.	
6	I try to respect things of importance to others.	
7	If I see or hear unacceptable behaviour towards others I challenge it or tell someone who can do something about it.	
8	I avoid stereotyping or making assumptions about others.	
9	I am mindful of the things I say and how I say things to be respectful, sensitive and professional.	
10	I am aware of my own prejudices and biases but I do not let them influence the way in which I react towards colleagues.	
11	I try to include all colleagues in work related matters and work social activities.	
12	I am aware of the organisation's policy on equality and diversity and my responsibilities as an employee.	
13	I think there should be a system in place to address problems and conflicts with colleagues in a secure and constructive way, rather than just avoiding them.	
	Total	

Assessment

So how well are you embracing diversity in the workplace?

Well done if you scored in the upper 20s and 30s. You are embracing diversity well and making a positive contribution to your team. If you scored below this don't worry, but there is obviously some room for improvement. Make a note of the weaker area, i.e. items in which you scored 1 or 2, and think about actions you might take to improve your score. Then assess yourself again every three to six months and see if you achieve a higher score.

Improvement Action Plan

Areas for improvement	Actions to be taken	Review date

HOW EFFECTIVELY DO YOU MANAGE DIVERSITY IN YOUR TEAM?

Read through each of the 18 statements on the next page and give yourself ...

- 3 points if you agree with the statement
- 2 points if you partly agree but feel there is room for improvement
- 1 point if you disagree.

When you have given yourself a score for each of the statements, total up your scores and then read the Assessment section on page 38. The maximum score is 54.

There is an online version of this questionnaire at <http://247freetips.com/tips-and-tools/online-tools/>.

	Statement	Score
1	I have knowledge and understanding of the organisation's equality and diversity policy and my responsibilities as a manager to adhere to and promote it.	
2	I have made sure that all my team members are aware of the organisation's policy and commitment to diversity.	
3	My team members know there is a respect for a diversity of working styles and approaches, as long as these are consistent with achieving our objectives and targets.	
4	My team members are open with me.	
5	My team members are open with each other.	
6	My team members are open to each other's different views and opinions.	
7	My team members are respectful of and sensitive to each other's diverse backgrounds, cultures, circumstances and lifestyles.	
8	All my team members are supportive of each other as colleagues, irrespective of differences.	
9	All my team members feel that their individual skills and abilities are valued and respected.	
10	I include and consult all my team members.	
11	I give all my team members constructive feedback and support in a way which is sensitive to their individual needs.	
12	I challenge behaviour which leads to the formation of cliques or divisions within the team.	
13	I challenge behaviour within the team which is discriminatory, inappropriate, offensive or unprofessional.	
14	I have put a system in place to address problems and conflicts which occur within the team.	
15	I make sure that team successes are always shared.	
16	I always apply the organisation's procedures in a fair and consistent way within the team.	
17	I model the behaviours I expect of my team members and realise the importance of this role.	
18	I seek guidance and support when needed on diversity issues so that I can deal with them immediately rather than avoid them.	
	Total	

Assessment

So how well are you managing diversity in the workplace?

Well done if you scored in the upper 40s or 50s. You are managing diversity well, respecting and including all members of your team, and helping them to work effectively with each other.

If you scored below this don't worry, but there is obviously some room for improvement.

Make a note of the weaker areas, i.e. items in which you scored 1 or 2, and think about actions you might take to improve your score. Do this even if you scored in the upper 40s, as there may still be one or two areas for improvement. Then assess yourself again every three to six months and see if you achieve a higher score.

When you do your assessment it's always a good idea to consult with others, e.g. team members, your colleagues or your line manager, to get their opinions. Sometimes we think we are doing things well, but it may not be received by others in the same way.

To find out other people's views of how you manage diversity use our Diversity Feedback Service, which can be found at <http://247freetips.com/tips-and-tools/online-tools/>.

Improvement Action Plan

Areas for improvement	Actions to be taken	Review date

And on a final note..... Some good practice tips

In addition to the pointers arising from your assessment in the previous section, I hope you will observe the following good practice tips for working with diversity and creating a positive and inclusive workplace.

Good Practice Tips – General

- Understand the nature of culture and how it influences attitudes, behaviour and values, etc
- Be aware of your own culture and how this may come across to others
- Learn and understand about other cultures
- Don't make assumptions from your own cultural perspective
- Don't try to force members of another culture to behave in a way which fits in with your cultural norms
- Don't prejudge or make assumptions about people
- Exercise flexibility
- Show respect for things of importance to others
- Think before you speak
- Encourage safe discussion and sharing of experiences, values and beliefs
- Listen and hear what others are saying
- Check your understanding and theirs
- Work to build co-operation
- Promote the inclusion of all

Good Practice Tips – Managers

- Model the behaviours you expect of others
- Ensure all staff have appropriate awareness and training
- Find ways to ensure that all staff are involved, listened to and valued
- Promote feedback and consultation with staff
- Challenge inappropriate behaviour consistently and effectively
- Challenge unfair or unequal policies
- Follow corporate policies and procedures consistently
- Monitor and review policies and practices
- Check and review your own performance regularly

I hope you have enjoyed reading this Useful Guide and found the exercises helpful. You should now have greater knowledge and understanding of diversity and be clear about what practical steps you need to take to embrace diversity and create a more inclusive and respectful working environment. Good luck to you in your endeavours, and if you need any further assistance or guidance you might like to refer to the contact list at the end of the Useful Guide.

Feedback

As we are always trying to improve our Useful Guides we would appreciate any feedback you can give us on **A Useful Guide to Diversity**. Please click on the link below to access our online feedback form ...

<http://www.pansophix.com/useful-guide-feedback.html>

If we use your feedback to improve **A Useful Guide to Diversity** we will email you a copy of the updated version.

You can access lots of free tips and tools at 247freetips.com.

About the Author



Eve Winston has been an independent training consultant since 1996. She began her career in education and training directly after completing her first degree, BA (Hons) English and History at Leeds University, by teaching English (TEFL) for the British Council in Finland.

After returning to England, she trained and worked in careers and adult guidance for a number of years, and then moved into research, policy and management jobs in education. Her involvement in equality and diversity developed through these roles and she has extensive experience of working in this field.

Over the past 14 years as an independent training consultant, Eve has worked with a wide variety of organisations in both the public and private sectors, ranging from blue chip companies and government departments, to housing associations and voluntary sector organisations.

In addition to her BA, she also has an MSc in Urban Policy Studies, a Diploma in Careers Guidance, a Diploma in Training Management and a Certificate in Workplace Mediation.

As a training consultant, Eve specialises in the following areas ...

- Equality and Diversity.
- Workplace mediation.
- Career Development.
- Various soft skills for staff and managers.

When she is not writing or delivering training Eve enjoys exercising, being in the great outdoors and enjoying life with family and friends.

Appendix A

Knowledge Assessment Questionnaire on page 4

1. The ethos and spirit of diversity is about putting up with people's differences.
False. It is much more positive and inclusive. It's about respecting, acknowledging and embracing differences.
2. Diversity is only about the visible and noticeable differences between us.
False. It is about every kind of difference, many of which are not noticeable or visible, e.g., someone's beliefs, background, personal circumstances.
3. Discrimination legislation does not apply to employers with less than 10 employees.
False. It applies to all employers, but there is some specific legislation which applies to public authorities.
4. Bill, the site manager, needs to appoint one of his skilled construction workers as an acting team leader for a particular project. The best person to take on this role would be Sally Smith; she has the expertise and the people management skills. But Bill is a bit concerned about giving Sally the job because he thinks that a couple of the workers, with quite macho attitudes, might react negatively to her in this role as a woman. On the basis of this, and in order to protect her, Bill decides not to appoint Sally to the acting up role.
Bill has made a decision based on a good intention, but by doing this he has denied Sally an opportunity and therefore discriminated against her. She is the best person for the job and has the expertise and skills. If Bill is concerned about the attitudes of some of the workers he should put measures in place to provide support if required, and ensure workers abide by the company's code of behaviour.
5. Three candidates apply for a job working with a medium sized retail company. Two of the applicants are female and one is male. An essential part of the job they are applying for requires attendance at some late evening meetings during the week. It is known that all three candidates have children. The two female candidates are asked how they will cope with their childcare arrangements in order to attend evening meetings. The male candidate is asked if anything would prevent him from attending evening meetings.

Yes this could be discriminatory, as candidates are asked different questions on gender based assumptions. They should all be asked if anything would prevent them from attending evening meetings, and childcare arrangements do not need to be brought into the discussion unless one of the candidates raises it as a problem or concern.

6. Mathew is in the early stages of gender reassignment. He hasn't spoken to any of his colleagues about this, but decides that he now needs to discuss it with this manager. He arranges a meeting with this manager during which he tells her that he wants to be known as Mary in the office, and will start wearing women's clothing at work the following week. A couple of days after the meeting with his manager, he walks into the office and hears his colleagues laughing and joking about his situation. They all go quiet and look embarrassed when they notice he has entered the room.

The behaviour of the colleagues could cause distress and humiliation to Mathew and this could amount to harassment.

7. Olumbi asks his manager for special leave to attend the funeral of his aunt. The manager refuses, saying that special leave is only for very close family members, e.g. mother, father, siblings, spouses. Olumbi argues that his aunt actually brought him up and that he is closer to her than he is to his mother, but the manager refuses his request and argues that he is just following company policy. Company policy sets out basic guidelines and leaves it to the discretion of the manager to agree special leave.

In Olumbi's circumstances he is closer to his aunt than his mother, and this may be due to cultural background, (e.g. where children may be raised by a family member rather than their parents), or to his individual circumstances. In respecting diversity, it would be appropriate to recognise this difference and apply some flexibility.

8. Mani often by- passes his line manager Anne, and goes straight to the manager above her to discuss both technical and employee matters. From his cultural perspective he finds it difficult to accept a younger person and a female as his superior.

Whilst managers need to respect the cultural background of their individual staff members, they also need to ensure that employees comply with the organisation's code of conduct, practices and values. Accepting Mani's behaviour would surely go against these, and would therefore need to be challenged.

9. Clare has a disability but prefers not to disclose this to her employer because she is concerned about how her manager and colleagues might react to her. She feels that she can manage her condition herself and that others do not need to know.

Clare doesn't have to declare her disability to her employer, but if she doesn't then her employer has no responsibility to make adjustments for her in the workplace.

10. You are recruiting for a job which involves inspecting different types of properties, including tower blocks, many of which do not have lifts. The post holder has to be able to walk up and down flights of stairs, some of which have several floors.

What does the term able bodied mean? It probably means different things to different people. We therefore need to be careful about the terms we use, so as not to exclude or discriminate, It would be more appropriate to state what abilities the person needed, i.e. the ability to walk up and down up to 15 flights of stairs, 2 or 3 times a day, rather than make a blanket statement which could discriminate against someone who was able to do the job, but had a slight mobility impairment. Employers should also consider whether it might be possible to make reasonable adjustments.

11. John manages a small clothes shop on the high street. One of his sales assistants is allowed to take a 10 minute break twice a day to undertake prayers as required by her religion. On one occasion, two of her colleagues are off sick and there is no one available to provide cover during her prayer breaks. John explains that it will not be possible to allow her to have her prayer breaks whilst her colleagues are off sick, as it would breach the security arrangements for the shop and disrupt the operation of the business.

As the manager John must make sure that he doesn't discriminate on the basis of religion. However, on this occasion he is unable to accommodate the request with legitimate justification, because it would disrupt the operation of the business.

12. Margaret is committed to her religion which advocates 'spreading the word' to others. She can often be found in the office 'preaching' to colleagues about her religion and handing out leaflets and brochures. Her manager does not think this is appropriate in the workplace, and she is aware that some members of staff find it uncomfortable. When she asks Margaret not to do this at work, Margaret is offended and accuses her of discriminating against her because of her religion.

Margaret is wrong on this occasion. She has not been discriminated against because of her religion, she has been asked not to undertake activities which could amount to harassment of her colleagues

13. Peter applies for a senior administrative post with a community organisation. In support of his application he gives details of his experience as the secretary of a local gay support group. It is clear from his experience that he would be an ideal candidate for the post, but the interview panel decide not to shortlist him because they are concerned that service users will not accept an openly gay man.
The panel's decision amounts to discrimination as they have clearly decided against short listing Peter because of this sexual orientation, not his skills or abilities.
14. Patsy works as a registrar performing birth, death and marriage ceremonies in the local registry office. She is asked by her manager to undertake a civil ceremony for a gay couple. She refuses to do this because she says it is against her religious beliefs, and that the law protects her from doing things which are against her religious beliefs.
No Patsy is not correct. Conducting civil ceremonies is part of her job as a registrar, and she is not allowed to discriminate in carrying out her duties.
15. After telling her boss that she is 2 months pregnant, Jane is discouraged from applying for a promotion post because her line manager thinks it might be too much for her in her condition.
The manager has not acted appropriately, and his actions amount to discrimination irrespective of his intention.
16. Bill is recruiting internally for a manager for one of his top performing teams. The team members are all young, vibrant and ambitious, and he wants someone who can keep them motivated and successful. He decides not to shortlist Bob, one of the applicants, because he doesn't feel he has the skills and personality to motivate the group. Bob is 54 years of age.
Yes Bill has acted appropriately based on the information presented. He has decided not to shortlist Bob because of a lack of skills and personality, not because of his age. His age is incidental in this situation.
17. Angela is looking for experienced customer service staff who have good interpersonal skills, a kind and friendly approach, and the ability to empathise with customers, so she places an advert in the local paper which includes the statement; *Mature Candidates Preferred*. One of Angela's colleagues says this could be unlawful.

Yes her colleague is correct. The use of the term 'mature' implies someone who is of an older age and this could discriminate against younger candidates. It is more appropriate and in keeping with the law to state the specific skills required.

18. In order to encourage greater diversity, the law allows organisations to have quotas for underrepresented groups.

This statement is false, as quotas are unlawful in this country.

Organisations can set targets (i.e. figures which they aim towards) and these are usually based on local or national population data.

Appendix B

Equality and Diversity - Page 11

Equality

- It's a problem
- We are doing it because we have to
- The approach is reactive
- It's mainly of importance to HR
- Its focus is on increasing the number of people from underrepresented groups
- It's driven by the legislation
- It's about removing barriers to some group, e.g. 'The Glass Ceiling'
- Initiated externally

Diversity

- It's an opportunity
- We are doing it because we want to
- The approach is proactive
- It's of importance to all aspects of the business
- It's about improving the environment and organisation of the business so that we attract and keep a wide range of people
- It's driven by business considerations
- It's about developing everyone in the organisation
- Initiated internally

Appendix C

What type of discrimination? - Page 15

1. Perceptive Discrimination
2. Associative Discrimination
3. This could be indirect discrimination on the grounds of race or religion
4. This would be direct gender discrimination
5. Victimisation
6. Harassment (sexual orientation)
7. Third Party harassment
8. This could be discrimination arising from a disability if the publican knew, or could reasonably be expected to know, that the person in question had a disability.

Appendix D

Is this harassment? - Page 24

- All the men that work with Stephen were given nicknames by their colleagues shortly after they started working in the unit. The nicknames are all shortened versions of their last names, e.g. Robertson is Robo and Dickenson is Dickie. However Stephen's nick name is Shakespeare, because he has difficulty with his reading and spelling. He has dyslexia and is very self conscious of the challenges this presents him.

This is likely to be harassment as the nickname chosen for Stephen is not a shortened version of this last name, which is the case with his colleagues. Stephen's nickname is based on his disability - dyslexia. It is an inappropriate nickname; it highlights a limitation based on his disability, and is likely to cause him distress as he is very conscious of it.

- Tim's performance and output is well below the level expected of someone in his position, so the manager decides to turn down his request for a week's leave, even though his request could be easily accommodated.

The manager should separate Tim's request for leave from his performance problems. Tim is entitled to have leave and denying him the leave will not resolve the performance issues. 'Punishing' an employee for issues relating to his performance rather than addressing the problem properly, is likely to constitute harassment or bullying.

- Jan is in the canteen talking to Paul about Sandy, one of their colleagues. During the conversation she tells him that Sandy is a lesbian and lives with her partner. This was confidential information which Sandy had shared with her a short while ago. She had asked Jan not to say anything to anyone, as she was unsure it would be a good idea to come out at work, as she sensed a couple of colleagues would disapprove.

Revealing confidential information about another person breaks a confidence and could create a humiliating and distressing situation for that person, leaving them feeling harassed and vulnerable.

- George had not been performing well at work. His manager arranged a meeting with him during which they discussed his performance, agreed what action needed to be taken and what support provided. They also agreed a time schedule for the performance improvements and weekly meetings to monitor progress. The meeting was very productive but George was upset when he came out of the meeting. He finds it difficult to accept any criticism.

George's manager has handled the situation well and in a professional way. The fact that George cannot take constructive criticism does not constitute harassment.

- Sue and Simon were enjoying a little friendly banter in the office. Simon then made a risqué sexist joke which he thought Sue would find funny, but she was insulted by the comment and later reported him to her line manager.

Unfortunately for Simon he has gone too far and his comments, irrespective of his intention, have caused offence. We need to know where to draw the line and should always remember to remain professional in the workplace.

- Marcia is a black woman of Caribbean origin. She often makes offensive jokes about other black groups and uses derogatory words to describe them. When one of her white colleagues questioned the appropriateness of her making these comments, Marcia's response was, "It's okay for me to make these comments because I'm black".

Marcia is not immune to accusations of harassment because she has one of the protected characteristics. Her comments are inappropriate and unprofessional in the workplace, and could cause offensive to other people of her own ethnic origin or of any other ethnic origin.

Appendix E

Useful Contact List

The Equality and Human Rights Commission

Tel: 0845 604 6610

Text phone: 0845 604 6620

www.equalityhumanrights.com

ACAS (The Independent Advisory, Conciliation & Arbitration Service)

Tel: 08457 47 47 47

www.acas.org.uk

CIPD (Chartered Institute of Personnel & Development)

Tel: 020 8612 6208

www.cipd.co.uk

The Employers Forum on Age (EFA)

Te: 0845 456 2495

www.efa.org.uk

The Employers Forum on Belief (EFB)

Tel: 020 7785 6533

www.efbelief.org.uk

The Employers Forum on Disability (EFD)

Tel: 020 7403 3020

www.efd.org.uk

Government Equalities Office (GEO)

Tel: 020 7944 4400

www.equalities.gov.uk

Stonewall

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Appendix F

Diversity Benefits

Having read chapters 1 & 2, you should by now have some ideas about the benefits of embracing good diversity policies and practices within organisations

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Benefits to the organisation

- Attracting and promoting from a wider pool of people.
- Developing the potential of all employees.
- Increasing the motivation of staff by respecting, including and valuing everyone who works for the organisation.
- Greater competitiveness and profitability.
- Reduction in sickness and absenteeism.
- Reduction in recruitment and training costs.
- Retaining skilled and experienced staff.
- Enhancing the reputation and image of the organisation to customers and the wider community.
- Greater innovation and creativity in the development of ideas, service and products.
- Greater understanding of the needs and requirements of customers, which could also stimulate the development of new products and services to meet the diverse customer base.

Benefits to the individual

- Feeling respected and valued.
- Feeling included and involved.
- A happier more supportive working environment.
- More motivated and productive.
- Greater confidence in ability to achieve full potential within the organisation based on merit.