



Equality and Diversity Policy

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| Responsibility for Policy: | Deputy Chief Executive, Organisational Enhancement |
| Relevant to: | All LJMU Staff and Students |
| Approved by: | Long standing LJMU policy |
| Responsibility for Document Review: | Director of People and Organisational Development |
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RELEVANT DOCUMENTS

- Equality Act 2010
- Equality Act 2010 (Specific Duties) Regulations 2011
- Marriage (Same Sex Couples) Act 2013
- Civil Partnership Act 2004
- Equal Pay Act 1975
- Education Reform Act 1988
- The Equal Treatment Directive (2004/113/EC) 74
- The Gender Recognition Act 2004
- The Gender Recognition Bill 2008
- Protection from Harassment Act 1997
- Public Order Act 1986
- Sex Discrimination (Gender Reassignment) Regulations 1999
- General Data Protection Regulation (2016/679 EU)

RELATED POLICIES & DOCUMENTS

- The University Equality Objectives and Action Plan
- Staff Bullying and Harassment Policy
- Code of Conduct for Staff
- Gender Reassignment Guidance
- Religion and Belief Policy
- Staff Disciplinary Procedure
- Staff Grievance Procedure
- Student Complaints Procedure
- Student Disciplinary Procedure
- University's Health and Safety Policy



EQUALITY AND DIVERSITY POLICY

1. The University's Commitment

Liverpool John Moores University (LJMU) is committed to promoting equal opportunities for all those involved within the University community, whether staff, students, visitors, contractors or clients. This commitment is to ensure that people's individual qualities are recognised and celebrated; and that people are treated with dignity and respect. The University recognises that discrimination, harassment and victimisation may be experienced by some protected characteristics in a number of ways, including day-to-day interaction with colleagues, peers, visitors, students and staff. The University will ensure that equality of opportunity is promoted by recognising and celebrating diversity, continuing our proactive equality strategies and plans and complying with the requirements of the Equality Act 2010 and its associated duties.

This policy applies to all irrespective of:

- age,
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex, and
- sexual orientation.

(For a detailed explanation on the Equality Act 2010, please visit LJMU Equality and Diversity Website <http://www2.ljmu.ac.uk/EOU/>).

Liverpool John Moores University has a long tradition of policy and practice in promoting equal opportunities. The Strategic Management Team and the Board of Governors have endorsed the commitment to equality through various initiatives, for example, the initiation of equality training for all staff, training to ensure equality in recruitment and selection, and the declaration of our commitment to equal opportunities in all job advertisements.

The University's commitment to equal opportunities is also reflected in the activities

within our Student Union (LiverpoolSU). The Liverpool John Moores University Student Union was the first nationally to appoint an equal opportunities sabbatical officer in 1995. The success of this appointment resulted in a broadening of the role to include welfare and community activities.

The University has comprehensive written policies, the development and regulation of which have also been influenced by equality and diversity. Such policies include the Assessment Regulations, Bullying and Harassment Policy and the Grievance and Disciplinary procedures.

Over the years, the University has raised awareness and introduced positive equal opportunities strategies with regard to student and staff recruitment and meeting the needs of our diverse student population.

LJMU will continue to ensure that people are supported to join the University community, either as students or staff and, where possible, provide appropriate services and a welcoming environment which will meet the cultural, linguistic and spiritual needs of our staff and student communities.

The Equality and Diversity Policy applies to all the University's practices and processes, which include student recruitment and widening participation, recruitment and selection of staff, terms and conditions of employment, promotion, training, conditions of work, pay, treatment at work and termination of employment.

This is a policy document and therefore does not form part of the contract of employment. The University may amend this procedure at any time.

2. Contractors, Visitors, Public Organisations and Other People not employed by the University

Liverpool John Moores University will endeavour that all contractors and visitors are made aware of the University's Equality and Diversity Policy and all relevant University regulations to ensure that they treat individuals with dignity and respect. Where these are breached the University reserves the right to take appropriate action. All contract work will be monitored and governed by equal opportunities good practice and will aim to engage our local communities. Contractors will be expected to have within their own organisations an equal opportunities policy, equality objectives and equality impact analysis plans as evidence of staff monitoring and fair recruitment and selection practices to ensure diverse sections of the community are fairly represented.

3. Accessibility and Communication

The University will strive to make all its facilities accessible to staff and students regardless of any seen or unseen impairments. The University appreciates that the Equality Act 2010 requires it to meet the needs of a widely diverse group of people and follows the guidance available to ensure compliance. The University also recognises that it is essential to put procedures in place to handle complaints in the most constructive way.

4. Consultation

The University will continue to consult with community groups and organisations to ensure that innovative ways of recruiting individuals either as staff or students are used. In addition, the University will continue to carry out consultation exercises to ensure adequate promotion and celebration of people's individual qualities within the University community. The University will also continue to carry out adequate consultation on our policies, practices and procedures to ensure fulfilment of the commitment to promote equal opportunities within the University.

5. Monitoring

To ensure that all policies, functions and procedures comply with the Equality Act 2010 without adverse impact on any group, the University will continue to carry out monitoring exercises. All job applicants and people applying to join the University as students will complete a confidential equal opportunities monitoring form, which forms part of the monitoring for effective equal opportunities practice in staff recruitment and student admissions. The composition of the student body, workforce and job applicants is also monitored on a regular basis. Where inequality is discovered, positive action will be taken to address the imbalance. The University has published its equality objectives and associated action plan and has constituted review groups. An Equality Steering Group chaired by an appropriate member of Strategic Management Team (SMT) oversees and monitors progress. The various groups meet regularly to ensure that the equality objectives and action plan are working documents and equality of opportunity is embedded throughout the University community.

The University will continue to carry out equality impact analysis on all its policies, processes, projects, procedures and draft policies to ensure that there are no negative, adverse or detrimental impacts or effect on any of the equality groups.

6. The General and Specific Duties of the Equality Act 2010

The University will comply with the public sector equality duty which came to force in April 2011. The duty covers all of the protected characteristics and requires HEIs to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- Foster good relations between people who share a relevant protected characteristic and people who do not share it

7. Equality Statement:

(a) Disability

LJMU is committed to challenging disability discrimination and inequality in all its practices and activities. The Board of Governors and the University Strategic Management Team affirm their responsibility for implementing disability equality in all activities and in all areas of the University's responsibilities. This commitment is consistent with the significant progress the University has already made in this area.

The University will implement best practice and compliance with legislation and provide supportive measures that will meet the specific needs of disabled staff, students, contractors and visitors. The University accepts and applies the definition of disability in accordance with the Equality Act 2010.

The University will provide reasonable adjustments where possible to enable staff, students, contractors and visitors to carry out their responsibilities effectively. Where necessary, a risk assessment may be undertaken and / or external specialist advice sought.

The University will respect the wish for confidentiality by disabled people. Therefore, any support measure implemented will be mutually agreed and acceptable to the individuals concerned.

We will consult regularly with disabled staff and students and, where appropriate, external organisations, to inform policy development and change practice where necessary. The University will carry out periodic audits of all its accommodation,

including information resources, such as loop systems, to ensure compliance with legislation and will continue to promote positive images of disabled people in all our materials.

(b) Race

LJMU is committed to challenging discrimination on the grounds of race in all its practices and activities. The Board of Governors and the University Strategic Management Team affirm their responsibility for implementing race equality in all activities and in all areas of the University's responsibilities. This commitment is consistent with the significant progress the University has already made in this area.

The University also has a legal duty to promote race equality. The Duty placed on all public authorities, including Higher Education Institutions (HEIs), is to ensure commitment to fulfilling the requirements of the Equality Act 2010.

The University will endeavour:

- Assess the impact of race equality activities on students and staff of different racial groups.
- Monitor its workforce and ensure people from ethnic minorities are treated fairly.
- Assess its policies and programmes as they affect ethnic minorities, and deal with any possible adverse impact.
- Engage in more consultation exercises with racial minority groups.

(c) Gender (Sex)

Both men and women are protected under the Equality Act 2010. LJMU is committed to challenging sex discrimination and inequality in all its practices and activities. The Board of Governors and the University Strategic Management Team affirm their responsibility for implementing gender equality in all activities and responsibilities of the University. This commitment is consistent with the significant progress the University has already made in this area. The University will mainstream gender equality by ensuring that it is built into all aspects of the University's business. This duty applies to all LJMU's functions not just in education provision, employment and service delivery but, for example, in budget setting, course validation, procurement and strategic planning.

(d) Religion and Belief, or non-Belief

LJMU is committed to challenging discrimination on the ground of religion and belief

or non belief. The Board of Governors and the University Strategic Management Team affirm their responsibilities for ensuring equality on the ground of religion and belief or non belief in all activities and responsibility of the University. This commitment is consistent with the significant progress the University has already made in this area.

The University recognises that it is a fundamental human right to hold a religion or belief or non belief and that right should be treated with respect. With the understanding that people can experience discrimination or be treated differently because of their religion, belief(s), or non-belief, the University will, where practicable, ensure a community where people can practice their religion or belief(s). The University will comply with the Equality Act 2010 requirements and will ensure that:

- Students and staff who hold a religion or belief or non belief are treated equally and fairly.
- Students and staff are made aware and are sensitive and tolerant of other people's religion and belief and non beliefs.
- Where practicable, consideration will be given to student and staff requirements to pray in any particular form based on the nature and depth of their personal belief and practice. Consideration will be given to students and staff who need time off for festivals that are part of their religion or belief.

The University's full policy on [Religion & Belief](#) is available in the Policy Centre

(e) Sexual Orientation

LJMU is committed to challenging discrimination and inequality with regard to sexual orientation in all its practices and activities. The Board of Governors and the University Strategic Management Team affirm their responsibility for implementing equality for everyone regardless of sexual orientation in all activities and responsibilities of the University. This commitment is consistent with the significant progress the University has already made in this area.

The University will not tolerate any form of discrimination against anyone including people who are Lesbians, Gay or Bisexual. To this end, the University will work to comply with all requirements set out in the Equality Act 2010 with regard to this protected characteristic.

The University's [Lesbian, Gay, Bisexual and Transgender Equality – Guidance document for managers](#) can be found on the HR website under A-Z of HR Policies.

(f) Age

LJMU is committed to challenging discrimination and inequality with regard to age in all its practices and activities. The Board of Governors and the University Strategic Management Team affirm their responsibility for implementing equality for everyone regardless of their age in all activities and responsibilities of the University. This commitment is consistent with the significant progress the University has already made in this area. The University will comply with the Equality Act 2010 with regard to age equality. The University has put in place age equality and voluntary retirement policies and procedures.

The University recognises that people can be discriminated against because of their age and will not tolerate any form of age discrimination. The University will continue to appreciate the valuable contributions made by staff and students of all ages in terms of quality of experiences brought to learning, teaching, research, support services, consultancy, enterprise, administration, professional services and management.

As part of their managerial responsibilities, all managers have a professional as well as legal obligation to eliminate age discrimination. All individuals will be personally accountable for their behaviour, actions and/or lack of actions in cases of complaint of harassment.

All individuals involved within the University community must recognise that ageism is harmful and undermines the contributions that young people and older people can make to an organisation. The University will take necessary positive action to recruit younger and older people to ensure an age balance in the workforce ensuring we do not miss out on the valuable range of contributions that staff and students of different ages can bring to the University learning environment and workforce.

The University's full [Age Equality](#) and [retirement policy](#) can be found in the Policy Centre.

(g) Gender Reassignment:

LJMU is committed to challenging discrimination and inequality with regard to gender reassignment in all its practices and activities. The Board of Governors and the University Strategic Management Team affirm their responsibility for implementing equality for everyone regardless of gender reassignment. Being a model employer is

the key goal of LJMU and therefore, we will ensure that transgender people are welcome, and treated with dignity and respect. The University will not tolerate any form of discrimination against anyone including transgender people. To this end, we will work to comply with all requirements set out in the Equality Act 2010 with regard to this protected characteristic.

The University's [Gender Reassignment Guidance Document](#) can be found in the Policy Centre.

More information is available on the University equality and diversity website. Please click <http://www2.ljmu.ac.uk/EOU/99836.htm>

(h) Marriage and Civil Partnership

The University will not tolerate any form of discrimination against anyone including same sex couples. To this end, the University will work to comply with all requirements set out in the Marriage (Same Sex Couples) Act 2013 and the Equality Act 2010 with regard to this protected characteristic.

LJMU is committed to challenging discrimination and inequality with regard to marriage and civil partnership status in all its practices and activities. The Board of Governors and the University Strategic Management Team affirm their responsibility for implementing equality for everyone regardless of marriage and civil partnership status in all activities and responsibilities of the University. This commitment is consistent with the significant progress the University has already made in this area.

More information is available on the University equality and diversity website. Please click <http://www2.ljmu.ac.uk/EOU/99836.htm>

(i) Pregnancy and Maternity

LJMU is committed to challenging discrimination and inequality with regard to pregnancy, maternity, paternity and adoption in all its practices and activities. The Board of Governors and the University Strategic Management Team affirm their

responsibility for implementing equality for everyone regardless of pregnancy, maternity, paternity and adoption in all activities and responsibilities of the University. This commitment is consistent with the significant progress the University has already made in this area.

The University will not tolerate any form of discrimination against anyone including people who are pregnant or people who are, or will be on maternity, paternity or adoption leave. To this end, the University will work to comply with all requirements set out in the Equality Act 2010 with regard to this protected characteristic.

More information is available on the University equality and diversity website. Please click <http://www2.ljmu.ac.uk/EOU/116104.htm>

7. Hate Crimes

The University will endeavour to create an educational environment which is free from hate crime directed towards individuals or groups because of their age, disability, gender, race, sexual orientation, religion or belief or non belief, gender reassignment, marriage and civil partnership status, pregnancy and maternity status. The University recognises that acts of hate crime(s) will not promote good relations between the diverse groups represented in the University community and undermine the principle of dignity and respect. Thus, such behaviours will be carefully investigated and necessary actions taken. Staff who experience or witness any hate crime(s) on campus should contact the University's Equality and Diversity Adviser or their Human Resources Adviser who will be able to recommend the appropriate action. In the case of students, the Student Advice and Wellbeing Department or the University Student Union (LiverpoolSU) should be contacted.

8. Staff Support Network

The University has long-established staff networks for disability, cultural diversity and lesbian, gay, bisexual and trans staff (LGBT). These groups, which represent all protected characteristics, were re-launched in 2008 so that rather than simply serving as a social network, they would contribute to equality and diversity policy development in the University. This is part of the University's drive to have input from a broad range of staff on policy development and equality and diversity matters.

9. Joint Venture Programmes

In franchising courses and developing links with external institutions, the University will, where practicable, comply with equal opportunities in all formal contracts.

Where the University has joint venture programmes with institutions overseas which are not bound by UK equality regulations, it will continue to promote the principle of fairness without contravening the law of the joint venture country. However, within the UK the University will emphasise compliance to the Equality Act 2010 for our joint venture partners.

10. Promoting Dignity at Work and In the Learning Environment

The University is committed to promoting practices that take into account the rights of individuals to be treated with dignity and respect. It recognises that discrimination, victimisation, bullying and harassment may be experienced in a number of ways, including day-to-day interaction with colleagues, peers, students and visitors. The aim is to promote a positive environment and reduce stress, illness and absenteeism and prevent any individual from being forced to give up work or studies because of perceived issues in this area.

For full information on our Staff [Bullying & Harassments Policy](#), please visit the Policy Centre.

In line with the Equality Act 2010 the University will carry out monitoring processes. The information for monitoring will be handled confidentially and made available to the University's Strategic Management Team to inform future planning and positive action where necessary

The categories for monitoring purpose are as follows:

- Age
- Religion
- Disability
- Gender (Sex)
- Marriage and Civil Partnership
- Race/ ethnicity
- Sexual orientation
- Numbers of internal/ external candidates
- Those not shortlisted, with reasons
- Those shortlisted, with reasons
- Those offered posts, with reasons
- Those rejected for posts, with reasons
- Advice offered to rejected candidates

11. Staff Development and Training

All staff will be given the opportunity to develop themselves and undertake appropriate qualifications relevant to their post and/ or progression opportunities. To comply with good practice, the University will monitor staff take-up of courses for personal development and progression.

Staff involved in the recruitment of students or staff will be provided with training on the Assessment of Prior Learning and equal opportunities good practice.

All staff joining the LJMU community are required to undertake training in equality and diversity where their duty to promote equal opportunity in every aspect of their activities is highlighted. Staff who are responsible for supervising, managing other staff and in particular those who carry out recruitment and selection activities on behalf of the University are required to participate in the “Managing Diversity in Recruitment and Selection” training. A variety of other training programmes are also available to staff including an on-line “Diversity in the Workplace” training package which is mandatory for all staff to complete on an annual basis.

12. Family Friendly Practices

The University will seek to create, where practicable, opportunities for family-friendly working practices and arrangements with protection of employment rights.

These measures include:

- Breaks allowed for cultural and religious celebrations and spiritual needs where possible
- Career breaks
- Child adoption leave
- Extended leave (unpaid)
- Flexible working (including part-time-working, semester-time working)
- Carers’ leave
- Job sharing
- Maternity/paternity/parental leave
- Working from home

This is not exhaustive.

13. Job Satisfaction

The University will monitor factors that impact on staff satisfaction such as absenteeism and staff turnover. When appropriate, staff opinion surveys will be conducted in order to inform both job satisfaction and career progression prospects.

The University carries out pulse surveys in relation to equality and diversity to inform our policies and practices where required.

14. Staff Appraisal – Personal Development & Performance Review (PDPR)

Appraisal practices are monitored to ensure compliance with equal opportunities policies. An element of the PDPR process is concerned with skills or aptitudes relevant to the job performance and areas where staff development and support are required will be identified. LJMU core values, which include equality and diversity, are covered during PDPR to ensure staff commitment.

15. Equal Pay

The University believes that staff should receive equal pay for same or broadly similar work, work rated as equivalent and for work of equal value. In this context, 'pay' includes not only remuneration but also other benefits of employment such as promotion and training opportunities and access to facilities provided within the employment package from time to time.

The University will continue to introduce and maintain pay systems which are transparent, based on objective criteria and free from bias.

Individuals employed by the University will be entitled to equal pay if they are undertaking work which has been rated as equivalent by an appropriate job evaluation study or of equal value, unless there are specific and clear reasons unconnected with their gender which explain and justify any differential in pay.

The Human Resources Department will carry out equal pay audits annually to ensure that the University is complying with the requirements of the Equality Act 2010 and the University's Equal Pay Policy Statement.

16. Responsibilities – Staff and Students

The co-operation of everyone within the University community (staff, students, contractors, clients and visitors) is essential to the success of this policy. Staff teams

are expected to carry out their activities in a fair and consistent way ensuring that their procedures and practices comply with equal opportunities policies and regulations as they perform their day to day duties. Students are also expected to promote dignity and respect in all their engagements with other students and staff as they undertake their studies and activities.

17. Procedures for dealing with complaints

The University is committed to dealing with complaints from staff, students, visitors, clients and contractors in a fair, just, timely and transparent manner.

The University offers support and advice for students and staff who feel they have been discriminated against. Students can seek advice from Student Advice and Wellbeing and the Liverpool Students Union (LiverpoolSU). Members of staff can seek advice from the Human Resources Team. In addition the Equality and Diversity Adviser, Trade Unions on campus and the Health and Safety Unit all have an important role to play in creating and maintaining a positive working and learning environment.

Procedures for dealing with complaints of harassment and or bullying can be found in the University's Staff Bullying and Harassment Policy
<http://www.ljmu.ac.uk/personnel/>

Students who wish to make a formal complaint should use the Students Complaints Procedure. Staff wishing to make a formal complaint should use the Staff Grievance Procedure.

18. Review of Policy

This Policy will be subject to periodic review at least every three years or if there are significant changes to equality and diversity legislation.

19. Associated policies and other relevant Documents

- The University Equality Objectives and Action Plan
- Staff Bullying and Harassment Policy
- Code of Conduct for Staff
- Gender Reassignment Guidance
- Religion and Belief Policy
- Staff Disciplinary Procedure
- Staff Grievance Procedure

- Student Complaints Procedure
- Student Disciplinary Procedure
- University's Health and Safety Policy

20. Sources of Help

- Line Manager
- Equality & Diversity Adviser
- Human Resources
- Trade Union
- LiverpoolSU
- Student Advice and Wellbeing
- Counselling Service (confidential for staff and students)
- Staff Support Groups (Lesbian, Gay, Bisexual, Transgender group, Cultural Diversity Group; Disability Equality Group)
- Health and Safety Unit

21. The provisions which the Equality Act 2010 replaces include:

- Disability Discrimination Act 1995
- Disability Discrimination Act 2005
- Provisions under the Employment Equality (Age) Regulations 2006
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Equality Act 2006
- Equal Pay Act 1970
- Human Rights Act 1998
- Race Relations Act 1976
- Racial and Religious Hatred Act 2006 (link to OPSI website)
- Sex Discrimination Act 1975
- Sex Discrimination Act 1986
- Special Educational Needs and Disability Act 2001
- Parts of Employment Act 1989
- Parts of Civil Partnership Act 2004
- Most of Employment Equality (Age) Regulations 2006
- Equality Act (Sexual Orientation) Regulations 2007

22. Some Useful contacts

This is not an exhaustive list and changes will be made to this list as we know of any legislative or other relevant changes. Please note that Liverpool John Moores University is not responsible for the contents of any of the external web sites.

Disability:

- Equality Challenge Unit - <http://www.ecu.ac.uk/>
- Equality and Human Rights Commission <http://www.equalityhumanrights.com/>
- Royal National Institute for the Blind – www.rnib.org.uk
- Action on Hearing Loss – www.rnid.org.uk
- Mind – www.mind.org.uk
- Mencap – www.mencap.org.uk
- Employers' forum – www.employers-forum.co.uk
- British Sign Language – www.britishsignlanguage.com
- Scope - www.scope.org.uk
- RADAR - [RADAR \(The Royal Association for Disability and Rehabilitation\)](http://www.radarsociety.org.uk)
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Gender:

- Equality and Human Rights Commission <http://www.equalityhumanrights.com/>
- Equality Challenge Unit – <http://www.ecu.ac.uk/>
- Fawcett Society - www.fawcettsociety.org.uk

Age:

- Commission for Equality and Human Rights
<http://www.equalityhumanrights.com/>
- The Employers' Forum for Age – www.efa.org.uk
- Age Concern England – www.ageconcern.org.uk
- Age Positive Team – <http://www.ageuk.org.uk/cymru/>
- Equality Challenge Unit – <http://www.ecu.ac.uk/>

Race:

- Commission for Equality and Human Rights-
<http://www.equalityhumanrights.com/>

- Black Britain – www.blackbritain.co.uk
- Equality Challenge Unit – <http://www.ecu.ac.uk/>

Sexual Orientation:

- Commission for Equality and Human Rights – <http://www.equalityhumanrights.com/>
- Stonewall www.stonewall.org.uk
- Equality Challenge Unit – <http://www.ecu.ac.uk/>

Religion and Belief:

- Commission for Equality and Human Rights – <http://www.equalityhumanrights.com/>
- The Inter faith network for the UK – <http://www.interfaith.org.uk/>
- BBC Religion – <http://www.bbc.co.uk/religion/religions/>
- Civil Service Islamic Society – <http://www.civilservice.gov.uk/recruitment/working/diversity-networks/>
- Christian in Government – <http://www.christiansingovernment.org.uk/>
- Equality Challenge Unit – <http://www.ecu.ac.uk/>

Gender Reassignment:

- Equality and Human Rights Commission – <http://www.equalityhumanrights.com/>
- Press for Change - <http://www.pfc.org.uk>
- Equality Challenge Unit – <http://www.ecu.ac.uk/>
- Gender Research and Education (GIREs) <http://gires.org.uk>

Marriage and Civil Partnership Rights:

- Stonewall www.stonewall.org.uk
- Direct gov <http://www.direct.gov.uk>
- Equality and Human Rights Commission – <http://www.equalityhumanrights.com/>

- Equality Challenge Unit - <http://www.ecu.ac.uk/>

Pregnancy and Maternity:

- Commission for Equality and Human Rights- <http://www.equalityhumanrights.com/>
- Equality Challenge Unit - <http://www.ecu.ac.uk/>
- Directgov <http://www.direct.gov.uk>
- The National Archives <http://webarchive.nationalarchives.gov.uk>

23. Useful Definitions under the Equality Act 2010

Section 13 of the Equality Act 2010 states that “direct discrimination occurs when a person treats one person less favourably than they would another because of a protected characteristic”.

Direct discrimination may occur, for example, if:

- An HEI or students’ union decides not to interview a Muslim applicant for a job because it assumes, on the basis of their religion or belief that he or she will not be prepared to work in a bar.
- An HEI only shortlists male job applicants for an interview because it assumes women will not fit in.
- An HEI refuses to let a student go on a residential trip because the student is a wheelchair-user.
- An HEI does not offer a training opportunity to an older member of staff because it assumes that the member of staff will not be interested, and the opportunity is given to a younger worker (ECU, 2010).

Direct Discrimination by Association:

The Act makes it clear that it will be unlawful to discriminate against someone that associates with a person who possesses a protected characteristic.

This kind of discrimination is already applicable to race, sexual orientation and religion or belief, and the same principle will also apply to age, disability, gender reassignment, sex and pregnancy and maternity (Eversheds, 2010).

Example of Direct Discrimination by Association:

- A student, whose child has attention deficit hyperactivity disorder, is refused access to a graduation ceremony because of fears about the child's behaviour.
- An employee is overlooked for promotion because their partner has undergone gender reassignment (ECU, 2010).

Discrimination by Perception:

The Act makes it unlawful to discriminate against someone because they are perceived to possess a particular protected characteristic. This sort of discrimination by perception is already prohibited where discrimination is on the grounds of sexual orientation, age or race. The same principle will also apply to sex, pregnancy, gender reassignment, age and disability discrimination.

Example of Direct Discrimination by Perception:

- An employer decides not to promote a female employee because she is thought to be pregnant irrespective of whether she is pregnant or not.
- A mental health and wellbeing officer refuses to work with a student because the student is believed to be gay irrespective of whether the student is gay or not (ECU, 2010)

Indirect Discrimination:

Indirect discrimination occurs when a provision, criterion or practice is neutral on the face of it, but its impact particularly disadvantages people with a protected characteristic, unless the person applying the provision can justify it as a proportionate means of achieving a legitimate aim. Ultimately, if tested, it will be for a court of law or tribunal to determine what is justifiable.

Indirect discrimination is unlawful in relation to the protected characteristics of age, marriage and civil partnership, race, religion or belief, sex, and sexual orientation, but not pregnancy and maternity.

Example of Indirect Discrimination:

Indirect discrimination may occur if, for example, an employer who requires staff to commit to working from 8pm to 11pm every evening indirectly discriminates against women, who are more likely to be primary carers of children, unless this can be objectively justified as above (ECU, Eversheds, 2010).

Harassment

According to section 26 of the Equality Act 2010, there are three types of harassment:

- Unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity
- Unwanted conduct of a sexual nature (sexual harassment)
- Treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment

Example of Harassment:

Harassment may occur if, for example, a member of staff makes comments on a student's sexuality in a way that makes the student feel uncomfortable.

The perceptions of the recipient of the harassment are very important and harassment can be deemed to have occurred even if the intention was not present, but the recipient felt they were being harassed. A person can also make a complaint of harassment even if it is not directed at them (ECU, Eversheds, 2010).

Victimisation

According to section 27 of the Equality Act 2010, victimisation takes place where one person treats another less favourably because he or she has asserted their legal rights in line with the Act or helped someone else to do so.

Examples of Victimisation:

- A student alleges that they have encountered racism from a tutor, and as a result they are ignored by other staff members.
- A senior member of staff starts to behave in a hostile manner to another member of staff who previously supported a colleague in submitting a formal complaint against the former (ECU, 2010).

Breast Feeding

According to the Equality Act 2010, discrimination against a woman because she is breastfeeding is a case of sex discrimination.

Hate crimes:

The term 'hate crime' can be defined as any crime committed against a person, a group or the property of a person or group where the motivation for the crime is hatred or prejudice against them because they identify with or belong to a protected group. The protected groups or characteristics are – age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief or non belief, sex and sexual orientation. Hate crime may manifest itself in a number of ways, which may include offensive literature, damage to property, verbal abuse and threats, malicious telephone calls, threatening behaviour, offensive graffiti, sending offensive e-mails and assault (Promoting good campus Relations: dealing with hate crimes and intolerance ECU and Universities UK 2005).

Intolerance:

Intolerance covers behaviours that can, intentionally or unintentionally, manifest themselves as hate crimes. For example, academic freedom is an important component of academic life and flourishes best where there is respect for a wide range of view and beliefs (Promoting Good Campus Relations: dealing with hate crimes and

intolerance ECU and Universities UK 2005).

Data Protection:

Employers can be subject to significant fines under the General Data Protection Regulation (GDPR) for failure to follow the data protection principles and data breach requirements. Organisations may also be subject to direct claims for compensation by individuals who have suffered damage as a result of a breach of the GDPR.