



Non-discrimination and good diversity practice

This factsheet is a summary of legislation which aims to stop discrimination in the workplace. The UK workforce is changing in terms of an ageing population, an increase in the number of working women and a change in the make up of communities of the UK working population.

Equality legislation

These laws protect individuals from discrimination on the grounds of: race, religion, ethnic or national origins, gender, marital status, disability, part-time or fixed term status, sexual orientation, religion, belief or taking parental leave.

Age Discrimination will be unlawful from October 2006.

The main proposals are expected to suggest a default retirement age of 65 but leave it open to employees to request the right to work beyond this.

Discrimination can be direct or indirect.

Disability Discrimination Act 1995

This Act requires employers to make reasonable adjustments to remove unreasonable physical, organisational, or communication barriers that a disabled person might encounter.

Victimisation or Harassment

Victimisation or harassment on grounds of sex, race, disability, sexual orientation or religion is unlawful.

Equal pay

Under the Equal Pay Act 1970, men and women have the right to equal pay for work of equal value.

Positive duty to promote equality

There is a legal duty on employers to positively promote equality through the Race Relations Act 1976 and the Disability Discrimination Act 1995.

From December 2006 employers face a new duty of positively promoting disability equality. Go to www.drc-gb.org/thelaw for further information.

Forthcoming legislation

Age Discrimination legislation is expected to be passed in October 2006.

Statutory bodies for equality

You can find further information and guidance on good practice from the following:

- The Equal Opportunities Commission at www.eoc.org.uk
- The Commission for Racial Equality at www.cre.gov.uk
- The Disability Rights Commission at www.drc.org.uk

NB: There are plans to amalgamate the above bodies to the Commission for Equality and Human Rights in the future. Go to www.womenandequalityunit.gov.uk/equality/project for more details.

Exemptions to discrimination legislation

If there are clear Genuine Occupational Qualifications (GOQ's) discrimination maybe lawful. However, you are advised to seek legal advice if you are in doubt. Disability charities are allowed to give priority to individuals who have a disability specific to their charity.

It is lawful to take steps/action to recruit groups that are underrepresented in your organisation. This is classified as **positive action** and is taken to encourage/attract people based on merit, who are from under-represented groups to take advantage of work and training opportunities.

However, positive discrimination, where for example recruiting someone because they are from an ethnic minority rather than based on merit, is unlawful in the UK.

Codes of practice

Codes of practice exist to provide employers with information on how to promote equality and diversity. They can be downloaded from the following internet sites:

Race Relations Code of Practice

www.cre.gov.uk/gdpract/employ_cop.html

Sex Discrimination Code of Practice

www.eoc.org.uk/cseng/legislation/law_code_of_practice_sex_discrimination

Disability Code of Practice for Employment

www.drc-gb.org/thelaw

Making Equality Simple

NCVO has produced *Making Equality Simple*, a FREE plain English guide to the 2003 Employment Equality Regulations on religion, belief and sexual orientation for voluntary and community organisations. It can be downloaded from www.ncvo-vol.org.uk/publications

Diversity and Equal Opportunities

Institutional discrimination exists in many organisations and can be eliminated by developing an equality and diversity policy combined with an action plan.

Employers can start by clarifying the main issues and priorities for their organisation. A clear statement needs to be communicated to all staff explaining how they can expect to be treated and demonstrate commitment to achieving set (SMART - Specific, Measurable, Achievable, Realistic and Timely) objectives.

Employers should monitor the workforce to improve diversity and where necessary, take action to remove unfair barriers, for example in the decision making process, and reach out to the wider community.

Ensure that all employees attend awareness training to reinforce the values of the organisation.

Monitoring, **benchmarking** and **evaluating** equality and diversity practices may be incorporated into all aspects of the organisations to ensure that the organisation is meeting its objectives.

This information is taken from the publication *The Good Employment Guide (2005)*. Find out more at www.ncvo-vol.org.uk/publications

Further information

Free information can be obtained from the following organisations:

1) Age Positive website: Provides useful resources to help employers prepare for the forthcoming age discrimination legislation in October 2006

www.agepositive.gov.uk/comlogos/AgeDiversityAtWork.pdf

2) Commission for Racial Equality: Provides information on diversity and equal opportunities policies and issues for employers

www.cre.gov.uk

3) Department of Trade and Industry (Dti): For various employment matters

www.dti.gov.uk/er/equality/age

4) Disability Rights Commission: For information on legislation and considerations for employers.

www.drc-gb.org

Other sources of information

www.acas.org.uk

www.businesslink.gov.uk

www.askncvo.org.uk

www.jobcentreplus.gov.uk

Or call Equality Direct for confidential advice about Equality issues at 0845 600 3444