

Working in and managing a diverse workforce

A workshop for
NCVO Annual HR Conference
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With you today:

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of

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Training



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Aims for the session

To consider the following:

- Why is managing diversity effectively important for your organisation
- Legislative changes: key issues from the equality bill
- Good practice

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What Is Equal Opportunities?

- Recognising the differences between people.
- Acknowledging past imbalance.
- Taking steps to redress imbalance.
- Maintaining the element of competition.
- Providing equal access to jobs, services or benefits.

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Diversity Defined

Diversity is the mosaic of people who bring a variety of backgrounds, styles, perspectives, values and beliefs as assets to the groups and organisations with which they interact.


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Working with Diversity

- Builds on and works with equality initiatives
- Is a method by which organisations maximise the potential of a diverse workforce
- Develops harmony within a diverse team
- Involves taking a proactive approach to the identification of existing and potential service users
- Is the development of varied provisions to meet the differing needs of the diverse client group

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How inequality shows



Some statistics

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How inequality shows




What's the gap between men and women's earnings?
22%

The unemployment rate for non-disabled people is 5%.
What is it for disabled people?
8%

How many 16-24 year olds believe they have been treated unfairly because of their age and lack of experience?
60%

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How inequality shows



What percentage of the national workforce have experienced verbal homophobic bullying?
17%

What percentage of state-funded faith school places are Muslim?
0.6%

Out of the 646 MPs, how many are non-white?
15

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The Benefits



What are the benefits of managing diversity effectively?

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Organisational Reasons to Value Diversity



<ul style="list-style-type: none"> • Adapt to changing workforce • Better understand our customers • Compete for the best employees • Foster innovation and well rounded perspectives on decisions • Support organisational goals and values with regard to diversity 	<ul style="list-style-type: none"> • Understand other organisation's cultures during discussions and mergers • Reduce legal problems • Reputation • Reduce conflict among diverse groups of employees • Reduce stress • Reduce sickness and turnover? • Do the right thing...
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THE LEGISLATION



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Current Legislation

- 1970 Equal Pay Act
- 1975 Sex Discrimination Act
- 1976 Race Relations Act
- 1995 Disability Discrimination Act
- 2000 Race Relations Amendment Act
- 2002 Employment Act
- 2003 and 2006 Employment Equality Regulations
- 2004 Gender Reassignment Act
- 2005 Civil Partnership Act
- 2006 Equality Act
- 2006 Working Families Act
- The public duties

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The Single Equality Bill

A summary of proposed changes

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The Single Equality Bill

- Protected Characteristics
- Changes related to definitions of discrimination
- Changes related to characteristics
- Changes to Positive action and GORs
- Changes to Public Duties
- Timetable and other points to note

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The Protected Characteristics

A new concept of "protected characteristics" would bring together all the existing protected grounds of discrimination into one place

 Age	 Disability	 Gender Recognition
 Marriage Civil Partnership	 Maternity Pregnancy	 Race
 Religion Belief	 Sex	 Sexual Orientation

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Changes Related to Definitions of Discrimination

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Direct Discrimination

- Unlawful to treat somebody less favourably **because of** protected characteristic
- Actual or perceived and association
- Unlawful to treat a pregnant woman or a woman on maternity leave **unfavourably**

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Indirect Discrimination

- A criteria is discriminatory if it cannot be shown to be a proportionate means of achieving a legitimate aim
- Applies to all the protected characteristics including disability

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Harassment and Victimisation

- Definition of harassment is widened to encompass conduct **related to a** protected characteristic
- Third party harassment
- Victimisation is when somebody has been subjected to **detriment**. No need for a comparator
- Victimisation for discussing pay with a colleague unlawful

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Points Related to Characteristics

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Age

- Goods and Services aged over 18
- Aged related needs of minors are legitimate
- Consultation on exceptions
- Bus passes and SAGA holidays are likely to stay
- Age likely to be used provided it is proportionate to risk and costs
 - min/max ages and age bands allowed

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Disability

- Removed list of capacities
- Discrimination is "treatment amounting to a detriment"
- No comparator
- Positive discrimination still lawful
- Justification changes from "substantial and material reason" to "a proportionate means of achieving a legitimate aim"
- Pre-employment medicals may become unlawful

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Religion and Belief

- People of the same religion or belief who treat one another less favourably can bring a claim
- Organised Religion GOR narrows
- "Must be crucial to the post and not one of several important factors"
- Priest GOR is OK but not Youth Worker

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Gender Reassignment

- No longer need to be under medical supervision
- Personal process not a medical one
- Perceived discrimination likely to cover transvestites

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Equal Pay

- Pay secrecy clauses unlawful
- Pay differentials must be objectively justified
- Hypothetical comparator allowed
- Private sector employers of more than 250 staff must publish pay difference stats
- By April 2013

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Positive Action and GORs

- Can discriminate in favour of somebody who is "as qualified"
- If they are a member of a protected group which is disadvantaged or under-represented
- GORs apply to all characteristics
- Must be shown to be a proportionate means of achieving a legitimate aim

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Public Duties

Results of consultation are due

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New Single Duty

- New single duty covering 8 protected characteristics
- Specified public authorities
- Plus all bodies that carry out public duties
- Equality Objectives not Equality Schemes
- To cover 3 years
- Annual report
- Equality Impact Assessments replaced by showing outcomes

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New Single Duty

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity between groups
- Foster good relations between different groups
- Socioeconomic Disadvantage
- Applies to listed bodies only
- 'When making strategic decisions'
- Not enforceable by EHRC

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Public Procurement Duty

- How procurement helps deliver equality objectives
- Equality criteria in assessing contractors
- History of the contractor
- Equality related conditions in the contract

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Reporting Requirements

- Public bodies with 150 staff or more to report annually
- BME employment rate
- Disability employment rate
- Gender pay gap

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Other Issues

- Multiple discrimination (two characteristics)
- Instructing and causing discrimination – staff/victim can bring a claim
- Burden of proof simplified
- Employee liable (if employer is also potentially liable)
- ETs can make recommendations to employers who have lost a case

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Timetable

- Has completed House of Lords 2nd Reading
- Committee and Report stages remain then Royal Assent
- Applies from October 2010
- Duties apply from April 2011

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How do you know that your organisation and the services you provide are accessible?

Monitoring

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Some situations for you to consider

Case studies

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What should we do?

- Initiate
- Develop
- Monitor
- Evaluate

What will your priorities be?

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Thank you

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