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Nicky is the owner of HR Support Consultancy. She has a BA(Hons) in Business Studies, is a member of the Chartered Institute of Personnel and Development and has been a practising HR manager for more than 20 years. HR Support Consultancy has provided the BVNA Members Advisory Service (formerly known as the Industrial Relations Service) since it began in 2002.

The Importance of Equality

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Equality in the **workplace** simply means that all employees are treated equally and none are discriminated against.

This includes:

- Treating all employees fairly (this is not the same as treating everyone the same)
- Creating a culture of inclusivity in the work place
- Providing equal access to any opportunities in the work place
- Ensuring staff are trained in how to recognise and rectify discrimination in the work place
- Ensuring company policies and processes are not discriminatory

The Equality Act 2010 is a very important piece of legislation. Prior to this there were a number of different acts that made discrimination in different areas illegal and The Equality Act brought these altogether.

There are some characteristics that we may have that are protected, and these are our age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnerships, pregnancy and maternity. These are referred to as **'Protected Characteristics'** (there are a few areas where there are some differences).

There are also different sorts of discrimination. It can be **direct, indirect, by association or by perception**.

'Harassment' in employment terms is "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".

So, an issue of harassment only relates to these protected characteristics (there are also a few exceptions) and not for other reasons.

You would not normally be specifically protected for being short, obese, having blue eyes or smelly feet! If you are receiving unwanted conduct about something

that is not a protected characteristic this would be **bullying**.

You can report harassment or bullying in the work place even if it is not directed at you, but you are aware that it is happening to someone else.

'Victimisation' occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Not discriminating against someone and treating people fairly is not the same as treating people the same. An employer can take what is called **'positive action'** if for example, an employee or a job applicant is considered to be at a disadvantage in a recruitment pool for a post, if they are deemed to be equally as good as another candidate, the employer can take positive action and choose to recruit the disabled person.

Some disabled employees require their employer to make **'adjustments'** for them in the work place. This is so they are not disadvantaged by their disability – another example of treating people fairly but not in the same way.

An employer will also be liable for the actions of its staff. This aspect of **liability** is known as vicarious liability or secondary liability. This is why it is important that all staff in a company understand the issues with equality and have some training. It also means that an employer has a duty to act to rectify a situation once it has been brought to their attention.

Your employer may have an Equal Opportunities Policy. You should familiarise yourself with this. Equality is a big issue and is everyone's responsibility.

For further support with this or any other HR issue, BVNA members can call the BVNA Advisory Service Helpline on 01822 870270 or email nickyackerley@hrsupportconsultancy.co.uk.