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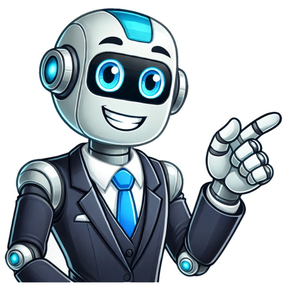

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This duty does not apply to private companies not carrying out public functions.The duty requires them to have due regard to the need to: eliminate discrimination, harassment, victimisation under the Equality Act 2010;advance equality of opportunity;foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it’s unlawful to treat someone. Find out more about who is protected from discrimination, the types of discrimination under the law and what action you can take if you feel you’ve been unfairly discriminated against. Discrimination: making a complaint Before the Act came into force there were several pieces of legislation to cover discrimination, including: Sex Discrimination Act 1975 Race Relations Act 1976 Disability Discrimination Act 1995 If you wish to complain about possible unlawful treatment there are 2 separate processes, depending on when it happened. Complaints: before October 2010 If you were subjected to unlawful treatment (eg discrimination, harassment or victimisation) before 1 October 2010, the Equality Act won’t apply. Instead, you’ll be covered by the legislation that was in force at the time. For example, if you experienced race discrimination on 30 September 2010 and want to make a complaint or bring legal proceedings, the Race Relations Act 1976 will apply, not the Equality Act. This is also true of any legal proceedings. They will go ahead according to the legislation under which they were brought, even if they may have continued after 1 October 2010. Complaints: after October 2010 If you were subject to unlawful treatment on or after 1 October 2010, the Equality Act applies. For example, if you experienced sex discrimination on 30 September 2010, which continued until 2 October 2010, the Equality Act will apply, not the Sex Discrimination Act. Find out more about how to complain about unlawful treatment in the Discrimination: your rights guide. To allow people and organisations enough time to prepare for the new laws, the provisions of the Act were brought in at different times (known as commencement dates). October 2010 Equality Act provisions which came into force on 1 October 2010: the basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions, premi, work, education, associations and transport changing the definition of gender reassignment, by removing the requirement for medical supervision providing protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic clearer protection for breastfeeding mothers applying a uniform definition of indirect discrimination to all protected characteristics harmonising provisions allowing voluntary positive action Provisions relating to disability extending protection against indirect discrimination to disability introducing the concept of “discrimination arising from disability” to replace protection under previous legislation lost as a result of a legal judgment applying the detriment model to victimisation protection (aligning with the approach in employment law) harmonising the thresholds for the duty to make reasonable adjustments for disabled people extending protection against harassment of employees by third parties to all protected characteristics making it more difficult for disabled people to be unfairly screened out when applying for jobs, by restricting the circumstances in which employers can ask job applicants questions about disability or health Provisions relating to work allowing claims for direct gender pay discrimination where there is no actual comparator making pay secrecy clauses unenforceable extending protection in private clubs to sex, religion or belief, pregnancy and maternity, and gender reassignment introducing new powers for employment tribunals to make recommendations which benefit the wider workforce April 2011 Equality Act provisions which came into force in April 2011: positive action - recruitment and promotion public sector Equality Duty (see section below) Ministers are considering how to implement the remaining provisions in the best way for business and for others with rights and responsibilities under the act. Their decisions will be announced in due course. Equality Act Provisions that the government has decided not to take forward: public sector duty regarding socio-economic inequalities combined discrimination - dual characteristics Age discrimination The Equality Act 2010 includes provisions that ban age discrimination against adults in the provision of services and public functions. The ban came into force on 1 October 2012 and it is now unlawful to discriminate on the basis of age unless: the practice is covered by an exception from the ban good reason can be shown for the differential treatment (‘objective justification’) The ban on age discrimination is designed to ensure that the new law prohibits only harmful treatment that results in genuinely unfair discrimination because of age. It does not outlaw the many instances of different treatment that are justifiable or beneficial. You can read the original consultation on the archived Government Equalities Office website. There is an overview of how the ban works and tailored guides for small businesses, private clubs and the holiday sector in the Equality Act guidance. Age discrimination: exceptions The government response to the consultation includes the draft Exceptions Order. You can also read the impact assessment. Exceptions under the Order are: age-based concessions age-related holidays age verification clubs and associations concessions financial services immigration residential park homes sport These specific exceptions are in addition to: general exceptions already allowed by the Act positive action measures ‘objective justification’ There are no specific exceptions to the ban on age discrimination for health or social care services. This means that any age-based practices by the NHS and social care organisations need to be objectively justified, if challenged. Public sector Equality Duty The public sector Equality Duty came into force across Great Britain on 5 April 2011. It means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees. It also requires that public bodies have due regard to the need to: eliminate discrimination advance equality of opportunity foster good relations between different people when carrying out their activities Who the Equality Duty applies to The Equality Duty applies across Great Britain to the public bodies listed in Schedule 19 (as amended), and to any other organisation when it is carrying out a public function. Specific duties The Equality Act 2010 (Specific Duties) Regulations 2011 came into force on 10 September 2011. The specific duties require public bodies to publish relevant, proportionate information showing compliance with the Equality Duty, and to set equality objectives. Guidance for public bodies The Government Equalities Office has published 2 quick-start guides to help public bodies understand the Equality Duty and the specific duties: The Equality and Human Rights Commission is the statutory body established to help eliminate discrimination and reduce inequality. The Commission has published new non-statutory guidance on: Devolution Section 153 of the act enables the Welsh and Scottish ministers to impose specific duties on certain Welsh and Scottish public bodies through secondary legislation. For Welsh and cross-border Welsh public bodies, specific duties have been finalised by the Welsh Assembly government and came into force on 6 April 2011. The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 For Scottish public bodies, the Scottish government launched a consultation on revised draft Regulations for specific duties on 9 September 2011. The consultation closed on 25 November 2011. More information from the Scottish Government Guidance on the Equality Duty specific to Wales and Scotland is available from the Equality and Human Rights Commission. Equalities Act 2010: legislation Equality Act 2010 on the legislation.gov.uk website Explanatory notes on the legislation.gov.uk website Legislation repealed or revoked by the Equality Act A list of all legislation that was repealed or revoked on 1 October 2010 is available in Schedule 27 to the act. Equality Act Statutory Instruments Statutory Instruments made under the act are available: Guidance on the Equality Act We have produced a series of guides outlining the key changes in the law made by the act . To sign up to receive email updates of the work of the Government Equalities Office please contact GEOcomms@geo.gsi.gov.uk. Equality and diversity are not legal definitions. Rather, they are just ordinary words which have been adopted by HR. 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These legal requirements are UK laws and are part of the Equality Act 2010 which is there to protect individuals from discrimination based on a range of protected characteristics including their race, religion, gender, disability, and sexual orientation. If you are a business based in London, you will need to ensure that your workplace complies with the legal requirements set out in the Equality Act 2010 and that you are promoting and managing a culture of inclusivity and fairness. If you are a business and you fail to comply with this Act, this can result in legal action, a workforce with no trust, desire to achieve and aspire, a damaged reputation, and individuals who do not feel supported or motivated. Here at Damian McCarthy, an experienced employment law specialist, have worked on many cases in the past. We have witnessed all aspects of employment law and are experts in guiding your business and managers into creating an inclusive workplace. In this post we discuss how to create inclusive workspace and practical advice and guidance, highlighting exactly what legal requirements there are for a business in London to follow, best practices and the importance of leadership with creating and promoting inclusivity. The creation of an inclusive workplace is a continuous process and should be a foundational step in the growth and success of a business. In the UK it is also a legal requirement to work within the regulations of the Equality Act 2010 that outlines the legal framework that employers must follow to ensure equal and inclusive treatment is adhered to for all employees, regardless of their race, religion, gender, age, disability, sexual orientation or other protected characteristic. It is the role of the employers to prevent any form of discrimination, harassment, unconscious bias and victimisation and to make sure that everyone has equal opportunities, support, access to training and development and day to day communication and support. Inclusivity must be part of a company’s core values and that employees that are supported to speak up and be able to thrive. The ability to create an inclusive workplace is about creating an environment where people feel valued, respected, safe and empowered regardless of their background, identity, or beliefs. A big step to creating this culture is strong leadership and their commitment to diversity and inclusion. It is the role of good leaders to actively promote inclusivity, by creating and setting clear policies, ensuring all employees have relevant training, leading by example and instilling a culture of mutual respect. One of the most effective ways to create inclusivity is by the implementation of relevant training. Training raises awareness of different cultures, religions, beliefs and backgrounds and is a great way to help employees understand that the world is diverse and that everyone’s lives, experiences, values, and beliefs should be respected. Training is about understanding, open communication, respect, collaboration and cooperation among colleagues and can dramatically help to reduce unconscious bias and discrimination. Flexible Workplace Policies It is imperative for employers to accommodate their employees’ religious practices, like offering a prayer room or flexible work schedules for religious holidays. Regularly reviewing and updating company policies to ensure they meet their employees needs and align with religious practices is an essential step in creating an inclusive workplace. Employee Resource Groups (ERGs) ERGs play a vital role in the creation of an inclusive workplace as they provide a safe platform for employees to share their experiences, champion for change, and support each other. ERGs help create a place of community and belonging and allow employees to connect over shared experiences and potential challenges they may be facing within the workplace. Encouraging discussion, collaboration and openness, ERGs help raise awareness of diversity issues and promote cultural sensitivity and can actively contribute to a more inclusive workplace, where all employees feel valued, heard and respected which can result in increased productivity levels and job satisfaction. Recruitment practices may not be an obvious area to consider but it is fundamental in creating an inclusive working environment. Below we have summarised ways that businesses to ensure an inclusive recruitment process Unbiased Hiring Processes – Equal opportunities for all potential new candidates is the focus here. Businesses can introduce blind recruitment strategies where personal information is removed from applications. This is a key step in ensuring that everyone is treated fairly and businesses employ a diverse workforce. Diverse Interview Panels – This may sound easy and straightforward but at Damian McCarthy we witness many times this not taking place. A diverse interview panel can help mitigate unconscious bias, leading to a fairer assessment of potential candidates. Leadership is the foundation of an inclusive business. Leaders must set the tone for their employees by actively promoting diversity and inclusion via training, ERGs, policies and initiatives; all demonstrating a commitment to creating an inclusive working environment. Leadership is not just about advocating and supporting policies; it is about setting the example and showing their employees how to be, act and how to treat others. Leaders are there to create safe spaces, promote the strategies, ways of working, policies and training that are available for all employees to learn, to voice their concerns and to encourage open channels of communication where everyone feels safe, comfortable and respected to share their thoughts, feelings, experiences and challenges. This way of working creates an environment that opens its doors to identifying areas of improvement and the desire to create and maintain a culture of trust. Understanding how to manage the implementation and creation of an inclusive working environment is crucial for a diverse, confident and supportive workforce. If you’re looking to improve your knowledge and understanding, Damian McCarthy is here to help. Damian is highly regarded by clients for the consistent delivery of exceptional results and for his knowledge and experience. He is known for his expertise in complex employment law cases and his deep understanding and strategic approach to employment law cases makes him a trusted leader and advocate for inclusivity within the workplace.If you would like to understand more about creating an inclusive workplace please visit Damian McCarthy website where you will find all the information you need. Equality and diversity are not legal definitions. Rather, they are just ordinary words which have been adopted by HR. Even amongst HR practitioners slightly different meanings are understood.The word equality suggests eliminating discrimination in the workplace and ensuring equal access and equal opportunities for all. This would lead to fair outcomes for all, regardless of starting point. This does not necessarily mean everyone has to be treated exactly the same. 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However, an effective EDI strategy should go beyond legal compliance and take an intersectional (that a person's different intersecting identities can advantage or disadvantage them) approach to EDI, which will add value to an organisation, contribute to the wellbeing and equality of outcomes and impact on all employees. Things to consider include: accent, age, caring responsibilities, colour, culture, visible and invisible disability, gender identity and expression, mental health, neurodiversity, physical appearance, political opinion, pregnancy and maternity/paternity and family status and socio-economic circumstances, amongst other personal characteristics and experiences. This factsheet explores what workplace equality, diversity and inclusion (EDI) means, and how an effective strategy is essential to an organisation’s business objectives. It looks at the rationale for action and outlines steps organisations can take to implement and manage a successful EDI strategy, from recruitment, selection, retention, communication, performance management and training, to addressing workplace behaviour and evaluating progress. Explore our viewpoints on age diversity, disability, gender equality, race inclusion, religion and belief, and sexual orientation, gender identity and reassignment. Equality and diversity are not legal definitions. Rather, they are just ordinary words which have been adopted by HR. Even amongst HR practitioners slightly different meanings are understood.The word equality suggests eliminating discrimination in the workplace and ensuring equal access and equal opportunities for all. This would lead to fair outcomes for all, regardless of starting point. This does not necessarily mean everyone has to be treated exactly the same. 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Although it is not a strict legal requirement i.e. there is no direct penalty for not having one, all employers are likely to have an equality and diversity policy in their staff handbook, as a minimum.Often, this goes no further than simply explaining what unlawful discrimination and harassment is, stating that the employer will not tolerate it and making it clear that anyone who discriminates or harasses in the workplace may be dismissed. Even a basic policy can help an employer defend an unfair dismissal or discrimination claim.Enlightened employers may wish to have more comprehensive policies and programmes to help create a culture where equality and diversity is valued but, there is no legal requirement to do so. Reporting a gender pay gap Large employers with 250 or more employees must report annually on their gender pay gap – that is, the difference between the average pay of men and women in the organisation. While the requirement to report is legally binding, it is not unlawful for an employer to report a gender pay gap, however big it is.However, for reputational reasons, an employer may wish to publish details about the measures it is taking to reduce its gender pay gap. This is likely to involve equality and diversity measures, such as positive action for females at recruitment and promotion stages.There are also plans to extend the requirement for large employers to report on their ethnicity pay gap i.e. the difference in average pay of employees of different ethnicity in an organisation. It is not yet known exactly when this will be introduced. Requirements for public sector employers Employers in the public sector, including local government, schools, the civil service, police and NHS, have a specific legal equality duty, applied when they are exercising their public functions. This duty does not apply to private companies not carrying out public functions.The duty requires them to have due regard to the need to: eliminate discrimination, harassment, victimisation under the Equality Act 2010;advance equality of opportunity;foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Equality and diversity are not legal definitions. Rather, they are just ordinary words which have been adopted by HR. Even amongst HR practitioners slightly different meanings are understood.The word equality suggests eliminating discrimination in the workplace and ensuring equal access and equal opportunities for all. This would lead to fair outcomes for all, regardless of starting point. This does not necessarily mean everyone has to be treated exactly the same. Where an employer is pursuing the elimination of discrimination, it could lead to people being temporarily treated differently.For example, an employer could take positive action to help under-represented groups achieve management positions. This would not go as far as ring fencing certain roles for certain types of people but can mean that under-represented groups would receive extra training, mentoring or other encouragement to apply for such positions.Diversity, on the other hand, is about recognising difference and creating a workplace culture which respects, values and utilising all differences. This does not solely apply to race and ethnicity but, all types of differences such as age, disability and upbringing. There are recognised business benefits associated with diversity, for example different perspectives can lead to better product development or marketing ideas. The history of HR As with other sectors, the world of HR changes and evolves; as new theories and ways of doing things gain traction, the language and labels used also move on. It is quite usual for ideas which began in the USA to migrate to the UK several years later.Not that long ago, the phrase ‘equality and diversity’ wasn’t widely known in the UK; it was much more common to see the phrase equal opportunities being used. Today, you may also see the phrase equality, diversity and inclusion. This is due to a growing acceptance that treating everyone the same was not going to lead to equal outcomes, as people come from different starting points and have different needs.Inclusion is generally accepted as the practice of accepting someone as they are – breaking down prejudice and challenging attitudes – and making changes accordingly. 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