



Joint Learning
Management & Training Services

Date Issued: 25th May 2011



Equality and Diversity Policy 2011 – 2013

Promoting Respect and Fairness

(Incorporating the requirement to publish Disability, Gender and Race Equality Schemes in accordance with the Disability Discrimination Act 2005, the Equality Act 2010 and Gender Equality Duty and the Race Relations (Amendment) Act 2000)

If you require this information in an alternative version such as Easy to Read, large print, Braille, audiotape, or help in understanding it in your language, please contact the Operations Manager, Tel:01704 562696.

CONTENTS

1.	Purpose	Page 3
2.	Definition	Page 3
3.	Scope	Page 3
4.	Policy Statement	Page 4
5.	Responsibilities	Page 4
6.	Implementation	Page 5
7.	Communication	Page 5
8.	Complaints	Page 5
9.	Support	Page 5
10.	Achievement of Policy	Page 6
11.	Equality Act 2010	Page 7 – 10
12.	Glossary of Terms	Page 11 - 19

1. Purpose

Joint Learning is committed to advancing equality and diversity as a key feature within all its activities, as it believes this to be ethically right and socially responsible.

We aim to provide a working environment and culture which recognises and values differences.

We will take positive action, where we deem it necessary, to create a more diverse workforce and client group.

We aim to pro-actively tackle discrimination and ensure that no individual or group is discriminated against for any reason.

All staff have a responsibility to be proactive in their approach to equality and diversity, and in tackling unlawful discrimination.

2. Definition

Equality and Diversity is about accepting and embracing people's differences and creating an environment that people can thrive in. Harnessing differences creates a productive working environment in which everyone feels valued, where talents can be fully utilised and organisational goals are met.

Equality is about treating people fairly and with respect, giving regard for others rights and wishes.

Diversity is simply *otherness* or those human qualities present in other individuals and groups that are different from our own and outside the groups to which we belong. Diversity consists of visible and non-visible differences.

Diversity encompasses the properties and characteristics of a person. It includes characteristics that are inborn and unchangeable; age, ethnicity, gender, physical abilities/qualities/disabilities, race and sexual orientation, and includes differences that are acquired, and those that may change throughout our lives. Some examples include; educational background, geographic location, income, marital status, parental status, religious beliefs, military status, health and work experience.

3. Scope

The policy applies to:-

- Clients
- Employees
- Funding Bodies
- Partner Organisations
- Sub-contractors
- Visitors

4. Policy Statement

Joint Learning is committed to and believes that fairness and equality of opportunity are a fundamental human right for all. The company wholeheartedly supports the principles of equal opportunity and diversity for all its employees and learners on its learning programmes.

We value diversity and will:

- Aim to create a workforce with a broad range of characteristics reflecting our diverse customer base and the communities within which we operate.
- Establish a work environment free from any form of discrimination, harassment, bullying and victimisation.
- Ensure that all applicants, employees, learners and all third parties are treated fairly and with equality of opportunity, irrespective of, but not limited to, their culture, race, colour, nationality, religious or beliefs, ethnic or national origin, age, gender, sexual orientation, transsexualism, disability, unrelated criminal convictions, marital or parental status and membership of an affiliated trade union.
- Appoint, train, develop, promote and reward all individuals fairly and objectively on the basis of their skills, aptitudes and abilities.
- Seek the opinions of our employees on the development and performance of equality and diversity initiatives to ensure they effectively meet their needs and those of our learners and customers.
- Demonstrate the positive benefits of diversity by monitoring the composition of our workforce and learner group and by measuring the impact of our recruitment and selection initiatives.
- Comply with UK and European legislation and Codes of Practice.

5. Responsibility

We each have a responsibility for our own behaviour, and for maintaining an environment in which prejudice is eliminated and where everyone is treated fairly, with respect and dignity. We as a company believe that each individual can only give their best if we are an inclusive organisation and can demonstrate the value we place on diversity.

- Every employee has a duty of care towards their colleagues, learners, customers and third parties, and we all have a personal responsibility for ensuring the practical application of our policy.
- Directors, operational and line managers have key responsibilities for the direct implementation of our policy, promoting equality of opportunity for employees and learners on government funded programmes, monitoring the Policy's use and following up any relevant complaints.
- The Operations Manager is responsible for maintaining the Policy and promoting equality of opportunity in employment through clear communication, thorough understanding and good practice. The Operations Manager and HR Department will communicate, monitor and implement the policy. They are also responsible for ensuring it is

reviewed annually and is up to date. Any amendments to the policy will only be implemented following consideration by the Equality and Diversity Working Party and the Managing Director.

6. Implementation

The Equality and Diversity Working Party has been established to provide a more focused forum where policies and action plans on race, religion, disability, gender, sexual orientation, age and widening participation can be developed, progressed and monitored.

A strategy and action plan has been drawn up, it will be acted upon and regularly monitored by the Equality and Diversity Working Party to ensure that the principles are put into practise.

Appropriate training and support for employees will be provided where required to ensure successful implementation of the plan.

7. Communication

Our Equality and Diversity Policy is available in hard copy. Please contact the Operations Manager if you wish to access this document in another format.

Training will be provided for staff to ensure awareness is raised and staff have a clear understanding of equality and diversity and their responsibilities.

8. Complaints

Any complaint made verbally or in writing will be taken seriously and dealt with in a timely and sensitive manner, in accordance with our published grievance and disciplinary procedures.

The HR Director is available for confidential consultation on any issue relating to discrimination, bullying, harassment or victimisation.

9. Support

In support of the Equality & Diversity Policy and with particular reference to race, Joint Learning will address the statutory duties of the Race Relations (Amendment) Act 2000 i.e.

- a. General duties
 - To eliminate unlawful racial discrimination
 - To promote equality of opportunity and good relations between persons of different racial groups
- b. Specific duties
 - Prepare a written Race Equality Policy
 - Make arrangements for fulfilling specific duties
 - Assess impact of the policy on learners and staff of different racial groups
 - Monitor recruitment, progression and career progression of different racial groups

- Set out arrangements for publishing the Policy, assessments and monitoring
- Publish the results of monitoring annually

10. Joint Learning will achieve this by:

Making a commitment to positive action in relation to race and ensuring that this is monitored via mainstream planning, i.e. Strategic Plan monitoring & Senior Management Team monitoring.

- Producing an annual Race Action Plan within the overall E&D quality improvement plan.
- Developing systematic arrangements to assess the impact of race equality procedures, i.e.
 - the recruitment & career progression of Black Minority Ethnic (BME) staff
 - the training and development of all staff on Equality & Diversity (specifically Race).
 - the career development of Black Minority Ethnic (BME) staff.
 - performance appraisal & target setting.
 - complaints of discrimination & harassment.
 - learner enrolments, retention and achievement.
 - fostering of cohesion and good relations.

Publishing the outcomes of our monitoring in a format accessible to a number of audiences, including the Black Minority Ethnic community.

Seeking to actively involve members of the Black Minority Ethnic community in our planning & monitoring procedures.

This Disability Equality Scheme is introduced in the context of the Disability Discrimination Act (2005) and meets the new general duty placed on all public sector providers having due regard to:

General duty:

- Eliminate discrimination and harassment.
- Promote equality of opportunity between disabled persons and other persons.
- Promote positive attitudes towards disabled persons and encourage participation by disabled persons in public life.

Specific duties:

- Publish a Disability Equality Scheme
- Develop the Disability Equality Scheme involving disabled people.

A Disability Equality Scheme shall include a statement of:

- a) The ways in which such disabled people have been involved in its development
- b) Methods for assessing the impact of policies and practices on equality for disabled persons
- c) The steps which Joint Learning proposes to take toward the fulfilment of the general duty
- d) The arrangements for gathering information on the effect of policies and practices on disabled persons and in particular: recruitment,

- development, retention, available educational opportunities and achievements.
- e) The arrangements for making use of such information to assist in the performance of general duty
- f) Annual reporting

The Disability Equality Scheme falls under the umbrella of our Equality and Diversity policy and will be embedded within strategic planning and self-assessment processes.

Joint Learning will meet its obligations under the Disability Discrimination Act as amended. We aim to be a disability friendly Training Provider. We will endeavour to make all reasonable adjustments to help disabled learners to succeed.

This Gender Equality Scheme is introduced in the context of the Equality Act 2006 and meets the new general duty placed on all public sector providers having due regard to:

1. Elimination of unlawful discrimination and harassment.
2. Promotion of equality of opportunity between women and men.

The new duty requires Joint Learning to be proactive in promoting equality for women, men and transsexual people and to undertake a rigorous overhaul of our policies and processes with gender equality in mind. Unlawful discrimination in the Equality Act and the Sex Discrimination Act means:

- a) Direct or indirect discrimination against women and men, in employment and education; in goods, facilities and services and in the exercise of public functions.
- b) Harassment, sexual harassment and discrimination on the grounds of pregnancy and maternity leave.
- c) Discrimination on the grounds of gender reassignment in employment and vocational training.
- d) Direct or indirect discrimination in the employment field on the grounds that the person is married or has a civil partner.
- e) Victimisation on the basis of gender.

Furthermore, the Sex Discrimination Act also protects those individuals who are intending to undergo, are undergoing or have undergone gender reassignment.

The Gender Equality Scheme falls under the umbrella of our Equality and Diversity policy and will be embedded within strategic planning and self-assessment processes.

The Equality Act 2010: Introduction

Over the last four decades, discrimination legislation has helped to make Britain a more equal society. However, the legislation was complex and, despite progress in many areas, some persistent inequalities remain.

The main provisions of the Equality Act 2010 came into force on 01 October 2010. As different sections of the Act are gradually brought into force, the Act will replace existing equality legislation. It is intended to simplify and strengthen the previous legislation, providing a modern, single legal framework with clear, streamlined law that will be more effective at tackling disadvantage and discrimination.

The provisions in the Equality Act will come into force at different times to allow time for the people and organisations affected by the new laws to prepare for them. The Government is still considering how some provisions will be commenced so that the Act is implemented in an effective and proportionate way.

Protected characteristics

The Equality Act 2010 provides protection from unlawful discrimination and harassment to groups and individuals on the grounds of the following:

“Protected Characteristics”

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The Act applies to:

- Services and Public Functions
- Premises
- Work
- Education
- Associations, including Political Parties

Key forms of discrimination

The main changes to how forms of discrimination apply to protected characteristics are summarised by ACAS in “The Equality Act 2010 - What’s new & what’s changed: at a glance”: [download a table showing the key changes.](#)

<http://www.acas.org.uk/CHttpHandler.ashx?id=2840&p=0>

In brief, the key forms of discrimination in the Equality Act 2010 are:

- **Direct discrimination:** Someone is treated less favourably than another person because of a protected characteristic (PC)
- **Associative discrimination:** Direct discrimination against someone because they associate with another person who possesses a PC
- **Discrimination by perception:** Direct discrimination against someone because the others think they possess a particular PC
- **Indirect discrimination:** Can occur when you have a rule or policy that applies to everyone but disadvantages a particular PC
- **Harassment:** Employees can now complain of behaviour they find offensive even if it is not directed at them
- **Harassment by a third party:** Employers are potentially liable for harassment of their staff by people they don’t employ

- **Victimisation:** Someone is treated badly because they have made/supported a complaint or grievance under the Act

Key Provisions of the Act

Provisions coming into force on 1 October 2010

- The basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions; premises; work; education; associations, and transport.
- Changing the definition of gender reassignment, by removing the requirement for medical supervision.
- Levelling up protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic, so providing new protection for people like carers.
- Clearer protection for breastfeeding mothers;
- Applying the European definition of indirect discrimination to all protected characteristics.
- Extending protection from indirect discrimination to disability.
- Introducing a new 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 from 3rd party harassment 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.
- 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.
- Harmonising provisions allowing voluntary positive action.
- Voluntary gender pay gap information for private and voluntary sector

Provisions on whose implementation the Government is consulting

- The public sector Equality Duty

Provisions the Government is still considering

- dual discrimination
- duty to make reasonable adjustments to common parts of leasehold and common hold premises and common parts in Scotland
- provisions relating to auxiliary aids in schools
- diversity reporting by political parties
- provisions about taxi accessibility
- prohibition on age discrimination in services and public functions
- family property
- civil partnerships on religious premises

Ministers are considering how to implement these 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. It was made known on 17 November 2010 that a proposed socio-economic duty on public bodies would not be implemented.

Public Sector Duties

The current public sector duties covering Race, Disability and Gender will continue to apply. It is expected that in April 2011 the Act will also extend the scope of duties on the public sector and will introduce a Single Equality Duty on the public sector.

The new single Equality Duty will bring together the current race, disability and gender equality duties and extend the provision to include age, religion or belief, sexual orientation; and gender reassignment. It will require public bodies to have due regard to the need to

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations.

Between 13th of September to 26th of November 2010, the Scottish Government is consulting on proposals for new Scottish Specific Duties and intends that these should be proportionate, flexible, outcome focussed, and operate within a public authority's existing systems and frameworks.

Enforcement

The Equality and Human Rights Commission (EHRC) has regulatory functions to ensure that individuals and businesses comply with the law. This is not limited to formal legal enforcement action, such as inquiries and investigations, but is supported by a range of activities such as the provision of advice, guidance and education; the encouragement of good practice; the raising of general public awareness and understanding of problems; assisting individuals with problems; targeted awareness-raising to enable and assist bodies to comply; intelligence gathering, research and monitoring of trends, and action to prevent non-compliance and unlawful acts.

Guidance

Further information and guidance is available from the websites of:

- The Equality and Human Rights Commission (EHRC)
<http://www.equalityhumanrights.com>
- The Government Equality Office (GEO)
<http://www.equalities.gov.uk/>
- Advisory, Conciliation and Arbitration Service (ACAS)
<http://www.acas.org.uk>

Glossary of Terms

Dignity

Joint Learning will not tolerate any form of harassment, discrimination or bullying by any members of its community. Nobody is expected to tolerate what they genuinely and reasonably believe to be harassment, discrimination or bullying.

There are two key ways in which we ensure that the environment we wish to create becomes a reality. The first is by charging managers and tutors with the responsibility for ensuring that staff and learners are neither harassed nor discriminated against. The second is to foster an environment in which there is no tolerance of discriminatory, bullying or harassing behaviour from any member of staff or any learner.

Joint Learning has teamed up with Anti-Bullying Alliance (ABA) in the North West. Founded in 2002 by NSPCC and National Children's Bureau, the Anti-Bullying Alliance (ABA) brings together over 60 organisations into one network. ABA looks to develop a consensus around how to stop and prevent bullying. ABA aim to influence policy. And work to develop and disseminate best practice.

ABA members come from the voluntary, statutory and private sectors and bring with them a wealth of expertise and experience. Together, we're working to end fear, working to bring hope to thousands of children and young people affected by bullying every year.

<http://www.anti-bullyingalliance.org.uk/>

What is harassment, discrimination and bullying?

Harassment

is unwanted conduct which has the effect (intentionally or unintentionally) of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment which interferes with an individual's learning, working or social environment or induces stress, anxiety or sickness on the part of the harassed person.

Discrimination

takes place when an individual or a group of people are treated less favourably than other because of their race, gender, gender reassignment, marital status, status as a civil partner, disability, age, religion or belief, sexual orientation or other factors unrelated to their ability or potential.

Bullying

can be defined as repeated or persistent actions, criticism or personal abuse, either in public or private which (intentionally or unintentionally) humiliates, denigrates, undermines, intimidates or injures the recipient.

Age

Joint Learning is committed to providing a positive working and learning environment free from discrimination, harassment, or victimisation on the grounds of age, or perceived age where all staff and learners are treated with respect and dignity

Current Legislation

- The Employment Equality (Age) Regulations 2006 prohibits unjustified direct and indirect age discrimination in employment and vocational training, including the provision of courses for students and student services.

The Employment Equality (Age) Regulations came into force in October 2006, and makes it unlawful for you to be discriminated at work on the grounds of your age, or perceived age.

There is a wide range of other legislative provision which is related to age discrimination including:

- [The Employment Rights Act 1996](#)
- [The Human Rights Act 1998](#)
- [Pensions Act 1995](#)
- [Protection from Harassment Act 1997](#)
- [The Health and Safety at Work Act 1974](#)

Ageism is defined as, 'action that disadvantages an individual because of their age on the basis of assumptions, misconceptions or stereotyping about age and ability, and hinders the proper consideration of an individual's talents, skills, potential and experience' It can be used to the detriment of people of any age and occurs throughout the whole employment lifecycle.

Discrimination

The Employment Directive defines age discrimination as follows:

Direct

Direct age discrimination can be said to have occurred when one person is treated less favourably than another on the ground of age alone. In presenting this definition, the Directive seeks to prevent such discrimination in employment, self-employment and training. It suggests circumstances when such difference in treatment could be objectively justified by an over-riding legitimate aim and the means of achieving that aim are appropriate and necessary.

Indirect

Indirect age discrimination is said to occur where an apparently neutral provision, criterion or practice would put persons of a particular age at a particular disadvantage compared with other persons. Again the Directive suggests that some indirect discrimination could be objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Harassment

Harassment is a form of age discrimination in the field of employment is defined as unwanted conduct that takes place with the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Disability

Joint Learning is committed to providing a positive working and learning environment free from discrimination, harassment, or victimisation due to a disability where all staff and learners are treated with respect and dignity.

Current Legislation

The Disability Discrimination Act 2005 places a positive duty on all public sector organisations to eliminate discrimination and actively promote disability equality.

Disability Discrimination Act (DDA) 1995

The [Disability Discrimination Act \(DDA\) 1995](#) was passed to end the discrimination that many disabled people face.

It aimed to protect disabled people in:

- employment
- access to goods, facilities and services
- the management, buying or renting of land or property
- education

With regards to employment, the DDA made it unlawful for an employer and therefore any of its staff to discriminate against a disabled person for a reason that relates to the persons disability, if that treatment cannot be justified.

This applied not only to recruitment but all areas of employment including the terms and conditions of employment, opportunities for promotion, transfer, training, dismissals, redundancies, and post employment (e.g. the provision of references).

For education providers, new duties came into effect in September 2002 under Part IV of the DDA amended by the Special Educational Needs and Disability Act (SENDA).

These require Joint Learning to ensure that it does not discriminate against disabled learners, prospective learners, and visiting learners in its service provision.

Further regulations, the Disability Discrimination Act 1995 (Amendment) Regulations 2003 aim to make the law more inclusive and introduced certain key amendments, including:

- change of burden of proof from employee to employer
- specific prohibition of harassment based on disability

Most recently, a new Disability Discrimination Bill was given royal assent in April 2005 and has now become the [Disability Discrimination Act \(2005\)](#).

This Act, which extends the scope of the Disability Discrimination Act (1995), will amongst other things:

- make it easier for mental health service users, people with cancer, HIV and multiple sclerosis to claim their rights under the DDA

- address institutional discrimination through a duty to promote disability equality for the public sector.

Race

Joint Learning is committed to providing a positive working and learning environment free from discrimination, harassment, or victimisation due to race where all staff and learners are treated with respect and dignity

Current Legislation

The Race Relations Amendment Act 2000 places a positive duty on all public sector organisations to eliminate discrimination and actively promote race equality.

Race Relations Amendment Act 2000

All racial groups are protected from unlawful racial discrimination by the [Race Relations Act](#) (1976) and the [Race Relations Amendment Act](#) (2000) (RRAA).

Religion or belief

Joint Learning is committed to providing a positive working and learning environment free from discrimination, harassment, or victimisation due to religion or belief where all staff and learners are treated with respect and dignity.

Current Legislation

The Employment Equality (Religion or Belief) Regulations 2003 protect people from discrimination on the grounds of all religions and beliefs.

Employment Equality (Religion or Belief) Regulations 2003

The [Employment Equality \(Religion or Belief\) Regulations 2003](#) protect people from discrimination on the grounds of all religions and beliefs.

Definitions

Religion or belief is defined as being any religion, any religious belief or similar philosophical belief. It does not include any philosophical or political belief unless it is similar to religious belief.

Discrimination

The Employment Equality (Religion or Belief) Regulations 2003 defines discrimination in the following terms:

Please note that the word Festival is used for the various differing holidays, holy day, celebrations, etc.

Direct Discrimination

Occurs when one person (A) treats another person (B) less favourably than s/he would treat other persons, and the reason is B's religion or belief.

Indirect Discrimination

Occurs if one person (A) applies a provision, criterion or practice, which s/he to other persons not of B's religion or belief, but which puts B at a disadvantage when

compared with those others, and which cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment

On grounds of religion or belief arises if a person engages in unwanted conduct which has the purpose or effect of violating another person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Conduct will have that effect only if having regard to all the circumstances, including the perception of the complainant; it should be reasonably considered as having that effect.

Victimisation

Arises when a person is treated less favourably because he has brought proceedings against the discriminator, given evidence in proceedings, done anything under the regulations, or alleged that the discriminator has committed an act which amounted to a contravention of the regulations.

Sexual orientation

Joint Learning is committed to providing a positive working and learning environment free from discrimination, harassment, or victimisation where all staff and learners are treated with respect and dignity

Current Legislation

- The Employment Equality (Sexual Orientation) Regulations 2003 protects you whether you are gay, lesbian, bisexual or heterosexual. It also protects those who are believed to be of a particular sexual orientation, whether or not they are.

Employment Equality (Sexual Orientation) Regulations 2003

The [Employment Equality \(Sexual Orientation\) Regulations 2003](#) protects you whether you are gay, lesbian, bisexual or heterosexual. It also protects those who are believed to be of a particular sexual orientation, whether or not they are.

Definitions

Sexual orientation refers to a person's sexuality, whether a person is attracted to people of their own sex, the opposite sex or both sexes.

Discrimination

The Employment Equality (Sexual Orientation) Regulations 2003 define discrimination in the following terms:

Direct Discrimination

Occurs if a person treats another person less favourably on the grounds of sexual orientation.

Indirect discrimination

May occur when a 'provision, criterion, or practice' is applied which puts persons of a particular sexual orientation at a disadvantage when compared with other persons.

Harassment

Occurs where, on the grounds of sexual orientation, a person engages in unwanted conduct which has the purpose or effect of violating the dignity of another person, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person.

Victimisation

Occurs when a person treats another person less favourably, because that person has done one of the protected acts, i.e. bringing proceedings, giving evidence or doing anything else under or by reference to the Regulations.

Trans

Trans is an umbrella term which includes, but is not restricted to, transgender and transsexual people whose gender identity differs from their biological sex.

Joint Learning is committed to providing a positive working and learning environment free from discrimination, harassment, or victimisation where all staff and learners are treated with respect and dignity.

Current Legislation

- The Gender Recognition Act became law in 2004. The Act means that people who have taken decisive steps to live fully and permanently in their acquired gender are afforded all the same rights and responsibilities appropriate to that gender.
- The Gender Equality Duty 2007 places a positive duty on all public sector organisations to eliminate discrimination and actively promote gender equality.
- Gender equality means the fair and equal treatment of men, women and transgender people. By transgender we include people to choose to live in the opposite gender and those who have gone through or are going through a gender re-assignment procedure.

The Gender Recognition Act 2004

[The Gender Recognition Act](#) became law in 2004. The Act means that people who have taken decisive steps to live fully and permanently in their acquired gender are afforded all the same rights and responsibilities appropriate to that gender.

Discrimination on the grounds of gender reassignment has always been illegal under the [Sex Discrimination Act \(1975\)](#) and [Sex Discrimination \(Gender Reassignment\) Regulations \(1999\)](#) (GRR), but this Act also provides legal recognition for transsexual people.

Definitions

Trans is an umbrella term which includes, but is not restricted to, transgender and transsexual people whose gender identity differs from their biological sex.

Discrimination

Discrimination on the grounds of gender reassignment has always been illegal under the [Sex Discrimination Act \(1975\)](#) and [Sex Discrimination \(Gender Reassignment\) Regulations \(1999\)](#) (GRR), but the [Gender Recognition Act 2004](#) also provides legal recognition for transsexual people.

Direct Discrimination

This arises when a person of one sex is treated less favourably than a person of another sex, and the sex of that person is the reason for the unfavourable treatment.

Indirect Discrimination

A person discriminates against a woman if he applies to her a provision, criterion or practice which he applies or would apply equally to a man but

- which is such that it would be to the detriment of a considerably larger proportion of women than of men, and
- which he cannot show to be justified irrespective of the sex of the person to whom it is applied, and
- which is to her detriment.

Harassment

Sexual harassment is defined as occurring where and any forms of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

Victimisation

It is also unlawful to victimise a person because he/she:

- brought proceedings under the Act, or the [Equal Pay Act 1970 Amendment Regulations](#) (2004), or
- given evidence or information in connection with proceedings under either Act, or
- done anything (in relation to either Act) to the discriminator or any other person, or
- has made allegations of a contravention of either Act.

EXTERNAL EQUALITY AND DIVERSITY LINKS

General links

- [Equality and Human rights commission](#)
- [Equality Challenge Unit \(ECU\)](#)
- [ACAS](#)

- [European Union campaign for diversity](#)
- [The Equalities Review](#)

Age related links

- [Age Positive](#)
- [Maturity Works](#)

Disability related links

- [Disability Rights Commission](#)
- [Access to Work](#)
- [BBC Ouch!](#)
- [Mind](#)
- [British Dyslexia Association](#)
- [Epilepsy Action](#)
- [The National Autistic Society](#)
- [Royal National Institute for the Blind](#)
- [Royal National Institute for Deaf People](#)
- [DeafBlind UK](#)
- [Skill](#)

Race related links

- [Commission for Racial Equality \(CRE\)](#)
- [Council of Europe](#)
- [Black Britain](#)
- [Chinese in Britain forum](#)
- [Black and Asian Grad](#)

Religion and belief related links

- [Beliefnet](#)
- [BBC Religion and Ethics](#)

Sexual Orientation related links

- [Stonewall](#)
- [Press for Change](#)

Transgender related links

- [The Gender Trust](#)
- [Inner Enigma](#)