Overview

• Key Principles
• University Context
• In Practice

Dr Nick Bampos, Disability Equality and LGBT Staff Network Champion

Professor Judith Lieu, Gender Equality Champion (AHSS)

Professor Roel Sterckx, Race Equality Champion

Professor Anne Davis, Gender Equality Champion (STEM)
One Law for Equalities

- Equal Pay Act 1970
- Sex Discrimination Act 1975
- Race Relations Acts 1976
- Disability Discrimination Acts 1995
- Sex Discrimination Act 1986
- Equality Act 2006
- Plus 100+ other secondary laws
Equality & diversity matters in the University

- **Research Councils** e.g. RCUK Statement of Expectations for E&D

- **HEFCE** requirements e.g. REF 2014, data and monitoring of staff and students

- **OFFA** Access Agreements link to socio-economic equality

- **Legislation**
  - Equality Act, Human Rights, Harassment legislation, Employment Law

- **EO Policy/Combined Equality Scheme** outline the University approach to equalities

- **Inclusive Culture**
  - Supporting all staff and students to realise potential, e.g. SGEN, WiSETI
Equality & Diversity’s Impact

• Equality & Diversity affects the University because it is:
  
  • An employer
  
  • A higher education institution
  
  • A provider of goods and services
  
  • A public authority with Public Equality Duties

It affects all staff, students and third parties who access the University. There is also the potential for vicarious liability.
What are the protected characteristics under the Equality Act?
The following are protected groups under the Equality Act:

- age
- disability
- sexual orientation
- race
- religion or belief (including lack of belief)
- sex (gender)
- pregnancy and maternity
- gender reassignment
- marriage and civil partnership

Online Training is available at:
www.equality.admin.cam.ac.uk/training/equality-diversity-online-training/
Professors

UK: gender, ethnicity, disability, age

- 79.5% male professors
- 93.7% white (among UK nationals)
  86.0% white (among non-UK nationals)
- 97.6% non-disabled
- 95.8% over 40

Equality in higher education: statistical report 2013
Key principles of Equality Law

• Prohibition of:
  • Direct Discrimination
  • Indirect Discrimination
  • Harassment
  • Victimisation
Direct Discrimination

• The Equality Act prohibits less favourable treatment because someone belongs to a protected group, like race, religion, gender, sexual orientation, age or disability.

• In general, there is no defence for direct discrimination

• Examples of direct discrimination include:
  • Refusing to provide training or other benefits to someone because they are disabled
  • Dismissing or excluding someone because they are gay
  • [http://www.admin.cam.ac.uk/offices/hr/equality/law/principles/#direct](http://www.admin.cam.ac.uk/offices/hr/equality/law/principles/#direct)
Indirect Discrimination

- Indirect discrimination occurs when a policy, practice or procedure applies in the same way to everybody but has an effect which particularly disadvantages people with a protected characteristic. This discrimination would be unlawful unless the person applying the policy can justify that the policy is a proportionate means of achieving a legitimate goal.

- Indirect discrimination can also occur if a policy disadvantages a person belonging to a protected group and this deters him or her from applying to access employment or a service.

- Indirect discrimination applies to all protected groups (except Pregnancy and Maternity).

- [http://www.admin.cam.ac.uk/offices/hr/equality/law/principles/#indirect](http://www.admin.cam.ac.uk/offices/hr/equality/law/principles/#indirect)
Harassment is defined in three ways by the Equality Act 2010:

- Unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant's dignity (this applies to all the protected characteristics apart from pregnancy and maternity and marriage and civil partnership).

- Unwanted conduct of a sexual nature (sexual harassment).

- Treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment.

- [http://www.admin.cam.ac.uk/offices/hr/equality/law/principles/#harassment](http://www.admin.cam.ac.uk/offices/hr/equality/law/principles/#harassment)
Are bullying and harassment the same?

• There doesn’t seem to be agreement on this!

• Generally:
  • Harassment – based on discrimination legislation
  • Bullying – offensive behaviour not covered by discrimination legislation.
Micro inequities

- Mary Rowe (1973): macro and micro inequalities

- **Micro inequities** cause people to feel slighted, discouraged or excluded e.g. in the workplace or class:
  - Being talked over or interrupted in meetings
  - Not having work acknowledged
  - Not being asked questions or for an opinion
  - Displaying different body language with different people

- **Impact on staff, students, colleagues, people we meet (or don’t)…**

- The opposite are **micro affirmations** – micro messages that cause people to feel valued, included or encouraged
IMPACT

• Who we sit next to at meetings or conferences
• Which staff or students we encourage and focus attention on
• Who we listen to more attentively and whose opinion we value
• Who we make time for and show an interest in
• Who we talk about being good (or not) at what they do
• Who is trusted with high-profile opportunities
• How aspects of performance are noticed and remembered
• How forgiving we are about others’ errors or mistakes
• How we perform under pressure
Some examples of bullying and harassment

- physical violence/ intimidation
- public humiliation
- personal insults
- persecution
- racist/homophobic insults
- stalking
- shouting
- passing off other’s work as your own
- publicly reprimanding staff
- persistent criticism
- spreading rumours
- malicious practical jokes
- certain staff always given the worst jobs
- leering
- sexual suggestions
Some other examples of bullying and harassment

- Isolating/ignoring someone
- Office banter about certain issues
- Setting someone up to fail, setting unrealistic deadlines or workloads
- Removing responsibility and imposing menial tasks
- Sabotaging/impeding work performance
- Withholding work information
- Cyber bullying

- Constantly changing guidelines
- Gossip
- Exclusion from social activities
- Failure to safeguard confidential information
- Barring other’s way
- Suggesting people should resign
- Making false accusations
- Excessive monitoring
Victimisation takes place where one person treats another less favourably because the other person makes a complaint of harassment or discrimination or is supporting someone who has done so.

Victimisation may occur if, for example:

- A student alleges that they have encountered racism from a tutor, and as a result they are ignored by other staff members.
- A senior member of staff starts to behave in a hostile manner to another member of staff, who previously supported a colleague, in submitting a formal complaint against the senior manager for sexist behaviour.
- An employer brands an employee as a ‘troublemaker’ because they raised a lack of job-share opportunities as being potentially discriminatory.
Vicarious Liability

Vicarious liability makes an organisation responsible for the wrongdoing of its members, including staff and students.

If an individual working or studying here is found guilty of unlawful harassment, victimisation or discrimination, then it is not just the individual who may be held liable in the eyes of the law: the University may also be liable.

In other words, we have what is known as ‘vicarious liability’ for the actions of individuals within the University.
The General Public Sector Equality Duties are to:

• **Eliminate unlawful discrimination, harassment, victimisation**

• **Advance equality of opportunity** between persons who share a relevant protected characteristic and those who do not

• **Foster good relations** between persons who share a relevant protected characteristic and persons who do not

The public equality duties cover all Protected Groups with the exception of Marriage and Civil Partnership

http://www.admin.cam.ac.uk/offices/hr/equality/law/duties/
Equality & Diversity
at Cambridge
Policy and Governance

- Equal Opportunities Policy

- Combined Equality Scheme

- Equality Objectives & E&D Information Reports
Sharing Good Practice

- Provide members of the University with equality related information
- Raise awareness of the law and good practice
- Understanding specific issues through the production of guidance
- Celebrate Diversity – a calendar of diversity events e.g. LGB&T History Month and International Women’s Day
Online Training

• A new Online Training module was launched in 2013

• It provides an overview of the University’s duties in the context of the law and our institutional response to these

• There is a 50% completion target for all staff - October 2015– Institutional completion 42%; SPS completion 37%

• Any member of the University community or College member with a CRSid can complete the module.

• The centre can confirm who has completed the module and will start to share completion information with local institutions

• [www.equality.admin.cam.ac.uk/training/equality-diversity-online-training](http://www.equality.admin.cam.ac.uk/training/equality-diversity-online-training)
The Equality Pledge

- [www.cambridge.gov.uk/equality-pledge](http://www.cambridge.gov.uk/equality-pledge)
- [@Equality_Pledge](https://twitter.com/Equality_Pledge)
- [www.facebook.com/?q=#!/equalitypledgecambridgeshire](https://www.facebook.com/?q=#!/equalitypledgecambridgeshire)
“We believe in the dignity of all people and their right to respect and equality of opportunity. We value the strength that comes with difference and the positive contribution that diversity brings to our community. Our aspiration is for Cambridge and the wider region to be safe, welcoming and inclusive”

The Equality Pledge is an initiative that celebrates and promotes the diversity of our community. It highlights the commitment of signatories to equality and its benefits for our communities.

Both individuals and organisations can sign-up to the Equality Pledge.
SCENARIOS
Scenario

Armand works for First University and is openly gay. His manager, Albert, regularly mimics Armand's body language to the amusement of Armand's colleagues. Armand laughs along with the 'jokes'. Another member of the department, Val, is also gay but his colleagues are unaware of his sexuality. Val complains to the HR manager about Armand's and Albert's behaviour. However, on no account does Val want his sexuality disclosed to his colleagues; he does not want to raise a formal grievance or ask First University to investigate his complaint because he does not want to be identified.

• Has Val been harassed?

• Is First University liable for Val's treatment?

• What procedure should First University follow when dealing with Val's complaint?
Any Questions?