

Diversity in the Workplace

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Section 1 - What is diversity?

Each section in this course covers a different area. You can work through them in any order you choose, but you may wish to start with What is Diversity?

Welcome (video)

Welcome to this course on Diversity in the workplace.

By completing this course, you can expect to:

- gain an understanding of the broader equality and diversity issues.
- become familiar with equality's legislation.
- know your rights and responsibilities as a member of staff.
- and be able to explain the negative effects of discrimination.
- be able to describe how the Equality Act 2010 relates to the Freedom of Speech Act 2023.

On many screens there are links to further information and if at any point you are unsure what to do, please click the help button.

ssWhat is Diversity?

To get started, let's begin with a simple definition. What do you think 'diversity' means?

- Acknowledging differences between people'
- Treating people the same
- Respecting individual differences
- Political correctness

Diversity involves acknowledging and valuing the individual differences in personal identities, attributes, skills, and contributions of everyone within and outside the University.

It's also about respecting these differences and being able to connect with colleagues and students regardless of their personal characteristics. It is not about treating people the same; instead it's about recognising that everyone has different experiences that must be acknowledged and different needs that may have to be met in different ways.

So this course will illustrate the benefits of appreciating diversity while showing how individuals – and the University– can be negatively affected by discrimination.

Why diversity matters

“Society – and our workplace – are diverse, and we cannot (and should not) avoid that.”

It sometimes takes us out of our comfort zones, but everyone benefits from contact with people with different experiences and backgrounds. The University values diversity and appreciates that people perform best when they are free to be themselves, and when their differences are respected, valued and celebrated.

Why are equality and diversity important?

Equality and diversity are important to the University as:

- We want our staff to reflect our diverse society and understand and respect differences.
- We want to create an inclusive environment where all our students and staff feel their contribution is valued, they work at their full potential, and maximum creativity.
- Staff and student will increasingly judge, and be attracted to the University, based on its commitment to equality and diversity and also on how we put this into practice in the context of our duties to protect and promote freedom of speech and academic freedom.
- The University is regarded as an employer of choice.
- Diversity of thought and ideas is fundamental to the pursuit of knowledge

What are the risks associated with discrimination?

Discrimination doesn't just impact 'minority' groups but affects anyone who is treated differently because of actual or perceived protected characteristics. It can also apply if a different treatment is applied due to an association with someone else's personal characteristics – e.g. disability. It also negatively affects the whole organisational culture.

Students are also protected by discrimination legislation, so staff should consider how their behaviour may be interpreted by everyone they come into contact with, not just by colleagues. Embracing diversity can drive positive change for both an organisation, and the people within it – for example, staff from different cultures bring fresh perspectives.

Furthermore, it is important to work positively and constructively within a diverse team, and this is what the University expects of all employees.

What can happen if we don't think about this?

The legal issues in this area are increasingly complex and far-reaching, with legislation extending beyond the traditional boundaries of race, sex and disability discrimination to cover several additional protected characteristics such as religion or belief, sexual orientation and gender reassignment. So, staff need to be aware of their legal responsibilities, both for themselves and the University.

Victims of discrimination may raise legal claims, and in cases where Employment Tribunal action is taken, financial penalties may be levied against both organisations and individuals, with no limit for discrimination payouts.

There are also human costs for the person taking the case, and the prospect of negative publicity for the University.

The University must also comply with the Public Sector Equality Duty, which means that all activities and policies must be reviewed with an equality lens, to actively challenge and mitigate the risk of systemic discrimination.

What are equality, diversity and inclusion?

Equality

Equality is about ensuring everybody has an equal opportunity, and is not treated differently or discriminated against because of their personal characteristics or background. This is covered under the Equality Act which sets out people's rights and means of redress.

Diversity

Diversity is about taking account of the differences between people and groups of people, and placing a positive value on those differences. It's a description of difference that's based on visible characteristics of an individual, but can also include hidden differences, such as identity, background, socio-economic status or education.

Diversity includes how we look, behave and think.

Inclusion

Inclusion goes beyond just recruiting and retaining a diverse workforce. It's about the creation of an environment where difference is seen as a benefit, where perspectives and differences are shared, leading to better decisions. This helps to support the achievement of the PSED and supports the implementation of equality and diversity.

What are freedom of speech and academic freedom?

Freedom of Speech

Freedom of speech in higher education protects the right of students, staff, and visitors to express opinions, beliefs, and ideas, (even if they are controversial or unpopular), as long as the speech is lawful.

- Under the Freedom of Speech Act 2023 all universities must take reasonably practicable steps to ensure lawful speech can occur on campus or in online learning environments.
- Freedom of speech does not extend to unlawful speech, such as threats or hate crimes, or behaviour which would amount to harassment under the Equality Act, threats.
- The law does not prohibit speech which others may find upsetting or offensive if that speech remains lawful.

Academic Freedom

Academic freedom is a specific aspect of freedom of speech that applies to teaching, research, and scholarship. It protects:

- The right of academic staff to teach, research, and publish on controversial or sensitive topics.
- The right of students to engage critically with ideas, question assumptions, and participate in debates.
- The ability for staff and students to express lawful views without fear of institutional penalty, provided they comply with equality and harassment laws.

There are several reasons why Freedom of Speech matters for Equality, Diversity and Inclusion:

- Academic debate often involves challenging ideas and exploring diversity of thought.
- Protecting freedom of speech ensures that all voices can be heard, including minority or dissenting perspectives.
- EDI initiatives promote respectful dialogue, without restricting lawful expression or forcing adoption of particular beliefs.

Types of discrimination

Under the UK law discrimination is defined in four different ways, all of which are unlawful in the workplace, in education, and in the provision of goods, facilities and services.

What is ‘direct discrimination’?

[Direct discrimination](#) occurs where a person is treated less favourably than another in similar circumstances because of a protected characteristic.

The Equality Act introduced the term ‘[protected characteristics](#)’ to refer to groups that are protected under the Act. These are Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, and Sexual Orientation.

An employer cannot argue that it was not their intention to discriminate, as the law only considers the end result. Data Protection legislation now makes it possible for job candidates to see interview notes, making it easier to produce evidence for some discrimination claims.

A person can also be a victim of direct discrimination because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do – e.g. a heterosexual person is treated less favourably because they are assumed to be gay.

What is ‘indirect discrimination’?

For example, Jude is a student with myalgic encephalomyelitis/chronic fatigue syndrome (ME/CFS). As part of their Chemical Engineering course, it is a requirement that they undertake practical laboratory sessions.

The Laboratory is however located on the 3rd floor in an old University building and it does not have lifts. They raise the issue with the University to see if they can move the class to an alternative accessible location but are advised that nothing can be done. Jude seeks advice and notifies the University that they feel they have been discriminated against on the grounds of their disability.

[Indirect discrimination](#) is where a policy, practice or procedure applies to everyone, but which puts members of a group sharing a protected characteristic at a particular disadvantage. This is often a less obvious form of discrimination than direct discrimination.

What is ‘harassment’?

[Harassment](#) is defined in the Equality Act as ‘unwanted conduct’ which has the purpose or effect of violating the complainant’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment on grounds of the Equality Act protected characteristics of age, gender reassignment, disability, race, religion or belief, sex or sexual orientation, is unlawful.

Harassment may be verbal, non-verbal or physical, and can include comments and jokes, as well as other behaviours that create a hostile working environment, even when it is not directed specifically at the complainant. Such behaviour can be persistent or can consist of a serious isolated incident.

It is important to distinguish between lawful expression of belief, and harassment. Lawful expression of protected beliefs, even if offensive to some, is not, in itself, harassment. Under freedom of speech and academic freedom duties, conduct only amounts to harassment if it crosses the Equality Act threshold of violating dignity or creating an objectively hostile environment.

Where people disagree politely on matters of (for example) sex and/or gender, this is not harassment. However, making personal comments about, or fun of someone's characteristics, identity or beliefs could be.

In relation specifically to sexual harassment, under the Worker Protection (Amendment of Equality Act 2010) Act 2023, employers have a legal duty to take 'reasonable steps' to prevent sexual harassment of employees. Additionally, universities are banned by the OfS from using Non Disclosure Agreements (NDAs) where they relate to complaints of harassment or sexual misconduct, and from August 2025 the OfS requires institutions to publish and maintain policies and procedures that set out how they will deal with such incidents.

What is ‘victimisation’?

[Victimisation](#) involves penalising someone for exercising their rights under equality legislation, or for making an internal complaint, or for supporting someone else in doing so. For example, this could cover bringing a complaint on behalf of another employee who has brought proceedings for discrimination.

Concerns that they will be penalised in some way can deter employees from challenging discrimination, or taking cases to Employment Tribunals. Understanding that victimisation in itself can be unlawful may give them confidence to pursue legitimate cases.

Acceptable or not?

A job advertisement imposes an upper age limit yet calls for a certain number of years’ experience. Is that OK?

- No
- Yes

The correct answer is “No”. This is an example of indirect sex discrimination, as fewer women than men would be in a position to fulfil the criteria required, given that women disproportionately take on caring responsibility for young children. Imposing an upper age limit would (unless objectively justifiable because of the nature of the job) also be age discrimination.

Section 2: Bias and Behaviours

The promotion

What is bias? What are its consequences? And how can we recognise – and overcome it? This Section covers the key issues.

I joined the University 12 months ago and want to go for promotion. I have demonstrated that I have potential but my manager says: “I don’t think you are ready yet, you’ve only been here for a year”. What sort of bias may be occurring in this scenario?

- The manager has assumed that I am fairly new, therefore I could not possibly have the skills needed to get a promotion
- The manager feels that promoting me may be a threat to their own role
- The manager is of the belief that ‘you have to work up the ranks’ rather than be judged on your own skills

These are all types of bias that could be occurring, without the manager realising it. Most of us think we treat people fairly. But the truthful answer to: ‘Are you biased?’ is ‘yes’.

We know it’s wrong to ‘judge a book by its cover’. Yet we do this most of the time. We all have biases, and these can affect our ability to make good decisions. So it’s important to identify them and put them aside to support the development of all staff. And we shouldn’t let irrelevant factors like age, race, disability or even size affect our judgement.

Recognising bias

“The first step to overcoming the influence of bias is to recognise that it exists.”

We all make split-second decisions based on what people look like, and our own beliefs and feelings about certain groups as a result of influences throughout our lives. For example, in many cultures 'tall' is equated with 'powerful' - and research shows that tall people are often favoured for promotion.

Research by leading academic institutions (including Harvard, Yale, MIT, Columbia, Stanford), and organisations like McKinsey demonstrates that unconscious bias and subconscious processes have a significant effect on our everyday decision making abilities in the workplace. Indeed, in 1995, Dr Anthony Greenwald and Mahzarin Banji both theorized that it was possible that our social behaviour was not completely under our conscious control.

As with our in-built 'fight or flight instinct', bias helps us to detect danger, make decisions quickly and follow our 'gut reactions'. So every day, even the most aware, fair and objective people group others into categories based on social characteristics in order to make sense of the world.

Consequences of bias

Workplace decisions based on bias (whether conscious or unconscious) are not rational or robust. However you prioritise the consequences they are all important and impacted by bias.

Exploring and learning a little about our own bias helps can help us understand how and why we interact with people the way we do. Are your behaviours and decisions dictated by either unintentional or irrelevant positive or negative judgements? Could small bias-based actions and comments affect interactions with colleagues or business partners?

Becoming more aware of how our brains are wired can help us understand that 'trusting our instincts' can lead to poor decision-making. Once we acknowledge the potential for bias, we can actively work to create an environment where we avoid judging others unfairly. We can consciously focus on making evidence-based business decisions and ensuring that the University is a great place to work for everyone.

Stereotyping and prejudice

What is stereotyping?

Stereotyping involves identifying features that a group is supposed to have, making these features the dominant characteristic of the group, and suggesting that all members possess such features (e.g. 'students can't get out of bed in the morning').

The particular danger with stereotyping is that it can become the socially sanctioned attitude. This

can be seen in the way that asylum seekers are portrayed by certain newspapers.

To combat stereotyping we should seek out relevant information to make a fair and unbiased decision, and never assume. In considering diversity we must look at the individual and not the stereotype.

What is prejudice?

Prejudice is an opinion or attitude formed beforehand without sufficient information or from misinformation, that unfavourably affects our thinking about a person or group of people - we feel 'less positive' about them.

It can be displayed through extreme negative behaviour such as hate crime, but is also present in everyday actions such as humour, or attitudes such as pity.

Discrimination can result where prejudice is put into practice through an unfavourable action.

Bullying

Bullying is unacceptable in work environments and has no place at the University, where there is an expectation that everyone will be treated with dignity and respect.

Bullying is: 'coercion or intimidation which serves to undermine the competence, effectiveness, confidence and integrity of another. The abuse of power, position or knowledge by one person to criticise or humiliate another, can cause the individual being bullied to feel vulnerable, humiliated

and lacking in confidence.’

Bullying may be carried out by an individual against an individual (perhaps, but not always, by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual. Additionally, as with harassment, disagreeing politely is not bullying, but personal attacks, mockery, or deliberate exclusion may be.

Bullying is not necessarily a face-to-face issue. It may also occur in written or electronic communications, by phone, or through imagery (for example posters or drawings). Examples include:

- Instantaneous rages, often over trivial matters.
- Personal insults and name calling.
- Public humiliation.
- Cyber bullying (e.g. inappropriate use of texts or posting images online)
- Ignoring or excluding individuals.
- Shouting at others in public and/or private.

Bullying is often clear-cut but sometimes people are unsure whether or not the way they are being treated is acceptable. If this applies to you there are a number of things to consider:

Has there been a change of management or organisational style to which you need time to adjust – perhaps a new manager or work requirements?

Can you discuss your worries with your HR manager, your line manager/supervisor, union

representative or colleagues, to see if they share your concerns?

Can you agree changes to workload or ways of working, or other aspects of your professional relationship that will clarify expectations and boundaries between you and the other person?

If you are sure you are being bullied, please speak to someone with whom you feel comfortable discussing the problem. This may be your manager, or someone in HR. This way, appropriate steps can be taken to help you resolve the issues you are experiencing.

Challenging unacceptable behaviour

You may be able to identify someone who behaves in a discriminatory manner or know an individual who is the victim of this treatment. The effects of this behaviour are very serious – so it's vital to understand what to do about it if it impacts you, or someone around you.

Take responsibility

Unacceptable behaviour should be challenged at an early stage. Condoning it - by not challenging it - results in it becoming integrated within an organisation's culture. It is certainly not just the responsibility of the person who is directly affected.

If you witness inappropriate behaviour towards a colleague, it's important not to pass this off as someone else's responsibility: 'bystanders' can play an important part by supporting their colleagues, which can give the person confidence to take control and confront the situation.

However, it's a good idea to talk to the person on the receiving end of the behaviour before taking

action yourself, to avoid unintended consequences.

Informal approach

In cases of discrimination and harassment, informal approaches can be very effective. The 'victim' informs the perpetrator of the effect of their actions, and requests that the behaviour stops. This can be done face-to-face, in writing, or via an intermediary.

But this can be difficult in practice, especially if the person on the receiving end of the behaviour feels threatened or isolated. If this is the case, or if the behaviour is serious, a formal approach (e.g. to a manager/HR) may be more appropriate.

Managerial responsibilities

Managers have a responsibility to take action if they are aware of tensions within their team, and the University expects them not to 'sweep issues under the carpet' or trivialise such situations. If managers are aware of inappropriate behaviour in their team, the University expects them to take swift action to resolve the situation.

Sensitivity of approach and confidentiality are important, and managers will normally want to talk to all 'parties' to hear different perspectives.

Wider issues

Those facing discrimination covered by legislation can make an application to an employment tribunal. This can be traumatic. It is more beneficial for all concerned if issues can be resolved at a local level within an inclusive environment which celebrates diversity, including diversity of thought.

The University aims to create an environment where someone can comfortably express their opinion on any remarks or behaviour they find unacceptable, and their colleagues make reasonable adjustments without any ill-feeling. Education and dialogue can constructively enhance understanding of different views and experiences.

While upholding principles of free speech and academic freedom, The University is committed to eliminating all types of unjustifiable discrimination and behaviour that constitutes harassment, through implementation of its Equality and Diversity Policies, Charters and Action Plans.

Section 3: Equality Legislation

Welcome (Video)

Diversity and inclusion isn't just the right thing to do. In the UK it's also a legal requirement, that higher education institutions and all of their staff must strive to meet. The Equality Act, plus the supporting legislation such as the Public Sector Equality Duty are there to protect everyone from unlawful discrimination. so, make sure you are familiar with the key requirements and understand the associated potential risks to university finances, our reputation, and staff engagement.

The Equality Act

The Equality Act 2010 is the UK's key piece of equality legislation. In this section, we will work through a number of scenarios which illustrate how this legislation works in practice.

'Protected characteristics' is the name for the nine personal characteristics that are protected from discrimination under the Equality Act. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race

- Religion or Belief
- Sex
- Sexual Orientation

The Public Sector Equality Duty

The Public Sector Equality Duty (PSED) is part of the Equality Act. It requires all public bodies, including universities, to have due regard to promoting equality in everything they do.

The three duties related to the PSED are often called the ‘three aims’ or ‘three arms’ of the equality duty. These further explain that advancing equality of opportunity involves the following key things:

1. Removing or minimising disadvantages suffered by people due to their protected characteristics.
2. Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
3. Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Duty requires that public bodies (including universities), consider the needs of both their employees and their clients or service users in delivery of their day-to-day activities. Policies, programmes and services should be designed with the experiences and situations of different

groups in mind, and the Duty also supports robust decision-making and the most efficient use of resources, delivering against strategic objectives and priorities.

The general duty

The Public Sector Equality Duty ensures that public authorities, in the exercise of their functions, must have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic, and those who do not.
- Foster good relations between people who share a protected characteristic, and those who do not.

The specific duties

Public authorities have specific duties under the Equality Act to help them comply with the public sector equality duty.

Public authorities must:

- publish equality information at least once a year to show how they've complied with the general equality duty
- prepare and publish equality objectives at least every 4 years.

Your information will usually fall into two main categories:

1. Information to identify equality issues. Examples of this include equality monitoring information about employees or service users, or information about the effect of your activities on people

with different protected characteristics.

2. Information about steps taken to have due regard to the aims of the general equality duty. For example, any records you have about how you had due regard in making certain decisions, information that was considered in that decision-making (including engagement), consideration of steps to mitigate adverse impacts, or details of policies to address equality concerns. A formal process that is often used to assess 'due regard' is called Equality Analysis, or Equality Impact Assessment.

Age

Age is one of Equality Act protected characteristics, and covers individuals of any age.

Ali, a porter, is older than many of his co-workers, who often make jokes about him being 'past it' and 'clapped out'. His approach so far has been to 'grin and bear it', but for his 50th birthday, he gets a card from his colleagues addressed to 'an old fart.' Ali decides he's had enough, and makes a complaint. What's your opinion of the situation?

- Ali's colleagues are harassing him
- Ali is taking this too seriously
- Ali's colleagues are being ageist
- The situation is unfortunate, but acceptable

Ali's colleagues' comments could be defined as harassment if Ali finds them offensive or humiliating, and his workmates are certainly being ageist.

Age discrimination

Age discrimination is prohibited in many situations - but not all.

What is prohibited?

Age discrimination is prohibited under the Equality Act in employment, in the provision of goods and services, and in vocational training, which includes all programmes of study in further, higher and tertiary education.

However, there are a number of key exceptions where it will remain lawful to treat people differently on the basis of age, for example:

- a service provider can make age-related concessions and benefits (e.g. a cinema can offer over-60s cheap tickets)
- the financial services sector (e.g. banks, insurers) uses robust evidence to assess risk and applies age limits to services or products (e.g. banks offer 'silver saver' accounts for customers over 60 or insurers limit car insurance for older customers).

Justification

Legally, the test for potential cases of age discrimination is whether the discrimination can be said to be 'objectively justified'. Unlike other types of discrimination, justification can be used lawfully as a defence for age discrimination.

However, employers do not have to justify differences in pay and benefits that have arisen from service of up to five years, and awards on the basis of five years or more service can be made if an employer reasonably believes that this meets a business need (for example encouraging loyalty or

motivation).

Retirement age

Legislation now prevents employers from setting a default retirement age of 65, and objective justification for enforced retirement must be provided in individual cases.

The best practice approach to retirement includes creating a workplace culture where there are early open and constructive conversations about retirement plans between employers and senior employees, with flexible working options on offer.

Ageism

Ageism is often based on stereotypical views of older – and younger – people.

Recruitment best practice

The Centre for Ageing Better's guide on Good Recruitment for Older Workers recommends ensuring age is part of EDI policy and strategy; collecting and scrutinising age data from the recruitment process; debiasing job adverts; reviewing the structure of the recruitment process; and building age awareness and confidence among recruiters.

Employment Tribunal example

A former NHS manager who was discriminated against because of her age was awarded £39,000 damages. Linda Sturdy claimed that she was passed over for a job running breast screening services by her NHS Trust employer, and that after having been told she was in line for the key position, it was then offered to a younger and less experienced colleague.

An Employment Tribunal ruled that she was turned down because she was nearing retirement age, after it heard that a recruiting manager told Ms Sturdy that he didn't realise she was 'so old'.

Assumptions, stereotypes, prejudices and myths

Ageism tends to occur when assumptions about people's ability and competence are made based on their age.

Ageist behaviour is often based on stereotypes, prejudices and myths, which can be positive as well as negative. For instance, "older workers are more loyal", "younger workers have more drive and energy".

Hard to recognise

Because ageism is so deeply engrained in society, it can be harder to recognise than other forms of unfair discrimination. People are generally much more comfortable discussing, and justifying, age stereotypes than stereotypes on other equality grounds.

What may seem like a meaningless remark to one person may be offensive to another. As a start,

try translating a remark about someone's age into a similar remark about their race, gender, disability or some other personal characteristic. If it 'feels wrong', then it probably is.

Challenging behaviour

You may need to challenge your own behaviour or the behaviour of others. For example, do you know whether work colleagues appreciate being the butt of age-related jokes or comments? Do you know how they feel? These examples may seem fairly innocent, but combined with other factors could lead to a claim of age discrimination.

Disability

Rachel and Sarah are lecturers who are discussing the needs of Samhita, a new student who is blind.

- Rachel: "We'll tell Samhita we've arranged a book fetch service"
- Sarah: "We need to meet Samhita ASAP to find out what support she needs, if any"
- Rachel: "I'll reassure her we aren't expecting her to perform as well as the other students"
- Sarah: "We should write to tell her what adjustments we've made on her behalf"

The correct answer is B. It's very important not to make assumptions about the support that disabled staff or students require, and common stereotypes can negatively focus on disability rather than ability, or underpin patronising attitudes towards disabled people by portraying them as in need of

pity or sympathy.

Disability is one of the Equality Act protected characteristics, which means it is unlawful to discriminate against disabled people.

The legal definition of disability is: 'A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.'

Disability does not just mean impaired mobility or sensory reduction, but can also mean conditions such as diabetes, cancer, lupus syndrome and conditions related to mental health, learning disabilities, and invisible disabilities. Long-term means lasting longer than 12 months, or for the rest of your life if this is expected to be shorter than 12 months.

Discrimination arising from a disability is also unlawful under the Equality Act. This is where a disabled person is treated unfavourably not because they have a disability (which would be direct discrimination) but because of something that is connected with their disability, and the treatment cannot be justified.

If a dyslexic employee produces work with poor spelling and is consequently challenged on capability grounds, this could be unlawful because they are being treated unfavourably because of something connected with their disability.

A student example would be where an autistic learner speaks out of turn during classes, which creates disruption, and because of this behaviour the student is asked not to attend some sessions.

This is likely to be discrimination arising from a disability if the student's behaviour is linked to their disability.

Consult the following website for additional disability information:

- [Toolkits – Business Disability Forum](#)
- [Disability Confident employer scheme](#)
- [Disabled people – Advance HE](#)

Disability – reasonable adjustments

In many circumstances, 'reasonable adjustments' are required under the Equality Act.

What are reasonable adjustments?

As well as prohibiting disability discrimination, the Equality Act also says that failure to make 'reasonable adjustments' is unlawful. This is one of the key principles underpinning disability legislation, and the provisions do not apply to the other equality strands – they are unique to disability.

Reasonable adjustments aim to remove the disadvantage that a disabled person experiences because of their disability. The law says that this may involve changes to provisions, criteria or practices or to physical features, or it could mean the provision of auxiliary aids.

What are examples of reasonable adjustments?

Examples of reasonable adjustments for students might include:

- Flexibility about course requirements and deadlines, while maintaining academic standards.
- A book fetch service in the library.
- Special exam arrangements including the provision of question papers in alternative formats.

Do education providers need to plan ahead?

For students the duty to make reasonable adjustments is anticipatory, which means that education providers must expect and plan for disabled students participating in all University activities.

Employers must make reasonable adjustments to working conditions or the workplace, to comply with the legislation.

Examples of reasonable workplace adjustments could include providing equipment, reallocating duties within a team or allowing flexibility on work start times if this is helpful to the disabled member of staff.

Should disabled people be consulted?

It is inappropriate to assume that a disabled person may not be able to achieve the same performance as a non-disabled person.

Case law has shown that the individual should be asked what reasonable adjustments would ideally enable them to meet the requirements of a job or course, and that assumptions about appropriate adjustments should not be made without comprehensive information. Every individual is different,

and what is ‘reasonable’ may vary considerably in each case.

Legal context, definitions and awareness

Legal Framework

The Equality Act lists gender reassignment as a protected characteristic, providing legal protection from discrimination, harassment, and victimisation for trans people. For the purposes of the Act, a trans person is someone who proposes to, starts, or has completed a process to change their gender. Protection does not depend on medical treatment.

The Supreme Court (2025) confirmed that while trans people are protected from discrimination under the category of gender reassignment, this does not alter the definition of “sex” under the Act. “Sex” remains defined as biological male or female.

The Gender Recognition Act 2004 allows trans people who have lived in their affirmed gender for at least two years to apply for a Gender Recognition Certificate. Provided that they meet the statutory requirements, they are then able to change the sex originally recorded at birth. This enables them to marry in their affirmed gender or form a civil partnership consistent with current legislation. However, according to the Supreme Court ruling, a person with a GRC does not have their sex changed for the purposes of the Equality Act. This means that under the Equality Act, a person's sex is their birth sex, whether they have a GRC or not.

Terminology and Identity

“Trans” is sometimes an umbrella term used to describe the diversity of gender identity and

expression. However, non binary and gender fluid identities are not separately protected characteristics.

It may refer to people undergoing or having undergone a gender transition, or those whose gender identity differs from their sex assigned at birth but who have not pursued medical treatment.

It may also describe individuals who express their gender through clothing, presentation, or other means.

Gender identity is distinct from sexual orientation. Sexual orientation relates to enduring physical, romantic, or emotional attraction to others, whereas gender identity relates to one's internal sense of being male, female, or outside the binary.

AdvanceHE provides a glossary of terms associated with trans issues.

Data Protection and Confidentiality

Under the Data Protection Act 2018, a person's trans status or gender reassignment is considered sensitive personal data. This information cannot be recorded or disclosed without explicit consent.

Individuals who have obtained a Gender Recognition Certificate have additional legal protections under the Gender Recognition Act 2004. It is a criminal offence for representatives of public bodies, services, businesses, or employers to disclose previous names, gender history, or trans status without consent.

Freedom of Speech and Academic Freedom

This summary reports current legal protections and terminology. It does not mandate personal beliefs or the use of specific language, and staff and students retain the right to hold lawful beliefs about gender and sex. Disagreements or discussions about gender identity should be conducted in a manner consistent with the University's legal obligations and codes of conduct ([link](#))

Support for trans people

Supporting Trans and Non-Binary Staff in Higher Education

Employers have a legal duty of care toward all staff, including trans and non-binary employees. This includes compliance with the Equality Act, which protects individuals from discrimination, harassment, and victimisation based on gender reassignment.

This section sets out approaches that are legally compliant and supportive, while recognising that staff retain the right to hold lawful beliefs about gender and sex.

Supporting trans and non-binary staff involves creating a work environment that respects legal protections and fosters good working relationships.

Inclusive communication (Advisory Guidance)

While respectful communication is encouraged, staff and students retain the right to hold lawful beliefs about gender identity and pronoun use, including beliefs that may differ from institutional practice, provided these do not constitute harassment.

Being aware of inclusive language can help foster respectful communication.

Some people request that specific pronouns are used for them. While it is courteous to respect such requests, the law does not impose compulsion. The follow suggestions for inclusive language are advisory:

- Listening to how colleagues introduce themselves and following their preferred form of address.
- Using the individual's name if pronouns are unknown.
- Considering neutral pronouns (e.g., "they/them") in situations where a person's pronouns are not clear.
- Apologising and correcting yourself if mistakes occur, as you would if a name were mispronounced.
- Optionally including pronouns in email signatures to support clarity and inclusivity.

Conducting discussions about transition

Discussions with a transitioning staff member should be conducted sensitively, addressing practical support needs. Suggested discussion topics include:

- Measures the university can take to support the staff member during and after transition.
- Preferences regarding informing colleagues and students.
- Minimising disruption to work or study, including adjustments to roles or arrangements.
- Confidentiality and secure handling of personal records.
- Reminder: These discussions should focus on legal compliance and practical support. Staff and students may hold differing lawful beliefs about gender, and open discussion is permitted within the law.

Marriage and civil partnership

Under the Equality Act, marriage and civil partnership is a 'protected characteristic', so it is unlawful to discriminate directly or indirectly against someone because they are married or in a civil partnership.

Equality Act: example

For example, it would be unlawful to have a policy of not employing married women or to refuse someone an overseas posting because they are married and would take their family abroad with them, if this involved treating them less favourably than someone who was not married.

People who are neither married, nor in a civil partnership (though they might be co-habiting) are not covered under the 'protected characteristic' of 'marriage or civil partnership'. However, the Equality Act protects them under 'sex' and/or 'sexual orientation'.

Civil partnership/s and Marriage acts, 2004, 2013 and 2019

The Civil Partnership Act 2004 enabled same-sex couples to obtain legal recognition of their relationship and have equal treatment to married couples in terms of rights and responsibilities, including:

- Tax (including Inheritance Tax)
- Employment benefits
- Most state and occupational pension benefits
- The duty to provide maintenance for civil partners and children.

The Marriage (Same Sex Couples) Act 2013 legalised same-sex marriages in England and Wales from 2014.

The Civil Partnerships, Marriages and Deaths Act in 2019 then amended the 2004 Act to allow mixed-sex couples to form a civil partnership, meaning that both same and mixed-sex couples can now choose the most appropriate type of relationship for their situation.

However, continued care must be taken to ensure that workplace policies reflect the current equitable situation and do not perpetuate still widely held stereotypes and/or inadvertently discriminate against same-sex couples in terms of entitlements or benefits, compared with married or mixed-sex couples, (for example leave policies or policies that offer ‘perks’ to partners or family members).

Pregnancy and maternity

Pregnancy and maternity are one of the protected characteristics under the Equality Act, separate from the protected characteristic of ‘sex’.

Unfavourable treatment

Direct discrimination during pregnancy and statutory maternity leave are unlawful, and it is not necessary to demonstrate less favourable treatment in comparison with someone who is not pregnant – only that ‘unfavourable’ treatment has occurred because of pregnancy or maternity leave.

Who's covered

The legislation covers employees in the workplace, but also students who are pregnant or who have just had a child. It means that education providers are unable to refuse an applicant entry to a course because they are pregnant, or ask that they leave a course because they become pregnant.

They will also need to ensure that arrangements do not result in less favourable treatment because of breastfeeding. Universities should not penalise students who miss examinations or course work deadlines because of pregnancy and maternity (including pregnancy-related illness or appointments).

Lorna's pregnancy

Lorna's manager was supportive throughout her pregnancy. However, during this time she had two periods of absence from work due to back problems. This tipped Lorna over the 'trigger' number of sickness absence days, and she was given a warning in line with the University sickness absence procedure.

When she returned to work, Lorna's manager explained that duties had been reallocated across the team so she could focus on being a mother – and some of her previous tasks had been given to a new staff member. On what grounds do you think she could claim pregnancy-related discrimination?

- Her pregnancy-related illness was potentially taken into account as part of normal sickness absence

- Lorna's manager made changes to her work responsibilities while she was on maternity leave
- Lorna's manager did not consult her about the changes

All of these options are correct. Lorna could potentially claim pregnancy-related discrimination based on all these issues. If her back pain and absence was associated with her pregnancy, it should not have been taken into account as part of normal sickness absence.

Also, irrespective of the good intentions, it was discriminatory to assume that Lorna's work will become less important to her now that she has a baby, and she should not have been given less responsible work as a result. People on maternity leave must always be consulted about changes to their work.

Race

The Equality Act makes it unlawful to discriminate on the grounds of colour, race, nationality (including citizenship) or ethnic or national origins, in the areas of employment, education, and the provision of services. Under the legislation, discriminatory acts can include:

- Refusing to acknowledge the validity of qualifications because they were achieved outside the UK.
- Refusing to provide a service to someone because of their colour.
- Not employing a person on racial grounds because they would not 'fit in'.
- In employment, demanding language skills which are not required as part of a job.
- Racial harassment, including racist name calling, insults or 'jokes'. Research conducted by

Universities UK in 2023 found that more than half of the students polled had experienced racial harassment.

Induction day

It's a new employee induction day and people are getting to know each other. Jaina is having a coffee with other new colleagues, and they are introducing themselves and chatting about their home-towns and where they live now. After a brief break in the conversation, someone asks Jaina 'Where are you from?', to which she replies 'I'm from Leicester. I'm really missing it already!'

One of the other members of the group then follows up with 'Great, I love Leicester too, where are you from originally?' Jaina looks a bit confused and hesitantly says 'Well, I was born in Leicester and so were my parents... And I have aunts and uncles and cousins there too. But my grandparents both came to the UK from India in the 1950s, when they were teenagers. Is that what you mean?' There's an uncomfortable silence and then someone says 'Oh, of course, that makes sense' and moves the conversation on.

What do you think is going on here?

People who look ethnically or racially 'different' from the white majority are often asked 'Where are you from?' Depending on how this is framed and delivered, it can question their belonging and entitlement to be from a certain place and can signal a (often unintentional) bias about what it means to be British.

‘Where are you from’ can be seen as an offensive exclusionary behaviour based on race – that is an action or comment which subtly undermines someone’s identity by reflecting biases or stereotypes about social groups.

The question can trigger a personal reaction and can feel alienating. Jaina’s reaction and response shows that she feels uncomfortable and defensive, and she feels the need to explain herself. However, while repeated or pointed questions about a persons’ origins may be perceived as discrimination, not every instance amounts of harassment. Freedom of Speech law protects questions and discussions, even if some may find them uncomfortable. It’s important to remember that the Equality Act legal test for harassment is whether behaviour violates dignity or creates a hostile environment.

It’s important for us all to reflect on our biases and avoid making assumptions based on limited information, which can then play out through inappropriate questions, comments and other behaviours.

Culture and Systemic Issues

How can systemic issues arise?

Organisational Culture

Organisations have their own cultures which, can marginalize or alienate people who have different personal characteristics. Organisational norms and values can exclude particular groups of people

for example a particular communications style, social relationships and networks.

Organisations should ensure that they are not unconsciously engaging in systemic discrimination. This takes vigilance and a willingness to monitor and review data, policies, practices and decision-making processes and organisational culture.

It should not be acceptable for an organisation to choose to remain unaware of systemic discrimination or to fail to act when a problem comes to its attention.

For example, in the area of employee recruitment, in a 2019 report by the Centre for Social Investigation at Nuffield College found that, despite having the same skills, qualifications and work experience, job applicants from an ethnic minority backgrounds had to send 60 per cent more applications than white British candidates before they received a positive response.

In terms of supporting staff in a typical employee life cycle, cultural work practices have been known to deter staff from accessing supportive policies.

For example, the [TUC Racism risk at work report \(Jul 2020\)](#) highlighted that a majority of workers from ethnic minority groups who experienced an incident in the workplace, chose not to report the most recent incident to their employer. Only 16% of workers from ethnic minority groups who experienced incidents reported the most recent incident to their employer. 31% told a member of their family or a friend, and 27% told a colleague. Significantly, 28% chose to tell no one.

Religion or Belief

A selection panel is discussing who to hire for a middle management position. The strongest candidate is Jon, a Jewish applicant. However, there is a potential problem: he says he'll need to leave early every Friday, which is when the weekly departmental meeting is currently held.

- May: "He's the best candidate. We would be silly not to hire him, and we must do so. We can sort out the meeting later."
- Sara: "But the weekly meeting's vital – let's get back to him and ask him what he means by 'leaving early' – perhaps it won't be a problem."
- Adam: "He's not going to be able to make the weekly meeting, so let's just hire someone else."

The correct answer is C. Jon is the best candidate so he should be hired. He has flagged an element of flexibility in his work pattern that he would require, which relates to his religious observance, but it's important not to jump to conclusions based on limited information, about how religious practice, dress or dietary requirements might conflict with current workplace arrangements. These should be discussed openly and constructively later, and in this scenario there are likely to be several options in terms of enabling Jon's participation in the weekly departmental meeting.

In legal terms, exceptionally there may be situations where for business reasons, it is not possible to accommodate particular religious practices or observances because of the nature of the role, but the starting point should always be that there is no reason why these cannot be supported.

Religion or belief definitions

The Equality Act bans discrimination on the grounds of religion or belief for workers and students and in the provision of goods, facilities and services.

What do religion and belief mean?

‘Religion’ is not defined in the Act, nor is a list of covered religions given; however, this protected characteristic divides into two main areas – religion or religious belief; and philosophical belief.

Religious belief is an individual’s own faith and how it affects their life. This can mean any religion, for example an organised religion like Christianity, Judaism, Islam or Buddhism, or a smaller religion like Rastafarianism or Paganism, as long as it has a clear structure and belief system.

A **philosophical belief** must be genuinely held and more than an opinion. It must be cogent, serious and apply to an important aspect of human life or behaviour. To be considered a protected characteristic, the belief must also be worthy of respect in a democratic society and not affect other people’s fundamental rights.

Case law has established that under the Equality Act, so long as views are expressed lawfully, gender-critical views (in other words the belief that a person cannot change their sex), are considered a protected philosophical belief, as are ethical veganism, and belief in man-made climate change.

It’s important to remember however, that there is a distinction between holding such a belief and being permitted to manifest it. An employer cannot subject an individual whose beliefs have been

established as falling within the Equality Act philosophical belief definition to less favourable treatment because they hold those beliefs; but that does not mean that the individual is permitted to express those beliefs in a way which would constitute direct discrimination or harassment of a colleague or customer with another protected characteristic.

Individual and policy implications

Religion or belief prejudice or stereotyping can heighten or be accentuated when world events draw attention to differences, and can translate into unacceptable and even extreme individual behaviours such as hate speech. For example, experiences of both anti-semitism and islamophobia increased since the start of the war in Gaza. Additionally, religion or belief discrimination can be embedded in organisational policies and processes. It is essential for individuals to recognise how their strongly articulated personal beliefs might unintentionally constitute unlawful harassment, and for those designing policies to take account of different religious traditions and practices.

Issues and situations to be aware of include facilities and time for religious observance, recognition of religious events or holidays (affecting scheduling or timetabling for example), and dietary practices or food storage requirements (e.g. the unacceptability of alcohol to certain religions, or the need to keep different foods separately). To avoid discrimination, flexibility and reasonable adjustments should be put in place wherever possible;, or where objective justification of indirect discrimination can be made for business reasons, this should be clearly established and communicated.

Freedom of speech and expression of religion or belief

Unfortunately, conflict can occur between groups holding different views, those with different identities, or those from different faiths. Students tend to spend time with others who have the same worldview, and increasing polarisation on campuses and within society in general can mean that even constructively framed debates can result in reinforced stereotypes and further damage relationships. It is important to remember that while freedom of speech is a right that must not be curtailed, this does not allow unlawful speech or behaviour that amounts to harassment under the Equality Act.

[Research](#) conducted by Coventry University describes the value of both ‘safe spaces’ (for students who may experience harassment or hate incidents) and ‘provocative encounters’ (where controversial views can be openly voiced and discussed) on campus; the former where students are supported and their identities positively protected, and the latter where students’ beliefs and identities are respectfully and constructively challenged in ways that enable learning and reflection.

Sex

Mary, the chair of an academic selection panel, is interviewing Clare, a female applicant. In her response to the warm-up question about an overview of her career history, Clare mentions her children, and Mary asks whether they are at school yet. Subsequently, when Clare is unsuccessful, she complains that the question about her children was inappropriate. Was it? What do you think about this situation?

- It indicates possible stereotyping based on Clare’s sex
- Clare is just complaining as she didn’t get the job

- It opens up Mary to accusations concerning her hiring choice
- Warm-up questions are important in an interview – and Mary's question was OK

The correct answers are A and C. Both men and women experience sex-based stereotyping, and assumptions can often be made about women taking responsibility for childcare, or care of older relatives or friends. While we do not know Mary's intentions, this is possibly the case here, as some interviewers tend to ask mothers questions relating to childcare, when they would not ask the same questions of a father. Such questions could be unlawful discrimination and should always be avoided.

But even if Mary is not influenced by stereotypes, the perception that she might be, and that there has been bias in the interview process, has now been created, and Clare's complaint will certainly have to be investigated. If she can make a case that she has suffered sex discrimination, she could go to an Employment Tribunal.

In 2025, the UK Supreme Court confirmed that the protected characteristic of "sex" in the Equality Act is binary and means biological sex (male or female). It is equivalent to the biological sex assigned at birth and recorded on the birth certificate. This is referred to as a person's 'legal sex', and under the Equality Act, 'sex' does not mean self-identified gender.

The Equality Act makes it unlawful to discriminate on the grounds of sex in the areas of employment, education and the provision of goods, facilities and services. Discriminatory acts can include:

- Refusing a mature female student a place on a course because of her perceived family responsibilities.

- Refusing to work with a person of the opposite sex because of their sex.
- Advertising that certain unjustifiable physical characteristics e.g. strength, height, are a requirement for a job.
- A female manager sexually harassing a male member of staff.

All the types of unlawful discrimination (e.g. direct, indirect and combined discrimination, harassment and victimisation) apply under the legislation.

Equal Pay and the Gender Pay Gap

Equal Pay

Under the Equality Act, men and women (binary definition) must get equal pay for doing 'equal work'. This is work that equal pay law classes as the same, similar, equivalent or of equal value. This means someone must not get less pay compared to someone who is both the opposite sex to you, and doing equal work for the same (or an 'associated') employer. Unequal pay can also amount to discrimination if related to one of the other Equality Act protected characteristics.

Gender pay gap

The gender pay gap is a broader measure of the difference in the average earnings of men and women (regardless of the nature of their work) across an organisation, a business sector, an entire industry, or the economy as a whole. It is expressed as a percentage of men's earnings.

Although the gender pay gap is slowly shrinking, in the UK in 2023 the average woman in paid employment effectively works for free for nearly 40 days of the year compared to the average man in

paid employment.

The main reasons for the gender pay gap are undervaluing of women's work; part-time working; occupational segregation; discrimination; and unpaid caring responsibilities.

Under the Gender Pay Gap Regulations 2017, all employers with over 250 staff must report annually on their gender pay gap.

Sexual orientation

The Equality Act bans discrimination on the grounds of sexual orientation against workers and students and in the provision of goods, facilities and services. The protected characteristic of sexual orientation is defined as being a person's sexual attraction towards people of the same sex as them, towards people of the opposite sex, or towards people of both sexes. The legislation specifically prohibits all forms of discrimination (direct and indirect, by perception and by association), as well as harassment and victimisation due to sexual orientation.

Advance HE research

An Advance HE [research](#) within higher education found that just over a third (38.6%) of LGBTQ+ staff are out to everyone at work.

Some staff are concerned about being out because of employment security and discrimination; fears that students might respond in homophobic ways; and anxieties that an LGBTQ+ identity might compromise their research agenda.

The Advance HE research revealed that the most common form of discrimination experienced by the LGBTQ+ staff surveyed was homophobic remarks, and that in the experience of those interviewed, these remarks were rarely considered unacceptable or challenged by others.

One survey respondent commented: 'I don't feel confident about being fully open within my department because there is banter.'

Further information

The Guardian website is updated daily and this area focuses on [LGBTQ+ rights](#) - both in the workplace and outside of it.

Imagine that you receive a form from HR asking you for certain personal information, such as your ethnic origin, and whether you consider yourself to be disabled. One question also asks you to identify your sexual orientation. What is your opinion of such a question?

- It's too personal – there is no good reason for the University to ask for it
- Information on sexual orientation will be misused by the University
- It's OK – no-one should feel they have something to hide
- It's important for the University to have this information about staff

The correct answer is D. Information about sexual orientation is indeed very personal, but there is a

range of evidence of negative treatment of staff and students with minoritised sexual orientations, and the systematic collection of data on sexual orientation is crucial in order to identify problems that need to be acted on.

Some discriminatory treatment is obvious (such as homophobic comments), but some is more subtle, such as the exclusion of LGBTQ+ people from social networks where work is discussed, (which can therefore affect career or research prospects), or bias in the promotions process.

Action

What can be done to avoid discrimination and to ensure the letter and the spirit of the Equality Act are applied?

Awareness

It is important that culture, processes and systems are audited, reviewed, evaluated and findings acted upon. By undertaking reviews of outcomes of organisational processes, bias or unfair practices can be addressed, rectified and avoided for the future. The findings of the reports should be made available and be actioned.

Accountability

Organisations and individuals need to be accountable for their actions. This means that when incidents occur, they are dealt with in a timely and respectful manner. Investigations should not be unduly delayed and if the matter is of a serious nature such as a hate crime or sexual assault the police should be informed as quickly as possible.

Prevention

An organisation that is working to embrace diversity that is operating in a fair and transparent way, with an extensive programme of training and development, that is respectful of its employees and clients is in a good position to prevent unfair and discriminatory events. Prevention will not be achieved without awareness and accountability being in place.

Will for change

There must be a will within organisations to action changes that remove any inbuilt bias, unfair practices or systemic disadvantages. This should be the remit of senior leaders but must flow throughout the organisation to ensure that there is ownership by everyone.

Section 4: An inclusive environment

Welcome (Video)

Managers have a key role and a personal responsibility to promote equality, diversity and inclusion. Managers also have a duty of care towards their staff, so diversity awareness is core to being an effective manager.

In today's workplace, it's likely that the team you manage won't just be made out of one type of person. So, you need to be prepared to manage people who might be very different to you and to each other. But taking a one size fits all approach doesn't work. So, you need to be ready to treat people as individuals, whoever they may be.

Your responsibilities

In this Section, we will explain how to create an inclusive working environment.

It is important to understand that discrimination can be present in everyday behaviour – so the University seeks to ensure that standards of behaviour promote and celebrate diversity, including diversity of thought and different perspectives.

What are my basic responsibilities?

Your responsibility as a member of staff is to appreciate diversity by treating colleagues and students with respect.

What key questions should I ask myself?

Ask yourself whether anyone is unwittingly excluded because of the way in which we (as an organisation) function. Also:

- Do you consider other people's perspectives before acting?
- Do you subjectively recruit people who have the qualities that you personally like, irrespective of whether they are the best person for the job?
- Do you criticise some people and fail to praise them for good work?

What's my legal position?

Individual employees and students can be held responsible for acts of unlawful discrimination if their institution can prove that it has taken all reasonable steps to prevent the act from happening.

Remember, the University can also be vicariously liable for your behaviour - be it intentional, or inadvertent.

Positive behaviours

Positive behaviours helping to create an inclusive environment include:

- Offering to work on projects or presentations with colleagues you might not have naturally approached previously.
- Making a point of talking to people with whom you do not usually have much contact.
- Praising colleagues when you think they have done well at something at work.

- Introducing colleagues you know, but who do not know each other.
- Respecting an individual's personal space.
- Considering appropriate language in written and oral communications.
- Not indulging in banter, gossip, or stereotypical views.
- Devising alternative course material or methods of communication to accommodate different needs.
- Finding out about different cultures, religions, disabilities etc.
- Questioning unsubstantiated statements or opinions that appear prejudicial.
- Considering the diverse needs of individuals when planning events and meetings.

Diversity in the real world

Both lack of diversity and significant diversity can be hard to handle, for those who are minoritised, and those in the majority. Diversity 'tensions' within society and within communities will by extension also occur in workplaces and study environments. However, failing to confront discrimination effectively would have a profoundly negative effect on our working culture – something the University's policies are intended to prevent.

Confronting discrimination

Discrimination has a negative and potentially very damaging effect on both individuals and organisational culture. If discrimination of any kind is allowed to exist in the University, those who are subject to it will suffer (as will the University as a whole). They may lose confidence, become

defensive - and it is possible their performance might deteriorate. (It's estimated that the effects of workplace bullying cause between 33% and 50% of all stress-related illness).

If unfair treatment, discrimination, or bullying/harassment go unchallenged, this implies it is condoned, and it may become 'normalised' within the University's culture. This is something which cannot be tolerated.

Organisational policy

Our aim as an organisation must be to create an environment where people can comfortably express their opinions regarding the remarks or behaviour they find unacceptable, and where mutual respect makes everyone feel valued and included.

Lawful approaches?

Positive approaches to counter discrimination are almost always well-intentioned – but they must also be legal, and appropriate. Which of the approaches listed are lawful in the UK?

- Positive discrimination
- Positive action

The correct answer is B. Positive discrimination is unlawful in the UK and should not be confused with positive action which aims to create a 'level playing field' by addressing existing disadvantage, rather than by offering preferential treatment or advantage to a particular group.

However, it is also important to note that in recognition of the extent of barriers to participation in work and other activities, it is never unlawful to treat disabled staff or students more favourably than non-disabled staff or students.

Positive approaches

In law, ‘positive action’ refers to voluntary practices or initiatives which seek to alleviate disadvantages experienced by groups of people who share a protected characteristic, to reduce under-representation or to meet particular needs.

Positive action

Employers can take steps to encourage applications from under-represented groups in the workforce as a whole, or in particular occupations. It is also lawful to address any special protected characteristic-related educational, training or welfare needs identified for a specific group.

If the University is considering implementing a positive action initiative, we recommend that you study the legislation in greater detail to ensure that the action you propose to take is lawful.

Positive action: examples

Examples of lawful positive action are:

- Student widening participation activities (such as awareness or outreach days for groups under-represented in higher education).
- Offering vocational training opportunities to applicants or students who share a particular protected characteristic, where they are under-represented in the areas of work to which the

vocational training relates.

- Proportionately targeting support or additional tuition to students who share a protected characteristic, in circumstances where disadvantage or different needs have been identified.
- Targeting recruitment advertising to encourage applications from people from groups currently under-represented within the workforce.

Genuine Occupational Requirement (GOR)

In certain circumstances it is legal to recruit someone purely on the basis of one of the protected characteristics, where this is a Genuine Occupational Requirement (GOR) for the job.

A job warranting decency and privacy considerations, such as that of female counsellor in a women's rape crisis centre, is one example that is covered by the GOR provisions.

Let's talk

Being more inclusive: Creating dialogue.

What don't we talk about openly anymore?

Some topics can either be absent from dialogue and conversation within organisations, or be very toxic and confrontational, because they are sensitive or controversial or because identities or differences of opinion are polarised. It is important that constructive and respectful communication encourages open debate, builds awareness and enables freedom of speech and academic freedom, while also avoiding discrimination or harassment..

Why?

From a diversity perspective, the lack of dialogue or marginalisation of specific issues may have resulted from a number of perceptions or reasons, including:

- It has all been said and done before.
- No-one is listening.
- The topic is too sensitive or controversial.
- The closed organisational culture makes it hard for issues to be raised.
- Specific issues have become lost in the broader diversity agenda.
- The lack of positive outcomes has led to disillusionment and disengagement.
- There is nervousness about using the correct terminology, for fear of causing offence.

Try not to let concern about using the correct terminology stop you talking. If you come to the conversation with respectful interest and a willingness to listen, you are unlikely to cause offence, and it is important that all voices are heard. If you are unsure about a particular word or phrase, ask your colleagues what they think and what they prefer, and take their views on board. Everyone can learn from this positive dialogue.

Being an active bystander

Sometimes, you may experience or witness a situation where comments are made, or behaviour occurs, which cause discomfort or shock. What should you do? Being an active bystander involves intervening constructively while safeguarding free speech. You should diffuse harmful situations or

respectfully challenge unpopular opinions, rather than policing viewpoints. While it is important to distinguish between offensive but lawful speech and harmful behaviour such as harassment, you can still take responsibility for intervening, and help to be part of the solution.

For example, you can distract or de-escalate the situation by interrupting or redirecting attention. Alternatively, you can check in with the targeted person after the incident, or you can speak to a manager or someone from HR about what you have experienced or seen.

Remember – only intervene if it is safe to do so. Do not put yourself or others at risk..

Diversity on campus (video)

Universities are melting pots of widely varying ideas so academic debate needs to be rigorous. But we always need to balance this with talking to each other respectfully, because sometimes tensions can arise within such a diverse community.

Some people may be experiencing rich diversity for the first time. And it may not feel obvious, how to be sensitive to people who aren't in your in-group.

But being aware for the need of sensitivity and taking basic practical steps to embrace diversity on campus can make all the difference.

Diversity in Learning and Teaching

We will now briefly consider some key issues relating to Diversity in Learning and Teaching (DILT).

What is DILT all about? More specifically, what elements shape a curriculum underpinned by equality and diversity principles?

- Facilitating learner inclusion to fulfil potential
- Integrating equality and diversity into the curriculum area
- Avoiding subject areas that could cause controversy
- Encouraging learners to reflect on personal attitudes
- Teaching about equality and diversity rights and responsibilities

The only incorrect option is C. A 'diversity curriculum' has four main aspects:

- Facilitating learner inclusion to fulfil potential.
- Integrating equality and diversity into the curriculum area.
- Encouraging learners to reflect on personal attitudes.
- Teaching about equality and diversity rights and responsibilities.

Section 5: Diversity Scenarios

Welcome

Diversity and inclusion is something that needs to be practical and embedded in day-to-day working life, if it is going to make a difference. So here, we will look at three diversity scenarios focused on the areas of:

- Sexual orientation.
- Mental health challenges.
- Pregnancy and maternity.

For each scenario, you will be asked for your thoughts on what has happened - and what a positive approach might be. So, as you go through the content, please reflect on how you could apply the underlying principles to your own working environment.

Sexual orientation (Video)

Audio description: Laura walks into lounge area where Seve and Jay are sitting. Laura sits and places her mug on the coffee table.

Jay: Hi

Laura: Hi

Jay: How was the theatre?

Laura: Oh, not great.

It was set in Greenwich village in the seventies.

Jay: That sounds interesting.

Laura: Well. It was a good play...it was just very gay. If you know what I mean? And I didn't know when I bought the tickets.

Jay: Oh, ...right.

Laura: I mean, it was well acted, but I just find the whole camp, queenie act gay people do a bit grating and this was two hours of it.

Seve: Sorry you didn't enjoy the play Laura, but maybe you should consider your language.

Laura: Oh no, I'm not being a homophobe, I have a lot of gay friends.

Seve: But that's not the point. You are talking about a whole gay stereotype there.

Laura: Well, ok maybe not all gay guys are like that, but the gay guys that I know can be quiet catty

and bitchy and after a while it just get on my nerves.

Seve: Look, it's very important that we have an environment here that feels inclusive for everyone, whatever their lifestyle and you're speaking in a hostile way about a whole group of people. If someone gay heard you saying things like that, it might make them feel uncomfortable.

Laura: But, no one here is gay.

Seve: And even if no one gay person's here, you still shouldn't be saying things like that to anyone anyway, because that is a stereotype and by talking like that you 're helping perpetuate that stereotype.

Laura: I didn't realise.

What would you do?

Reflect back on what Laura had to say - and how Seve responded.

- Report the conversation to HR
- Document the incident immediately
- Make clear that the remarks are unacceptable

Laura's comments while undoubtedly unpopular and offensive to some are unlikely to be unlawful harassment under the Equality Act, and she has a right to express a lawfully held view. Escalating to HR would only be appropriate if the behaviour became targeted at a particular person, was repeated, or clearly constituted unlawful harassment.

However, Seve also has a right to challenge Laura's views, as she was stereotyping, and even though her comments are lawful speech they can still cause harm. Seve's intervention is a good example of how to challenge stereotypes constructively, and it encourages Laura to reflect on her comments.

However, even those who challenge constructively can use language which may not be seen as appropriate by some, as this term gives the impression that being LGBTQ+ is a choice. If you slip up when supporting others or, you should own your mistake with integrity, and learn from it.

Derogatory behaviour

It is important to address this type of behaviour as it happens, because when we allow fellow employees to make derogatory remarks about a group, we are fostering a hostile work environment

A hostile work environment is unhealthy because it makes LGBTQ+ workers feel unsafe. This is clearly wrong - and it can also affect productivity.

Every person is entitled to work in an environment that is free from harassment and unlawful discrimination. Even where speech is lawful, derogatory comments can still undermine inclusion and wellbeing, so we should all challenge them constructively.

You may not be able to change a person's way of thinking. However, *expressions of hatred are unlawful and unacceptable. Even when comments fall short of that, stereotyping or derogatory remarks can still harm colleagues and damage trust.*

If you encounter a derogatory conversation, you might approach the situation by saying:

- “I overheard you talking about *** . Your comments make me uncomfortable. I’m sure they’d be hurtful if overheard. I hope we can stick to the matter at hand, instead.”
- “Sorry to interrupt, but your remarks are inappropriate and I felt I should say something. I bet a lot of the assumptions you’re making are wrong. I think we should be respectful of everyone, despite any assumptions about their personal life.”

Use words such as ‘we’ to avoid distancing yourself, or the co-worker who made the derogatory remark, from the LGBTQ+ community.

Derogatory comments can perpetuate and create an unsafe workplace for LGBTQ+ people, and we should all do our part to make sure our organisation is not hostile to people from different backgrounds.

Remember: the goal is to create a wonderful workplace for everyone.

We’ve seen how our workplaces and communities need allies. An ally is someone who although not a member of a group that experiences discrimination or bias, stands and speaks up to support that

group. In the scenario, Seve is an LGBTQ+ ally and challenges Laura. This can be hard to do and his intervention is powerful. He effectively makes Laura reflect on her comments.

Mental health challenges (Video)

Audio description: Seve prepares the meeting room for the event when Clara enters the room to check -in with him.

Clara: Hi, we all set?

Seve: Not really. Is everyone coming?

Clara: Yes, I think so.

Seve: Then we don't have enough chairs.

Clara: I think we'll be ok.

Seve: We won't be ok because we don't have enough chairs.

Clara: Some of the students can stand if they need to.

Seve: They can't stand, because nobody will be able to get in and out.

Clara: It's not a problem. It'll be ok.

Seve: Ok, then fine yeah, we are ready.

Clara: Well, that went well.

Seve: Yeah.

Clara: I noticed a few trying to have a conversation with you and you didn't really respond. And a few people in the office said you've been quite difficult to talk to. It's about having a more positive attitude.

Seve: Fine.

Clara: Is everything ok? You seem a bit stressed. Are you finding things hard at the moment?

Seve: Yeah, I suppose.

Clara: Does everything feel a bit much?

Seve: I don't know.

Clara: I don't want to pry, if you don't want to talk about it.

Seve: No, I'm fine to talk about it.

Clara: Are you feeling down?

Seve: Yeah.

Clara: You can talk to me about this.

Seve: But you're always busy.

Clara: Ok, sorry. But look, I'm not busy now.

Start a dialogue?

Reflect for a moment on the scene with Seve and Clara. What could you do if you found yourself in a similar situation? What would be a good way to start a dialogue to discover someone's mental well-being?

- Ask how things are going; actively listen. then engage
- Do not make assumptions; be non-judgemental
- Share your own relevant experiences of mental health challenges
- Talk about managing stress; ask your colleague how they do it

These could all work, depending on the context, and also on how comfortable you are talking about your own personal situation.

The key point here is that everyone has mental health, just like they have physical health.

Challenges are normal, they can be treated - and being open makes a significant difference.

A supportive culture

Sometimes, excessive work pressure, especially when combined with external events, can tip people into an insurmountable situation - leading to poor mental health. Too often, employers don't recognise mental health problems. This can lead to a reduced pool of employees, increased sick-leave, and lower productivity.

Mental health problems can affect anyone. The greater awareness levels are in the workplace, the more effectively these challenges can be met and managed for the benefit of everyone.

There is still work to do in breaking down stigma attached to poor mental health and providing an open and supportive culture that enables staff to be honest with managers and colleagues, access

support and enjoy a healthy working life.

Make your own contribution through a personal commitment to talking openly and positively about mental health challenges.

Pregnancy and maternity (Video)

Audio description: Farhad and Jay are having their first meeting after Jay's return from her maternity leave.

Farhad: How you finding being back? Bit of a shock to the system?

Jay: Actually, it feels really good to be back.

Farhad: Come on then, let's see the photo!

Jay: Oh, yeah, sure.

Farhad: Ah, so cute.

Jay: Thank you.

Farhad: So, who's looking after him now.

Jay: My husband works three days a week, so he has him today. But I was wondering, can I speak to you about the University Enterprise committee? I've been taken off and Rafa is on?

Farhad: Yes, well, we had to rearrange a few things while you were away on your maternity leave.

Jay: But this decision was only made yesterday

Farhad: Oh well, sometimes the group needs to work outside office hours, don't they?
So, we thought that would be hard for you now.

Jay: Being on the committee means liaising with the Council and the Senate. It could be really good for my career. Rafa will make connections now and he is my assistant.

Farhad: You might find your priorities have changed now.

Jay: You should have asked me first. My husband doesn't work in the evenings so I can make this work.

Farhad: Well, I was just trying to help you out here, Jay. To be honest, you were off work quite a bit before maternity leave with your bad back. We don't want to burn you out.

Jay: The two occasions with my bad back were pregnancy related, not some long standing health

issue. It's not going to be a problem now.

Farhad's decision

Farhad replaced Jay on a key committee with Rafa - her assistant. He felt he had good reasons for doing so, based on his perspective on Jay's personal situation.. He has assumed that Jay would not want or be able to maintain her position on the committee because she is a new mother.

- Farhad's assumptions were reasonable, despite Jay's reaction
- Farhad should have talked to Jay first to understand her personal situation
- Jay's position at work is genuinely in question

The correct answer is B. Here, Farhad is making assumptions both about Jay's private life - and how this may impact on her capability at work.

Instead, managers should always discuss issues openly, and understand an employee's circumstances and work ambitions, before taking action.

The law

On returning from maternity leave, if there is unlawful treatment (e.g. being unfairly replaced by their maternity cover), there can be legal consequences, which could result in an Employment Tribunal.

The entitlement on returning from maternity.

The law says that an employee can take up to a maximum of 52 weeks maternity leave, following which they are entitled to return to work.

It is unlawful for employers to treat employees less favourably on the basis of pregnancy/maternity leave.

Must returners always be offered exactly the same job when they return?

Taking up to 26 weeks (or less) means that they must be offered the same job when they return to work.

If they take over 26 weeks leave, then there is usually an entitlement to the same (or a similar) job on return unless there is a good reason for this not to happen (e.g. a genuine redundancy). If so, the employer must offer an appropriate and suitable alternative position.

What if the employee's position becomes redundant?

If this happens, the employee must be offered an appropriate alternative position.

There should be no expectation of them having to apply for it, or attend competitive interviews.

An employee can only be made redundant if there is clear justification - for example a part of the business closes, and everyone in that section is made redundant.

Conclusion

You have now completed the scenarios section of this learning resource.

Challenges relating to pregnancy and maternity, sex, and sexual orientation are all present at work.

We may not encounter them on a daily basis, but we need to ensure that we deal with them in a fair and inclusive way.

The next time you encounter one of these challenges, reflect on some of the issues we've covered. Could you take a more positive approach, based on what you've learned?

Remember: when it comes to diversity and inclusion, YOU can make a difference.

Thank you for taking the time to complete this course, which has looked at the different ways discrimination can occur. It has also explored the possible legal implications, and the effects discrimination can have on individuals. Hopefully, you will appreciate that diversity is a key skill in the contemporary work environment.

If there are any issues you would like to review, please refer to the appropriate screens within the course.