

## Equality Policy 2017 – 2010 Appendix

### Types of unlawful discrimination

- Direct (including by Associative and Perceptive)
- Indirect
- Harassment
- Victimisation

Please see glossary below for definitions adopted by the Council.

### Glossary of Terms

**Alternative formats** (usually) written materials available in other ways, such as braille, large print, but can also be audio/visual.

**Age** a person belonging to a particular age (for example 32 year olds) or range of ages (for example 65 to 80 year olds).

**Associative discrimination** is direct discrimination against someone because they associate with another person who possesses a protected characteristic. This already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex.

**Customer** includes those receiving goods or services from the Council, our partners, Councillors and workforce. This includes all people and organisations that interact with the Council both internally and externally.

**Direct discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

**Disability** A person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport. People who have had a disability in the past are also protected.

**Disciplinary procedure** is the process for employers to use in dealing with situations of employee misconduct and/or poor performance.

**Diversity** recognising and valuing people are different, from different backgrounds.

**Due regard** consciously considering the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations.

**Ethnicity/ethnic minority community** is an ethnic group that is numerically smaller than the predominant white group in Britain. This includes groups distinguished by

their skin colour, as well as those such as Irish, Turkish, Cypriot, Eastern European and Travelling people.

**Eliminate** completely remove something (such as discrimination).

**Equality of opportunity** ensuring people have fair access regardless of a protected characteristic.

**Gender reassignment** a transsexual person is someone who proposes to, starts or has completed a process to change his or her gender.

**Grievance procedure** is the process for concerns, problems or complaints that employees raise with their employer.

**Harassment** is 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees can complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

**Inclusivity** means not excluding people, on the grounds of a protected characteristic.

**Indirect discrimination** can occur when there is a condition, rule, policy or even a practice in an organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, ie that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make. This already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership and is now extended to cover disability and gender reassignment.

**Minority groups** (see protected characteristics below).

**Outsourcing** means contracting out business.

**Perceptive discrimination** is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. This applies to age, race, religion or belief and sexual orientation, disability, gender reassignment and sex.

**Policy** is a statement of intent adopted by the Council.

**Prohibited** forbidden, not allowed or band.

**Protected characteristics** are: Age, disability, gender reassignment, pregnancy & maternity, marriage & civil partnership, race, religion/belief, sex; and sexual orientation.

**Race** a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

**Racial incident** In respect of race equality the Council has adopted the Macpherson definition of a racial incident, i.e. 'a racial incident is any incident which is perceived to be racist by the victim or any other person'.

**Religion or belief** includes any religion. It also includes a lack of religion, in other words people are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Humanism is a protected philosophical belief but political beliefs would not be protected. Discrimination because of religion or belief can occur even where both the Discriminator and recipient are of the same religion or belief.

**Reasonable adjustments** changing things to help someone overcome disadvantage, if someone is put at a substantial disadvantage due to a disability.

**Sex** is the biological difference between men and women.

**Sexual orientation** means an individual's sexual orientation towards:

- people of the same sex (gay or lesbian)
- people of the opposite sex (heterosexual) and;
- People of both sexes (bisexual).

**Unjustified** means something not right or reasonable.

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