Equality in Employment Policy

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 |

# Version History

| Version | Date | Author (Name and Title) | Summary of amendments made |
| --- | --- | --- | --- |
| 0.1 | Feb 2022  | Senior HR Business Partner  | First draft ICB Policy |
| 0.2 | April 2022 | Viv Barnes, Governance Lead | Review of compliance with policy template |
| 0.1  | April 2022 | Senior HR Business Partner  | Final draft for ICB approval |
| 1.0 | August 2022 | Senior HR Business Partner  | Final Review of Version 1.0  |
| 2.0 | January 2024 | HR Business Partner | Review of Version 1.0 |
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## Introduction

The Integrated Care Board (ICB) is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment or by employees to customers, patients, clients, or members of the public.

This policy is intended to assist the ICB to put this commitment into practice.

The policy is compliant with the Equality Act 2010 and it sets out specific actions undertaken by the ICB, in the context of employment and people management, in order to fulfil its Public Sector Equality Duty, which the ICB is subject to.

Those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

* Eliminate unlawful discrimination, harassment and 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 above are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

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

## Purpose

The ICB strives to be an equal opportunities employer that demonstrably values the diversity of the workforce. In recognising that everyone is different, the ICB aims to value equally the unique contribution that individual experience, knowledge and skills can make.

The ICB recognises that discrimination and prejudice exist both individually and institutionally and people are most commonly disadvantaged by discrimination on the grounds of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. Under the Equality Act 2010, discrimination against any of these ‘protected characteristics” is unlawful.

In relation to disability the ICB also recognises the discrimination and disadvantage experienced by people with mental health needs.

The ICB accepts that false assumptions, prejudice, discrimination, and stereotyping are widespread in society and to achieve our aims we must take steps to actively promote equality and combat prejudice, stigma, discrimination, and harassment. The ICB is therefore committed to:

* Fulfilling its legal obligation duty under equality legislation.
* Ensuring that current and potential employees will be treated with dignity, respect, and fairness always.
* Promoting an environment and conditions in which employees can reach their full potential and maximise their contribution to the work of the ICB.
* Making reasonable adjustments including the provision of necessary equipment and facilities to members of staff with disabilities.
* Tackling any sign of individual or institutional discrimination.
* Taking positive action to promote equal opportunities and to raise awareness of the value of diversity in employment with managers and staff.
* Employing a workforce whose composition broadly reflects that of the community it serves.
* Implementing leadership structure whose composition broadly reflects the diverse workforce of the ICB.
* Exploring equality and diversity implications of all key decisions, policies, and activities.
* Ensuring ongoing monitoring and regular analysis of records relating to the above will provide the basis for appropriate action to eliminate unlawful direct and indirect discrimination and promote equality of opportunity.

## Scope

This policy applies to all staff directly employed by the ICB and individuals engaged to undertake ICB business or activities e.g. contractors and agency staff.

It covers all aspects of employment, from recruitment and selection, training and development to conditions of service and reasons for the termination of employment. It also sets out the underpinning principles that influence the way the ICB carries out its employment-based activities and the expectations of all staff accordingly.

## Definitions

* Please refer to Appendix B

## Roles and Responsibilities

### Integrated Care Board

* + 1. The ICB is accountable and responsible for ensuring that the ICB has effective processes in accordance with relevant legislation and best practice guidance.

### Chief Executive

* + 1. The Chief Executive is accountable for the policy and procedure being in place to ensure fair and equitable approach to employment.

### Policy Authors

* + 1. Policy authors are responsible for ensuring that this document is updated when any changes are made to legislation or best practice.

### Executive Chief People Officer

* + 1. The Executive Chief People Officer oversees the implementation of this policy and is responsible for ensuring that managers take action to meet the organisation’s obligations to ensure equity and consistency.

### Line Managers

* + 1. It is the responsibility of Line Managers to:
* Ensure that policies and procedures relating to managing diversity are implemented and communicated to all existing staff and new staff on commencement.
* Promote a professional and positive work environment, and in doing so ensure employees’ rights to pursue a career with dignity.
* Raise awareness of managing diversity and the principles of equality of opportunity, acting as a role model for others, and developing personal skills in order to handle issues relating to discrimination and harassment.
* Be directly responsible for the resolution of issues relating to harassment and discrimination in their work area, in accordance with the ICB policies and procedures, including the Disciplinary Policy where necessary.

### All Staff

* + 1. It is the responsibility of all staff to:
* Maintain a professional working environment, treating other employees and service users with respect.
* Comply with and promote the ICB policy and procedures with regard to managing diversity.
* Be aware of their responsibility, challenge inappropriate behaviour when appropriate and always report inappropriate behaviour to their manager.

## Policy Detail

### The Employer

* + 1. The ICB will avoid unlawful discrimination in all aspects of employment and people management including but not limited to recruitment, promotion, opportunities for training, pay and benefits, discipline, and selection for redundancy.
		2. The ICB will consider any possible indirectly discriminatory effects of its standard working practices when considering requests for variations to these standard working practices including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done. The ICB will refuse such requests only if it considers it has good reasons, unrelated to any prohibited ground of discrimination, for doing so. The ICB will comply with its obligations in relation to statutory requests for contract variations. The ICB will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability, religious observance, or other personal circumstances associated with protected characteristics.
		3. The ICB will protect its staff and other stakeholders from discrimination and promote diversity of its workforce by:
* Providing mandatory Equality and Diversity training and embedding it into the core business of the ICB.
* Carrying out Equality Impact Assessment on all HR initiatives, policies or projects that are relevant to equality under Public Sector Equality Duty (relevance is to do with whether the policy or practice affects people because of their protected characteristic).
* Carrying out Equality Impact Assessment on all HR policies and practices.
* Incorporating Equality and Diversity into every job description and employment contract.
* Having a system for managing discrimination when it occurs, in line with the ICB’s Grievance, Dignity at Work and Disciplinary procedures.
* Incorporating Equality and Diversity into the ICB’s performance management process.
* Monitoring employees’ background data and producing statistics as required by any specific equality standards.
* Use statistics to inform future recruitment and retention initiatives (i.e. targeting and encouraging people from underrepresented segments of society to apply for vacancies).
	+ 1. In order to respond to the diverse needs of our workforce, to positively promote equality and respect and to enable all individuals to be valued, the ICB:
* Ensures that our recruitment and selection systems are conducted in accordance with our equality and diversity approach, including advertising as widely as possible, taking positive action where needed to deal with any under-representation, and ensure that we have clearly defined competency-based criteria for all jobs.
* Recruits and promotes only on merit and ability.
* Puts into place reasonable adjustments for people with disabilities and their needs, for example by asking if adjustments are needed at interviews for candidates with disabilities and putting those in place or by making application forms available in large print if requested to do so.
* Adopts a policy that all people with disabilities who meet the minimum job criteria and who are applying under the guaranteed interview scheme, are offered an interview.
* Ensures that the needs of people with disabilities are catered for if they are selected for interview (e.g., holding interviews in accessible locations).
* Monitors and measures the progress being achieved in the recruitment and selection of people with disabilities or people from underrepresented or protected groups.
* Looks for ways of making reasonable adjustments so that it enables people with disabilities to carry out their day-to-day duties.
* Makes every effort when employees become disabled to make sure they stay in employment by putting in place reasonable adjustments such as adaptations to the work area, equipment or by offering re-deployment if possible.
* Ensures there is a mechanism in place as part of line management process to discuss at any time, but at least once a year, with disabled employees what can be done to make sure they can develop and use their abilities.
* Ensures that all employees have an opportunity to undertake training appropriate to the priorities of the ICB, and their individual needs and aspirations, including training on equality and diversity issues.
* Considers reasonable requests for leave for religious festivals and observance.
* Managers are encouraged to take a flexible approach on the use of flexi-time, annual leave, time off in lieu, unpaid leave, etc. for this purpose. Managers are also encouraged to consider the feasibility of staff working over designated holiday periods such as Christmas and Easter to enable them to build up leave to be used for their own religious needs.
* Accommodates in working arrangements time for prayer.
* Supports staff who are fasting.
* Provides facilities for breastfeeding mothers.
* Provides facilities for the preparation of food to meet different dietary requirements. Managers are encouraged to work with employees to find mutually acceptable solutions on issues around the preparation and storage of food.
* Allows staff to wear religious items where this does not contravene Health and Safety at Work Requirements.
* Gives consideration to religious needs and/or festivals when planning recruitment and assessment centres and training and development events.
* Monitors and publishes the ethnicity, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disability within these groups. Information collected is presented to the Board at least annually. The Board considers and take any appropriate action to address any problems which may be identified as a result of the monitoring process.
* Uses appropriate lawful methods, including lawful positive action, to address the under-representation of any group which the ICB identifies as being underrepresented in particular types of job.
* Limits person and job specifications in recruitment, to those requirements that are necessary for the effective performance of the job. Recruiting managers are appropriately trained and candidates for employment or promotion are assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.
* Strives to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect by having in place the [Dignity at Work Policy](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2) which deals with these issues.

### Employee Responsibilities

* + 1. Every employee is required to assist the ICB to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.
		2. Employees can be held personally liable as well as, or instead of, the ICB for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.
		3. Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the ICB’s disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.
		4. Employees with management responsibilities need to act upon reasonable requests from their staff for additional support or flexibility in relation to disability, religious observance, or other personal circumstances associated with protected characteristics in order to remove barriers to effective working and participation.

### Customers, Suppliers and Other People not employed by the ICB

* + 1. The ICB and its employees will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the ICB.
		2. Employees in performance of their work on behalf of the ICB will not discriminate in the allocation of work to contractors, suppliers, and partners. Any work with contractors and suppliers will take account of our equality and diversity approach outlined within this policy and any other ICB Equality and Diversity Strategies or Plans.
		3. Employees should report discrimination by providers, suppliers, visitors, or others to their manager who will take appropriate action.
		4. The ICB provides mandatory training in equality and diversity to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.
		5. The ICB provides training to all existing and new employees and others engaged to work at the ICB to help them understand their rights and responsibilities under the [Dignity at Work Policy](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2) and what they can do to help maintain dignity in the workplace.

### Concerns

* + 1. Breaches of this policy will be taken very seriously, and any staff who are found, following an investigation, to have purposely breached the policy will be subject to disciplinary action.
		2. If an employee considers that they may have been unlawfully discriminated against, they may use the ICB’s Grievance procedure to make a complaint. If a complaint involves bullying or harassment, the procedure is as set out in the [Dignity at Work Policy](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2).
		3. The ICB will take any complaint seriously and will seek to resolve any grievance raised. Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless a complaint is found to be both untrue and made in bad faith.
		4. Managers who receive a complaint in relation to acts of discrimination, witness discrimination or believe acts of discrimination may have been conducted by their employee, and either the Dignity at Work or Grievance policies have been breached, should discuss the matter with the HR department. Further investigation may be required (in line with the Managing Investigation Guidelines) to determine further action to be taken, depending on the outcome of the investigation.
		5. Use of the ICB’s Grievance or Dignity at Work policies and procedures does not affect an employees’ right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

## Monitoring Compliance

It is anticipated that any issues in respect of the implementation of this policy will be identified as a result of staff exercising their rights via the ICB’s [Grievance Policy](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2).

## Staff Training

Training in relation to the principles of this policy will be provided to all staff via a mandatory Equality, Diversity and Human Rights module on the NHS Electronic Staff Record.

## Arrangements for Review

This policy will be reviewed no less frequently than every two years. An earlier review will be carried out in the event of any relevant changes in legislation, national or local policy/guidance, organisational change or other circumstances which mean the policy needs to be reviewed.

If only minor changes are required, the sponsoring Committee has authority to make these changes without referral to the Integrated Care Board. If more significant or substantial changes are required, the policy will need to be ratified by the relevant committee before final approval by the Integrated Care Board.

## Associated Policies, Guidance and Documents

#### [Associated Policies](https://www.midandsouthessex.ics.nhs.uk/publications/?publications_category=icb-policies&page_no=2):

* Dignity at Work Policy
* Grievance Policy

## References

* Equality Act 2010
* Gender Recognition Act 2004
* Employment: Statutory Code of Practice
* Code of Practice on Employment Equality and Human Rights Commission April 2011 updated June 2014 Equality and Human Rights Commission
* Code of Practice on Services, Public Functions and Associations Equality and Human Rights Commission April 2011 updated June 2014

## Equality Impact Assessment

The EIA has identified no equality issues with this policy.

The EIA has been included as Appendix A.

## Appendix A - Equality Impact Assessment

**INITIAL INFORMATION**

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| **Name of policy: Equality in Employment** **Version number (if relevant): 2.0** | **Directorate/Service**: People Services |
| **Assessor’s Name and Job Title:** Julia Atigla, HR Business Partner | **Date:** 16th January 2024 |

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| **OUTCOMES** |
| *Briefly describe the aim of the policy and state the intended outcomes for staff*  |
| The ICB strives to be an equal opportunities employer that demonstrably values the diversity of the workforce. In recognising that everyone is different, the ICB aims to value equally the unique contribution that individual experience, knowledge and skills can make. |
| **EVIDENCE** |
| *What data / information have you used to assess how this policy might impact on protected groups?* |
| The ICB monitors the composition of its workforce under the nine protected equality characteristics and reports on this annually. This information helps the ICB to assess the potential impact of its policies upon staff. |
| *Who have you consulted with to assess possible impact on protected groups? If you have not consulted other people, please explain why?*  |
| Relevant Trade Unions were previously consulted on the policy and no fundamental changes have been identified. |

**ANALYSIS OF IMPACT ON EQUALITY**

The Public Sector Equality Duty requires us to **eliminate** discrimination, **advance** equality of opportunity and **foster** good relations with protected groups. Consider how this policy / service will achieve these aims.

N.B. In some cases it is legal to treat people differently (objective justification).

* ***Positive outcome*** *– the policy/service eliminates discrimination, advances equality of opportunity and fosters good relations with protected groups*
* ***Negative outcome*** *–**protected group(s) could be disadvantaged or discriminated against*
* ***Neutral outcome*** *–**there is no effect currently on protected groups*

Please tick to show if outcome is likely to be positive, negative or neutral. Consider direct and indirect discrimination, harassment and victimisation.

| ProtectedGroup | Positiveoutcome | Negativeoutcome | Neutraloutcome | Reason(s) for outcome |
| --- | --- | --- | --- | --- |
| Age |  |  | √ | As an employer, we strive to ensure that we eliminate discrimination and harassment in our employment practice and actively promote equality across all groups within the ICB |
| Disability(Physical and Mental/Learning) |  |  | √ |  |
| Religion or belief |  |  | √ |  |
| Sex (Gender) |  |  | √ |  |
| Sexual Orientation |  |  | √ |  |
| Transgender / Gender Reassignment |  |  | √ |  |
| Race and ethnicity |  |  | √ |  |
| Pregnancy and maternity (including breastfeeding mothers) |  |  | √ |  |
| Marriage or Civil Partnership |  |  | √ |  |

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| **MONITORING OUTCOMES** |
| Monitoring is an ongoing process to check outcomes. It is different from a formal review which takes place at pre-agreed intervals. |
| *What methods will you use to monitor outcomes on protected groups?* |
| It is anticipated that any issues in respect of the implementation of the policy will be identified as a result of staff raising concerns via the ICB’s Grievance Procedure.  |

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| **REVIEW** |
| *How often will you review this policy / service?*  |
| This policy is due to be reviewed in 18 months or earlier if there are any significant changes in legislation, policy or good practice. |
| *If a review process is not in place, what plans do you have to establish one?* |
| N/A |

## Appendix B – The Legal Framework

**DISCRIMINATION**

It is unlawful to discriminate directly or indirectly in recruitment or employment on grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity.

It is unlawful to:

* Treat someone less favourably on grounds of disability than others, without that disability are or would be treated, unless the less favourable treatment can be justified.
* Fail to make reasonable adjustments to overcome barriers to employment caused by disability
* Discriminate unjustifiably on grounds of age in relation to employment.
* Discriminate after employment may be unlawful, e.g. in refusing to give a reference or in the form of reference given.
* Discriminate against people who care for others.
* Discriminate directly or indirectly in the provision of goods, facilities or services to customers, patients or clients on grounds of sex (which may include gender reassignment), pregnancy, religion or belief, sexual orientation, colour, race, nationality, or ethnic or national origins.
* Discriminate, without justification, on grounds of disability or to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services.

Some types of harassment or bullying will be unlawful discrimination.

It is unlawful to victimise someone because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

**PUBLIC SECTOR EQUALITY DUTIES**

The Public Sector Equality Duty, which is part of the Equality Act 2010, consists of a “general duty” which is the overarching requirement and “specific duties” which are intended to help performance of the general duty. The general duty has three aims and it applies to most public authorities, including ICBs (and bodies exercising public functions such as private healthcare providers), who must, in the exercise of their functions, have due regard to the need to:

* Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act.
* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Under the specific duties of the public sector Equality Duty, ICBs are required to publish in a manner that is accessible to the public:

* Information to demonstrate its compliance with the public sector Equality Duty at least annually. This information must include, in particular, information relating to people who share a protected characteristic who are:
* its employees;
* people affected by its policies and practices.
* Equality objectives at least every four years starting by 13 October 2013. All such objectives must be specific and measurable.

The duties mean public bodies have to go beyond a ‘one size fits all’ approach and develop and deliver services that meet the needs of all service users. This in turn should lead to far more effective focusing of public funds and increased access to, and satisfaction with, public services.

The Equality and Human Rights Commission has a range of legal powers which it can use to enforce the duties, through the courts if necessary. When deciding whether a public body has met its legal duties, the Commission will be looking for public bodies to be able to demonstrate:

* How they arrived at their priorities for action (i.e. what evidence they have gathered and used);
* What outcomes they are trying to achieve; and
* How successful they have been in achieving the outcomes.

**DEFINITIONS**

There are four types of discrimination: direct discrimination (incorporating discrimination by association, and perception discrimination), indirect discrimination, victimisation and harassment. The last two types are explained in the ICB’s Dignity at Work Policy.

**PROTECTED CHARACTERISTICS**

Under the Equality Act 2010, the grounds on which discrimination may be found unlawful are called the ‘protected characteristics’ and these are as follows: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The ICB goes beyond this definition and will not tolerate less favourable treatment on any grounds.

**DIRECT DISCRIMINATION**

The legal definition from the new Equality Act reads: “A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others”. For example, in relation to race, “less favourable treatment includes segregating B from others”.

Direct Discrimination occurs where a person is treated less favourably than another in comparable circumstances on a prohibited ground. An example of direct sex discrimination would be refusing to employ a woman because she was pregnant or by limiting a vacancy to male applicants only.

There are limited circumstances in which an employer might be able to make a case for a Genuine Occupational Requirement for the job. For example, when recruiting a female carer to provide personal care to a female service user.

Discrimination takes place where there is less favourable treatment ‘because of a protected characteristic’; therefore, the victim of discrimination does not necessarily need to possess a protected characteristic for discrimination to occur. For example, if A treats B less favourably because B cares for an elderly relative, A can be held to have discriminated against B because of age, even though B’s age is not the reason for the treatment. The definition therefore covers ‘associative discrimination’ across all the protected characteristics.

The definition also covers ‘perceptive discrimination’ or discrimination because of a person’s perceived characteristic. For example, discrimination because it is wrongly assumed that a person is of a particular religion, sexuality or age group will be unlawful.

**INDIRECT DISCRIMINATION**

The Equality Bill defines indirect discrimination as follows: “A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice (PCP) which is discriminatory in relation to a relevant protected characteristic of B’s”.

Provision, criterion, or practice is discriminatory if:

* A applies, or would apply, it to persons with whom B does not share the characteristic,
* it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,
* it puts, or would put, B at that disadvantage, and
* A cannot show it to be a proportionate means of achieving a legitimate aim”.

Indirect discrimination is where a provision, criterion or practice is applied which is such that it would be to the detriment of a considerably larger proportion of the relevant group to which the individual belongs than to others, which is not objectively justifiable and which is to the individual's detriment.

The nature of indirect discrimination lies in comparing the effect of a policy or practice on those who have a particular characteristic with its effect on those who do not. The protection covers all the protected characteristics except pregnancy and maternity. Disability is also included as a ground on which indirect discrimination is unlawful.

An example of indirect sex discrimination could be requiring everyone to work full time unless there is a good reason, unrelated to sex, as to why the particular job has to be done on a full-time basis, since requiring everyone to work full time will normally adversely affect a higher proportion of women than men.

**COMBINED DISCRIMINATION**

Combined discrimination is where a person suffers unfavourable treatment because of a combination of two protected characteristics, for example race and sex.

Currently, a person who experiences such combined discrimination has to bring two separate claims in respect of each protected characteristic, for example race and sex, whereas in fact the real reason for the unfavourable treatment was due to combination of the person’s race and sex.

The Equality Act introduces the combined discrimination provisions to provide protection for people who experience a particular disadvantage because of a combination of protected characteristics.

Combined discrimination claims will be allowed for direct discrimination claims only, combining no more than two of the following protected characteristics:

* Age
* Disability
* Gender reassignment
* Race
* Religion of belief
* Sex
* Sexual orientation

The proposal will not apply to discrimination on the grounds of pregnancy and maternity or civil partnership or marriage.

**POSITIVE ACTION**

Positive action has been defined by the NHS as “a range of lawful actions that seeks to address an imbalance in employment opportunities among targeted groups that have previously experienced disadvantage, or that have been subject to discriminatory policies and practices, or that are underrepresented in the workforce.”

There is a general positive action provision that permits employers to take action to prevent or compensate for disadvantage or to meet special needs, so that people from disadvantaged groups can compete on equal terms. The type of action must be a proportionate means of achieving the aim of reducing disadvantage, reducing underrepresentation, or meeting particular needs.

Positive action can mean offering training and encouragement where people with protected characteristics are underrepresented.

Positive action should not be confused with positive discrimination. Positive discrimination is illegal and involves employing or promoting people because they are from a target group such as women or men, or a particular ethnic group.

**USEFUL LINKS**

* The Equalities and Human Rights Commission: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
* Acas: [www.acas.org.uk](http://www.acas.org.uk)
* Access to work: <https://www.gov.uk/access-to-work/overview>