



**BRITISH  
HORSERACING  
EDUCATION &  
STANDARDS  
TRUST**

# **Equality and Diversity Awareness for Employees**



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## A Message from the Chairman

During the past few years, we have taken steps to ensure that our Equality and Diversity policy has been communicated throughout the industry. We have produced booklets such as this one for both the employee and the employer and whilst the legislation may have changed, the message we promote remains the same; we continue to strive towards eliminating all forms of discrimination and encourages diversity by treating people as individuals.

Given the diversity of our workforce, it is the responsibility of everyone to promote an environment that is free from discrimination and within which, individuals are allowed to work in a healthy and harmonious environment.

On 1 October 2010, the new Equality Act came into force and the changes in legislation have a profound impact upon the way in which we deal with discrimination. It is our duty to ensure these changes are brought to the attention of everyone involved within the racing industry.

A handwritten signature in black ink, appearing to read 'Rhydian Morgan-Jones'.

Rhydian Morgan-Jones, OBE

## What is Equality and Diversity?

Equal opportunity legislation was originally introduced to protect certain groups of people who had, or were likely to be discriminated against. It is no longer appropriate to have policies which protect the few; we need to embrace everybody and respect the individual differences that each person brings to the workplace.

Diversity covers a much wider framework which is an important change of emphasis. It is all about treating people with dignity and allowing everyone to be able to perform to their level of ability.

By recognising the need for diversity, you include everyone and value their differences by creating opportunities for them no matter what their circumstances are. This will have an effect on individual performance and promote a safe and healthy working environment within the organisation.

### Individual

- Increases individual's motivation
- Reduction in the levels of stress
- Team orientated
- Empowerment
- Pride in own performance

### Organisation

- Increased performance from everyone
- Increased attendance levels
- Recruitment from a wider pool of people
- Loyalty of staff to the business
- Improved staff retention
- Increased client satisfaction
- Excellent reputation

Everyone should embrace diversity and ensure that they practise the following points at all times:

## Respect

- for others, for differences, for ourselves

## Tolerance

- for other people's language, dress, style and behaviour.

## Flexibility

- in situations that are new, difficult or challenging.

## Self Awareness

- of your own attitude, behaviour, prejudices and what you can bring to the work environment.

## Empathy

- to understand and feel what someone else feels when they are different from everyone else.

## Patience

- with people who are slow to accept change and with diversity situations that may be difficult.

## Humour

- gives you a sense of perspective and humanity and can help to lighten a difficult situation. Remember, there is a world of difference between ridicule and humour.

## **Discrimination**

It is sometimes very difficult to deal with or cope with other people's behaviour. The only behaviour that you have control over, is your own, so you need to be aware that your own actions could not be construed as discriminatory.

If we make you aware of your responsibilities toward others, it will ensure that you have the necessary information to stop yourself from behaving in a discriminatory way. It will also help you to recognise when other people's behaviour becomes unacceptable.

Sometimes we accept behaviour as the norm; it becomes part of our daily life and we find it very difficult to recognise the effect that this behaviour may have upon other people. The environment in which we work may be a contributory factor to this behaviour but just because it is the way people have always behaved, does not make it right or lawful.

## **Abusive Language**

Using bad language is probably something that you hear every day in your job. People swear at each other and often are sworn at when asked to do a particular job. Stop and think about the effect that this may have on you and your colleagues; if this person is in authority then you may feel threatened and intimidated as a result of how they are speaking to you. Are their actions professional? Do they get angry and emotional when they speak to you?

Do you take this behaviour personally and does it have an effect upon the way you carry out your day-to-day duties?

In any work related environment, communication should always be carried out in a clear and professional way, without the need for bad language. A good communicator can be clearly understood by others and can explain themselves by choosing appropriate language to get their message across.

Fear is not a great motivator of people!

### **Intimidation**

Those who use intimidation as a way of controlling people, do so in order that they can create a feeling of fear, awe or inadequacy. The perpetrator's intent is to make themselves appear powerful, knowledgeable and superior to other people.

Behaviour such as this does not encourage people to work to the best of their ability and only serves to create a threatening and hostile environment.

You may have better skills, years of experience and knowledge in the job that you do, if you use these skills to help someone rather than make them feel inadequate in your presence, imagine the difference that you could make to their training, development and enjoyment in the job.

## **Exploitation**

We are a diverse industry, embracing a wide range of nationalities and cultures. Exploitation of someone whose first language is not English can take many forms. They may be forced to do something which is against their will and they know if they refuse, it will put them into a very difficult situation.

A good example is giving certain people all the mundane/boring tasks to carry out whilst the high profile jobs are shared amongst 'friends'. This only serves to alienate these individuals and it could encourage them to leave the job putting extra work upon you and your colleagues.

## **Fair Treatment**

Everybody has the right to be treated fairly. Although we may not be able to treat people equally (different gender; experience; race; culture; background) we can ensure that everyone is given access to the same training; work is distributed fairly amongst the team; praise is given when a good job is done and everyone is made to feel valued and respected.

Don't allow yourself to make assumptions and judgements about people you know nothing about. They may do the job differently and apply different skills but this alone should not condemn them or single them out for unfair treatment.

The old saying, "Treat others as you would expect to be treated yourself" is a very sound basis for making a fair assessment of a person or a situation.



## **Dignity**

Your dignity is personal to you and to each and every one of your colleagues. It means that, no matter who you work with, you must show them courtesy and respect in all situations and that same courtesy must be shown toward you.

We each have our own individual values, which include self esteem. These values should never be compromised as Dignity at Work legislation can be enforced just as severely as discrimination laws.

## **Respect**

We are all different in so many ways which is why we should respect other people's differences with consideration and thoughtfulness. It takes very little effort to smile, or say thank you to someone. This helps to ensure that our own behaviour promotes respect in other people.

The bully may think that s(he) can demand the respect of others but they are mistaken. Respect must be earned, it cannot be demanded and it certainly cannot be forced upon people through aggressive and abusive behaviour.

## **Awareness**

Be more aware of the way in which you deal with other people. Don't have pre-conceived ideas about your colleagues but allow them to prove their worth instead of being judged by those who don't know them.

Think about the way you speak to people and try to moderate your own behaviour so that it is not construed as prejudiced or discriminatory. Watch for the signs amongst your colleagues and if you feel that someone is being treated unfairly, bring it to the attention of your supervisor or manager.

## **Empathy and Understanding**

It is difficult to put yourself into another person's shoes and feel what they feel when they are different to everyone else. Some of your colleagues may have experienced many forms of discrimination in their life that you may be unaware of. We live in a democratic country where we are free to voice our opinions without fear of reprisal or even worse. Try to empathise; show understanding, tolerance and support for these individuals.

## **Business Responsibility**

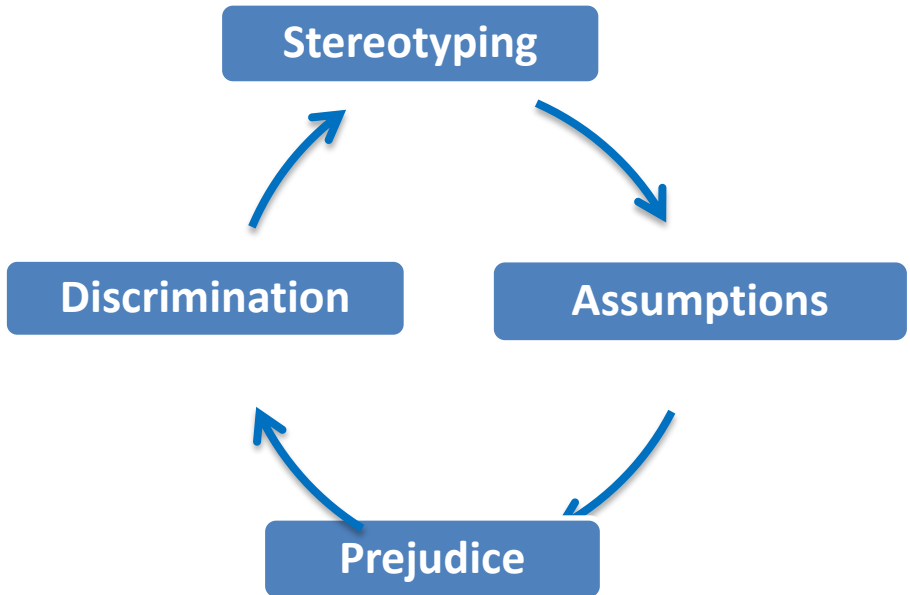
No matter which area of the industry you are involved with, the Equality Act 2010 has introduced a number of radical changes to previous legislation which has an impact upon the business:

- It has become easier for an employee to cite discrimination against their employer thus risking additional Tribunal claims.
- The responsibility for eradicating discrimination from the organisation is the business owner and everyone employed in that business, without exception.
- The Act changes existing policies.

- The business is responsible for the behaviour of others who are not employed by them but, who are on the premises.
- Employees who simply overhear an offensive remark (even if it is not directed at them) can hold the business legally responsible for it.
- The business can no longer discuss health or disability with a prospective employee at interview stage.
- Employees are legally entitled to discuss their wages with one another thus putting pressure on the business to pay everyone on fair terms.
- There is an increased liability to make everyone aware of the changes that this act has imposed.

### **The Pattern of Discrimination**

It is important to ensure that everyone is aware of what we mean by discrimination; why people discriminate against others and where the prejudices begin. The diagram below demonstrates how pattern behaviour can lead to discrimination.



## **Stereotyping**

We tend to generalise about certain groups of people or individuals and categorise them as ‘all the same’ or to coin an old phrase, ‘tarring them with the same brush’. Although the generalisation may have a particle of truth about it, you cannot stereotype everybody as being the same because they are not. Look at the list below; before you have finished reading it through, you will have a stereotypical person in your mind’s eye:

- Someone from Essex
- Someone from Glasgow
- Someone from Liverpool

It is human nature to stereotype people either because we don't know them or their culture and traditions are radically different to our own. Once we have a chance to meet, talk and get to know them, we quite often change our opinions.

## **Assumptions**

We tend to make assumptions based on our first impressions of somebody or, from information that we have been told or have read.

- People who receive state benefits are all lazy
- People who wear hoods are all thugs
- People who work with animals are uneducated

When we explore the reality of these statements, we can see how it is very easy to believe these assumptions as actual facts.

- People who have worked all their life and suddenly been made redundant; are they lazy?
- People who use their hoods to keep out the cold and rain; are they thugs?
- Veterinary Surgeons who work with animals; are they uneducated

How would you feel if you were prevented from doing a job that you very much enjoyed simply because someone assumes that you cannot do it?

There is an old saying “ASSUME” makes an Ass out of U and Me!!

## **Prejudice**

Prejudice is when you feel so strongly about a particular group of people, that it begins to affect your behaviour toward them. Your prejudice is solely based on your stereotypical views and assumptions of people and probably based on no other evidence. Your prejudice kicks in because you have already judged them without actually knowing them or their circumstances.

Lack of knowledge or ignorance, can lead to prejudice. You may be prejudiced against someone because of their:

- Gender
- Age
- Accent
- Ethnic origin
- Learning ability or disability
- Marital status
- Medical history
- Religion and belief
- Sexual orientation
- Criminal convictions
- Appearance

- Family background
- Trade Union membership
- Political affiliation

## **Discrimination**

This is where we allow our prejudices to influence the way in which we deal with people. Discrimination is unlawful behaviour and it can have a very negative effect upon everyone, especially if people's intolerances are ignored and not curtailed.

It is important that we avoid discrimination in the working environment and we must ensure that we remain impartial in every aspect of work.

## **Equality Act 2010**

### **Protected Characteristics**

Most of the categories listed below have been included in previous legislation as likely groups to be discriminated against. The 2010 Act has introduced a new definition for these groups which are now known as:

### **Protected Characteristics**

They are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation



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## **Age**

Age discrimination protects people of all ages although it is not unlawful, either directly or indirectly, if you can justify that it is a proportionate means of meeting a legitimate aim.

Although it is the only protected characteristic that allows employers to justify direct discrimination, that justification must be substantiated. The Act continues to allow employers to have a default retirement age of 65 up to April 2011. There have been no changes to this characteristic under the new Act.

## **Disability**

There have been a number of radical changes to this characteristic and the definitions of 'disability' have been extended.

The Act has made it easier for a person to show that they are disabled and protected from disability discrimination. A person is categorised as 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.

The Act also includes a new protection from discrimination arising from a disability as it makes it unlawful to treat a disabled person unfavourably because of something connected with their disability. For example, if an employee makes spelling mistakes because they are Dyslexic.

Probably the biggest impact of the Act is that it includes a new provision which makes it unlawful, except in certain circumstances, for an employer to ask about a candidate's health before offering them work.

### **Gender Reassignment**

There have been no significant changes to the definition of gender reassignment under the new Act.

Individuals, who propose to start, or have completed the process to change his or her gender, would be covered. This also extends to those who wish to live as a man or a woman without undergoing any medical procedures.

An individual who is, or has undergone gender reassignment, should not be discriminated against for taking time off work for the procedure. They should be treated just like everyone else who is absent from work due to a medical condition.

### **Marriage and Civil Partnership**

There have been no changes to the Act in respect of those who are married or are in a civil partnership.

Single people however, are not covered.

## **Pregnancy and Maternity**

The principal that a woman is protected against discrimination on the grounds of pregnancy and maternity, during a period of pregnancy, has not been changed. This includes any time off for pregnancy related appointments or illnesses; her rights during statutory maternity leave also.

These must not be taken into account when making any decision about her employment.

However, during this period, pregnancy and maternity discrimination cannot be treated as sex discrimination.

## **Race**

Although the Race Relations Act of 1976 has been subsumed into this new Act, there have been no significant changes. For the purpose of the Act, 'race' includes colour, nationality, ethnicity or national origins.

## **Religion or Belief**

The Act protects people of all religions and belief. No employee can be discriminated against if they do not follow a certain religion or, have no religion at all.

A religion must have a clear structure and belief system; the definition of belief means that it is either religious, philosophical or just a lack of belief, to be protected under the Act.

Discrimination can occur even when both the discriminator and the recipient are of the same religion or belief.

## **Sex**

Both men and women are protected under the act and there have been no changes to this.

## **Sexual Orientation**

The Act protects gay, heterosexual, bisexual and lesbian people and there have been no significant changes under the new Act.

## **Categories of Discrimination**

The significant changes to the categories of discrimination may have a profound effect upon everyone concerned within a business environment.

The Act ensures that everyone is liable in terms of their actions, without exception. The categories have been extended as follows:

### **Direct Discrimination**

The definition of 'Direct Discrimination' has not changed. It means that You are discriminated against because of one of the 'Protected Characteristics'

*Example: Rachel has been a farrier for 6 years and has worked with a wide variety of horses during her career. She has recently applied for a position as the resident farrier on a high profile racing yard. At the interview, the only other candidate was a male farrier who has only recently qualified. Rachel was denied the opportunity for the job based on the fact that she was a female and the trainer believed the work would be too much for her. The position was offered to the male farrier.*

This would be direct discrimination as the only reason she did not get the position was based on her protected characteristic, her sex.

### **Discrimination by Association**

This is a new definition under the Act. It means that an individual can be discriminated against because they have an association with someone who is a protected characteristic but they are not considered a protected characteristic themselves.

*Example: Sue is a single parent with a disabled child working on a racing yard. She has applied to be the yard supervisor, given her experience and knowledge, but is denied the opportunity because her manager believes that she may require more time off than someone without caring responsibilities due to the fact that her child is disabled. She is denied the opportunity based on this fact alone.*

This is a good example of discrimination by association.

## **Perception Discrimination**

Earlier in this booklet, you will have read about assumptions we make about others and how this can be very damaging. Under the Act, this is now a recognised category and grounds for discrimination.

*Example: Colin has worked as a Stud Groom for 2 years and is looking to broaden his experience. He is extremely smart, fastidious about his work and a very private person. He applied for a position of Stud Groom at another stud. The stud owner declined his application on the grounds that he is convinced Colin was gay and therefore concerned that he would not be accepted by his owners as well as the previous Stud Groom.*

*The stud owner has no basis for this perception and although Colin is not gay, this could be discrimination against him base on that perception.*

If Colin was gay, this would have been direct discrimination.

## **Indirect Discrimination**

Sometimes rules and regulations are applied which, on the face of it, appear fair to everyone. However there may be certain people who are unable to fulfil this obligation due to caring responsibilities.

*Example: The trainer has informed all staff that they will be required to stay overnight when attending evening race meetings. Everyone is happy about this because they receive overnight expenses.*

*However, Kelly has caring responsibilities and cannot find anyone to stay overnight to mind her children. Although the regulation seems fair, she is being indirectly discriminated against on the grounds of her caring responsibilities.*

## **Harassment**

Sometimes, we are unaware that our behaviour toward others can be interpreted as harassment.

*Example: Abhi is a new lad on the yard; a very quiet, hardworking person who just gets on with his work. His supervisor takes great pleasure teasing him in front of his colleagues and because Abhi has not retaliated, the taunts are becoming more and more hurtful. One of the other lads has suggested to Abhi that his supervisor is abusing his position and what he is doing is not funny; it is harassment. Abhi has decided to do nothing but keep his head down and work.*

Anyone who is in a position of authority needs to be fully aware of the consequences of their actions. Although they may think it is a joke or just a bit of fun to taunt a member of staff in front of their colleagues, they are liable for what they are doing. This is why it is important that everyone is made aware of discrimination laws because accountability can be down to the individual and not the organisation.

## **Third Party Harassment**

The Act makes the business responsible for the actions of those who are not employed but, attend the premises.

*Example: The feed delivery has just arrived and a couple of the lads start to help the driver unload. As Hayley is busy collecting tack from the tack room in the yard she overhears the driver making lewd remarks about her to the lads. She is highly offended and embarrassed to hear the sexually explicit comments that he is making; she reports the driver to her manager.*

*Under the Act, this is harassment by a third party despite the fact that this person is not employed by the yard.*

This form of discrimination can be very difficult to police as visitors to your establishment may not be aware of this law.

To get around this, many businesses put up signs in order to warn visitors and tradesmen; these signs state clearly, that inappropriate behaviour on the premises will not be tolerated.

## **Victimisation**

This is where an individual is victimised because they have either raised a grievance against their supervisor or manager or, they have supported someone else in bringing a grievance.



*Example: John supported a colleague during a complaint of bullying against their yard supervisor. The supervisor was given a disciplinary warning and was not very happy about the outcome. He threatened to get his own back on John. Since the warning, he has been off-hand and sharp with him. John also overheard him talking to another member of staff accusing him of being a troublemaker. He also stated that he was going to make John's life a misery from now on.*

It is the responsibility of your establishment to ensure that everyone is fully aware of the consequences of behaving in such a way towards staff. If you are a supervisor or manager, you should receive adequate training in managing a team which should include equality laws as well as dealing with discipline and grievance cases. A grievance is normally raised as a result of a professional matter and should not be taken personally unless it is in respect of a behavioural issue.

### **Pregnancy and Maternity**

This characteristic does not require the normal comparison of treatment with other employees. Discrimination against someone because of their pregnancy or maternity is unlawful.

*Example: Julie has been a work rider for 10 years when she suddenly discovers that she is 3 months pregnant. Although she is fit and well, the trainer stops her from riding and states that she needs to find another job. She suggests that she could do alternative work on the yard which does not involve heavy lifting or riding but the trainer says now she is pregnant she is now useless to him.*

*When she points out to him that one of the work riders, Rob, had a broken leg and was still allowed to do some work, despite being in plaster. The trainer refused to change his mind.*

This is a clear case of discrimination on the grounds of pregnancy and maternity.

It is very difficult in our industry to find alternative work for someone who is pregnant but in most cases, the individual is still fit enough to carry out a wide range of duties which do not involve physical contact with horses or heavy manual work.

Pregnancy is not an illness but it gives ground to many discrimination cases where employers believe that the person is no longer able to do any work at all just because they are pregnant.

### **Individual Responsibilities**

Everyone should ensure that their working environment is free from harassment and that the dignity of others is respected at all times. Individuals are responsible for their own conduct and behaviour and should ensure that it does not offend others.

You must treat your colleagues in a reasonable and fair manner, discourage colleagues from harassing others and be prepared to offer support to those individuals who suffer harassment.

There are certain individuals who believe that ridiculing, name calling, excluding others and belittling them in front of others, is fun; it isn't fun for the person on the receiving end of this behaviour.

It is hurtful, humiliating and unacceptable and this form of behaviour will be dealt with severely, as it has no place in today's working environment.

Always remember to:

- Treat people as individuals and respect their needs
- Treat people as you would expect to be treated yourself
- Value people whatever their current position or status within the organisation
- Don't make assumptions about the ability of another person to carry out a task.
- Respect others' opinions and ideas
- Always remember that there are specific groups of people who may encounter discrimination and harassment within the working environment.
- Challenge negative behaviour in others
- Improve behaviour through encouragement and the raising of awareness.
- Support those who are the victims of harassment and bullying
- Never interfere with the rights of others

### **Complaints about Discrimination or Harassment**

If you have a complaint about discrimination or harassment, it will be treated very seriously as those who choose to ignore the laws about discrimination will be dealt with severely. Your complaints must be directed through your immediate supervisor or manager and it is better if this can be made in writing.

If it cannot be resolved at this level, the complaint should be escalated to someone with higher authority. The complaint should be investigated thoroughly and supported by written statements from both the complainant and the alleged perpetrator.

The complaint should be dealt with through the internal Disciplinary and Grievance Procedures and, if the outcome is successful, the complaint will be deemed to have been satisfied by these means.

If, however, an employee has been discriminated against or harassed by his or her employer, or if the individual believes that the internal procedures have not dealt with the complaint satisfactorily, he or she has the right to take the case to The Equality and Human Rights Commission who will look into the complaint on their behalf.

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## Glossary of Terms

**Disability:** The Equality Act 2010 has defined disability as someone who has a physical or mental impairment which has a substantial long-term adverse effect on his or her ability to carry out normal day-to-day activities.

**Diversity:** Diversity is all about recognising, valuing and taking account of people's different backgrounds, knowledge, skills and experiences and encouraging and using those differences to create a productive and effective workforce.

**Ethnicity:** A strict definition of an ethnic group is a group regarded as a distinct community by virtue of certain essential characteristics – a shared history which distinguishes it from other groups and a cultural tradition of its own. Seikhs and Gypsies are examples. However, it has come to have a broader meaning and the expression 'ethnic monitoring' is used in reference to groups defined by colour, race or national origin as well.

**Gender:** The word 'Gender' is often used in place of the word 'sex' in equality issues. 'Gender' does not appear in legislation (except for gender re-assignment) but 'sex discrimination' and 'gender discrimination' are generally interchangeable.

**Gender re-assignment:** This is a process undertaken under medical supervision for the purpose of re-assigning a person's sex by changing physiological or other characteristics of sex. Under the 2010 Act, this is

now known as a Protected Characteristic. It is unlawful to discriminate in employment on the grounds of an employee intending to, undergoing or having undergone gender re-assignment.

**Genuine Occupational Requirements:** There may be specific circumstances where a person's sex, racial group, religion or sexual orientation as a genuine requirement for a particular job which is normally on the grounds of authenticity or decency.

**Harassment:** Behaviour which is unwelcome or unacceptable and which results in the creation of a stressful or intimidating environment for the victim amounts to harassment. It can consist of verbal abuse, racist jokes, insensitive comments, leering, physical contact, unwanted sexual advances, ridicule or isolation.

**Liability:** Employers have legal liability for any act of discrimination (including harassment) carried out by their employees unless the employer can show that they have taken all reasonable and practical steps to prevent it.

**Protected Characteristics:** The Equality Act of 2010 has re-categorised those groups of people who are likely to be discriminated against as, Protected Characteristics.

**Quotas:** It is unlawful to select a person for a job on the basis of their gender or race in order to achieve a fixed quota of employees of that gender or race.

**Sexual Orientation:** Where a person is attracted to people of their own sex, the opposite sex, or both sexes. Assumptions and perceptions of a person's sexual orientation are also protected by law.

**Targets:** These can be percentages of under-represented groups within a particular organisation. It is the aim of the employer to recruit from such groups as part of their equality and diversity action plan. It is unlawful to use targets as a reason for selecting someone, but it is not unlawful to take steps to re-dress the balance. A good example was the positive action taken to recruit more male nurses into the NHS where females predominantly accounted for the majority of the workforce.

**Transsexual:** A person with gender dysphoria who feels a consistent and overwhelming desire to live their life in the opposite gender to that assigned to them at birth.

**Victimisation:** If a person has made or is making an accusation of discrimination in good faith, it is unlawful to discriminate against them for having done so, or because they intend to do so or, it is suspected that they intend to do so. This also applies to someone who has supported an individual for making such an accusation.

## **Further Help**

### **Acas National**

22<sup>nd</sup> Floor  
Euston Tower  
London  
NW1 3JJ

National helpline: 08457 474747

Website: [www.acas.org.uk](http://www.acas.org.uk)

### **Equality and Human Rights Commission**

The Equality and Human Rights Commission champions' equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights and build good relations.

Website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

### **Acas Equality Direct Helpline**

Tel: 08456 003444

Website: [www.acas.org.uk](http://www.acas.org.uk)

### **Business Link**

Website: [www.businesslink.gov.uk](http://www.businesslink.gov.uk)

### **Direct Gov**

Website: [www.direct.gov.uk](http://www.direct.gov.uk)