



Women. Men. Different. Equal.
Equal Opportunities Commission

Know your rights under the Gender, Race and Faith legislation

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**Equality and Human Rights
Commission**

Three Aims of the Workshop



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- ✓ To make you aware of the help available from the Equality and Human Rights Commission
- ✓ To give you a basic understanding of your rights under the Sex Discrimination Act
- ✓ To raise your awareness of your rights under the Race Relations Act and the Religion and Belief Regulations.

Equality and Human Rights Commission



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For advice on:

- Race, gender, transgender, faith, age, disability, sexual orientation, and human rights
- phone our Helpline on: **0845 604 6610**

For more information about the areas we are covering today visit:

www.equalityhumanrights.com

And click on “Your rights”

Your Rights



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You are protected from:

- ✓ Direct discrimination – based on a comparison with someone in similar circumstances
- ✓ Indirect discrimination – where an employer's policy can put you at a disadvantage
- ✓ Victimisation – where you are treated badly because you have taken action to assert your rights
- ✓ Harassment – due to your race, faith or gender.

Race Discrimination



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- Discrimination on racial grounds happens when a person is treated less favourably because of their race, colour, nationality or ethnic or national origins
- You need to show that someone from a different racial group has been treated more favourably
- Racist abuse and harassment are also forms of discrimination

Religious discrimination



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- Religious discrimination can occur when you don't have the same religious or philosophical beliefs as someone else, or
- because you have no religious beliefs
- and you are treated less favourably than someone else who does share that religion or belief.

Hate crimes



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- If someone threatens, abuses or attacks you because of your religion or belief (or lack of these), this may amount to a “hate crime”.
- Hate crimes are criminal offences and should be reported to the police
- Damage to property, offensive letters, insulting leaflets, bullying at school or work are examples of hate crime.

The Sex Discrimination Act



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❑ **Sex discrimination** happens when a woman is treated less favourably than a man because of her sex.

Example: Refusing to consider a woman for a lorry driver's job because of her sex.

❑ Or, when an employer has a policy which puts women at a disadvantage.

Example: Refusing to allow a woman to work part-time to look after her children

The Sex Discrimination Act



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We are going to look at:

1. Flexible working

2. Pregnancy and maternity leave

3. Sexual harassment

Flexible working



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What are the options?

- ✓ Part-time
- ✓ Job-sharing
- ✓ Term-time only
- ✓ Set number of hours per year
- ✓ Working from home
- ✓ Changing shift patterns or start and finishing times
- ✓ Temporary work

Flexible working: SDA



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Is there a right to work part-time?

The SDA enables women to challenge:

- ❖ a refusal to allow them to work family friendly hours
- ❖ an imposed change of hours

Parents' right to request flexible working (ERA)



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- ❖ A parent can apply to change the hours they work or the time when the hours are worked or to work from home.
- ❖ S/he has to have children under 6 (or under 18 if disabled) and
- ❖ to have completed 26 weeks continuous service with her employer.
- ❖ S/he can only make one application a year.
- ❖ S/he and her employer must follow a set procedure.

Carers right to request flexible working



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- This relates to the care of an adult living at their address
- This can be a spouse, partner, civil partner, relative or any adult living with them at their address.
- The same qualifying conditions apply.

Pregnancy



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ERA and SDA

The two main acts that give a woman rights during pregnancy and maternity are the Employment Rights Act and the Sex Discrimination Act

A woman has special protection during pregnancy and after childbirth.



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- ✓ She is entitled to 26 weeks ordinary maternity leave
- ✓ Additional maternity leave is 26 weeks, which starts from the end of ordinary maternity leave.
- ✓ She is entitled to 39 weeks statutory maternity pay. SMP = 90% of earnings for first 6 weeks. £112.00 for next 33 weeks

Keeping her job



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- She cannot be legally dismissed because she is pregnant or for reasons connected with her pregnancy or maternity leave
- She should be offered the same training and promotion opportunities as other staff while pregnant

Keeping her job



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- She should be allowed to keep the same duties and responsibilities while pregnant
- She must be allowed to return to her own job unless this is genuinely not possible (e.g. redundancy situation) when she should be offered a suitable alternative.

A safe pregnancy



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- ✓ She and her baby must be protected from risks to her health at work
- ✓ Her employer needs to carry out a health and safety risk assessment

Possible risks include:

- Unduly stressful work
- Working alone
- Working in awkward work positions
- Unnecessary travelling.

Important information



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- To receive the full extent of her rights, she must tell her employer (in writing if they request) that she is pregnant, preferably as soon as she knows
- She should find out about her company's maternity policy. It may give her more than her basic rights
- She can find detailed information about maternity rights from the TIGER website and from the ACAS.



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Harassment on the grounds of Gender, Race or Faith

Unwanted conduct on the grounds of gender, race or faith



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- The conduct must be done with the purpose of, or have the effect of:
 - violating a person's dignity or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual Harassment



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Sexual harassment is against the law. There are 2 kinds of harassment . . .

1. Unwanted conduct on the grounds of sex:



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- ❑ A woman must be able to show that the treatment is because of her gender.

An example of this could be if she is being bullied at work and the harasser would not treat a man in this way.

- ❑ The conduct does not have to be of a sexual nature for this form of harassment.

2. Unwanted physical, verbal or non-verbal conduct of a sexual nature:



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- ❖ If the conduct is of a sexual nature, this is unlawful in itself and she does not have to compare herself to how somebody of the opposite sex would be treated. This could include:

2. Unwanted physical, verbal or non-verbal conduct of a sexual nature:



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- Comments about the way she looks which she finds demeaning
- Indecent remarks
- Questions about her sex life
- Sexual demands by a member of her own or the opposite sex

Harassment due to religion or belief



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- Unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.
- It does not have to be aimed at an individual.
- Eg A general culture of telling jokes about a particular religion can amount to harassment.

Harassment on grounds of race or ethnic origin



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- Unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.
- Eg being humiliated or excluded because you don't speak the same language as everyone else.
- Harassment on grounds of colour or nationality amounts to less favourable treatment.

What can a woman do if she is being harassed due to her sex, race or faith?



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- ✓ Take some important first steps to make it clear she rejects the treatment, and to record what has happened.
- ✓ Approach her employer to explain what has been happening to her.
- ✓ Go to her trade union (if she has one) to ask for support either with her employer and/or the employment tribunal.
- ✓ Get in touch with the [EHRC Helpline](#) for information and advice.

Time Limits –when did the discrimination happen?



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- ✓ **You have 3 months to take a claim to an Employment Tribunal
(employment and vocational education)**

- ✓ **You have 6 months to take a claim to a County Court
(goods, facilities and services, and education)**

Case studies



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- **Read through the case studies and discuss them with the group on your table**
- **We will come round and talk them through with you.**