

WELCOME

The Equality Act 2010 – what does it mean for you?

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Headlines

- Get ready to be sued (*Telegraph*)
- There are times when Human Rights become human wrongs (*Lord Saks, Chief Rabbi*)
- New Equality Bill will be unfair to male workers (*Metro*)
- Equality Bill creates a new social order (*Diversity.com*)
- Labour's Equality Bill means Christmas could be killed off (*Archbishop Cranmer*)
- Health Clubs that warn women not to lift heavy weights face prosecution under Equality Bill (*Mail*)

An overview of this seminar

- Who is protected?
- Key concepts
- Disability only provisions
- Other provisions
- How you can protect your business

Who is protected?

- Job applicants
- Employees (and former employees)
- Partners (and former partners)
- Workers (and former workers)

Protected characteristics ('PCs')

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Direct discrimination

- Treating a person less favourably than you treat (or would treat) others because of a PC
- Includes by association or perception
- Age – unless the treatment is a proportionate means of achieving a legitimate aim

Indirect discrimination

- A provision, criterion or practice ('PCP') which puts (or would put) people with a PC at a particular disadvantage when compared to others without it, unless it is a proportionate means of achieving a legitimate aim
- Protection extended to all PCs except pregnancy and maternity

Harassment

- Unwanted conduct related to a relevant PC which has the purpose or effect of:
 - violating a person's dignity; or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for a person
- Includes by association or perception
- Third parties: third strike

Victimisation

- Subjecting a person to a detriment because they have done (or are believed to have done, or may do) a 'protected act'
- 'Protected acts' - bringing a claim, giving evidence or information in connection with a claim, alleging a contravention of the Act or doing any other thing for the purposes of or in connection with the Act
- Includes committing a breach of 'an equality clause or rule'

Disability only provisions

- Discrimination 'arising from' disability

treating a person unfavourably because of something arising in consequence of their disability, unless the treatment is a proportionate means of achieving a legitimate aim

- A duty to make reasonable adjustments

Pre employment health enquiries

- Must not ask about an applicant's health (including whether or not they have a disability):
 - before offering them work; or
 - before including them in a pool of applicants for future work
- Exceptions for questions necessary for various specified purposes, e.g. establishing whether the applicant will be able to carry out a function which is intrinsic to the work concerned

Pay secrecy clauses

- Clauses which prevent or restrict a person from:
 - disclosing (or seeking to disclose) information about the terms of their work; or
 - seeking disclosure of information from a colleague (or former colleague) about the terms of their work
- will be unenforceable in so far as the disclosure is a 'relevant pay disclosure'
- 'Relevant pay disclosure' – a disclosure made for the purpose of finding out whether, or to what extent, there is a connection between pay and having (or not having) a particular PC

Positive action in recruitment and promotion - overview

- Pre-existing provisions on positive action in training or encouragement remain
- Permits an employer to treat a person more favourably in connection with recruitment or promotion because they have a PC which the other person does not, but only if strict criteria are met
- Entirely voluntary
- Not positive discrimination or a quota system, both of which remain unlawful

Positive action in recruitment and promotion – the criteria

- Employer reasonably thinks that people who share a PC suffer a disadvantage connected to that PC or have a disproportionately low participation rate in an activity
- The action is taken with the aim of enabling or encouraging people who share the PC to overcome or minimise that disadvantage or to participate in that activity
- Taking the action is a proportionate means of achieving the above aim
- Candidates are of equal merit
- Employer does not have a policy or practice of routinely favouring candidates with a particular PC
- If you want to use it, take legal advice first!

Provisions not coming into force

- Combined discrimination – dual characteristics
- Gender pay gap reporting

How you can protect your business - recruitment

- Review –
 - job and person specifications
 - advertisements
 - short listing
 - interviews
 - selection

How you can protect your business – during employment

- Review –
 - terms of employment
 - policies, practices and procedures
 - pay structures (equal pay)
- Have an equal opportunities policy and follow it!
- Train your workforce
- Review contracts with third parties and consider obtaining indemnities

How you can protect your business - post employment

- Providing references
- Avoiding victimisation

Why Apprenticeships



- High youth unemployment in Camden
- Corporate social responsibility
- Supporting our businesses to tackle skills shortages, succession planning and increase diversity in the workplace.
- Only 5% of London businesses employ apprentices, compared to 10% in the rest of the UK
- Business and community benefits



Key Facts



- Combination of theoretical and practical training leading to an industry, and nationally, recognised qualification
 - Structure: NVQ, technical certificate and functional skills
- Over 190 different frameworks
- Training fully funded for 16-18's
- Training up to 50% funded for over 19's
- Minimum apprenticeship wage is £2.50 an hour. Even on National Minimum Wage (£5.93 ph), this is a cost to you of only £10,700 per year.
- Minimum hours of 16 hours per week
- 1 – 2 year average timeframe (depending on the sector)

Benefits



- Opportunity to fill skills shortage areas
- 81% said that employing apprentices generated higher overall productivity for their company.
- 92% said that their Apprenticeship programme better motivated staff and increased job satisfaction.
- 74% said that apprentices tended to be more loyal, remaining at their company longer than non-apprentices.



Our service

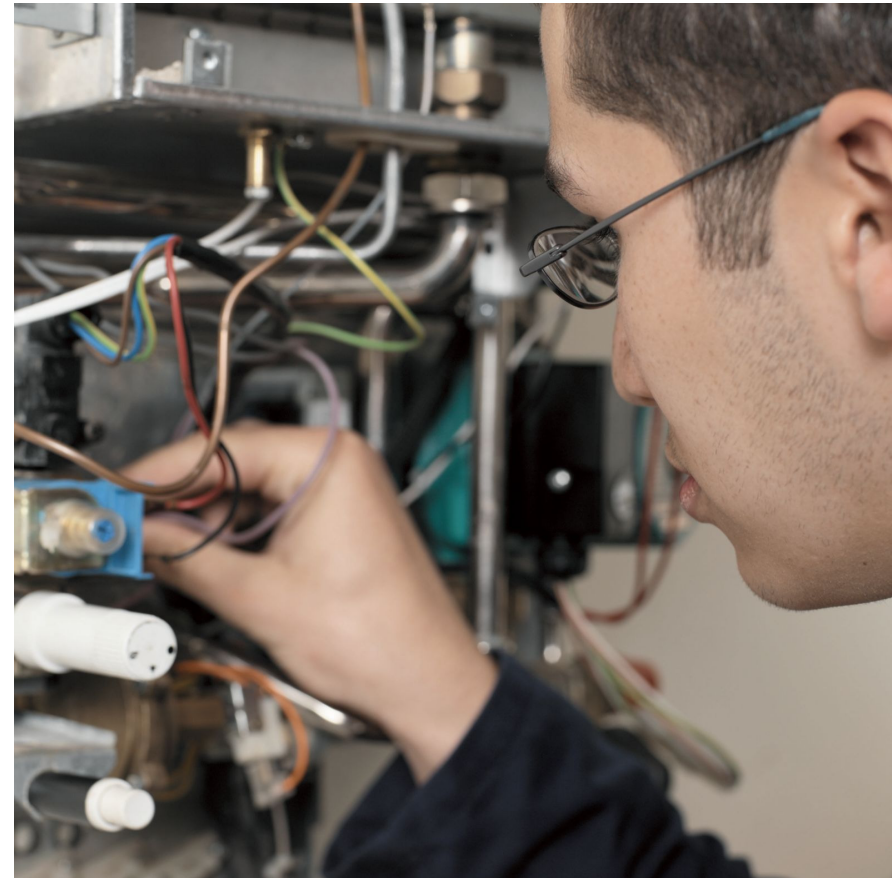


Our approach

- A focus on the needs of local employers
- Dedicated support and expert advice during every stage of the process

What we will offer

- A free and comprehensive recruitment process to source the best candidates
- Screening and shortlisting candidates through rigorous assessment
- Matching you with an appropriate training provider to ensure best fit
- Ongoing services of an apprenticeship broker
- Pastoral care



Next steps



- Think about whether this is a good fit with your business
- Meet to find out about your needs
- Match you with the right apprentice
- Put you in touch with an appropriate training provider and choose the right apprenticeship
- Free ongoing support to you and the apprentice

Ian Roberts

Chair, MBC 2012 Task Group

Managing Director, Central Legal Personnel

Look out for details of our forthcoming events

Weds 25th May, 8.30am – hosted by Nabarro

CSR Workshop 4: How do I engage my staff in community investment/work with Charity partners?

Weds 15th June, 8.30am – hosted by Speechly Bircham

CSR Workshop 5: Maintaining the momentum of CSR

Weds 29th June, 4.00-8.00pm – hosted by Speechly Bircham and the MBC

Midtown 2011-2021 – Your Vision for Midtown

Weds 6th & Weds 13th July, 8.00am – hosted by Farebrother

Lost in Space: advice for businesses on when to move office or stay, as well as getting the best deal.

See londonmidtown.org for further information