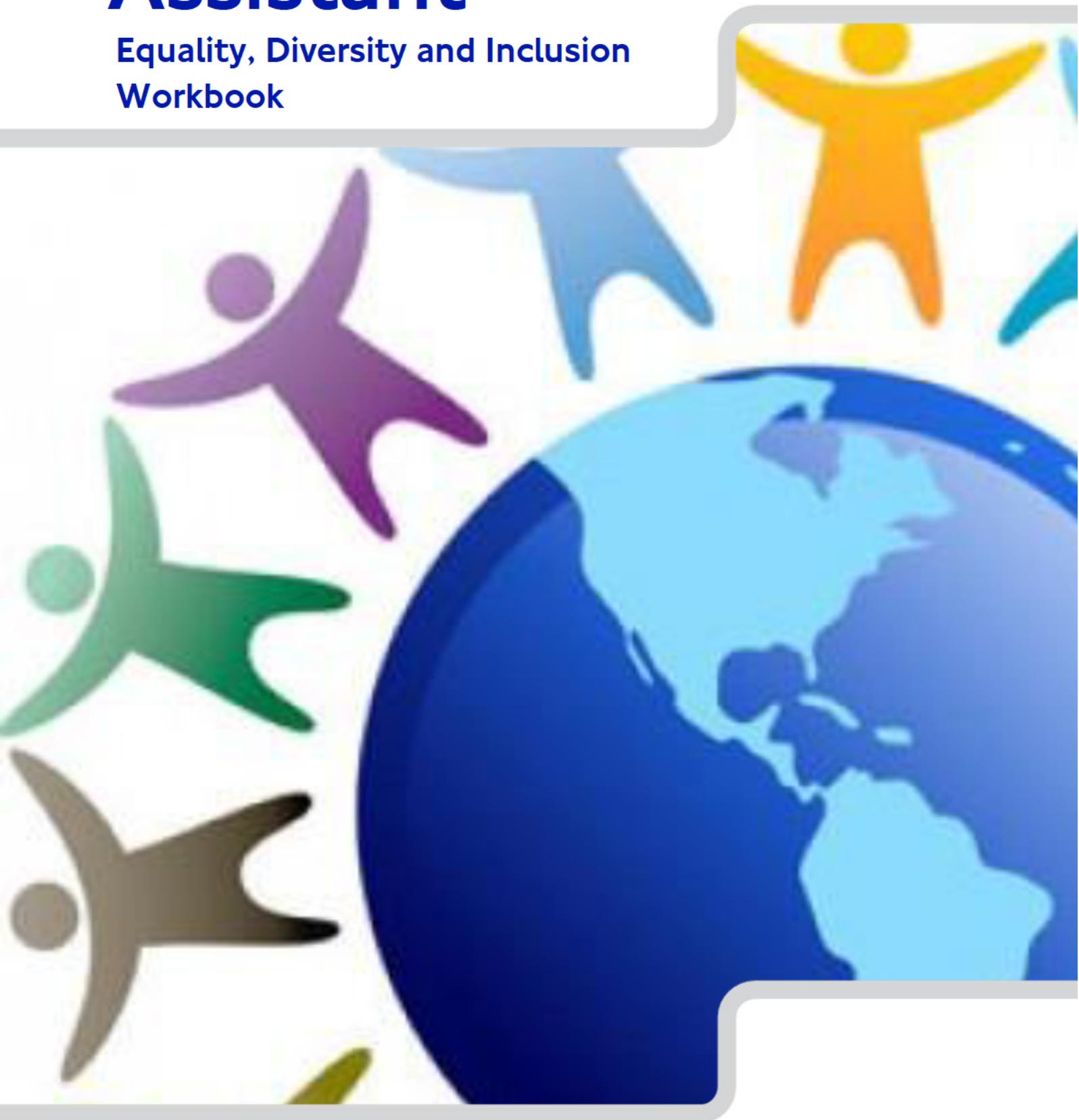


Customer Service Assistant

Equality, Diversity and Inclusion
Workbook



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The Equality Act 2010

The Equality Act 2010 is an **Act of Parliament of the United Kingdom**, and has the same goals as the four major EU **Equal Treatment Directives**, whose provisions it mirrors and implements.

The primary purpose of the Act is to simplify the complicated and numerous array of Acts and Regulations, which formed the basis of **anti-discrimination law** in Great Britain.

This was, primarily:

the **Equal Pay Act 1970**

the **Sex Discrimination Act 1975**

the **Race Relations Act 1976**

the **Disability Discrimination Act 1995**

and three major **statutory instruments** protecting discrimination in employment on grounds of **religion or belief, sexual orientation** and **age**.

It requires equal treatment in access to employment as well as private and public services, regardless of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.

In the case of gender, there are special protections for pregnant women. However, the Act allows transsexual people to be barred from gender-specific services if that is "a proportionate means of achieving a legitimate aim".

In the case of disability, employers and service providers are under a duty to make **reasonable adjustments** to their workplaces to overcome barriers experienced by disabled people. In this regard, the Equality Act 2010 did not change the law.

LU uses all relevant legislation to create its own policies and processes which support the law.

The Equality Act puts a duty on all public sector organisations, including Transport for London:

- To eliminate conduct which is unlawful under the Act e.g. discrimination, victimisation, harassment.
- To advance equality of opportunity.
- To foster good relations between different groups.

The Equality and Inclusion Policy now replaces a number of outdated policies relating to:

Sexual Orientation



Covering a person who is heterosexual or homosexual.

Religion or Belief



Where people believe in differing religions or belief systems.

Gender



Covering the similarities between genders.

Age



Dealing with the differing ranges of age groups.

Disability



Looking at the range of abilities and environments to enable people to be independent if possible.

Race, Ethnicity & Nationality



Respecting the differences in culture and background of individuals.

This legislation, and LUs policy, also covers the following characteristics, which were never covered before;

Gender Reassignment



Including those who are about to undergo the process of changing their gender.

Pregnancy & Maternity



Never covered before, and where this was covered under the Sex Discrimination Act, it now has its own specific section within the Equality Act.

Marriage & Civil Partnership



Recent changes to the marriage laws, including for the first time same sex marriage, civil partnership and common law status are now included.

All 9 categories are referred to as Protected Characteristics, rather than simply relating to the protected person. They include those who have these particular characteristics, and those who are related or associated with them.

Under old discrimination laws, harassment was found to be on the grounds of the complainant's disability, sex, gender reassignment, etc. The new Equality and Inclusion Policy only requires that harassment be related to a protected characteristic.

Policy Statement

TfL aims to ensure equal and fair treatment without unlawful discrimination in relation to age, disability, nationality, ethnic or national origin, sex, race, religious or cultural belief, sexual orientation or transgendered status.

TfL is committed to working in partnership with external and internal parties to drive forward a strategy to achieve equality of opportunity and eliminate unfair discrimination within the business.

Definition of Harassment

“Harassment is unwanted conduct affecting the dignity of employees in the workplace.

It may be related to age, sex, race, disability, religion, sexuality or nationality and may be persistent or an isolated incident.

This conduct may be of a physical, verbal or non-verbal nature, is unwanted by the recipient, and has the purpose or effect of creating an offensive, intimidating, hostile, degrading or humiliating environment.”

The change has resulted in two new concepts:

Discrimination/Harassment by Association

This is where an individual is associated with someone who has a protected characteristic.

Discrimination/Harassment by Perception

- This is where an individual is thought to have a protected characteristic, irrespective of whether they do or not.
- Everyone has the right to fair treatment and to be free from discrimination
- Reasonable adjustments should be made so everyone can do a job or use a service
- No harassment or victimisation

The Act applies to all employers and service providers, including London Underground and its employees

Discrimination is defined as treating a disabled person less favourably, for example by:

- Refusing them a service or a job
- Providing a service to them on worse terms or conditions than to other members of the public.
- Failing to make a reasonable adjustment.

Responsibilities

All employees:

- To display and encourage in others, a behaviour that contributes to an environment where everyone is treated fairly, equally and with dignity and respect.
- To ensure that their behaviour at work does not discriminate against or harass others.
- To comply with this policy. Any employee who fails to do so may be subject to TfL's Discipline at Work Procedure, which may result in summary dismissal.
- Should make sure they are aware of TfL's approach to equality and inclusion by attending equality training, completing equality e-learning and reading any relevant notices as they are issued.

Examples

The employee may be associated with someone who has a protected characteristic:

Example:

A CSA has a son with a severe disfigurement. His work colleagues make offensive remarks to him about his son's disability.

The CSA could have a claim for harassment related to disability.

The employee may be wrongly perceived as having a particular protected characteristic:

Example:

A Sikh Train Operator wears a turban to work. The TOSM wrongly assumes he is Muslim and subjects him to Islamophobic abuse.

The Train Operator could have a claim for harassment related to religion or belief because of the TOSM's perception of his religion.

The employee is known not to have the protected characteristic but nevertheless is subjected to harassment related to that characteristic:

Example:

A Service Controller is subjected to homophobic banter and name calling by his colleagues, even though his colleagues know he is not gay.

Because the form of the abuse relates to sexual orientation, this could amount to harassment related to sexual orientation.

The unwanted conduct related to a protected characteristic is not directed at the particular employee but at another person or no one in particular:

Example:

A DTSM racially abuses a black Train Operator.

As a result of the racial abuse, the black Train Operator's white colleague is offended and could bring a claim of racial harassment.

Remember:

- **Protected Characteristics NOT Protected Grounds**
- **What we intended may not be how it made somebody feel**
- **Intent – Is it important?**

In terms of deciding whether harassment has taken place, it is the effect of the conduct that is important, irrespective of the perpetrator's intent.

BUT, in terms of deciding how to manage the situation, intent is an important consideration.

LU's Harassment and Bullying Procedure recommends informal resolution with the individual(s) concerned.

Only serious or persistent cases of harassment or bullying (e.g. where the individual is acting with intent) are recommended to be dealt with formally.

Can you think of any situations that you have been in which are similar to any of the examples you just read?
How could they have been avoided?
Feel free to use the space below and the notes page if you wish to write anything down:



Same – Equal – Different

To be **fair**, we sometimes treat people the **same**.

To be **equal**, we sometimes have to treat people **differently**.

Test yourself!

For each question, state whether you would treat them the SAME or DIFFERENTLY

You have a CSA on the team who cannot read and write very well but is very good at her job.

You spot a customer who is blind and carrying a white stick.

A member of your team has had a family bereavement.

A member of your team is very religious and would prefer not to work on certain days.

Competence in equality is about knowing when to treat individuals and groups of people differently one from the other, and knowing when to treat them the same.

Definitions

Equality

“Equality is about each of us – as individuals and as groups – having the same chances as others to be included and involved, to be treated with consideration and respect, in a way that matches our needs and enables us to share in the benefits of society.”

(In practice, equality is limited because there are some areas of life where we think inequality does not matter).

Diversity

“Diversity is about difference. We are all different from each other in many ways – our appearance, our tastes, our background, our income, our beliefs, our circumstances. Nevertheless we all have things in common with each other too.”

(Sometimes differences are used to drive a wedge between us and others)

Harassment

Harassment is conduct that has either the purpose or effect of creating an offensive, intimidating, hostile, degrading or humiliating environment.

How Discrimination Works

It stereotypes you

Assuming that everyone like you will fiddle your fares
Assuming that others are better at some jobs than you

It patronises you

Talking down to you
Assuming you are less intelligent than others

It excludes and ignores you

Looking right through you as if you are not there
Leaving you out and disregarding your point of view

It humiliates and disrespects you

Allowing hostile jokes about your group
Criticising you in public

It undermines you

Refusing to accept you are the manager
Talking about you behind your back

It blames the victim

Saying you cause the problem by talking about it
Pointing out your behaviour is provocative

It keeps a very close eye on you

Picking you up on every little thing
Over-supervising you

It sets up a working culture which is uncomfortable and hostile

Staying silent while others are mistreated

Allowing behaviour which bullies and victimises

Have you ever seen any of these things happen?

How do you think it made the person/s in question feel?

Please use the box below if you wish to!



Learning Check

Q1. Name the Protected Characteristics covered by the Equality Act

Q2. Whose responsibility is it to promote dignity and respect at work?

Q3. Provide an example of when you would expect to treat one group of staff different from another?

Q4. List four ways in which discrimination works:

Intention vs Effect

In law, it is the **effect** of discrimination which is critical not the intention.

In LU, the policy on harassment is concerned with the **effect** of the behaviour, not the intention.

Intention or effect?

1. If a child is bullied at school, is the effect on the child more important than the intentions of the bullies – who may say '**We were only having a laugh**'.

2. If a woman is harassed at work, is the effect on the woman more important than the intention of the man – who may say '**I was only being friendly**'.

3. If a wheelchair user is told by LU that they cannot use the Tube because their wheelchair is a hazard, is the effect more important than the intention of the staff who may say '**I was thinking of safety**'.

Scope of the Law

Direct discrimination

Treating someone less well.

E.g. To ban people with learning disabilities from a local café

Indirect discrimination

Rule which is applied to everyone but which one group cannot meet as well as another group, and the rule cannot be justified. E.g. A company said that only people living locally could work there. The area is mainly white.

Harassment

Violate someone's dignity or create a hostile environment which is intimidating, degrading or humiliating. The behaviour is unwanted and offensive. It may be verbal or non-verbal. It may be an isolated incident or persistent. E.g. Abusive post-it and pornography left on a woman's locker.

Victimisation

Protection if you take out a complaint or act as a witness.

E.g. when the woman complains, she is moved to a less interesting job.

Positive Action

Special training if underrepresented.

e.g. Management training for women into engineering.

Encouragement in advertisements.

e.g. "We welcome applications from Black and minority ethnic applicants who are underrepresented in this grade of work over the last 12 months."

Disability

Definition of a Disabled Person

- Physical or mental impairment.
- Has a substantial effect on their day-to-day activities.
- Is long-term – 12 months or more.

Impairment which Affects

- Mobility.
- Physical co-ordination.
- Ability to lift, carry or otherwise move everyday objects.
- Perception of the risk of physical danger.
- Manual dexterity.
- Continence.
- Speech, hearing or eyesight.
- Memory or ability to concentrate, learn or understand.
- Cancer, multiple sclerosis or HIV +, from the point of diagnosis.

Reasonable Adjustments to Work

- A Supervisor who has severe dyslexia is taught to recognise relevant signs and safety symbols and is given instruction manuals on cassette tape.
- A manager who has a hearing impairment is given a portable hearing loop so she can take part in meetings.
- A CSA is given time off for rehabilitation after an accident.
- A CSA with diabetes needs to eat and drink every three hours. Their shifts are modified accordingly.

Reasonable Adjustments made by LU

- Providing audible and visual information in all areas.
- Improving handrails to ensure appropriate heights and designs and provide a visual contrast with the wall.
- Improving steps and stairs to provide a visual contrast at the leading edge of each riser and tread.
- Removing, modifying or highlighting obstructions.
- Providing a visual contrast between Help and Information Points and the surrounding walls.
- Installing induction loops at every Help and Information Point and providing “listening points” for hearing aid users at some of our bigger stations.
- Improving lighting and public address systems.
- Improving signs and wayfinding to help people navigate around our stations and trains, including expanding our use of pictograms.
- Installing tactile warning surfaces on every platform and on all staircases.
- Providing more priority seating on trains, at stations, in ticket halls and on platforms.
- Further improving the safety and security of our stations by increasing the coverage and quality of CCTV, providing safer waiting areas at specific stations and Help and Information Points in every Ticket hall and corridor and on every platform.
- Providing accessible unisex toilets at all step-free stations where toilets already exist.

Communicating with Disabled People

Finding the Right Language

Thinking about the language you use when talking to/about disabled people is very important.

What you say will intentionally or unintentionally convey messages about how disability and disabled people are viewed.

There are also some 'dos' and 'don'ts' to remember when talking about/to people with specific disabilities.

Be mindful when speaking with disabled people – remember it is not the person who is disabled; it is the environment that causes a problem to some.

General Points to Remember

Avoid words that are linked to a medical context or are judgemental.

Disability is not the same as illness, and disabled people should not be referred to as patients (unless it is in the proper medical context).

Put the person before the disability, e.g. Mark Brown, who uses a wheelchair.

When talking about people without disabilities, use **non-disabled** rather than able bodied, as this suggests that all impairments are physical.

When talking about facilities designed for use by disabled people, such as toilets, use the term **accessible** rather than disabled. Disabled toilets sound as though the cistern isn't working!

A Final Word of Advice

Don't make assumptions about the existence or absence of disabilities.

Some people have hidden disabilities, such as diabetes or mental health difficulties.

So use appropriate language at all times.



Finding the Right Behaviour

General Points to Remember

- Disabled people don't need or want you to treat them any differently to any other person. Make physical contact that's appropriate to the situation, such as shaking hands. Talk directly to the person as you would anyone else – equally so if the person has a paid supporter or companion with them. Relax and make eye contact.
- Don't be afraid to use common expressions such as “see you later” or “I'll be running along then”; these won't be taken as a comment about that person's disability.
- If you think a disabled person may need assistance, do offer but wait until your offer is accepted before you try to help. Ask the person what kind of assistance they would like and how this should be given, and listen to this, as they are their own expert – don't assume that you know how to help.

Meeting people who use a wheelchair or mobility aid...

- Don't touch or push a person's wheelchair without permission to do so. This respects the person's space.
- If you are talking for more than a few moments to a person in a wheelchair, sit down or position yourself so that you are at the same level – or at least ask the person if they would like you to do that. If you are behind a high desk or counter, move in front of this instead.
- If your building has particular features that might make it difficult for a wheelchair user to move around independently, such as deep-pile carpets or heavy doors, offer to help. Equally, watch out for ramps that are too steep or too slippery.
- Don't move a person's crutches, walking frame or other mobility aid unless they ask you to.

Meeting people with a hearing impairment...

- Providing written information can be a useful.
- Induction loop systems are invaluable to people who use hearing aids. These can be permanent or non-permanent.
- People who use sign language may use an interpreter. People who lip-read may prefer to use a lipspeaker in some situations.
- Telephones with amplifiers, textphones and video phones are all available.
- Videos with dialogue can be made accessible by subtitles or sign language interpretation, depending on the person's preference.
- Technology that relies on sound can be made accessible with a flashing light or vibrating pager.

Meeting people with a visual impairment...

- Always introduce yourself and others, and say who is speaking.
- Always say if you are going to move away, so that the person is not left talking to an empty space.
- Don't move a person's cane unless they ask you to.
- If you offer assistance with moving around, and this is accepted, ask 'may I offer you an arm?', so that you can guide rather than push. When you are offering a seat, guide the person's hand to the back arm of the seat, making sure they are aware this is what you are going to do.
- Remember a guide or hearing dog is a working dog, not a pet! Don't stroke, feed or play with the dog unless they are 'off-duty' and you have permission to from the owner.
- Verbal communication – either face to face, through Public Address (PA) systems or via telephone - makes short pieces of information accessible.
- Written documents may be made accessible for some people with large print, using a 'sans serif' font (such as Arial) and good contrast colours (e.g. black or dark blue text on white or yellow paper). Ask what people prefer.
- Text can be translated into a range of alternative formats, such as Braille and Moon, which are tactile alphabets, or audio tape / CD.
- Screen readers can make communication via computer, e.g. through email or disc / CD ROM, accessible.

Age Discrimination

The Equality Act 2010 makes it unlawful to discriminate against employees, job seekers and trainees because of age. For example, this may include because they are 'younger' or 'older' than a relevant and comparable employee.

The act was reviewed in 2011 to consider whether it is still necessary to maintain mandatory retirement ages at all but no changes were made at that time.

- It allows those under retirement age to retire early, if they wish.
- Gives those over retirement age the right to request to continue working.
- Bans age discrimination in recruitment, promotion and aspects of work such as training.

It is unlawful because of age to discriminate directly against anyone. Direct discrimination means that employees or job applicants are treated less favourably because of their actual or perceived age, or because they associate with someone of a particular age.

For example it is unlawful to:

- Decide not to employ someone.
- Dismiss them.
- Refuse to provide them with training.
- Deny them promotion.
- Give them adverse terms and conditions because of their age, unless that treatment is objectively justified.
- Discriminate indirectly against anyone – that is, to apply a criterion, provision or practice which disadvantages people of a particular age unless it can be objectively justified.
- Subject someone to harassment related to age victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination because of age.
- Discriminate against someone, in certain circumstances, after the working relationship has ended, unless objectively justified.
- Compulsorily retire an employee unless it can be objectively justified.

Learning Check 2

Q1. If a member of your team says: 'I didn't mean to offend her. I meant it as a joke.' What could you say?

Q2. If a member of your team says to you: 'I think that comment is offensive.' What could you say?

Q3. If a member of staff says to you: 'You have to be a minority to get promoted round here.' What could you say?

Learning Check 2 continued:

Q4. If a member of staff says to you: 'The law says all our jobs should be open to disabled people.' What could you say?

Q5. Give one example of a reasonable adjustment so a customer with a hearing or sight impairment gets an equally good service.

Contact

LU Skills Development

