



BCC DISCRIMINATION POLICY

Policy created by:	Turcekova	UPDATES
Policy created date:	01/07/2019	<i>Policy created</i>
Reviewed: LT	01/07/2020	
Reviewed: LT	01/07/2021	
Reviewed: LT	01/07/2022	
Reviewed: LT	01/07/2023	
Reviewed: LT	01/07/2024	
Reviewed: LT	01/07/2025	
Reviewed: LT	01/01/2026	<i>Renewal of BC Accreditation</i>
Reviewed:	01/07/2027	
Reviewed:	01/07/2028	
Reviewed:	01/07/2029	

SUMMARY

Bournemouth City College (BCC) recognises that it is essential to provide fair opportunities to all people without discrimination. BCC English language school should be a place where students and staff hold common values about respect for others and about respecting the differences between people. We are committed to fairness in our practices and in meeting the needs of our diverse student and staff bodies.

We want to make BCC a place in which people are given the best possible opportunities to be successful in personal and professional lives. This document includes:

- 1) Summary statement**
- 2) Definition of discrimination**
- 3) How can you be discriminated against**
- 4) Discrimination at work**
- 5) Direct Discrimination**
- 6) Indirect Discrimination**
- 7) Disable link Discrimination**
- 8) Harassment**
- 9) Victimisation**
- 10) What you can do**

All BCC staff are required to fully support this Discrimination policy. All BCC staff must follow the procedures and steps set out in this document to ensure that consistency is followed at all times.

This policy is regularly reviewed and amended due to business needs and requirements.

1. DEFINITION OF DISCRIMINATION

Discrimination in the context referred to in this policy may take many forms including but not limited to the following:

- **Offensive or hostile treatment of an individual** on the grounds of any of the above grounds
- **Verbal or physical abuse** on the grounds of any of the above grounds
- **Displaying overtly offensive material**, either written or visual
- **Unacceptable behaviour** which fails to consider the needs or rights of others.
- **Criticising and denigrating individual practices**
- **Indirect discrimination**; for example, holding examinations on a day on which candidates from a certain religion are unable to attend.

2. DISCRIMINATION: Your Rights

2.1 Types of discrimination (protected characteristics)

It is against the law to discriminate against anyone because of:

- *Age*
- *Gender reassignment*
- *Being married or in a civil partnership*
- *Being pregnant or on maternity leave*
- *Disability*
- *Race including colour, nationality, ethnic or national origin*
- *Religion or belief*
- *Sex or Sexual orientation*

THESE ARE CALLED “PROTECTED CHARACTERISTICS”.

You are protected from discrimination:

- *At work*
- *In education*
- *As a consumer*
- *When using public services, when buying or renting property*
- *As a member or guest of a private club or association.*

YOU ARE LEGALLY PROTECTED FROM DISCRIMINATION BY THE EQUALITY ACT 2010.

(<https://www.legislation.gov.uk/ukpga/2010/15/contents>).

2.2 Action against discrimination

You can do something voluntarily to help people with a protected characteristic. This is called positive action. Taken positive action is legal if people with a protected characteristic:

- **Are at a disadvantage**
- **Have particular needs**
- **Are under - represented in an activity or type of work.**

3. HOW YOU CAN BE DISCRIMINATED AGAINST

Discrimination can come in one of the following forms:

- **Direct discrimination** occurs when one person is treated less favourably than another on grounds relating to sex, race, marital status, age, disability, sexual orientation or religion.
- **Indirect discrimination** occurs where a requirement is imposed which can be complied with by a smaller proportion of persons of a particular sex, race, marital status, disability, age, part-time or fixed term contract status, sexual orientation or religion, than a person in another group and which is not objectively justifiable in the given situation.
- **Harassment** - unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them
- **Victimisation** – treating someone unfairly because they've complained about discrimination or harassment

4. DISCRIMINATION AT WORK

The law protects you against discrimination at work, including:

- **Employment terms and conditions**
- **Dismissal**
- **Pay and benefits**
- **Promotion and transfer opportunities**
- **Training**
- **Recruitment**
- **Redundancy**

4.1 Statutory Equality Grounds in employment

The anti-discrimination laws clarify ban discrimination in employment on the grounds of sex; pregnancy and maternity leave; religious or similar philosophical beliefs; political opinion; race; age. sexual orientation. The laws also ban discrimination against people who are disabled; people who are married or who are in civil partnerships; and, people who have undergone, are undergoing or who intend to undergo gender reassignment.

4.2 When is it unlawful for an employer to discriminate?

The anti-discrimination laws ban discrimination in relation to the whole range of employment-related activities, from recruitment through to termination of employment, and even beyond (e.g. providing job references to former employees). However, to focus specifically on recruitment and selection, it is unlawful for an employer to discriminate against job applicants and employees in the following circumstances.

A. Discrimination against job applicants

It is unlawful for employers to discriminate against job applicants:

- in the arrangements made for determining who will be offered a job; or
- by refusing or deliberately omitting to offer a person a job.

B. Discrimination against employees

It is unlawful for employers to discriminate against employees:

- in their access to opportunities for promotion; or
- by subjecting them to any other detriment.

5. DIRECT DISCRIMINATION

This usually occurs where an employer treats a job applicant or employee less favourably than he treats (or, would treat) another person, in the same or similar circumstances, on one or more of the statutory equality grounds.

For example, it is direct discrimination to refuse to employ a job applicant because she is a woman, or pregnant; or, because he/she is a Roman Catholic or a Protestant; or, because he/she is an Irish traveller; or, because he/she is gay or lesbian; or, because he/she is disabled; or, because he/she is of a certain age (e.g. over 60, or under 20).

A recruitment or selection decision that is directly discriminatory will normally be unlawful unless: (a) in an age discrimination case, the decision can be objectively justified, or (b) in any other case, an employer can rely on a statutory exception, such as a genuine occupational requirement exception where the job needs to be done by a person who has a particular characteristic (e.g. the job holder needs to be a woman in order to preserve the decency and privacy of women service-users who may be undressed).

6. INDIRECT DISCRIMINATION

This generally occurs where an employer applies to all job applicants or employees a particular provision, criterion or practice, but which has the effect of placing people who share a particular equality characteristic (e.g. the same sex, or religious belief, or race) at a particular disadvantage compared to other people.

Indirect discrimination might arise in a recruitment situation in the following way: the employer sets and applies a particular job criterion to all job applicants; however, it has the effect of disproportionately excluding or disadvantaging people who are members of a particular equality group. For example:

- if a job-holder needs to have a degree and 5 years post-qualification experience then the criteria effectively excludes people aged under 26 or 27 years and, thus, the combined effect of the two criteria could be indirectly age discriminatory against people under the age of 26 or 27 years;
- (b) requirements to have academic qualifications that can only be gained through the local education systems (i.e. UK or Republic of Ireland) may effectively exclude many migrant workers who are otherwise eligible and qualified to do the job in question and, thus, could give rise to indirect race discrimination.

A recruitment or selection decision that is indirectly discriminatory will normally be unlawful unless the decision (e.g. the job criterion in question) can be objectively justified.

7. DISABILITY RELATED DISCRIMINATION

This occurs where an employer, without lawful justification, and for a reason which relates to a disabled person's disability, treats that person less favourably than the employer treats (or, would treat) other people to whom that reason does not (or, would not) apply.

7.1 FAILURE TO COMPLY WITH A DUTY TO MAKE REASONABLE ADJUSTMENTS

This is another form of disability discrimination that occurs where an employer is under a duty to make **reasonable adjustments for a particular disabled job applicant** or employee and fails to comply with it. A failure to comply with the duty cannot be justified and is always unlawful.

An employer will be under a duty to make reasonable adjustments for a particular disabled job applicant or employee if the following conditions apply:

- the disabled person is at a substantial disadvantage compared to persons who are not disabled as a result of,
- any provision, criterion or practice applied by the employer, or any physical feature of the premises occupied by the employer, and
- the employer knows, or could reasonably be expected to know, that the disabled person is disabled and is at a disadvantage, or is likely to be at a disadvantage.

Where the employer is under the duty, he/she is required to take such steps as are reasonable to take, in all circumstances of the case, in order to prevent the disabled person from suffering the aforementioned disadvantage.

In the recruitment exercise, this could mean that the employer may, depending on what is reasonable in the circumstances, have to change or waive particular job selection criteria, or help a disabled job applicant to help him/her to participate in a selection test or job interview.

What you can do:

If you are discriminated against at work there are ways to deal with it:

- [https://discrimination – your-rights/what -you-can-do](https://discrimination-your-rights/what-you-can-do))
- <https://employer-preventing-discrimination>

8. HARASSMENT

Harassment is a form of discrimination that may occur across all or any of the statutory equality grounds. It usually occurs where a job applicant or employee is subjected to unwanted conduct that is related to a statutory equality ground with the purpose, or which has the effect, of violating their dignity or of creating for them an **intimidating, hostile, degrading, humiliating or offensive environment**.

It is perhaps more likely in practice to occur in the course of employment in a normal workplace setting, but it could occur during a recruitment and selection exercise as a result of the manner in which a selection panel, or any of its individual members, behave towards a job applicant during the course of an interview (e.g. making sexist, racist or homophobic comments to a job applicant, or making derogatory comments to a pregnant or disabled job applicant). Harassment cannot be justified and is always unlawful.

9. VICTIMISATION

This generally occurs where an employer treats an employee or job applicant less favourably than he treats (or, would treat) another person, in the same or similar circumstances, because the person has previously exercised their rights under the anti-discrimination laws, or has assisted another person to do so. **Victimisation is essentially a form of retaliation** (e.g. the employer retaliates against a person who previously made a discrimination allegation against him/her by refusing on that account to offer them a job or a promotion). Victimisation cannot be justified and is always unlawful.

10. What you can do:

If you think you've been unfairly discriminated against you can:

- Complain directly to the person or organisation
- Use someone else to help you sort it out (called "mediation" or alternative dispute resolution".
- Make a claim in a court or tribunal

Contact the Equality advisory support service (<https://equality-advisory-support-service>) for help and advice.

If things cannot be sorted out informally, talk to ACAS (<https://www.acas.org.uk/contact>)

You might be able to take a claim to an employment tribunal (<https://employment-tribunals>)

Check if you can get legal aid (<https://check-legal-aid>) to help with your legal costs if you think you've been discriminated against. You can get advice from Civil Legal Advice if you're eligible.