

## What is discrimination?

This document will help you learn about discrimination – how to identify it and what you should do to change it.

Northampton College is committed to **equality** and **diversity**.

**Equality** is about equal opportunity and creating a fair, inclusive environment where everyone can participate and everyone can fulfil their potential.

**Diversity** is about recognising individual and group differences, treating people as individuals and empowering them to be true to themselves.

Discrimination challenges both of these values. It is the **unjust** or **prejudicial** treatment of different **people**. This might be on the grounds of a group category like race, sex, gender, age or religion. Or it might be because of individual characteristics like the way someone looks or what they like or dislike.

Northampton College will not tolerate discrimination in any form. It goes against our core value of 'respecting and helping each other'; it's illegal; and it's wrong.

We need all our staff and students to work together to ensure that any discrimination in the college is **recognised, challenged** and **changed**.

## Discrimination: Recognise, Challenge, Change

### How do I recognise discrimination?

Broadly, discrimination includes language and behaviours that **belittles, patronises, emphasises a characteristic** or **situation**, or that could be **offensive**. It can be directed at an **individual** or a **group**.

Examples are often stereotypes such as:

- Gay men are effeminate, lesbians are masculine
- Immigrants have poor English
- Christians are homophobic
- Women are bad drivers
- Young people are fools, old people are 'past it'.

As well as terms like nerd, slapper, queer, cripple or coloured.

Exclusionary behaviours can also be a form of discrimination:

- Overlooking the needs of someone who has disabilities
- Ignoring or marginalising someone not from the majority group
- Assuming the gender of people's partners
- Assuming someone's sexual orientation, ethnicity, religion or belief.

People can be discriminated against because of **multiple characteristics** – because they are older and female, for example. Or they can be discriminated against because of **perceived characteristics** – people thinking they are homosexual when they are not, for example.

Remember, even behaviour that you might consider to be a joke, ‘banter’ or without malicious intent can be hugely **painful** and **harmful** for the recipient.

### **How do I challenge discrimination?**

The first step is always to question or dispute what someone has said or done. This can be difficult, especially if you are friends with the perpetrator. But always remember:

- Not challenging is a neutral act, and this can be seen in law as **collusion**
- Not challenging is what allows discrimination to be perpetuated
- It is easier to change **behaviour** than **belief**...
- ...So it is easier to use phrases like **‘we don’t do that here’** rather than **‘don’t think like that’**.

Always avoid getting into an argument; simply state the case and move on. If inappropriate behaviour continues then you should:

- Refer to the appropriate **college policies** to reinforce your message (you can find the college policies at <http://www.northamptoncollege.ac.uk/working-for-us/our-policies.html>)
- Report the incident to a **college manager or personal tutor**

### **How does discrimination change?**

When someone makes a remark or behaves in a discriminatory way, it may or may not have been done intentionally. Often people are **unaware** that they are discriminating, although it may reveal some of their underlying **attitudes** and **beliefs**.

Challenging remarks or behaviour can help people to think before they speak, to understand how their behaviour can make other people feel, and even to question the prejudices that may underpin their beliefs.

### **Discrimination and the law**

One way in which discrimination has been challenged more strongly in recent years is with the **Equality Act**, which was passed on October 1<sup>st</sup> 2010. It replaced a lot of earlier Acts, bringing everything together in one place. The Act protects a number of groups that have been given a new name and are now known as the ‘Protected Characteristics’ (PCs). There are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race

- Religion or belief
- Sex
- Sexual orientation.

This means that if an individual has a Protected Characteristic, they are protected by the Act and discriminating against them on the basis of that characteristic is illegal.

Some important terms:

- **Disability:** Under the Act a person is 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. Cancer, HIV infection and multiple sclerosis are still deemed disabilities under the Act.
- **Gender Reassignment:** The Act provides protection for transsexuals, whether the person in question has proposed to, started or completed a process to change his or her gender. They do not need to be under medical supervision to gain protection.
- **Race:** It is worth noting that the definition of race is non-exhaustive, so it includes 'colour, nationality, ethnic or national origin'.

Under the Act, discrimination can **only** take place in connection with PCs. There are various types of discrimination and a particular event could cover more than one type:

- **Direct discrimination** happens when someone is treated less favourably than another because they **have PCs** or they are **perceived to have** a PC, or because they are **associated** with someone who has a PC. This type of discrimination applies to all PCs.
- **Associative discrimination** also applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. It is a form of direct discrimination that occurs when a person is treated less favourably because they **associate** with someone who has a PC.
- **Perceived discrimination** also applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. It is a form of direct discrimination that occurs when someone is treated less favourably because they are perceived to have a PC. So it still applies even if that person does not have a PC.
- **Indirect discrimination** applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. It occurs where a **condition, rule, policy or practice** applies equally to everyone, but has the effect of being particularly disadvantageous to a group who share a PC.
- **Victimisation** happens when a person is treated less favourably because they have made or supported a **complaint** or raised a **grievance** under the Act, or they are **expected** to do so. This form of discrimination applies to all PCs.
- **Harassment** is unwanted conduct related to a relevant PC which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. This applies to all PCs. The Act also provides that employees can complain about behaviour they find offensive or humiliating, even if not directed to them and they need not have the relevant PC themselves. Likewise, employees are protected from harassment because of perception or association.
- **Positive Action** is about taking action to promote equal opportunities, remove existing inequalities or counter the effects of past inequalities.

- **Reasonable adjustments** are any action that helps alleviate a substantial disadvantage. Reasonable adjustments can be made to working practices to enable access to goods, facilities and services (including education) for people with disabilities. A Genuine Occupational Qualification (GOQ) applies when the nature of a particular job causes the sex or gender of an applicant to become a reasonable cause for choosing one over another.

### **How does discrimination manifest?**

#### **Age**

People experience discrimination both for being considered 'too young' and 'too old'. There have, for example, been a number of high-profile cases of BBC presenters being dropped in their 50s or 60s.

Northamptonshire currently has a lower than average population of older people and people in their twenties but a higher proportion of children. Over the next 10 years this profile is likely to change as the 45-64 year group becomes the 65+ year group and becomes a larger proportion of the population.

Around 60% of students at Northampton College are adult learners going back into education.

#### **Disability and mental health**

Disability and mental health covers both physical and mental impairments which have a substantial and long-term adverse effect on people's abilities to carry out normal day to day activities. Anyone can become depressed, anxious, stressed or develop phobias, eating disorders and a host of other indicators of poor mental health. Discrimination towards people with disabilities can take many forms, often based on an assumption that there is 'something wrong with them'.

20% of adults in the UK have a disability, 5% of under 16s have a disability and 25% of British adults experience a mental health problem each year. In Northampton College, 15% of students have a disability.

#### **Sex**

A century after the suffragettes fought for the right to vote, men and women are still not treated equally in the UK. The Office for National Statistics (ONS) estimates that men working full-time are paid an average hourly rate that is 17.3% higher than that earned by women. Sex discrimination can also be faced by transsexual people, who do not feel the sex they were assigned at birth is their true sex, and may or may not choose to undergo sex reassignment.

#### **Gender**

Gender is assigned at birth based on the sex of the individual. This means gender is largely culturally determined, and gender identities can take many different forms. Some people are perceived as one gender and present as another. Trans people's gender identity does not match their assigned sex. Gender identity can manifest in a huge number of different ways, and people are often discriminated against for being 'different'.

## **Race and ethnicity**

Discrimination on the grounds of race and ethnicity exists worldwide. In the education environment, it has direct links to attainment. In 2009-2010, 55.2% of pupils in England whose first language is English achieved five or more GCSEs at grades A\* to C, compared with just 52% of pupils whose first language is not English.

Northampton College is a multi-cultural and multi-racial environment, with staff and students from a broad range of racial backgrounds. We are committed to ensuring that cultural background, including first languages, is never a barrier to achievement.

## **Religion and belief**

There is no specific list that sets out what religious or belief discrimination is. Being aware of, and sensitive to, the cultural and religious needs of individuals includes practices like flexible working for people who need to attend worship on working days, time off to observe religious festivals and prayer room provision.

In Northamptonshire, while the majority of citizens identify as Christians, many also identify as Muslim, Hindu, Sikh, Jewish and Buddhist, as well as having no religion or declining to answer. Northampton College is a multi-faith college, with well-equipped prayer rooms at two of our sites, Halal food offered and behaviour codes that allow for religious dress requirements.

## **Sexuality and sexual orientation**

Like gender, sexual orientation covers a spectrum of identity positions. People may self-identify as heterosexual (straight), meaning they are attracted to the opposite sex, homosexual (gay/lesbian), meaning they are attracted to the same sex, bisexual, meaning they are attracted to both the same and the opposite sex, and asexual, meaning they feel no sexual attraction.

There have been cases in the UK of same sex couples not being allowed to stay in certain B&Bs, and there are still many countries in the world where homosexuality is illegal.