

Discrimination

The prejudicial treatment or consideration of a person, racial group, minority, etc. based on category rather than individual merit, excluding or restricting members of the group on the grounds of race, sex, or age.

Discrimination

Professional Issues





22%

SAID THEY WERE TREATED DIFFERENTLY



1. Types of discrimination ('protected characteristics')

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

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation



You're 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're legally protected from discrimination by the [Equality Act 2010](#).

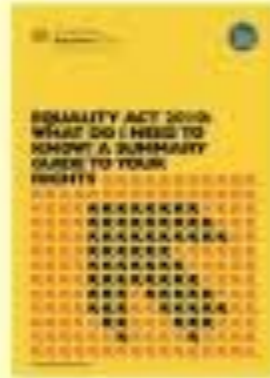
You're also protected from discrimination if:

- you're associated with someone who has a protected characteristic, eg a family member or friend
- you've complained about discrimination or supported someone else's claim



The Equality Act - Introduction

- Single largest piece of anti-discrimination legislation the UK has known.
- Harmonises multiple pieces of primary and secondary legislation.



Action against discrimination

You can do something voluntarily to help people with a protected characteristic. This is called 'positive action'.

Taking 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



2. How you can be discriminated against

Discrimination can come in one of the following forms:

- direct discrimination -
treating someone with a protected characteristic less favourably than others
- indirect discrimination -
putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage
- 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

It can be lawful to have specific rules or arrangements in place, as long as they can be justified.

3. Discrimination at work



The law protects you against discrimination at work, including:

- dismissal
- employment terms and conditions
- pay and benefits
- promotion and transfer opportunities
- training
- recruitment
- redundancy

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Some forms of discrimination are only allowed if they're needed for the way the organisation works, eg:

- a Roman Catholic school restricting applications for admission of pupils to Catholics only
- employing only women in a health centre for Muslim women



Disability

If you're disabled you have the same rights as other workers. Employers should also make 'reasonable adjustments' to help disabled employees and job-applicants with:

- application forms, eg providing forms in Braille, audio formats
- aptitude tests, eg giving extra time to complete the tests
- dismissal or redundancy
- discipline and grievances
- interview arrangements, eg wheelchair access, communicator support
- making sure the workplace has the right facilities and equipment for disabled workers or someone offered a job
- promotion, transfer and training opportunities
- terms of employment, including pay
- work-related benefits such as access to recreation or refreshment facilities





Definition:

Over the last few decades' new research from the fields of neuroscience and social psychology has shed light onto the working of the human brain and the concept of unconscious bias.

Unconscious biases are simply our unintentional people preferences, which are created and maintained by the way our brains work, to sort data quickly and are influenced by our upbringing, the media and our life experiences.

IT can play a major role in alleviating the effects of disability and allow independent living by enabling

- The blind and vision impaired to see
- The deaf and hard of hearing to listen
- The mute to speak
- The physically disabled to control their environment
- Those with cognitive impairments to understand better



In a world of 'digital by default' knowledge of disability, and of the beneficial influence of IT, should be part of the background knowledge of all IT professionals.

4. 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](#) for help and advice.

Discrimination at work

Employees should talk to their employer first to try and sort out the problem informally. You may also want to read about [workplace disputes](#).

If things can't be sorted out informally, talk to [Acas](#), [Citizens Advice](#) or a trade union representative.

You might be able to take a claim to an [employment tribunal](#) for discrimination.

Employers: preventing discrimination

1. Overview

It is against the law to treat someone less favourably than someone else because of a personal characteristic, eg religion, gender or age.

Discrimination can include:

- not hiring someone
- selecting a particular person for redundancy
- paying someone less than another worker without good reason

You can discriminate against someone even if you don't intend to. For example, you can discriminate indirectly by offering working conditions or rules that disadvantage one group of people more than another.



HEAR
SOMETHING,
SAY
SOMETHING,
TAKE A STANCE AGAINST
DISCRIMINATION!



2. Discrimination during recruitment

Discrimination in job adverts

You must not state or imply in a job advert that you'll discriminate against anyone.

This includes saying that you aren't able to cater for workers with a disability.

Only use phrases like 'recent graduate' or 'highly experienced' when these are actual requirements of the job. Otherwise you could discriminate against younger or older people who might not have had the opportunity to get qualifications.

Where you advertise might cause indirect discrimination - for example, advertising only in men's magazines.

Questions you can't ask when recruiting

You must not ask candidates about 'protected characteristics' or whether they:

- are married, single or in a civil partnership
- have children or plan to have children

Asking about health or disability

You can only ask about health or disability if:

- there are necessary requirements of the job that can't be met with reasonable adjustments
- you're finding out if someone needs help to take part in a selection test or interview
- you're using 'positive action' to recruit a disabled person



Asking for a date of birth

You can only ask for someone's date of birth on an application form if they must be a certain age to do the job, eg selling alcohol.

You can ask someone their date of birth on a separate equality monitoring form. You shouldn't let the person selecting or interviewing candidates see this form.

Spent criminal convictions

Applicants don't have to tell you about [criminal convictions that are spent](#). You must treat the applicant as if the conviction has not happened, and cannot refuse to employ the person because of their conviction.

There are some areas of employment that are exempt from this rule, eg schools.



Trade union membership

You must not use membership of a trade union as a factor in deciding whether to employ someone. This includes:

- not employing someone because they're a member of a trade union
- insisting someone joins a trade union before you'll employ them

Employing people with protected characteristics

You can choose a candidate who has a protected characteristic over one who doesn't if they're both suitable for the job and you think that people with that characteristic:

- are underrepresented in the workforce, profession or industry
- suffer a disadvantage connected to that characteristic
(eg people from a certain ethnic group are not often given jobs in your sector)

You can only do this if you're trying to address the under-representation or disadvantage for that particular characteristic. You must make decisions on a case by case basis and not because of a certain policy.

You can't choose a candidate who isn't as suitable for the job just because they have a protected characteristic.



Favouring disabled candidates

When a disabled person and a non-disabled person both meet the job requirements, you can treat the disabled person more favourably.



Which of these are under-represented in IT?

3. Discrimination during employment

You must not discriminate against your employees. This could be done by, for example:

- introducing measures that discriminate between workers, eg a benefit for married employees that's not available for people in a civil partnership
- paying men and women different amounts (this includes benefits, eg company cars) when they're doing work of equal value
- selecting someone for redundancy because they have a protected characteristic
- failing to make reasonable adjustments for a disabled worker
- firing someone for making an allegation of discrimination
- firing someone because they're a union member
- unfairly rejecting a [request for flexible working](#) from a new parent

This includes self-employed people on a contract for you.

Training and promotion can't just happen because of an employee's age or the time they've worked for you.

You're allowed to ask employees about their future career plans, including retirement. But you can't just choose older workers for discussions about retirement. Such talks should be part of general discussions about each worker's career development.



Employment tribunals

An employee who thinks they've been discriminated against may raise a [grievance](#) or take their case to an employment tribunal.

You're responsible for discrimination carried out by your employees unless you can show you've done everything you reasonably could to prevent or stop it.

Employing family members

If you hire members of your family you must:

- avoid special treatment in terms of pay, promotion and working conditions
- make sure tax and [National Insurance contributions](#) are done correctly

Gender reassignment

The moment a worker tells their employer that they're having gender reassignment, they're protected from discrimination.

Discrimination includes:

- disadvantaging the worker because of the time they have to take off because of medical treatment
- not enabling the worker to use facilities appropriate to their gender

To avoid discrimination, you must:

- change your records (eg human resources records) when the worker has a Gender Reassignment Certificate and a new birth certificate
- ensure complete confidentiality of all information the worker gives you about their gender history

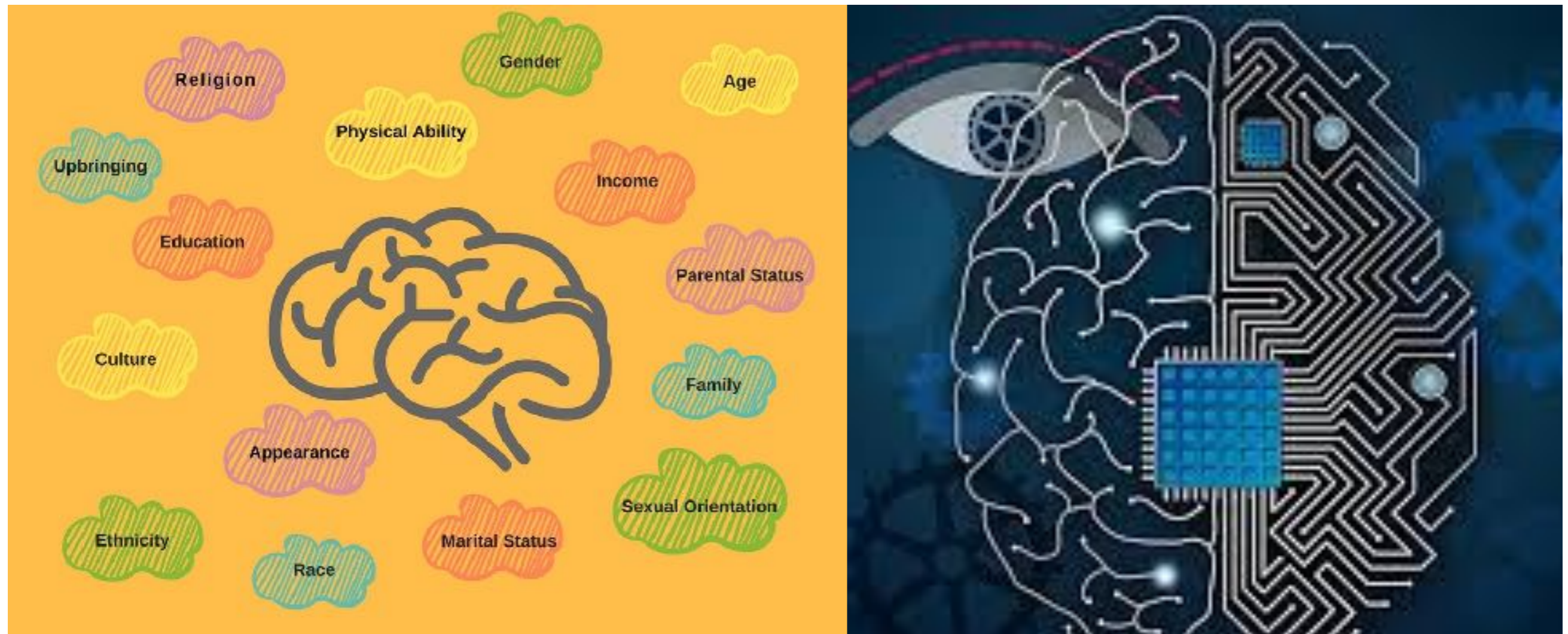
An employer should be seen to be doing all they can to lessen any risk of unconscious bias affecting management decisions and employees' or interviewees' progression by:

- Considering the wording of job advertisements carefully.
- Ensuring the management team is aware of the biases or actions that may leave the company open to a discrimination claim by providing training on equal opportunities and harassment.
- Ensuring the whole team is aware of what unconscious bias is and the subtle ways it can manifest itself.

An employer is vicariously liable for the acts of its employees during the course of their employment, with employees being personally liable too.

Bias in machine learning, and how to stop it

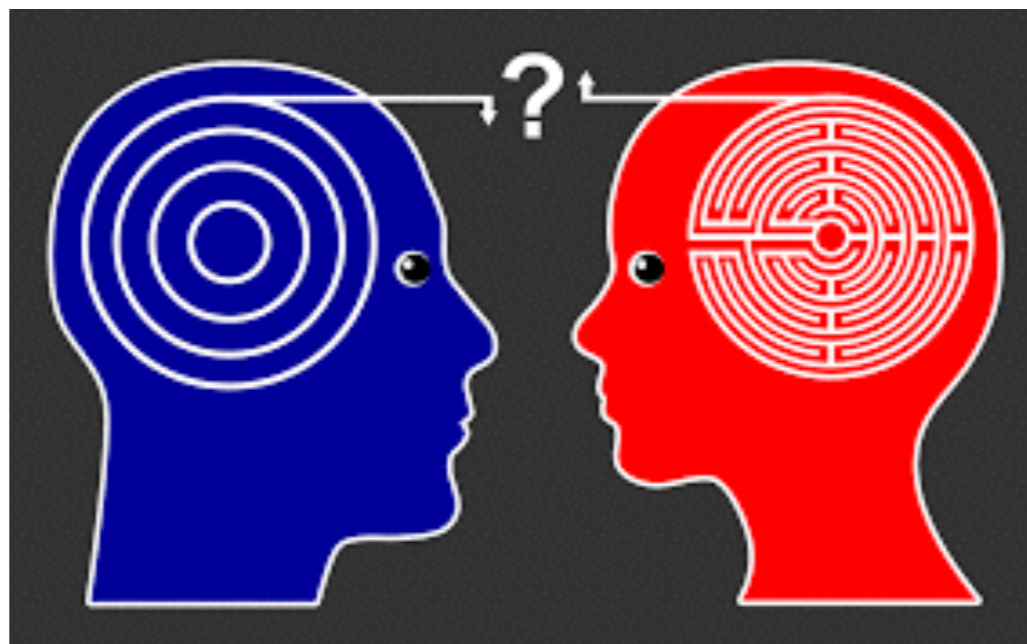
AI and machine learning fuel the systems we use to communicate, work, and even travel. But bias seeps into the data in ways we don't always see. Here's why blocking bias is critical, and how to do it.



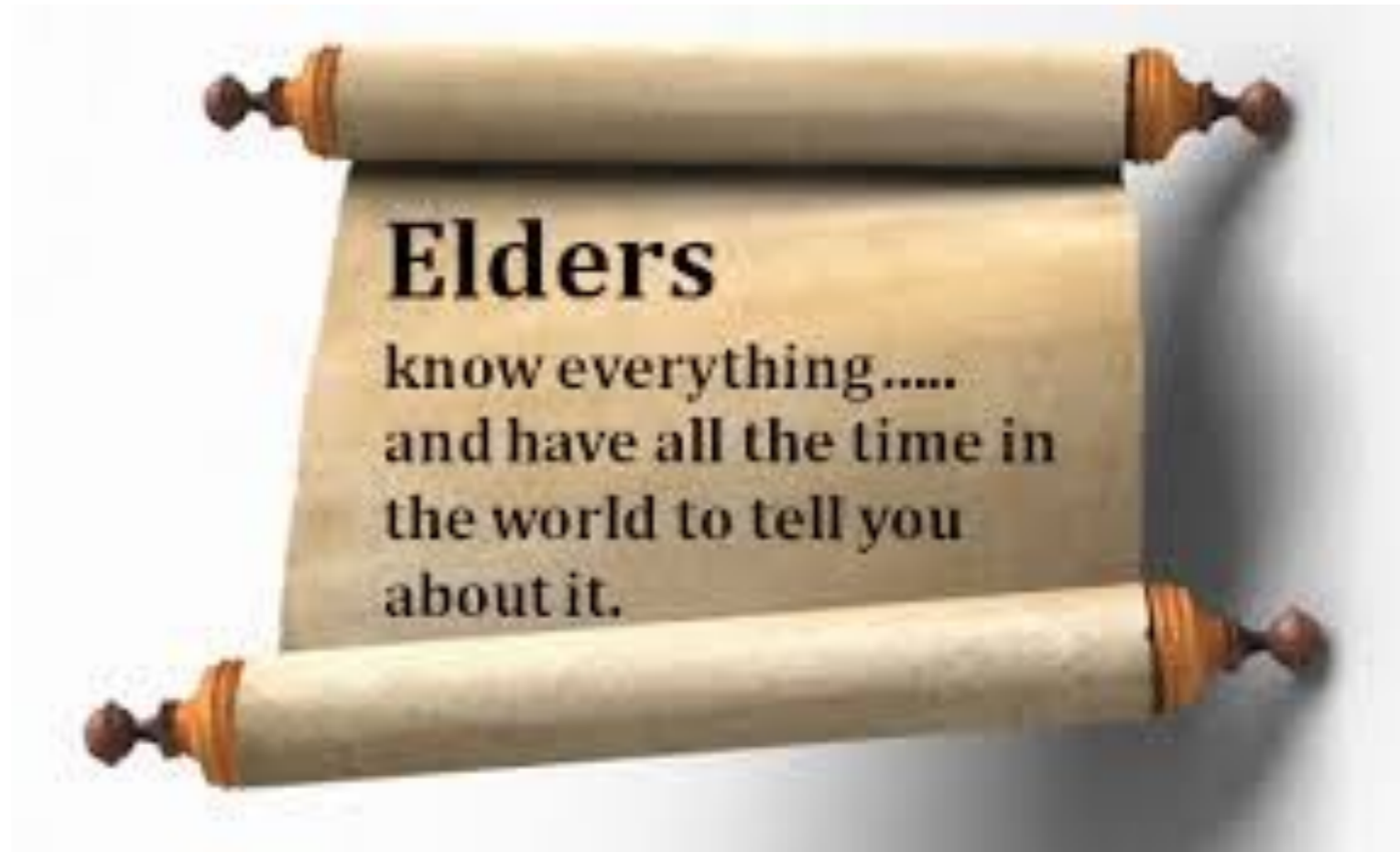
It's critical that organisations ensure that their data and algorithms are checked for bias.

The data we collect – climate, health, energy, and human behavioural data – should be unbiased, and represent our world fairly.

We have both social and legal responsibilities to ensure that our algorithms are unbiased.



One of the first steps towards unbiassing is education.



Research shows that

awareness of unconscious bias can lead to reversals in biased outcomes,

and understanding of the unconscious biases that underlie our beliefs may be necessary for changing attitudes.