

White Paper Conference

Discrimination: Shaping New Law into Solution-Focused Answers for Employers

How do you quash the conscious AND unconscious bias of staff (especially senior, long serving or “old-school”) in relation to protected characteristics?

**** Train, reinforce, punitive measures?**

Stephen C Miller

Equality Act 2010

109 - Liability of employers ...

- (1) Anything done by a person (A) in the course of A's employment must be treated as also done by the employer.

Equality Act 2010

109 - Liability of employers ...

- (1) Anything done by a person (A) in the course of A's employment **must be treated** as also done by the employer.

Equality Act 2010

109 - Liability of employers ...

- (1) Anything done by a person (A) **in the course of A's employment** must be treated as also done by the employer.

Equality Act 2010

109 - Liability of employers ...

- (3) It does not matter whether that thing is done with the employer's ... knowledge or approval.

Equality Act 2010

109 - Liability of employers ...

- (3) **It does not matter** whether that thing is done with the employer's ... knowledge or approval.

Equality Act 2010

109 - Liability of employers ...

- (4) In proceedings against A's employer (B) in respect of anything alleged to have been done by A in the course of A's employment it is a defence for B to show that B took all reasonable steps to prevent A –
- (a) from doing that thing, or
 - (b) from doing anything of that description.

Equality Act 2010

109 - Liability of employers ...

- (4) In proceedings against you in respect of anything alleged to have been done by Ashley in the course of Ashley's employment it is a defence for you to show that **you took all reasonable steps to prevent** Ashley –
- (a) from doing that thing, or
 - (b) from doing anything of that description.

Equality Act 2010

149 - Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to –
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Equality Act 2010

149 - Public sector equality duty

- (1) A public authority must, in the exercise of its functions, **have due regard to** the need to –
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Equality Act 2010

149 - Public sector equality duty

- (1) A public authority must, in the exercise of its functions, **have due regard to** the need to –
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) **advance equality of opportunity** between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Equality Act 2010

149 - Public sector equality duty

- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

Equality Act 2010

149 - Public sector equality duty

- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
 - (a) **remove or minimise disadvantages** suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

Equality Act 2010

149 - Public sector equality duty

- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Equality Act 2010

149 - Public sector equality duty

- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
- (b) **take steps to meet** the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

Equality Act 2010

149 - Public sector equality duty

- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Equality Act 2010

149 - Public sector equality duty

- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
- (c) **encourage persons** who share a relevant protected characteristic **to participate in public life** or in any other activity in which participation by such persons is disproportionately low.