



BRIEFING

SUBJECT: Equalities and Diversity: Discrimination definitions in practice	
RECIPIENT(S): Headteachers and Chairs of Governors	
SDBE CONTACT: Atia Williams	DATE: 16 September 2015

I INTRODUCTION

1.1 Last term, by far the most complex and perplexing worries raised by schools have all centred around or at least touched on discrimination issues in connection with a school process. Whilst schools have equalities and/or dignity at work policies and procedures in place, I thought it might be helpful for both awareness and understanding to illustrate practical examples of some of these terms that are so readily bandied about

1.2 There are no simple definitions of bullying, harassment, discrimination and victimisation in the workplace as they can take a variety of forms, can occur on a variety of grounds and may be directed at an individual or a group of individuals. It is not the intention of the alleged perpetrator but the conduct itself and the impact on the recipient that determines what constitutes bullying, harassment, discrimination and victimisation.

1.3 The examples given are not intended to be an exhaustive list but can be used as a guide.

2 BULLYING

2.1 Bullying is described as unwanted behaviour, one to another, which is based upon the unwarranted use of power or authority with the intent to undermine, humiliate, denigrate or injure the recipient.

2.2 Bullying is different from an effective management style. It is destructive rather than constructive. It is criticism of a person rather than constructive criticism about their mistakes. It can publicly humiliate and results in the individual feeling threatened or compromised.

2.3 Bullying often results from a misuse of management power, but is also the misuse of any form of individual power, such as physical strength, personality or age, or collective power through strength of numbers (e.g. belonging to a particular gender or ethnic group).

2.4 Bullying can also be carried out by peers or staff less senior.

2.5 Examples of bullying behaviour

Non-Verbal

- Ostracising / freezing out
- Withholding essential information, resources, training
- Setting impossible tasks
- Changing priorities or objectives unreasonably
- Unreasonable allocations of duties or work
- Isolating, excluding behaviour
- Deliberate wrongful attributions of blame
- Using information in a threatening way

Verbal

- Shouting, swearing, abuse
- Nicknames, malicious gossip
- Public reprimand / humiliation
- Belittling, patronising comments
- Persistent reminders of past failures
- Unnecessary phone call to someone's home

Physical

- Striking / hitting
- Grabbing a person
- Pushing / jostling
- Inappropriate practical jokes
- Initiation ceremonies
- Damaging / stealing a person's property

3 HARASSMENT

3.1 Bullying itself isn't against the law, but harassment is. Harassment is defined as any conduct based on age; sex; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief or sexual orientation which is unreciprocated or unwanted and which affects the dignity of men and women at work.

3.2 Examples of disability harassment: Derogatory remarks, mimicking, invasive personal questions, staring, ostracising or patronising which is directed at any disabled individual, or group of disabled people, which results in the individual(s) feeling threatened or compromised. Stereotyping or making assumptions about individual's ability because of their disability.

Non-Verbal

- Mimicking
- Ignoring wishes and feelings
- Ostracising, freezing out
- Staring
- Blatant excluding behaviour
- Assuming disabled people have no sexuality
- Holding events at non accessible venues

Verbal

- Making fun of impairment
- Mimicking speech impairment
- Using inappropriate terms, e.g. cripple, spastic, handicapped
- Questions and comments of a personal nature
- Belittling or patronising comments or nicknames

Physical

- Inappropriate practical jokes
- Hiding an impairment aid
- Moving a wheelchair
- Unsolicited touching of a visually impaired person

3.3 Examples of harassment on the basis of age: Ridiculing or demanding behaviour focused towards people because of their age, regarding them as "too old" or "too young"; or making assumptions about lifestyle based on perceived age.

Non-Verbal

- Excluding from social functions / information
- Mimicking
- Being written off
- Making assumptions about life style / interests
- Not providing training/development opportunities

Verbal

- Making fun of someone based on their age
- Questioning ability due to age

- Patronising

Physical

- Setting unrealistic challenges
- Deliberate body contact or inappropriate touching

3.4 Examples of harassment on the basis of sexuality: Behaviour which condemns or ridicules people because of their perceived or actual sexuality. Derogatory remarks, jokes, graffiti which results in the individual feeling uncomfortable, excluded or threatened.

Non-Verbal

- Offensive letters / memos
- Gestures
- Inadvertently or deliberately avoiding or excluding, e.g. inviting their “partner / spouse” to an event
- Ostracising / excluding behaviour
- Making assumptions based on sexuality
- Making assumptions about life style / interests

Verbal

- Verbal abuse or threats
- Making rude jokes or comments
- Personal jokes
- Stereotyping
- Making a 'pass'
- Derogatory nicknames

Physical

- Starting fights
- Deliberate body contact
- Inappropriate practical jokes
- Inappropriate touching

3.5 Examples of harassment on the basis of working patterns: Behaviour which fails to acknowledge that some people do not work five days a week or set times every day, and that the School operates effectively using a variety of working patterns.

Non-Verbal

- Arranging team meetings / events on days or at times of the day that some people do not normally work
- Isolating, excluding behaviour
- Not recognising the contribution of part-time workers
- Delegating less challenging / inappropriate work to people working alternative patterns
- Expecting part-time staff to deliver a full-time role / workload

Verbal

- Making comments about not “pulling their weight”
- Making comments about hours of work

3.6 Examples of harassment on the grounds of ethnicity: This can be derogatory remarks, racist statements, graffiti, jokes, or any other action of a racist nature which is directed at any individual or group from a particular ethnic background which results in the individual(s) feeling threatened or compromised.

Non-Verbal

- Offensive gestures

- Facial expressions
- Offensive publications
- Racist graffiti
- Threatening behaviour
- Isolating, excluding behaviour

Verbal

- Stereotyping
- Verbal threats
- Derogatory “nicknames”
- Racist jokes / ridicule

Physical

- Jostling
- Assault

3.7 Examples of behaviour that may be sexual harassment: Unwelcome sexual advances, requests for sexual favours, or other conduct of sexual nature, which result in the individual feeling threatened or compromised. This is not restricted to attempts to initiate sexual relations. Sexual harassment is any harassing conduct based on the gender, gender identity or sexuality of the recipient. Most sexual harassment is experienced by women, but men also experience harassment. Sexual harassment can also happen between women or between men. Transgender people may also experience sexual harassment based on perceptions or assumptions about them in relation to their appearance, sexuality or the gender reassignment process.

Non-Verbal

- Pin-ups
- Offensive publications
- Offensive letters / memos
- Unsolicited / unwanted gifts
- Gestures
- Staring / Leering
- Getting too close

Verbal

- Inappropriate use of affectionate names
- Personal questions / comments
- Innuendoes
- Comments which exclude because of gender
- Sexual / explicit jokes
- Suggestive, explicit language
- Stereotyping

Physical

- Unnecessary touching
- Indecent exposure
- Deliberate body contact

3.8 Harassment on the basis of religion or belief: This is where a person is subjected to derogatory remarks, stereotypes, making assumptions or other inappropriate behaviour on the grounds of religion or belief. This can include statements or assumptions about religion or belief or excluding people on the basis of their religion or belief.

Non-verbal

- Arranging meetings that may exclude people on religious observance grounds
- Arranging team lunches during periods of fasting or religious occasions which may make it difficult for them to attend
- Isolating, excluding behaviour

- Inappropriately enforcing a dress code which may not accommodate religious dress
- Judgements about a person's ability or attitude based on their religion or belief
- Making assumptions about life style / interests

Verbal

- Derogatory comments or nicknames
- Stereotypes
- Verbal threats
- Jokes based on religious or belief based stereotypes
- Invasive and /or inappropriate questions about religion or belief

Physical

- Physical attacks
- Inappropriate touching of religious garments or wear
- Not respecting personal space as it relates to religion or belief

4 SINGLING OUT

4.1 Singling out people because of their gender, race, disability, gender identity, religion or belief, age, sexuality, and responsibilities for dependants or marital status can also constitute harassment even without any specific references to gender, race etc. Specific non verbal examples can be seen above under "bullying". This can also apply to people who are perceived to not "fit in". (Expecting people to "fit in" is potentially discriminatory.)

5 VICTIMISATION

5.1 This is where one person is treated less favourably than another because they have brought proceedings, given evidence or information, rejected advances or complained about the behaviour of someone who has been harassing, discriminating against, or in some other way intimidating them.

6 HATE CRIME

6.1 Crimes committed against someone because of their disability, gender-identity, race, religion or belief, or sexual orientation are hate crimes and should be reported to the police.

6.2 Hate crimes can include:

- threatening behaviour
- assault
- robbery
- damage to property
- inciting others to commit hate crimes
- harassment