

Equality, Diversity & Inclusion

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Meet your trainer

- ▶ I have been a HR professional for 15+ years, working across private and voluntary sector organisations
- ▶ People fascinate me. The world of HR gives me a chance to help people navigate challenges, build strong teams and understand the very quirky world of employment law.
- ▶ Outside of work you'll find me spending time with my family, changing my hair colour frequently, travelling the country in our caravan and crocheting.



How we will make this a great session

- Keep an open mind, respect everyone's input, even if it differs from your own
- Thoughtful questions – curiosity is encouraged, let's be mindful of how we frame questions
- Supportive participation – a space where everyone feels comfortable sharing ideas
- Please give us your feedback – it's so important to us

Today's session – EDI

- EDI – Truth, Trolls and Tokenism
- Equality Legislation – including case law exploration
- Discrimination & Harassment
- The risk to organisations £££
- The moral case
- The business case
- Useful templates and guides

Let's talk frankly about EDI



The Legal Position



**Can someone be
discriminated against
for being straight?**



True or False: All Employers in Northern Ireland are legally required to monitor the religious composition of their workforce?



Which of these is NOT a protected characteristic under NI Equality Law?

- A: Political opinion
- B: Marital Status
- C: Weight
- D: Race



True or False: Jokes or ‘banter’
at work can count as harassment
under equality law?



Which of these situations could be unlawful discrimination?

A: Not hiring someone because they are too young

B: Refusing to promote someone because they are gay

C: Treating someone badly because they're from a different religious background

D: All of the above



Equality Legislation



Discrimination – the legal case

Treating an individual less favourably on the grounds of their sex, race, sexual orientation, disability, religious belief, political opinion or age

What it is not

It is not simply unfairness



Claims of harassment or discrimination

Diversity is about differences and inclusion is about embracing those differences. In addition to their legal obligations, many organisations now recognise the business benefits of having a diverse and inclusive workforce:

- ▶ Greater levels of creativity and problem solving
- ▶ Better productivity
- ▶ Lower employee turnover

**Does anyone know what the
typical discrimination claim at
Industrial Tribunal costs?**



Average UK Tribunal Awards by Discrimination

Characteristic	Award Amount
 Age	£102,891
 Disability	£44,483
 Race	£29,532
 Sex	£53,403
 Religion or Belief	£10,750
 Sexual Orientation	£27,070

Age Discrimination

Age discrimination applies regardless of age. However, according to an Equality Commission survey, people aged over sixty-five years in Northern Ireland were less likely to be aware of their rights than their colleagues of all of the other age groups.

Norman V LIDL GB Ltd 2025

Scoring someone lower in a redundancy selection process if they do not have a degree can constitute indirect age discrimination.

At the time of dismissal in March 2023, Mr Norman was 63 years old. He was one of three candidates in a redundancy pool, the other two were in their 30s. He was marked down on the 'knowledge criteria' for not have a degree.



Note: not direct discrimination. 50% reduction was awarded as the redundancy process was seen as genuine. Award £46,300 for UD and £4,650 ITF

Disability Discrimination

A person with a physical or mental impairment that has a substantial and long term* negative effect on your ability to do your normal daily activities.**

*Lasting, or likely to last at least 12 months

** memory/ability to concentrate, ability to learn/understand, mobility, manual dexterity (use of hands, wrists, fingers), ability to lift, carry/otherwise move ordinary objects, speech, hearing or eyesight

Bowen v O2/Telefonica Ltd 2024

Mr Bowen was diagnosed with degenerative disc disease causing chronic pain and mobility issues. Despite multiple occupational health recommendations, including a phased return, reduced hours and the use of a support chair, adjustments were not fully implemented. After repeated attempts to discuss this with his employer, Mr Bowen resigned.



Case was settled for £160,000 and was widely publicised

Racial Discrimination

Includes:

- ▶ Colour
- ▶ Race
- ▶ Nationality
- ▶ Ethnic or national origins
- ▶ Being a member of the Irish Traveller community

Racial Discrimination

According to the Equality Commission, the five equality groups most likely to be subject to negative attitudes are:

- Travellers
- Roma
- Minority Ethnic groups
- Migrant Workers
- Asylum seekers & refugees

McDonagh & Stokes v Event 22 Ltd 2003

Both members of the Irish Traveller community, recruited to work as labourers at the Odyssey Arena, Belfast.

On their first day comments were made about their accents.

On their second day, they were informed upon arrival that there was no work for them, despite prior arrangements.

A colleague from the settled community was allowed access to the site without issue.

An unfounded accusation of theft led to their dismissal.

The IT unanimously upheld their complaints of racial discrimination.

Each claimant was awarded £10,000 in compensation

Sex Discrimination

It's unlawful for an employer to discriminate against you because of your sex, because you are married or a civil partner.

Discrimination can be direct, indirect, deliberate or accidental.

Current legislation covers:

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

Maeve Bradley v Citibank NA UK

Ms Bradley, Assistant Vice President at Belfast branch took maternity leave 2023, with expectation of promotion upon return

Her maternity cover was instead promoted to VP while she was on leave and Ms Bradley was offered an alternative role, not aligned with her experience.

Claim for sex discrimination, disability discrimination and victimisation, the case was supported by the ECNI

Settled without liability £215,000



Religion or philosophical belief

The Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO), makes discrimination on grounds of religious or similar philosophical belief and/or political opinion unlawful in employment.

Religious belief covers any religious belief, such as, but not limited to faiths like:

- **Christianity**
- **Protestantism**
- **Roman Catholicism**
- **Judaism**
- **Islam**
- **Hinduism**
- **Buddhism**

Religion or philosophical belief

Philosophical belief covers other beliefs about weighty and substantial aspects of human life and behaviour. Examples might include humanism, pacifism, veganism, spiritualism.

Political opinion refers to an opinion relating to the conduct of the government of the state or matters of public policy. It includes political opinions like Ulster Unionism, Irish Nationalism, Socialism, Conservatism and many others. However, it does not protect political opinions that support or approve of the use of violence for political ends.

Helen Scott v Stevenson & Reid Ltd (2017)

Ms Scott was the only Catholic employee at the plumbing firm in its east Belfast showroom.

Her line manager swore at her in front of colleagues and shouted “Tíochfaid ár lá” in her face upon finding out he was supposed to attend a meeting in her place.

Ms Scott raised a grievance, and her employer initiated an investigation into customer complaints, all of which were between 6-12 months old – amounted to Victimisation.

Ms Scott resigned, and the IT concluded that the phrase used by her manager had a clear sectarian significance and that he was guilty of harassment, awarding her £20,000

Sexual Orientation

In Northern Ireland you are protected by discrimination legislation if you are gay, lesbian, bisexual or straight.

Legislation also covers individuals who are treated worse than others due to incorrect assumptions about their sexual orientation or because of associations with a person of a particular sexual orientation

Lee v Ashers Baking Ltd 2014

Gareth Lee, ordered a cake from Asher's bakery in Belfast featuring the slogan 'Support Gay Marriage'

The bakery initially accepted the order but later cancelled it, citing the owners 'Christian beliefs opposing same-sex marriage'.

Supported by ECNI, Mr Lee filed a discrimination claim

Both the County Court and the NI court of appeal ruled in favour of Mr Lee

In 2018 the UK Supreme court unanimously overturned the previous rulings, stating that the bakery's objection was to the message on the cake, not Mr Lee's sexual orientation and that compelling the bakery to produce a cake with a message they fundamentally disagree with infringed up their rights to freedom of expression and religion.

Trans Rights in N.Ireland

Trans people are protected under the Sex Discrimination (Gender Reassignment) Regulations (NI) 1999, covering recruitment, promotion, dismissal, and workplace harassment.

Sex discrimination law protects employees from discrimination, harassment and victimisation if you are:

- **Planning to undergo**
- **Are undergoing**
- **Have undergone gender reassignment**

The Equality Commission NI supports stronger legal protections and advocates for legislative reform to align with the rest of the UK.

Ava Moore v Debenhams 2020

In 2018, Ava Moore, a transgender woman from Newry applied for a temporary sales assistant role at Debenhams during the Christmas season.

During the interview process, she provided her birth certificate, which disclosed her gender history, and she noticed a change in the interviewer's demeanour following the disclosure.

She was told her application was unsuccessful, but she received an anonymous email alleging her rejection was due to her being transgender.

She filed a complaint under the Sex Discrimination order.

The case, supported by ECNIB was settled for £9000



Claims of Harassment or Discrimination

- ▶ Time and money spent investigating and dealing with claim
- ▶ Legal fees
- ▶ Increased sickness absence
- ▶ Reduced productivity
- ▶ Lower employee moral
- ▶ Increased turnover

The moral case

Fairness is a fundamental right. Every individual deserves to be treated with dignity, respect and fairness, regardless of their background, identity or lived experience

Diversity is about people. Not the checklist, but real individuals, differing perspectives, cultures and stories. Valuing those difference is a matter of basic respect.

Inclusion is a deliberate choice. Having diverse people in the room isn't enough. Inclusion means making space for everyone to be heard, supported and to be able to thrive!

Silence sustains inequality. Bias and exclusion don't fix themselves. Choosing not to act is still a choice, with consequences. If we care about fairness we need to show it.

Integrity means consistency. If we say we care about people, that has to be *all* people.

The business case

Diversity is about differences and inclusion is about embracing those differences. In addition to their legal obligations, many organisations now recognise the business benefits of having a diverse and inclusive workforce:

- ▶ Greater levels of creativity and problem solving
- ▶ Better productivity
- ▶ Lower employee turnover

When more people speak up, more people listen



Tackling Unconscious Bias

Unconscious Bias refers to the automatic, unintentional judgments and stereotypes individuals hold about others based on factors like race, gender, age, or background.

These biases are often rooted in societal stereotypes and past experiences, influencing perceptions and behaviors without conscious awareness.

In hiring, unconscious bias can lead to favoring candidates who are similar to the hiring team or who fit certain stereotypes, potentially resulting in a less diverse workforce.

Stereotyping

Stereotyping is when you judge a group of people who are different from you based on your own and others' opinions.

Stereotypes can be based on many factors including race, ethnicity, age, gender, sexual orientation and size.



Everyday Actions for Inclusion at Work

Self reflect – what are your own beliefs, values and biases. How might these influence how you see and treat others?

Promote Inclusive Leadership:

EDI performance objectives for senior staff

Train leaders to recognise and mitigate bias.

Encourage managers to model inclusive behaviors, such as active listening and equitable decision-making.

Empower them to challenge unwanted behaviour that undermines inclusion.

Everyday Actions for Inclusion at Work

Build Safe Spaces for Dialogue:

Include discussions on EDI at all areas of your organisation

Use inclusive practices in meetings – make sure everyone has the chance to contribute.

Use anonymous surveys to identify hidden issues within the team.

Explore cultural customs, religious beliefs, national holidays, daily challenges colleagues may face.

Ask – check in with others and ask if they are ok.

Policy Development:

Develop an Equality Plan

Introduce inclusive policies such as flexible working, anti-bullying protocols, and support for underrepresented groups.

Don't just develop and release a policy – train your staff*, regularly remind them and empower your managers

Tackling Harassment

Harassment can take many forms and is not limited to verbal conduct. Examples can include:

- copying people into an email that should really on be sent to the recipient
- sending derogatory words, images, gifs or memes by email, messages or online chat
- ignoring a person or excluding them from conversations, meetings, invitations etc
- spreading malicious rumours, or insulting someone by word or behaviour, especially in front of colleagues
- Using bad, obscene, aggressive, threatening language to an employee

Vicarious Liability – can you just turn a blind eye?

Vicarious Liability occurs when an employer is legally held responsible for discriminatory or harassing acts committed by employees during the course of their employment

 **Legal Responsibility:** Employers can be liable for employee's misconduct, even if they were unaware of the behaviour.

 **Banter is not a defence:** ever!

 **Interactive due diligence**— having policies isn't enough – employers must actively enforce them and address violations promptly.

Noeleen McAleenon v Autism Initiatives NI

Ms McAleenon, a support worker, was subjected to unwanted physical contact and sexist remarks by a male colleague, including comments about “woman’s work.”

Despite being aware of the colleague’s behavior, the employer failed to take adequate steps to prevent the harassment.

The tribunal found the employer vicariously liable, stating that merely having a harassment policy was insufficient without proper implementation and enforcement.

Ms McAleenon was awarded £12,293 for sexual harassment and constructive unfair dismissal.

Let's get back to our values...

This is about recognising the humanity in each person, regardless of race, gender, class, ability, background or belief, and actively making space for that humanity to be seen, heard and valued

And Finally...

A photograph of a sunset or sunrise over a layer of clouds. The sky is a mix of orange, yellow, and dark blue, with the sun's glow creating a bright, hazy area on the left. The clouds are dark and textured, filling the lower half of the image.

Diversity is being invited
to the party; inclusion is
being asked to dance.

Verna Myers

 @vmyers

Engaging & Retaining Talent Programme

25 June



Succession Planning & Development

Thank you
Don't forget your feedback!

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