



## Policy: Equality and dignity at work

### EQUALITY

#### 1 INTRODUCTION

1. This document sets out our policy on equality and equal opportunities, which we have introduced as a commitment to make full use of the talents and resource of all its employees and to provide a healthy environment which will encourage good and productive working operations within our organisation. This policy does not form part of any contract of employment and we may amend it at any time.
2. We will ensure that all managers and supervisors with responsibility for equality and equal opportunities are provided with the appropriate equality and equal opportunities training where necessary, which may be updated as required. Other staff may also be required to attend equal opportunities training. Attendance at training will be compulsory if you are notified that you should attend a course.

#### 2 STATEMENT OF PRINCIPLE

1. An equality policy statement will be publicised widely within the organisation. A copy of this policy is available from your line manager.
2. Our statement of principle on equality and equal opportunities is:

*The Company is committed to a policy of treating all its employees, workers and job applicants equally. No employee or potential employee will receive less favourable treatment because of any 'protected characteristic', namely:*

- 2.2.1 *age (or perceived age);*
- 2.2.2 *disability (past or present);*
- 2.2.3 *gender reassignment;*
- 2.2.4 *marriage or civil partnership status;*
- 2.2.5 *race, colour, nationality, ethnic or national origins;*
- 2.2.6 *religion or belief;*



2.2.7 sex;

2.2.8 sexual orientation;

2.2.9 trade union membership (or non-membership);

2.2.10 part-time or fixed term status

*No employee or potential employee will be disadvantaged by any conditions of employment that cannot be justified as necessary on operational grounds.*

*The Company aims to encourage, value and manage diversity and is committed to equality for its entire staff. The Company wishes to attain a workforce which is representative of the communities from which it is drawn.*

*These principles of equality of opportunity and non-discrimination also apply to the manner in which our staff treat students, our business partners and visitors.'*

3. Employees are expected to work with us towards these aims. In certain circumstances, an employee can be personally liable for discrimination against a fellow employee or a job applicant.

### **3 EQUALITY PRINCIPLES**

1. There should be no discrimination, whether direct or indirect, because of any of the protected characteristics set out in our statement of principle on equal opportunities contained in paragraph 2.2 above. The types of discrimination that are prohibited are explained at paragraph 3.2 below.

2. Discrimination may occur in the following forms:

3.2.1 **direct discrimination**—this is treating someone less favourably because of a protected characteristic. An example of this is paying someone less because of their sex or because they belong to a particular racial group. 'Because of' is very wide and includes less favourable treatment based on a perception of another person, for example that the person is gay, or is disabled, whether or not this perception is correct and even if the perpetrator knows that their perception is, in fact, wrong. It also includes less favourable treatment because someone is associated with another person who has a protected characteristic;



- 3.2.2 **indirect discrimination**—this is treating people in the same way but in a way which adversely affects those with a protected characteristic. An example of this is telling all employees that they have to work late at night—although applied to everyone, it will adversely affect those employees with childcare responsibilities and these tend to be women;
- 3.2.3 **victimisation**—this is treating someone less favourably because they have asserted their right not to be discriminated against because of a protected characteristic. An example of this would be an employee claiming that they had been discriminated on the grounds of their disability and then their manager deciding when they left not to give them a reference because they had claimed disability discrimination; and
- 3.2.4 **harassment**—this is unwanted conduct, related to a protected characteristic, which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for someone or violating their dignity. Harassment may also be of a sexual nature or may occur because someone has harassed the victim and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. More information on what can constitute harassment is set out in the Company's Dignity at Work policy detailed out below.
3. We will appoint, train, develop, reward and promote on the basis of merit and ability.
  4. All employees have personal responsibility for the practical application of our equality policy, which extends to the treatment of job applicants, employees (including former employees), students and visitors.
  5. The principles set out in this policy apply in the workplace and outside the workplace in a work-related context, such as on business/student trips, customer or supplier events or work-related social events.
  6. Special responsibility for the practical application of our equality policy falls upon managers, involved in the recruitment, selection, appraisal, promotion and training of employees and the way their terms of employment are fixed.



7. Our Grievance Procedure is available to any employee who believes that they may have been unfairly discriminated against. Please contact your line manager for a copy of the Grievance Procedure. The harassment complaints procedure set out in our harassment and bullying policy is also available to any employee who believes that they may have been harassed or bullied. Employees will not be victimised in any way for making such a complaint in good faith. Complaints of this nature will be dealt with seriously, in confidence and as soon as possible.
8. Disciplinary action will be taken against any employee who is found to have committed an act of unlawful discrimination. Serious breaches of this policy and serious incidents of harassment and bullying will be treated as gross misconduct. Unwarranted allegations that are not made in good faith may also be considered as a disciplinary matter.
9. In the case of any doubt or concern about the application of this policy in any particular instance or situation, please consult your line manager as soon as possible.
10. We will keep our policy, procedures and practices on equality and equal opportunities under review.

## **DIGNITY AT WORK**

### **4 POLICY STATEMENT ON BULLYING AND HARASSMENT**

1. We are committed to ensuring that all its staff are treated with dignity and respect and treat others in the same way. We believe that all staff have the right to work in an environment which is free from any form of harassment and/or bullying. This policy therefore covers harassment and bullying that occurs in the workplace and outside the workplace in a work-related context, such as on business trips, customer or supplier events or work-related social events. Harassment may take place in person, by phone, or by means of print or electronic or social media.
2. This policy applies to all staff working for us at any of our premises, including: casual and agency staff, consultants, contractors, directors, employees, homeworkers, and managers and officers and volunteers. We also make it clear to our students, visitors and others who work with us that harassment of our staff is unacceptable.



3. All staff are required to read this policy and to ensure that they understand what types of behaviour are unacceptable. If you have any queries, please refer to your line manager.
4. This policy does not form part of any employee's contract of employment. We may amend it at any time and decide to follow a different procedure where we consider it appropriate.

## **5 HARASSMENT**

1. The harassment of any of our employees is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action, which could result in dismissal without notice.
2. Harassment may take many forms (including bullying), occurs on a variety of different grounds and can be directed at one person or a number of people. Harassment need not be directed at the complainant and can occur if the complainant witnesses another person being harassed.
3. Harassment involves subjecting an individual to conduct which is unwanted and where the conduct has the purpose or effect of violating the victim's dignity, or creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim.
4. Harassment also occurs where the perpetrator engages in unwanted conduct of a sexual nature and that conduct has the purpose or the effect referred to above. An individual of any gender may be the victim of sexual harassment.
5. A person will also commit harassment if they (or anyone else) engage in unwanted conduct (of a sexual nature or otherwise) that has the purpose or the effect referred to above and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. For example, it will be harassment for a manager whose repeated advances to a more junior female employee have been consistently rebuffed subsequently to give the woman a poor performance review because she had rejected him.
6. Conduct usually becomes harassment if it continues even though it has been made clear that it is regarded by the recipient as offensive or unwanted.



However, a single incident may amount to harassment if it is sufficiently serious.

7. The unwanted nature of the conduct distinguishes harassment from friendly behaviour that is welcome and mutual. Staff must always consider the whether their words or conduct may be considered offensive.
8. Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.
9. Harassment may relate to:
  - 5.9.1 age; and/or
  - 5.9.2 disability (past or present); and/or
  - 5.9.3 gender reassignment; and/or
  - 5.9.4 race, colour, nationality, ethnic or national origins; and/or
  - 5.9.5 religion or belief; and/or
  - 5.9.6 sexual orientation; and/or
  - 5.9.7 trade union membership (or non-membership); and/or
  - 5.9.8 part time or fixed term status; and/or
  - 5.9.9 power or hierarchy; and/or
  - 5.9.10 willingness to challenge harassment (leading to victimisation).
10. The phrase 'relate to' is very wide and therefore covers harassment based on a perception of another person (for example that the person is gay, or is disabled, whether or not this perception is correct and even if the perpetrator knows that their perception is, in fact, wrong) and harassment that occurs because someone is associated with another person (for example, someone who is harassed because they care for a disabled person, or who is harassed because they are friends with a transsexual person, or a white worker who sees a black colleague being subjected to racially abusive language which also causes an offensive environment for her).



11. Whilst not an exhaustive list, forms of harassment include:
  - 5.11.1 physical contact and obscene or offensive gestures;
  - 5.11.2 'jokes', 'banter', gossip, slander, offensive language, shouting and/or behaving in an intimidating manner;
  - 5.11.3 offensive, insensitive or sectarian songs or messages (including email and other forms of social media );
  - 5.11.4 displaying posters or pictures, graffiti, emblems, flags, offensive email and screen savers etc;
  - 5.11.5 isolation or non-cooperation and exclusion;
  - 5.11.6 coercion for sexual favours and sexually suggestive remarks;
  - 5.11.7 pressure to participate in political/religious groups;
  - 5.11.8 intrusion by pestering, spying and stalking; and
  - 5.11.9 continued requests for social activities after it has been made clear that such suggestions are not welcome and verbal, non-verbal or physical conduct of a sexual nature.
12. Harassment is unlawful in many cases and individuals may be held personally liable for their actions. In some cases their behaviour may also amount to a criminal offence.

## **6 BULLYING**

1. Bullying may be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may be physical, verbal or non-verbal conduct.
2. Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. In our organisation, unacceptable behaviour includes (this is not an exhaustive list):



- 6.2.1 spreading malicious rumours, or insulting someone (particularly because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation);
  - 6.2.2 copying memos that are critical about someone to others who do not need to know, ridiculing or demeaning someone, picking on them or setting them up to fail;
  - 6.2.3 unfair treatment, deliberately excluding a person from communications or meetings without good reason, overbearing or intimidating supervision and/or other misuse of power or position;
  - 6.2.4 making threats or comments about job security without foundation;
  - 6.2.5 deliberately undermining a competent worker by overloading and constant criticism; and
  - 6.2.6 preventing individuals progressing by intentionally blocking promotion or training opportunities.
3. Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to a worker in the course of their employment will not, on their own, amount to bullying.

## **7 HARASSMENT AND BULLYING PROCEDURE**

1. All allegations of harassment and/or bullying will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject to harassment and/or bullying must not hesitate in using this procedure nor fear victimisation. Retaliation against an employee who brings a complaint of harassment and/or bullying is a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.
2. The Company will provide, in confidence, advice and assistance to employees subjected to harassment and/or bullying and assist in the resolution of any problems. If you are in any doubt as to whether an incident or series of incidents which have occurred constitute harassment and/or bullying, then in the first instance you should approach your line manager on an informal confidential basis. They will be able to advise you as to whether the complaint necessitates further action, in which case the matter will be dealt with formally/informally as appropriate.



3. If an incident happens which you think may be harassment or bullying, you may prefer initially to attempt to resolve the problem informally, if you feel able to do so. In some cases it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends you or makes you uncomfortable and that it interferes with your work. You should make it clear that you want the behaviour to stop.
4. In circumstances where this is too difficult or embarrassing for you to do on your own, you could seek support from a friend at work or a director. If the incident concerns a student or other third party, you may wish to ask your manager to intervene for you on an informal basis.
5. If the conduct continues or if it is not appropriate to resolve the problem informally or you do not feel able to raise it informally, you should raise a formal complaint, using the procedure set out in our Grievance procedure.

**To confirm you have read and understood these policies please sign and date below:**

**Employee Name**

**Date**