

## Equality, Diversity and Inclusion Policy (Employment)

### Document Control

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This policy will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation. In the event that this policy or procedure is not compliant, the relevant legislation shall prevail.

**Changes to this policy will be subject to consultation with the University's recognised Trade Unions before implementation**

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## 1. POLICY STATEMENT

- 1.1 Brunel University London is committed to both the principles and the implementation of equal opportunities, diversity and inclusion for all our employees. We value the diversity of our workforce and this is reflected in the core values of the University as set out in our Strategic Plan. We strive to eliminate unlawful discrimination and to promote our equality and diversity strategy within the context of prevailing legislation,
- 1.2 The University aims to ensure that all employment policies, procedures and practices provide fair and equal treatment for all. No employee or applicant for employment will be treated less favourably than any other person or group on the grounds of:
- age,
  - race,
  - colour,
  - ethnic or national origin,
  - religion or belief,
  - nationality,
  - gender,
  - gender reassignment, (inclusive of transgender and non-binary)
  - gender identity,
  - disability,
  - marital/civil partnership status,
  - sexual orientation,
  - pregnancy,
  - caring responsibilities
  - trade union membership.
- 1.3 The University will not tolerate, bullying, harassment or intimidation of any individual or group and will act promptly to investigate any complaints and take the relevant actions in light of the findings.
- 1.4 Universities play an important role in society as places of debate and discussion where ideas can be tested without fear of control, where students learn to challenge ideas and think for themselves, and where rationality underpins the pursuit of knowledge. Difficulties may arise in defining the boundaries between, for instance, unlawful harassment and free speech. In considering what amounts to unlawful harassment, regard must be had to the context in which the speech or conduct takes place. In relation to research, academic debate, speaker events or demonstrations, the appropriate boundaries must be judged by reference to what is reasonable in those contexts. The fact that views are 'offensive' does not in itself mean that the views amount to unlawful harassment. It may often be the manner in which views are expressed, rather than the opinions themselves, which takes the relevant speech into the realm of unlawful harassment. The duty to promote good relations should not normally conflict with the protection of free speech. Tolerance and respect for opposing viewpoints are entirely compatible with the fostering of good relations. All staff should refrain from all forms of harassment, prejudice and unfair discrimination on any of the protected characteristics outlined in section 1.2.

## **2. POLICY AIMS AND OBJECTIVES**

- 2.1 The aim of this policy is to support the University in ensuring that all our employees are treated in a fair and inclusive manner in line with our values, employment legislation and our strategic equality objectives.
- 2.2 Separate policy provisions are in place for students. However, there may be occasions where employment/student matters cross over. In such circumstances, advice should be sought from the Human Resources Directorate on which policy applies.

## **3. SCOPE**

- 3.1 This policy applies to all employees and to those carrying out work, duties or delivering services on behalf of the University.

## **4. COMMITMENTS**

- 4.1 As a University, we are committed to:

- ensuring that our employees are treated in a manner that is fair and inclusive;
- ensuring that equality impact assessments are undertaken for all new policies and changes to workforce conditions and structures;
- ensuring that anyone applying for employment is treated fairly and without discrimination and that no applicant will be placed at a disadvantage by requirements or conditions which are not necessary for the post;
- ensuring that the equal opportunities strapline is present in all job advertisements and, from time to time and where budget permits, advertising in media that targets specific protected equality groups;
- ensuring equality of access and opportunity in relation to staff development and career advancement opportunities across the University;
- providing a working environment free from harassment and intimidation and by dealing promptly and effectively with all forms of harassment against employees through the Dignity at Work Policy and Procedure <https://intra.brunel.ac.uk/s/hr/Pages/Dignity-at-Work.aspx>;
- ensuring that managers, employees and anti-harassment advisors are aware of their respective roles and responsibilities concerning the implementation of this policy by disseminating this policy;
- providing training for employees, including managers, on equality, diversity and inclusion (including refresher training every three years);
- communicating a clear message to all, that racist, sexist, homophobic, ageist, disablist or any other behaviour deemed to constitute any breach of this policy, including harassment, will not be tolerated.

- eliminating discrimination based on age, ethnicity, religion or belief, gender, gender reassignment, gender identity, disability, marital or civil partnership status or sexual orientation.

## **5. RESPONSIBILITIES**

### **5.1 Vice-Chancellor**

The Vice-Chancellor, on behalf of the University Senate and Council, has overall responsibility for the University's Equality, Diversity and Inclusion Policy (Employment).

### **5.2 Line Managers**

Line managers should make clear to employees the implications of the potential breaching of the University's Equality, Diversity and Inclusion Policy and associate employment legislation. They are expected to promote equality of opportunity, diversity and inclusion and assist with eliminating discrimination in the workplace. Line managers are required to ensure employees in their teams attend the mandatory equality, diversity and inclusion training. Line Managers are also required to undertake this training themselves and familiarise themselves with this policy.

To ensure that the policy's principles are met, the formulation and implementation of employment activities are developed and monitored by the Human Resources and Equality, Diversity and Inclusion Committee.

### **5.3 All Employees**

All employees, and other people carrying out work or delivering services on our behalf, to adhere to this policy and to promote a culture that is free from unlawful discrimination and all forms of harassment. Employees are encouraged to inform management if any discrimination is taking place.

Employees should ensure they remain compliant with their mandatory equality, diversity and inclusion training.

### **5.4 Human Resources Directorate**

The Human Resources Directorate is responsible for drafting employment policies and action plans, advising the University's senior management, Colleges, Institutes, Departments and individual staff on issues relating to equality, diversity and in employment.

The Human Resources Directorate reports on the implementation and progress of employment initiatives, staff profiles, and employment statistics and makes recommendations for review and action in identified areas such as under representation.

### **5.5 Trade Unions**

The University works in partnership with our recognised Trade Unions. Trade Union representatives often have experience of working with employees on matters relating to equality, diversity and inclusion and as such can bring useful insight to workforce change and policy development. Meaningful consultation ensures that representatives

can contribute and influence effective change and improvements in addition to raising specific employment-related issues on behalf of their members.

## 6. EQUALITY AND DIVERSITY LEGISLATION

6.1 Employees, contractors, consultants and agencies working for the University, will be expected to work in accordance with the principles of equal opportunities and diversity and properly discharge their responsibilities in accordance with:

- The Equal Pay Act (as amended) 1970
- The Rehabilitation of Offenders Act 1974
- The Human Rights Act 1998
- Part Time Workers Regulations 2000
- Fixed Employees Regulations 2002
- The Civil Partnership Act 2004
- Marriage (Same-Sex Couples) Act 2013
- The Equality Act 2010 (incorporating the public sector equality duties)

A summary of the above legislation is included in Appendix One.

## 7. DEFINITIONS OF DISCRIMINATION

7.1 **Direct Discrimination** is when you treat someone less favourably than others for unlawful means, for example not employing someone because of their gender or disability. In very limited circumstances, an employer can claim that a certain religion or belief, gender or ethnicity is necessary for a role and this is considered to be a genuine occupational requirement.

7.2 **Indirect Discrimination** is when an employer has a policy, practice or procedure that applies to everyone but might disadvantage a particular group, and which cannot be justified in relation to the job.

7.3 **Harassment** is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment.

7.4 **Victimisation** is when you treat someone less favourably or discriminate against them because they have pursued their rights relating to alleged discrimination.

7.5 **Positive discrimination** is unlawful in the UK. Unlawful positive discrimination would be where an employer recruits a person just because they have a relevant protected characteristic rather than taking into account whether their skills and qualifications mean they can do the job

7.6 **Positive action** to address imbalances in the workforce is allowed in particular circumstances. Examples would include setting equality targets or short-listing applicants with a disability for interviews who meet the person specification, under the Government's Disability Confident scheme.

7.7 **Bullying** is not part of the Equality Act 2010 but is something that the University takes very seriously. Bullying is offensive, intimidating, malicious or insulting behaviour, abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

## **8. RAISING A CONCERN**

- 8.1 If an employee has a concern or complaint about discrimination, which could be something that they have experienced or witnessed, they should raise this with their line manager in the first instance unless the matter relates to their manager in which case the next level of management should be approached.
- 8.2 Employees may also wish to seek advice from one of the University's Anti-Harassment Advisers, their HR Business Partner or the Equality, Diversity and Inclusion Partner. Any concerns should be raised at the earliest opportunity, which will be kept confidential.
- 8.3 The Dignity at Work procedure will be used to work towards resolving the complaint in the first instance.

## **9. IMPLEMENTATION**

- 9.1 The University will implement this policy through a number of measures including:
- utilising Human Resource and Equality, Diversity and Inclusion Committee, to drive, review and monitor equality objectives;
  - reviewing relevant legislative requirements, employee engagement surveys and policies and undertaking corrective and positive action where required;
  - delivering mandatory equality, diversity and inclusion training and refresher training;
  - utilising the results of the employee engagement survey;
  - utilising the Staff Consultative Committee and the Staff Equality Network Groups, to work on matters relating to equality issues, in order to make improvements;
  - ensuring that timely revisions of this policy are made in line with new legislative developments;
  - improving baseline data in order to undertake regular monitoring of gender, sexual orientation, disability, ethnic origin, religion or belief and age, for all those seeking employment with the University, or in the University's employment annually;
  - ensuring that the University continues to honour its commitments in relation to the award of the Government's Disability Confident Scheme, Stonewall Champions and the Advance HE Athena SWAN charter;
  - taking positive action if necessary, where specific under-representation of protected groups can be demonstrated.

## **10. MONITORING**

- 10.1 The University monitors allegations of unfair treatment via the Anti-Harassment advisers and those who approach the Equality, Diversity and Inclusion office directly. The number of complaints raised is monitored in the annual equality and diversity and HR report.
- 10.2 There will be an Impact Assessment of the Policy in respect of Equality, Diversity and Inclusion and a report annually to the Human Resources and Equality, Diversity and Inclusion Committee, with an analysis of data on staff composition, promotion, recruitment and leavers to show trends and highlight any key issues.



## Equality and Diversity Policy (Employment)

### Appendix One - Summary of Equality and Diversity Legislation

#### **The Equality Act 2010**

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it is unlawful to treat someone.

The Equality Act covers the same groups that were protected by former equality legislation - age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage, civil partnership and pregnancy and maternity - it extends some protections to some of the groups not previously covered, and also strengthens particular aspects of equality law.

#### **The Equal Pay Act (as amended) 1970**

The Equal Pay Act gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing like work rated as equivalent under an analytical job evaluation, or work that is proved to be of equal value.

#### **Rehabilitation of Offenders Act 1974**

Ex-offenders have certain employment rights if their convictions become 'spent', including not having to declare spent convictions and protecting them against dismissal or exclusion (with certain exceptions, such as those working with children or vulnerable adults).

#### **The Human Rights Act 1998**

The Human Rights Act gives further effect in the UK to rights contained in the European Convention of Human Rights. The Act makes it unlawful for a public authority to breach Convention rights, unless an Act of Parliament meant it could not have acted differently;

#### **Part-time Workers Regulations 2000**

These regulations ensure that part-time workers employed by the University are not treated less favourably than comparable full-time workers, including having the same rates of pay and pro rata annual leave entitlement.

#### **Fixed-term Employees Regulations 2002**

These regulations aim to ensure that employees on fixed-term contracts are treated no less favourably than comparable permanent employees.

#### **The Civil Partnership Act 2004**

This Act creates a new legal relationship of civil partnership, which two people of the same sex can form by signing a registration document. It also provides same-sex couples who form a civil partnership with parity of treatment in a wide range of legal matters with those opposite-sex couples who enter into a civil marriage.

**Marriage (Same-Sex Couples) Act 2013**

This Act makes the marriage of same-sex couples lawful in England and Wales while protecting and promoting religious freedom.

## Equality and Diversity Policy (Employment)

### Appendix Two – Useful Websites and Contacts

#### **Access to Work**

Access to Work' Information from Jobcentre Plus about the Access to Work scheme, providing advice and information to disabled people and employers, and funding towards extra employment costs that result from a person's disability. How much you get depends on your circumstances.

Website: <https://www.gov.uk/access-to-work/overview>

#### **Stonewall**

Stonewall Website: <http://www.stonewall.org.uk/> promoting equality and justice for lesbian, gay, bisexual and transgender people.

#### **Gendered Intelligence**

Gendered Intelligence work with the trans community and those who impact trans lives. Their mission is to increase understanding of gender diversity. Their vision is of a world where people are no longer constrained by narrow perceptions and expectations of gender, and where diverse gender expressions are visible and valued.

<http://genderedintelligence.co.uk/>

#### **Working Families**

Working Families is the UK's leading work-life balance organisation. The charity helps working parents and carers and their employers find a better balance between responsibilities at home and work. Website: <http://www.workingfamilies.org.uk/>

#### **The Equality and Human Rights Commission**

The Equality and Human Rights Commission have a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine "protected" grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. Website:

<http://www.equalityhumanrights.com/>

#### **Acas**

Acas Helpline 08457 47 47 47 – confidential information and advice for employers and employees on equality issues in the workplace. 9.00 am to 4.30 pm Monday to Friday.

Website: <http://www.acas.org.uk/index.aspx?articleid=1363>

#### **Advance-HE**

Advance-HE works to further and support equality and diversity for staff and students in higher education across the UK. Website: <https://www.advance-he.ac.uk/equality-charters>

**Business Disability Forum**

Business Disability Forum provides pragmatic support by sharing expertise, giving advice, providing training and facilitating networking opportunities. This helps organisations become fully accessible to disabled customers and employees.

<http://www.businessdisabilityforum.org.uk/>