

## EQUALITY OF OPPORTUNITY POLICY

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\*Please note: Uncontrolled if printed

### Introduction

This document is intended to reflect the changes emerging from the 2010 Equality Act, the revised management and committee structure at ICR, and to incorporate the existing policies for Sexual Orientation, Religion or Belief and Disability.

The ICR recognises the benefits that a diverse workforce offers and believes that all staff and students have a right to work in an environment which encourages harmonious relationships. It believes that all decisions concerning recruitment, terms of employment, promotions, transfers, training and other benefits (of the refusal of these) must be based on an individual's qualifications, ability and fitness to perform the required duties and linked to objective job-related criteria. All staff, students and visitors (e.g. visiting workers, contractors and suppliers) are responsible for familiarising themselves with, and following, this policy, whether permanent or temporary.

### Policy Statement

The ICR is fully committed to the elimination of unlawful and unfair discrimination and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), religion or belief (including lack of belief), sex or sexual orientation. These areas are collectively referred to as 'Protected Characteristics'.

### Aims

#### A. The 2010 Equality Act – ICR's legal responsibilities are

1. To demonstrate **Due Regard** for equality issues when carrying out its functions. For example introducing and reviewing policies and procedures and monitoring their impact on staff and students with protected characteristics, removing or minimising disadvantages suffered by people due to their protected characteristics, and meeting

- their needs and fostering good relations. For example the ICR has responsibility to ensure that disabled staff and students can fully participate in the work of the ICR.
2. A **General Equality Duty** to have due regard to the need to eliminate discrimination, harassment and victimisation and other prohibited behaviours and advance equality of opportunity and foster good relations between different groups of staff, with or without 'protected characteristics'. This includes removing barriers, improving participation, tackling prejudice and promoting understanding.
  3. A **Specific Duty** to set measurable equality objectives and publish accessible qualitative and quantitative data about performance on equality. This is published in an **Annual Equality Report**.

Behaviour, actions or words that transgress the policy will not be tolerated and will be dealt with in line with the relevant ICR policy e.g. discipline, harassment etc.

## Scope

This policy applies to all staff, students and visitors to the ICR

## Key Topic Areas

### B. Implementation and management of equality

Equality is supported at the highest level from a member of the Board of Trustees with a specific role as Equality Champion, through the Chief Executive Officer, Chief Operating Officer, Director of Human Resources, Equality Steering Group and Athena Swan Steering Group. The ICR also works closely with Staff Side and staff and student associations to promote equality across the organisation.

The **Equality Steering Group** is the key forum for liaising with staff and students to promote equality at the ICR. It consists of staff and student representatives and is chaired by the Chief Operating Officer. It produces the Annual Equality Report and monitors and promotes equality at the ICR. It meets termly and minutes and action plans are available on the internet and activities publicised via iNews and iSpace.

The Equality Steering Group supports staff and students who may wish to develop networks based on protected characteristics, for instance based on faith or race.

The Annual Equality Report and accompanying equality initiatives are reviewed by the Operations Board for final approval by the Executive Strategy Board and the Board of Trustees.

### C. Training and education

The ICR will maintain links with other HEI, the Equality Challenge Unit and other key equality stakeholders to ensure that it is kept up to date on equality issues.

All staff and students will attend 'Equality Excellence' and 'Challenging Bullying and Harassment' training and new staff and students will receive this training within their first 6 months.. Attendance will be monitored by the HR department and reported on annually as part of the Annual Equality Report.

The ICR will integrate diversity competencies into the Salary Review Scheme (appraisal), development programmes, and assessment and selection processes.

### D. Funding

The ICR will fund the above equality initiatives from dedicated budgets to ensure that equality training is not restricted by demands on general budgets. It will also provided dedicated funding for 'reasonable adjustments' to assist staff with disabilities and for promoting and communicating equality initiatives. An Athena Swan Coordinator post will be supported for at least 2 years specifically to promote the careers of female research staff and students at the ICR and the achievement of the Athena Swan Silver Award.

### **E. Communication and consultation**

The ICR will work with staff and student groups to promote compliance, inclusiveness and accessibility. Communication imagery and graphics will be inclusive, and reflect and reinforce the words within the documentation. The ICR will join appropriate organisations such as the Higher Education London Equality Network in order to network, exchange best practice and generally raise its profile. It will seek to achieve the Athena Swan Silver Award by 2016 as a benchmark for excellence in promoting the careers of women in science. The ICR will embed equality in all aspects of policy development: implementation and review. It will

- Undertake a regular review of policies and procedures to identify their equality impact,
- Obtain workforce metrics and compare them with sector and best practice organisations; via the Annual Equality Report
- Gather feedback from staff and students on their experience of equality related issues at the ICR via a triennial staff attitude survey. The survey results will be made available to all staff and students and a summary included in the Annual Equality Report.

### **F. Monitoring and Review**

This policy will be reviewed on an ongoing basis to reflect changes in the law, demographics and the priorities of the ICR. Progress relating to the policy will be recorded annually in the Annual Equality Report and presented to the ESG and ICR's senior management to debate progress and review the policy's status.

### **G. Raising a concern.**

If a member of staff or a student feels that they have been treated in a discriminatory manner they should raise the matter with their manager or supervisor and if that fails take the matter to their senior manager, Human Resources, Registry, Academic Dean's Team or Staff Side (for Union members.) Additional support and advice is available from Volunteer Harassment Advisors, Student Confidants, and an externally provided Employee Assistance programme. The Grievance, Complaints, and Bullying and Harassment policies detail how concerns can be raised more formally and are available on the intranet.

### **H. Unacceptable behaviours**

The following behaviours are prohibited by the 2010 Equality Act, will not be tolerated by the ICR and will be treated as a serious disciplinary offence

**Direct discrimination.** This occurs when someone is treated less favourably than another person because of a protected characteristic they have (e.g. their age, gender etc) or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

**Discrimination by association.** This is direct discrimination against someone because they associate with another person who possesses a protected characteristic *for instance discriminating against someone because they look after a disabled child.*

**Perception discrimination** is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic, for instance directing homophobic comments and abuse at an individual who is heterosexual.

**Indirect discrimination** can occur where this is a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. For instance a job advert stating an excessively high number of years of experience could discriminate against women who are more likely to have taken time out of the workforce.

**Indirect discrimination** can only be justified if one can show that one acted reasonably in meeting a legitimate business need, i.e. that it is '*a proportionate means of achieving a legitimate aim*'. A legitimate aim might be any lawful decision made in the running of the ICR, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful, for instance, automatically selecting older staff for redundancy on the grounds that this would produce greater salary savings.

**Harassment** is "*Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual*". For instance, homophobic abuse such as name-calling, derogatory jokes, unacceptable or unwanted behaviour, intrusive questions etc. The ICR recognises the right of individuals to choose whether they wish to be open about their sexuality at the ICR. To 'out' someone, whether staff or student, without their permission is a form of harassment and will be treated as such. Employees may complain of behaviour that they find offensive even if it is not directed at them, even if they do not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

**Third party harassment**, the ICR is potentially liable for harassment of its employees by people (third parties) who are not employees of ICR such as visitors or contractors. The ICR will only be liable when harassment has occurred on at least two previous occasions, when it is aware that it has taken place, and has not taken reasonable steps to prevent it from happening.

**Victimisation** is defined as treating someone badly because they have done a 'protected act' or the institution believes that they have done or are going to do a protected act. A protected act is defined as '*making a claim or complaint of discrimination (under the Equality Act); helping someone else to make a claim by giving evidence or information; making an allegation that the institution or someone else breached the Act or doing anything in connection with the Act*'.

## **I. Support with Disability**

**A disabled person** is defined as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. Long-term is deemed to mean to have lasted twelve months, or the period for which it lasts is likely to be twelve months, or it is likely to last for the rest of the life of the person affected.

It is illegal to discriminate against someone, in certain circumstances, after the employment relationship has ended. The ICR needs to ensure that;

- Disabled persons have physical access to the ICR's facilities;
- People who become disabled during the course of their employment at the ICR are supported at the workplace with dignity and fairness, with suitable risk assessments carried out, occupational health advice sought and reasonable adjustments to the ICR's practices and premises undertaken;

## **Reasonable Adjustment**

The ICR has a duty to make reasonable adjustments to its practices and premises to accommodate a disabled person, where the arrangement or physical feature of the premises causes a substantial disadvantage. This responsibility covers:

- Physical features – anything on the premises, including exits, access, fixtures, fittings furnishings equipment or materials;
- The recruitment and selection process;
- The terms and conditions or arrangements on which employment is offered;
- Promotion, transfer, training or other benefit.

The steps that the ICR may undertake to comply with the duty of reasonable adjustments could include:

- Making reasonable adjustments to premises or location of workplace;
- Allocating some of the disabled person's duties to another person (this means a different but fair and reasonable distribution, not that the disabled person's work load is less than another person's);
- Transferring the disabled person into a vacancy;
- Altering the working hours;
- Allowing time off for rehabilitation, assessment or treatment;
- Acquiring or modifying equipment;
- Modifying instructions or providing training.

Disability discrimination issues are also dealt with by the Facilities Directorate (premises), IT Directorate (web-based services) and the Registry (students).

## **J. Dress Code**

The ICR imposes no overall dress code, other than for safety purposes, on its employees, although local arrangements may apply in specific areas. The wearing of items arising from particular cultural or religious norms (e. g. crucifix, hijab, kippah, mangalsutra) is acknowledged as part of this diversity.

The only limitations to this are that:

- Health, safety and security requirements may mean that for certain tasks specific items of clothing such as laboratory coats, overalls or other protective clothing etc need to be worn. If such clothing produces a conflict with an individual's religious belief, the issue will be sympathetically considered by the line manager, in consultation with the Health, Safety, Environment and Quality team as appropriate, with the aim of finding a satisfactory compromise.
- Wearing slogans or symbols, which are discriminatory (e.g. racist or sexist), or perceived to be unacceptable, may be viewed as a disciplinary offence and will be dealt with accordingly.

## **K. Religious Observance**

The ICR will make reasonable efforts to provide a suitable quiet space for prayer and ablution if practical.

All staff and students, regardless of religion or belief, are required to work in accordance with their contract. There is likely to be some flexibility over how the actual hours are worked. Line managers should make every attempt to ensure that those whose religion requires them to pray at certain times during the day may do so. In addition, reasonable efforts should be made to accommodate requests from those who require, for example, an extra hour at midday on Friday, or not to work beyond sunset on Friday or at the weekends in ways that conflict with their religious beliefs.

## **Leave for Religious Festivals**

- By custom, holiday arrangements include days off at Christmas and Good Friday, both of which are Christian religious festivals. In the interests of equality, those practising other religions will be able to book three days of their holiday entitlement on the dates of most significance to them, providing these days are booked at the beginning of the calendar year when new leave entitlements start.
- Further requests for holiday entitlement to be taken at times of religious significance will be treated sympathetically whenever possible.
- The number of annual leave days overall will remain as in the contract of employment, regardless of religion or belief.

Any attempt at coercing others to comply with a particular belief, for example through distribution of propaganda or through threats or offensive remarks, will result in disciplinary action being taken. The ICR will also take action against anyone found responsible for any offensive literature or graffiti on its premises.

## **Appendix 1 Examples and additional guidance on unacceptable behaviours**

The following are examples provided by the Arbitration and Conciliation Advisory Service ([www.acas.org](http://www.acas.org)) to illustrate the application of equality legislation

### **Indirect discrimination**

*For instance monthly project review meetings for an international collaboration are scheduled for late Friday afternoons to allow discussion of the current week's data and production of a report for Monday morning Board meetings. During the winter some staff would like to be released early on Friday afternoon in order to be home before sunset – a requirement of their religion. They propose to make the time up later during the remainder of the week. However their input is needed during discussions, and they cannot comment in advance as they will not have seen all the data. Therefore their request is refused.*

### **Harassment**

*For instance Paul is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. Richard shares an office with Paul and he too is claiming harassment, even though he is not disabled, as the manager's behaviour has also created an offensive environment for him.*

### **Victimisation**

*For example Anne makes a formal complaint against her manager because she feels that she has been discriminated against because of marriage. Although the complaint is resolved through the organisation's grievance procedures, Anne is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.*

(Examples from ACAS "Equality Act: What's new for Employers")