



EQUAL OPPORTUNITIES AND DIGNITY AT WORK POLICY

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1 General Principles

At The Professional Standards Authority we are committed to encouraging and achieving a working environment which is underpinned by fairness to all individuals, where equality and diversity are recognised, encouraged and valued, and the concept of individual responsibility is accepted by all.

We recognise that while much can be achieved by legislative measures, real progress in improving equality of opportunity in recruitment and employment can only be achieved with a continuing commitment, in all disciplines and at all levels of the organisation, and through training that reflects and supports equal opportunities throughout the Authority.

All Employees have a duty to co-operate with us to ensure that this policy is effective in ensuring equal opportunities for all employees and to help prevent all forms of discrimination and/or harassment and victimisation. Failure of individual employees to comply with our policy will be treated as a disciplinary offence. Serious breaches of the equal opportunities policy will be treated as gross misconduct and could render the employee liable to summary dismissal. Employees can be held personally liable as well as, or instead of, the organisation, for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Individuals will be made aware of the policy at the time of their induction and through details provided in the Employee Handbook.

2 Policy Statement

Our policy is to employ, promote and treat all applicants and employees in the same way, regardless of the following 'Protected Characteristics': age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage or civil partnership, pregnancy and maternity.

We will avoid unlawful discrimination of any kind in all aspects of recruitment and employment. We will recruit, train, develop and promote on the basis of merit, skills, qualifications and abilities alone. Where a decision needs to be made, whether it is on pay rises and bonuses or disciplinary action, this will only ever be based on an individual's performance and contribution to the organisation. This policy is in accordance with the Equality Act 2010 and any other associated legislation.

3 Types of Unlawful Discrimination

There are various forms of discrimination and to varying degrees. Discrimination does not always represent a physical or conscious activity, but can simply be part of a working practice which is of detriment to one group or person over another. How one individual perceives behaviour can be very different to how another colleague may perceive it.

3.1 Direct Discrimination

Direct discrimination applies to the protected characteristics of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage or civil partnership, pregnancy and maternity. An employer will directly discriminate if they treat a person less favourably than another person because of a protected characteristic they have, or are thought to have (known as perceived discrimination), or because they associate with someone who has a protected characteristic (known as associative discrimination).

An example of direct sex discrimination would be refusing to employ a woman because she was pregnant.

3.2 Associative Discrimination

Associative discrimination is direct discrimination against an individual because they associate with another person who possesses a protected characteristic. Associative discrimination applies to the protected characteristics of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

An example of associative discrimination might be where an employer refuses to promote an employee who they know has a disabled parent living at home. The employer believes the employee will be unable to carry out their new role effectively due to caring responsibilities for the parent. This would be discrimination against the employee because of their association with a disabled person.

3.3 Perceptive Discrimination

Perceptive discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. Perceptive discrimination applies to the protected characteristics of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. It applies even if the person does not actually possess that characteristic.

An example of perceptive discrimination might be where an employer does not allow an employee to represent the organisation at a national awards ceremony as the Managing Director thinks they are too young. In fact, the employee is much older than they look. This is discrimination against the individual on the perception of a protected characteristic – e.g. their age.

3.4 Indirect Discrimination

Indirect discrimination can occur when a condition, rule, policy or practice applies to everyone in an organisation but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if an employer can show they acted reasonably in managing the organisation.

Indirect discrimination applies to the protected characteristics of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership.

An example of indirect discrimination might be failing to provide religiously appropriate food when catering. If this action cannot be objectively justified and is to the individual's detriment, then the practice, policy or specific criteria would be unlawful.

3.5 Harassment

Harassment occurs when another person engages in unwanted conduct, related to a relevant protected characteristic, which may violate the person's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment for that person. Employees can complain of behaviour they find offensive even if it is not directed at them and they do not need to possess the relevant protected characteristic themselves. Harassment applies to all protected characteristics except for marriage or civil partnership, and pregnancy and maternity. Employees are also protected from harassment because of perception and association. An example of harassment would be where a 19 year old employee is frequently humiliated by her predominantly middle aged female work colleagues making references to her youth and lack of experience. The 19 year old complains to her line manager who does not take the complaint seriously and allows the hostile banter to continue. This would constitute harassment relating to age.

Section 8 provides more detailed guidance on harassment and bullying and our procedure for lodging and addressing grievances.

3.6 Victimisation

Victimisation makes it unlawful for one person to treat another badly because that person has made or supported a complaint, or raised a grievance, under the Equality Act 2010, or because they are suspected of doing so.

An example would be where an employee raises a grievance because he feels he has been discriminated against by his manager because he is gay. One of his colleagues supports him by corroborating what he has said. The complaint is resolved through the organisation's grievance procedures; however both employees are then given poorer quality work by their manager and as a result earn less commission. Both employees could claim victimisation based on less favourable treatment for raising and supporting a complaint of discrimination on the ground of sexual orientation.

3.7 Failure to Make Reasonable Adjustments

Where arrangements disadvantage an individual because of a disability, employers are expected to make reasonable adjustments to overcome the disadvantage. To not make those reasonable adjustments would be discrimination on the grounds of disability. An example would be where a building only has steps for access. If it is reasonable to do so, the employer should install a ramp.

4 Procedure

All HR procedures and conditions of service will be reviewed on a regular basis, to identify and eliminate processes, practices or eligibility criteria which may discriminate (directly or indirectly) against any particular group or category of applicant and employee.

Personnel records will be kept in a format which enables analysis to be made of the numbers of job applicants, appointments and employees against various categories.

Effective monitoring will help us ensure that current recruitment, promotion, training and general employment practices are reaching and protecting all potential candidates, and help to guard employees against any potential for discrimination.

In addition to the specific procedures in place with regard to the recruitment and selection of individuals for appointment and/or training opportunities, we have specific procedures covering harassment and bullying.

Managers and individuals in supervisory positions will receive formal training in all aspects of this policy in explaining the role they have with regard to its implementation.

5 Responsibilities

5.1 The Chief Executive and Management Team

The Management Team will ensure:

- The existence of statements of equal opportunity values, policies and objectives in the business and human resource plans of the organisation
- The inclusion of equal opportunity training in the organisation's training plans
- The inclusion of all varieties of discriminatory based harassment, bullying and victimisation in disciplinary offences; and the existence of a procedure for employees to pursue grievances about such harassment
- The existence of personnel records in a format to facilitate the effective monitoring of equal opportunities
- That monitoring of equal opportunities policy implementation is taking place
- That the policy is reviewed and updated in line with future changes in legislation, case law and relevant codes of practice

5.2 Managers

Managers will:

- Co-operate with any measures introduced by the organisation in relation to equal opportunities, including attendance at any relevant training or development courses
- Set a good example by their own behaviour and make sure that employees are aware of the standards expected of them
- Ensure compliance with all personnel policies and monitoring standards in the day to day running of their team
- Provide a working environment that discourages harassment and takes positive action against any employee who infringes the rules. This should include formal disciplinary action
- Check that job adverts and requirements are really necessary to the job and not a reflection of any traditional biased practices or stereotypes when recruiting
- Provide a climate whereby an individual will be comfortable in raising a grievance should they have suffered harassment or discrimination
- Take complaints about employees, customers, suppliers or visitors seriously and take prompt action to resolve and investigate as appropriate

5.3 All Employees

All employees have responsibility in the area of equal opportunity and are required to adopt the following practices:

- Co-operate with any measures introduced to develop or monitor equal opportunity

- Refrain from taking discriminatory actions or decisions that are contrary to the spirit of this policy
- Not harass, abuse or intimidate other employees for any reason, particularly discriminatory reasons
- Not place pressure on other employees to act in a discriminatory manner and discourage behaviour which may be discriminatory
- Resist pressure to discriminate when other employees are trying to influence them to do so
- Co-operate with investigations into acts or conduct that may amount to unfair or unlawful discrimination, including providing evidence from which discrimination may be inferred and disciplinary action taken
- Inform their immediate manager, or where not appropriate, a member of the Management Team, if they are aware of any action being taken by an employee which is contrary to this policy

5.4 The HR Department

The HR Department will be responsible for helping to ensure that the Equal Opportunities and Dignity at Work Policy is implemented, maintained and adhered to throughout the organisation.

They will also be responsible for the collection, collation and retention of the records necessary to enable the organisation to monitor the implementation of this policy effectively.

These records include:

- A breakdown of the equal opportunity monitoring forms in respect of all applicants for vacancies with the organisation
- Details of employees selected for promotion, transfer and training
- Details of employees receiving increases in salary and/or other increases in benefits or bonuses

Information provided by prospective, current or past employees will be handled sensitively for the purposes of equal opportunities monitoring and will be dealt with in accordance with the Data Protection Act.

6 Enforcement and Redress

If employees unfairly or unlawfully discriminate against another employee, induce others to practice unfair or unlawful discrimination, or fail to co-operate with measures designed to promote equal opportunity, they will be subject to disciplinary action which could result in summary dismissal without notice.

Similarly, it is unlawful to victimise someone because he or she has alleged discrimination or supported someone to make a complaint or given evidence in relation to a complaint. Employees who victimise another employee for any of these reasons will be subject to disciplinary action, which could result in summary dismissal without notice.

If employees consider they have been unlawfully or unfairly discriminated against, they have recourse through our harassment procedure and/or our grievance procedure.

7 Review of Effectiveness

We will review the outcome of cases where complaints of bullying, harassment or victimisation have been made in order to check that our procedures have been fully followed. This will enable us to identify any points that can be learned from those cases and to implement any changes to our procedures where these are necessary.

In order to ensure maximum effectiveness, it is essential for all employees to give constructive feedback and make suggested amendments as appropriate to this policy. This should be in addition to the evaluation and review which will be undertaken by The HR Department on an ongoing basis.

If you believe that there is action we need to take in order to address discrimination within our organisation, or you would like to speak to someone confidentially, please speak to The HR Department who will be happy to discuss your concerns and ideas with you.

8 Harassment

8.1 General Principles

We are committed to providing a work environment for our employees, which is free from embarrassment, intimidation, threats, discrimination, bullying or harassment. Harassment against a person or group of people, which is either persistent or an isolated incident, will not be tolerated under any circumstances. We will do all that is reasonably possible to prevent harassment occurring and will take all necessary steps to ensure this policy is implemented effectively.

It is the duty of all employees, and in particular managers and supervisors, to ensure that our procedure on harassment is carried out as quickly and thoroughly as possible.

We recognise that harassment can humiliate, frighten, offend and demean the individual it is aimed against. This may damage our organisational effectiveness and efficiency. We consider harassment to amount to misconduct, which will be dealt with under the disciplinary policy and may lead to dismissal for a first offence if deemed to be gross misconduct. Less serious infringements may lead to the harasser being relocated within the organisation if appropriate.

Any complaints of harassment, including behaviour that you find offensive which has not been directed at you personally should be reported to your manager. The matter will be dealt with in a discreet and confidential manner and appropriate action taken. If this is not appropriate, the employee should speak to a member of the HR Department. It is not the intention of the perpetrator that is key to deciding whether harassment has occurred but whether the behaviour is unacceptable by normal standards and is detrimental to the recipient.

8.2 General Examples of Bullying/Harassment

General examples of bullying/harassment include:

- Unfair treatment
- Coarse or insensitive jokes and pranks
- Coarse or insensitive comments about appearance or character
- Display of offensive material – written or pictorial
- Deliberate exclusion from activities or conversation
- Unwelcome familiarity or body contact
- Abusive, insulting or threatening language
- Demands or threats to intimidate or obtain favours
- Threatened or actual violence
- Ridiculing or demeaning someone
- Blocking promotion or opportunities in the workplace
- Unjustified threats or comments about job security
- Spreading rumours or insulting someone

8.3 Racial, Religion or Belief Based Harassment

Racial, religious or belief based harassment can take many forms. It is generally considered to be behaviour that is offensive, embarrassing, insulting or intimidating. It may include any unwanted non-verbal, verbal or physical abuse that is racially derogatory and potentially offensive. Examples of racial harassment include offensive and insensitive quips and jokes which are related to a person's race or religion; the deliberate exclusion and isolation of an individual; threatening or insulting words or behaviour; the display of abusive writing or pictures.

Discrimination on the grounds of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief. Protection also applies where individuals do not follow a certain religion or have no religion at all. 'Belief' refers to any religious or philosophical belief, or the lack of such a belief. To be protected, a belief must play a substantial part in the individual's everyday life and behaviour.

8.4 Sexual or Sex Based Harassment

Sexual or sex based harassment consists of unwanted conduct of a sexual nature. It will include any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Such conduct may include (although this is by no means an exhaustive list), unwanted physical conduct of a sexual nature; inappropriate, suggestive or uninvited comments; displays of sexual or sexually aggressive literature and pictures; unwelcome sexual propositions or repeated unwelcome invitations; lewd comments or insensitive jokes.

8.5 Sexual Orientation or Gender Re-assignment Harassment

Harassment based on sexual orientation or gender re-assignment can take many forms and includes harassment based on both real and perceived ideas about someone's sexual orientation, or gender re-assignment. It may include any intentional or unintentional behaviour displaying non-verbal, verbal or physical abuse that is derogatory and potentially offensive. Examples of such harassment include offensive and insensitive quips and jokes which are related to a person's actual or perceived sexual orientation or gender history, or that of any of their associates; the deliberate exclusion and isolation of an individual; threatening or insulting words or behaviour; the display of abusive writing or pictures.

8.6 Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure an individual.

Bullying can range from seemingly trivial acts to outright abuse against a person. It is often difficult to detect and therefore it is the responsibility of every employee to ensure that this type of harassment does not occur and to report any incidents immediately as and when they arise.

Any complaints of bullying will be dealt with in a discreet and confidential manner and appropriate action taken.

8.7 Harassment on the grounds of Age

Protection from age discrimination applies to all workers and protects them from being directly and indirectly discriminated against, harassed or victimised on the basis of their age. Age harassment can consist of unwanted verbal, non verbal and physical abuse regarding a person's age that is potentially offensive, which the harasser knew or should have known would cause offence. Typical examples of ageist harassment can include offensive and insensitive jokes, insulting words, inappropriate pictures and threatening behaviour.

8.8 Harassment on the grounds of Disability or Associative Discrimination

It is unlawful to discriminate against disabled people or carers, or anyone associated with a disabled person, in the field of employment and in the provision of goods, facilities and services; this could constitute less favourable treatment on the grounds of disability. The Equality Act 2010 defines a disabled person as “a person who has a physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities”.

Employees can raise a harassment complaint regarding any of the above, if they find the behaviour offensive, even where the behaviour it is not directed at them personally. The complainant need not possess any of the relevant protected characteristics.

8.9 Harassment on the basis of Marital or Civil Partnership Status

Same-sex couples in the UK are able to apply for legal recognition of their relationship by registering as civil partners. Same-sex couples who register as civil partners have similar rights and responsibilities as a married couple, including access to employment and pension benefits. A civil partner has comparable status to a spouse and therefore the same protection from discrimination and harassment on the grounds of marital status extends to civil partners.

Appendix A Harassment Procedure

Introduction

Any complaint of harassment will be handled sensitively, in a timely and confidential manner with a view to ensuring, so far as practicable, minimal stress to those involved. This procedure should be used in addition to our Grievance Procedure for complaints of harassment as set out below.

We recognise the right of employees to determine for themselves whether the words or behaviour of others is acceptable to them and to bring a complaint in respect of harassment. Harassment can include behaviour which has not been directed at the employee personally, but which the employee finds offensive.

Complaints of harassment may be made in one of two ways depending on the severity of the claim. It shall be the duty of Managers and/or the HR Department to apply the most appropriate method of resolution.

Informal Complaints Procedure

An employee who feels that they have been a victim of harassment in the workplace may, in some cases, be able to resolve the matter satisfactorily by explaining clearly to the perpetrator (verbally or in writing) that their behaviour is unacceptable and must stop. Employees may wish to ask a colleague to do this on their behalf or to be with them when they speak to the perpetrator.

Employees are encouraged to notify their line manager in the first instance, who will offer personal assistance or refer the matter to the HR Department or a manager they feel able to talk to for advice. Any such discussion will be strictly confidential.

If it is considered by the employee to be appropriate, the employee's line manager or the HR Department will seek to resolve the matter informally by explaining to the alleged perpetrator that:

- there has been a complaint that their behaviour is having an adverse effect on a fellow employee
- any such behaviour is contrary to our policy and must stop
- the continuation of such behaviour would amount to a serious disciplinary offence, and
- the discussion is informal and confidential

Employees should keep a written record of incidents so they can accurately report what has happened, noting for example the date, time and nature of incidents, and the names of any witnesses. Employees should talk to colleagues to find out if anyone else is suffering and, if so, they should also be asked to keep records. Where possible, employees should try to avoid being alone with the bully/harasser.

Formal Complaints Procedure

If an informal resolution to the matter is not successful, or is considered inappropriate in the circumstances, the employee may make a formal complaint of harassment to a member of the Management Team or the HR Department.

Any complaint will be investigated promptly, impartially and confidentially.

The complainant will be asked to provide the following details:

- the name of the alleged harasser
- the nature of the harassment
- the dates and times the harassment occurred, the names of any witnesses and

- any action taken by the complainant to resolve the matter informally

Where the evidence gathered in the investigation indicates that a disciplinary offence has been committed, a hearing will be convened after appropriate notice under our disciplinary procedure.

In harassment cases, the format of the normal disciplinary procedure will be used. However, the alleged harasser will have no right, without the agreement of the individual concerned, to confront personally the complainant or any witness. Any questions the alleged harasser wishes to ask the complainant, or any witness, will be asked on their behalf by the manager conducting the hearing. The manager will then inform the alleged harasser of their replies.

If, after full investigation, there is insufficient evidence to warrant disciplinary action, consideration will be given, where practicable, to transferring or rescheduling the work of one of the parties. This course of action is only likely to be considered where continuing to work together is against the wishes of either party. This may also take place following disciplinary action in which sanctions are imposed.

We expect employees to act responsibly regarding this issue, as false accusations of harassment can have a serious effect on innocent individuals.

Wherever possible, we will try to ensure that the parties are not required to work together whilst the complaint is under investigation. This could involve giving the alleged victim the option of remaining home on special leave. In serious cases the alleged harasser may be suspended during any investigation and/or disciplinary proceedings. Suspension with pay is not in itself disciplinary action, it is a temporary measure to allow for the proper conduct of the disciplinary process.

Appendix B Disabled Persons

General Principles

We recognise our obligations towards all employees to ensure that people with disabilities, as well as the carers, family and friends associated with a disabled person, are afforded equal opportunities to enter employment and progress within the organisation. In addition to complying with legislative requirements affecting disabled people, we will follow procedures designed to provide for consideration and selection of disabled applicants and to satisfy their training and career development needs.

A policy statement about the employment of disabled people and employees associated with a disabled person will be included in the annual report.

Disability Discrimination

It is unlawful to discriminate against disabled people in the field of recruitment and employment and in the provision of goods, facilities and services.

A person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities. This would include things like using a telephone, reading a book or using public transport. In addition, employees must not receive less favourable treatment because of something connected to, or arising from, their disability.

Employees who suffer from mental illness do not need to have a condition that is “clinically well-recognised” and the definition of disability covers progressive conditions from the point of diagnosis. In addition, individuals who are diagnosed with HIV, Multiple Sclerosis and Cancer are protected from discrimination from the point at which the disease is diagnosed, rather than when it begins to have an adverse effect on their ability to carry out normal day-to-day activities.

Responsibilities

Our equal opportunities and recruitment and selection policies are in place to help us ensure we comply with legislative requirements in relation to disabled people and employees associated with a disabled person. In addition to the recruitment process, discrimination is unlawful in relation to:

- terms and conditions of employment
- opportunities for training
- promotion and transfer
- benefits
- dismissal
- any other detriment

Managers must ensure that when selecting employees for promotion, training, transfer or salary progression, any decision is based upon fair and equitable criteria.

Disabilities arising during Employment

When an employee becomes incapable of carrying out his or her normal duties because of a disability, we will consider options such as retraining, redeployment or reasonable adjustments, following an assessment of the job and the capabilities required to undertake the role.

Termination of Employment

Capability: where an employee's performance falls to an unacceptably low standard through deterioration in his or her disability, the line manager and employee concerned will:

- a. explore the possibility of reasonable adjustments to allow employment in the role to continue
- b. consider alternative employment

If, having considered the above options, it is apparent that the employee cannot realistically continue in employment, a decision to dismiss may be taken only by a member of the Management Team following consultation with the employee, his or her representative and NorthgateArinso HR as appropriate.

Misconduct: when a disabled employee's conduct (for reasons unconnected with the disability) is unacceptable, our normal disciplinary procedure will be followed.

Redundancy: in a redundancy situation, the special circumstances of disabled employees will be given appropriate consideration.

Appeals: disabled employees who wish to appeal against a disciplinary sanction or a dismissal decision should use our normal appeals procedure.

Document Control

Version Control

Printed documents are uncontrolled. This document is only valid on the day it was printed.

Version	Status	Primary Author(s)	Description of Version	Date Completed
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2.0			Updates following DDA Act 2005 – K Harper – 20.12.05	
			Updated with Equal Treatment Directive, gender recognition and civil partnership legislation – 10.11.05	
			Updated with Employment Equality (Age) Regulations 2006 – April 2006	
			Updated with Sex Discrimination Amendment Act 2008	
3.0			Updated in accordance with Equality Act 2010	September 2010
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Associated Documentation

Version	Description of Documentation
	Harassment and Bullying Policy and Procedure
	Disciplinary Policy and Procedure
	Grievance Policy and Procedure