



EQUALITY AND DIVERSITY POLICY

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1 POLICY STATEMENT

Himmat/Ummid embraces the diversity of its workforce and would expect all staff to respect their colleagues' differences. Staff of the projects should expect to be treated fairly and with dignity.

2 REASONS FOR HAVING AN EQUALITY & DIVERSITY POLICY

Himmat/Ummid will not tolerate behaviour in the form of discrimination, victimisation, harassment or bullying. Legislation and associated regulations exist to protect employees, and there is a number of policies and procedures in place to support the legislation.

3 WHAT IS DIVERSITY?

Diversity encompasses a multitude of areas such as gender, race, disability, physical ability, mental capacity, education, sexual orientation, religious beliefs, values, age, personality, experiences, culture and the way each area approaches work. *This list is not exhaustive.* Embracing diversity means acknowledging, understanding, and appreciating the differences between individuals and developing a workplace that enhances their value. By being flexible in our approaches it is then possible to achieve a rewarding environment.

4 THE BENEFITS OF DIVERSITY MANAGEMENT

A diverse workforce can offer a wide range of resources, skills, ideas and energy to the business, providing a competitive edge. Organisations that embrace diversity will reap the benefits of resourcing from a wider pool of talent, broaden their markets, improve productivity and raise the community profile.

Diversity management can benefit the organisation in a number of ways, ie.

- Improve opportunities within the organisation through internal promotion
- Utilise the knowledge of different areas of the community
- Understand market segments and consumer behaviour
- Become an employer of choice
- Have a more representative 'balanced' workforce
- Value and respect employees, attracting and retaining a wider talent pool

5 THE DIFFERENCE BETWEEN DIVERSITY AND EQUALITY

Diversity and equal opportunities are often regarded as the same thing. However, there are differences. Valuing diversity is about seeing everyone as individuals, valuing the abilities and skills they can bring to an organisation. It is not about seeing people first and foremost in terms of their membership of a particular group. Equality of regard for people is about emphasising inclusiveness, openness and fairness, offering a positive

outlook on the many differences, as well as similarities, that can affect how people interact and perform with each other in the workplace.

Diversity is about respecting differences within minority groups and not expecting everyone to conform to the ways of majority groups. Widening diversity is something that is initiated internally, where a culture for diversity has developed over time.

Equal opportunities are usually prompted by external factors such as legislation and codes of practice. Managing diversity is concerned with improving quality within the organisation, with a focus on qualitative issues and good practice, whereas equal opportunities focuses on improving numbers. This might include increasing the number of women in management positions, or increasing the number of ethnic minorities or raising the age profile. Valuing people, and their many diverse qualities, enhances employee potential, therefore enhancing the business.

Equal opportunities aims to ensure that no group receives less favourable treatment because of their differences, ensuring all people are treated equally. This is about adapting to individual needs rather than treating everyone the same. Diversity focuses on being proactive and finding opportunities to enhance the business. Equal opportunities is reactive and will focus on existing problems while trying to redress the balance. A diverse culture is something that can develop with support but an equal opportunities culture is socially constructed by specific measures being put into place. Managing diversity encourages people to reflect on and change their own practises and systems, resulting in a diverse culture. Diversity at work is not only concerned with keeping within the confines of the law, but would also gradually seek to educate every staff member so that discrimination would become a thing of the past.

6 DISCRIMINATION

Direct discrimination will occur where in like for like circumstances, a person is treated, or would have been treated, less favourably than others on the grounds of race, gender, sexual orientation, religion or belief, age or personal characteristics.

7 INDIRECT DISCRIMINATION

Indirect discrimination occurs when an employer applies a provision, criterion or practise to everyone that puts, or would put, a group of people at a particular disadvantage compared to others. Furthermore, the individual complainant can show that he or she suffered that disadvantage and the employer cannot show the provision, criterion or practice to be a proportionate means of achieving a legitimate aim (within the limits of what is needed to achieve the business objective). This definition covers formal requirements, conditions and provisions, as well as informal practices. An example of indirect discrimination would be a requirement for all staff to be clean shaven. In this example, the same requirement is applied equally to all staff, but it would particularly disadvantage those of a particular faith.

8 GENUINE OCCUPATIONAL REQUIREMENT (GOR)

In very limited circumstances it will be lawful for an employer to treat people differently if it is a GOR. Where there is a genuine requirement for a particular type of person to do the job, the employee must be able to justify a sound business reason for this. This may occur if it is necessary that, for example, a male or female is required to do a job involving personal care, or that an individual of a particular religion is required to do a job.

9 VICTIMISATION

Victimisation will occur where a person is treated less favourably because he or she carried out a 'protected act', ie: has alleged that discrimination or harassment has taken place; has presented a claim to an employment tribunal; or has acted as a witness in a discrimination or harassment case. Protection against victimisation will not apply if allegations are false and not made in good faith.

10 HARASSMENT AND BULLYING

Harassment and bullying are defined in many ways. For instance, unwanted remarks, inappropriate jokes or ridicule, unwelcome physical contact, suggestions or demands for sexual favours, racial shunning or segregation. In general terms behaviour which affects the recipient's dignity, relating to age, gender, race, nationality, disability, religion, sexual orientation or any personal characteristic of the individual. This can include an isolated incident or a series of incidents.

Unacceptable behaviour might include the spreading of malicious rumours; insulting an individual; circulating emails or memoranda containing critical confidential information; picking on someone; setting up an individual to fail; victimisation; unfair treatment, circulating offensive material; constantly undermining and criticising a competent worker; preventing promotional opportunities.

Sexual harassment is unlawful under the Sex Discrimination Act. This constitutes unwanted behaviour of a sexual nature, or other behaviour with a sexual reference, which affects the dignity of men and women at work.

Racial harassment is unlawful under the Race Relations Act. This constitutes unwanted behaviour of a racial nature, or other behaviour based on racial grounds, which affects the dignity of men and women at work.

Harassment on the grounds of religion or belief, or sexual orientation, is where unwanted conduct causes a violation of one's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

Himmat/Ummid managers will support and offer advice to an alleged victim about the options available to them if subject to any of the above. Complaints about harassment can be pursued through the grievance procedures. When the project considers it appropriate to do so, alleged harassers may be the subject of the project's disciplinary procedures.

11 RELEVANT LEGISLATION

The following are the main Acts and Regulations relevant to this policy. The list is not exhaustive.

11.1 Disability

Disability Discrimination Act 1995 (DDA) makes it unlawful for employers to discriminate against a prospective or current member of staff on grounds of disability. The Act requires the employer to take reasonable steps to ensure arrangements are in place so that a person with a disability is not disadvantaged. This means that it is unlawful for employers to treat a person or persons with a disability less favourably than those who are not disabled without sound justification. The Act also stipulates that it is a legal requirement for adjustments to be made in favour of people with disabilities. The

definition of a 'disabled' person under the Act is one who has a physical or mental impairment which has a substantial, adverse, and long term effect on his or her ability to carry out normal day to day activities.

The Disability Discrimination Act 2005

This Act will result in the following changes to discrimination law:

- The abolition of the requirement for a mental impairment to be "clinically well recognised" before it can amount to a mental impairment;
- Cancer, HIV and multiple sclerosis will be deemed to be disabilities from the point of the diagnosis; These changes referred to above was implemented on 5 December 2005. The Disability Equality Duty will be implemented on 4 December 2006. This is a positive duty which builds in disability equality at the beginning of the process, rather than making adjustments at the end. It will bring about a shift from a legal framework which relies on individual disabled people complaining about discrimination, to one in which the public sector becomes a proactive agent for change.

11.2 Race

Race Relations Act 1976 (RRA) defines racial grounds as meaning colour, race, nationality or ethnic origins. Direct discrimination occurs when a person is treated less favourably than another person who is not of the same racial group.

The Commission for Racial Equality (CRE) have issued Codes of Practice for the purpose of eliminating discrimination in employment.

Race Relations (Amendment) Act 2000

The RR(A)A (2000) placed certain requirements on public sector bodies (such as Colleges, government departments, local authorities, the police and NHS) for implementation by 31 May 2002. The general duty is to pay due regard, when carrying out functions, to eliminate unlawful discrimination, and promote equal opportunities and good relations between persons of different racial groups. Under the Race Relations Act 1976 (RRA), public Authorities, including further and higher education institutions, have a statutory general duty to promote race equality. The duty is made up of three distinct parts: to work to eliminate unlawful racial discrimination, to promote equality of opportunity, and to promote good race relations.

11.3 Sex Discrimination

Sex Discrimination Act 1975 (SDA) forbids discrimination directly or indirectly against a person on the grounds of sex or marital status. Direct sex discrimination is when a person is treated less favourably on account of their sex in relation to issues such as recruitment, selection, training, promotion and selection for redundancy. Indirect discrimination is when an employer imposes a requirement or condition which fewer persons of one sex can fulfil. In exceptional circumstances there may be a GOR.

Employment Equality (Sex Discrimination) Regulations 2005 introduce a new definition of indirect discrimination in employment matters prohibiting harassment and sexual harassment in employment and making it clear that less favourable treatment of women on grounds of pregnancy or maternity leave is unlawful sex discrimination.

11.4 Gender Reassignment

The Sex Discrimination Act was extended in 1999 to make it unlawful to discriminate in employment on the grounds of an employee intending to, undergoing, or having

undergone gender reassignment. If it is known to the employer it is good practice to ask individuals how they wish to be treated.

11.5 Human Rights

Human Rights Act 1998 incorporates a substantial part of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The articles of convention which could have an impact on employment law in the United Kingdom are:

Article 8: The right to respect for private and family life;

Article 9: Freedom of thought, conscience and religion

Article 10: Freedom of expression

Article 11: Freedom of assembly and association

It is important to be aware of and not to breach the Human Rights of individuals as this also can result in tribunal proceedings.

11.6 Equal Pay

Equal Pay Act 1970 states that if a person, male or female, is doing 'like work' or work of equal value compared to a person of the opposite sex in the same employment, they are entitled to equal pay. This Act does not permit claims for equal pay with other people of the same gender, or between different employers.

Equal Pay (Questions and replies) Order 2003 allows people to question their employer on matters they understand to be discriminatory on the grounds of gender, race and disability. A questionnaire can be submitted requesting information from the employer in order to establish if a person is receiving equal pay. This questionnaire can be submitted as evidence to a tribunal. Employers are required to answer the questionnaire. However, there may be times when some of the information requested may impinge on what is protected by the Data Protection Act. This can also result in tribunal proceedings.

11.7 Sexual Orientation

Employment Equality (Sexual Orientation) Regulations 2003 cover discrimination in the workplace such as job applicants and those already in employment. The Regulations also cover the wider category of "workers" as well as those genuinely self employed. Discrimination is prohibited in the arrangements made by an employer when determining who should be offered employment opportunities, promotion, training and protection from dismissal. This includes discrimination towards someone with orientation towards the same gender (lesbian or gay men), opposite gender (heterosexual) or both genders (bisexual). There can be no justification for direct or indirect discrimination unless in very exceptional circumstances a GOR applies. Care should be taken when considering social gatherings within the work place. For example, invitations should be carefully worded so they are free of bias.

11.8 Religion or Belief

Employment Equality (Religion or Belief) Regulations (2003) are designed to protect those who suffer discrimination on the grounds of religion, religious belief or similar philosophical belief. The Regulations will make it unlawful to discriminate on matters of employment against 'workers', which includes employees and contract workers. This means it is unlawful for employers to discriminate in relation to recruitment and selection, employee terms and conditions, promotion, transfers, dismissals and training. People who hold no religious belief are also protected as the regulations do not require the

complainant to have a religion or belief. There can be no justification for direct or indirect discrimination unless in very exceptional circumstances a GOR applies.

Religious Observance

Generally Himmat/Ummid imposes no dress code on staff. However, there are some requirements as listed below:

- Health and safety requirements may mean that for certain tasks specific items of clothing such as overalls, protective clothing, etc. need to be worn. Where wearing such items conflicts with a religion or belief, the issue will be sympathetically considered by the line manager, with the aim of finding a satisfactory but safe compromise.
- Dress should conform to the current majority view in our society of what constitutes decency.
- Wearing clothing with slogans which are considered discriminatory is not permitted.

Religious activities during work time

All staff, regardless of their religious belief or non-belief, are required to work in accordance with their contract. The project will, however, treat sympathetically requests from staff who require flexibility over how the hours are worked. This may relate, for example, to staff who need to pray at certain times of the day, or who may require an extra hour at midday on a Friday. Academic staff, for example, are advised to inform their line manager of religious observance in advance of teaching timetabling in order that their request can be given due consideration in light of the business need.

Special Festivals

Himmat/Ummid acknowledges that owing to current bank and public holidays those of Christian faith are guaranteed time off at Christmas and Easter. In the interests of equality, the project will support and consider favourably requests from those of other religions to book days from their holiday entitlement to enable them to celebrate their own special religious festival(s). For academic staff, this is subject to requesting the days before teaching timetables are allocated. Where the date of the festival does not become clear until quite close to the actual date of the festival and work commitments or other staff's leave arrangements cause problems in granting the holiday, the project will, by discussion, seek flexibility from all those affected in an effort to find a mutually acceptable compromise which balances the needs of the business and those of the employees.

Extended Leave

Requests for extended leave for the purpose of pilgrimages, or visiting relatives abroad for weddings, births or deaths will be treated sympathetically. The needs of the business, and extra burden placed on other workers, will be taken into account when considering extended leave requests. If extended leave extends beyond the annual leave entitlement, the granting of any excess days will be on an unpaid basis.

Dietary Requirements

Staff who have specific dietary requirements and who bring food in to the work place, where such food needs to be stored or heated, should raise any difficulty they may have with their line manager. Acceptable solutions to any such difficulties will be agreed locally within the department or with staff who may also use the necessary facilities on a joint use basis.

11.9 Age

Employment Equality (Age) Regulations 2006

These regulations apply to all people who apply for work. In addition they cover access to vocational training, membership of trade unions, professional associations, employers' organisations, and trustees. This includes self-employed people. The Age Regulations prohibit direct and indirect age discrimination, harassment and victimisation. One of the main requirements is to abolish employers' mandatory retirement age below age 65, unless employers can objectively justify such a retirement age.

11.10 The Rehabilitation of Offenders

People with criminal records are protected by the **Rehabilitation of Offenders Act 1974**, which makes it unlawful for an employer to take account of (or be informed of) a person's previous offending history once the conviction has become spent. However, some sentences can not be spent, and others may be 'spent' but still have to be declared if the employment involves nursing, social work, working with children in care or people with learning difficulties, handling money or national security (if relevant).

The Criminal Records Bureau (CRB) was introduced by **The Police Act 1997**. This gave rise to employees and applicants in sensitive jobs having to give consent to a search being made for details of any previous or current convictions and for employers to be advised of the outcome by way of a Disclosure service. The Disclosure service provides a means for the project to carry out checks through the CRB on staff or applicants and allows for decisions to be made about recruiting staff who have a criminal record. Applicants are offered equal opportunities when going through the recruitment process. They are informed at the outset that they have the opportunity to discuss criminal convictions, 'spent' or 'unspent', in confidence with a manager. All posts at Himmat/Ummid are subject to the discretion of management and fall into the category where they require either a Standard or Enhanced Disclosure check. Therefore, anyone who applies to work at Himmat/Ummid will be expected to declare any convictions 'spent' or 'unspent' and will be subject to consideration of suitability for appointment.

11.11 Data Protection

When collecting, storing and analysing data full account must be taken of the **Data Protection Act 1998**. Therefore it is imperative to ensure that personal data collected is used appropriately in accordance with the Act. Please refer to the projects Data Protection Policy.

12 WORK LIFE BALANCE

The project has a commitment to work life balance and has a number of support systems in place.

The Employment Relations Act 1999 and the subsequent **Employment Act 2002** (which introduced new changes to the former), allow for greater flexibility in the workplace.

12.1 Maternity

The project administers not only the statutory maternity scheme but also an occupational maternity scheme. The amount of pay and leave which can be granted under the respective schemes differ from one case to another. For more information of entitlements please refer to the College's Maternity Policy.

12.2 Paternity Leave

To be entitled you will have worked at the project for 26 weeks or more by the 15th week before the child is expected to be born. You will be eligible for 2 weeks in a 1 or 2 weeks' block at any one time. The entitlement to pay is 2 weeks' full pay if you meet the requirements.

12.3 Adoption Leave

There is no length of service requirement for staff to be entitled to adoption leave.

12.4 Parental Leave

You must have at least one year's service at the project to be entitled to leave and pay.

12.5 Dependent Leave

There is no length of service requirement for staff to be entitled to dependency leave.

12.6 Flexible Working

You must have 26 weeks' continuous service with the project at the date of your application to be eligible to apply.

13 RECRUITMENT AND SELECTION

The project has a Recruitment and Selection Policy which sets out the procedure to be followed. Vacant posts are advertised in a number of ways to attract a wide variety of applicants. All advertisements are individualised to focus on the key criteria required to meet the essentials of the vacancy. Job Descriptions are designed to enable applicants to determine whether they wish to apply. To assist applicants further, information about the vacancy may be requested at any stage. The selection process for invitation to interviews is carried out by ensuring that applicants meet the essential criteria and, if possible, the desirable criteria. The project has a commitment to interview all applicants who have a disability and meet the essential criteria. The selection of successful applicants is primarily carried out by way of an interview process, which consists of a Panel of experienced staff including management.

14 PROMOTION AND CAREER DEVELOPMENT

Himmat/Ummid where possible, will offer promotional and career development opportunities for existing staff. To ensure equality and a fair process the recruitment and selection procedure of the project is operated.

15 TRAINING

All staff are entitled to receive training. All requests are considered on the basis of the need and relevance to the job being undertaken by the employee. There may be times when a request must be declined, postponed or offered on a conditional basis for legitimate business reasons. There may be occasions where the delivery method or day of training might coincide with a personal event, ie. a religious festival. Where possible, considerations will be made on the basis of any request received by the line manager.

17 MONITORING

The projects monitors the diversity of its workforce and reports this information to the management committee.

18 SOURCES OF HELP AND INFORMATION

There is a number of options available for staff if they wish to talk to someone. Some of these include: senior worker, manager, senior manager or external Union Representatives UNISON, UCU or ACM. Attached is a list of useful websites.

APPENDIX 1

Currently employees are protected by the following, please note this list is not exhaustive:

The Equal Pay Act 1970;
The Equal Pay (Questions and replies) Order 2003.
The Rehabilitation of Offenders Act 1974;
The Sex Discrimination Act 1975;
The Race Relations Act 1976;
The Race Relations Act 1976 (Amendment) Regulations 2003;
The Disability Discrimination Act 1995;
The Disability Discrimination Act 2005;
The Human Rights Act 1998;
The Employment Relations Act 1999;
The Employment Act 2002;
European Directive on Equal Treatment;
Employment Equality (Sexual Orientation) Regulations 2003;
Employment Equality (Religion or Belief) Regulations 2003;
The Employment Equality (Sex Discrimination) Regulations 2005
Draft Employment Equality (Age) Regulations 2006.
Draft Equality Bill (2007)

Useful websites

www.acas.org.uk
www.age.positive.gov.uk
www.cre.gov.uk
www.disability.gov.uk
www.dti.gov.uk
www.eoc.org.uk
www.employersforwork-lifebalance.org.uk
www.equalitydirect.org.uk
www.homeoffice.gov.uk
www.statistics.gov.uk
www.womenandequalityunit.gov.uk