

Equality and Diversity Policy - Employment

1. Policy and Procedure Approval

Council approval and endorsement of this policy and procedure was given on 10th July 2014. This policy will be reviewed by Human Resources at intervals no greater than three years.

2. Synopsis

The purpose of this policy is to ensure that no unlawful direct or indirect discrimination occurs in relation to staff.

3. Aims & Objectives

It is the aim of the University to ensure that all staff are treated in a fair and equitable manner, in line with legislation and the University's equality objectives.

4. Who the policy applies to

The policy applies to all staff employed by the University, or those carrying out duties on behalf of the University.

5. Training implications

All managers with a responsibility for the management of staff will need to be aware of the requirements of this policy and related policies, strategies and schemes and should ensure that their direct reports are familiar with its contents. The policy will be placed on the HR intranet site, as well as IntraBrunel and will be highlighted during all equality and diversity training.

6. Monitoring

There will be an Impact Assessment of the Policy in respect of Equality and Diversity and a report annually to the Equal Opportunities and Human Resources Committee, with data monitoring on staff composition, promotion, recruitment and leavers.

7. Inappropriate behaviour

The University monitors allegations of unfair treatment via the Anti-Harassment advisers and those who approach the Equality and Diversity office directly. The numbers of complaints raised is monitored in the annual equality and diversity report for staff.

8. References

Legislation as set out in Appendix One

9. Policy Statement

Brunel University aims to ensure that all employment policies, procedures and practices provide fair and equal treatment for all. The University will ensure that no employee or applicant for employment will be treated less favourably than any other person or group on the grounds of their age, race, colour, ethnic or national origin, religion or belief, nationality, gender, gender reassignment, disability, marital/civil partnership status, sexual orientation, pregnancy, trade union membership or is disadvantaged by any conditions or requirements which cannot be shown to be justifiable. 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.

As a leading employer, Brunel University is committed to both the principle and the implementation of equal opportunities and diversity in employment. This policy will be utilised to eliminate unlawful discrimination and has been developed as a means of communicating and promoting these aims within the context of the current legislation and the University's Strategic Plan.

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.

10. Key Principles

- i. Ensuring that individuals receive treatment that is fair and equitable and is consistent with their aptitudes, skills and abilities.
- ii. Ensuring that equality impact assessments are undertaken for all new policies
- iii. 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
- iv. Ensuring that the equal opportunities strapline is present in all job advertisements. From time to time and where budget permits, advertising in media that targets specific protected equality groups
- v. Ensuring equality of access and opportunity in relation to staff development and career advancement opportunities across the University
- vi. Providing a working environment free from harassment and intimidation and by dealing promptly and effectively with all forms of harassment against University staff, through the application of procedures developed for this purpose
- vii. Ensuring that all managers and staff are made aware of their respective roles and responsibilities concerning the implementation of this policy, by disseminating this policy and providing training where necessary. The policy will be made available on the University's intranet and internet site. An email will be sent to all heads of departments to disseminate the policy to all staff.
- viii. Communicating a clear message to all, that racist, sexist, homophobic, ageist or any other behaviour deemed to constitute any breach of this policy, including harassment will not be tolerated.

11. Legislation

All University staff, contractors, consultants and agencies working for the University, will have 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

For a description of each act and types of discrimination refer to appendix one

12. Definitions of discrimination

- **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
- **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
- **Harassment** is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment
- **Victimisation** is when you treat someone less favourably or discriminate against them because they have pursued their rights relating to alleged discrimination
- **Positive discrimination** is unlawful
- **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 interview who meet the person specification, under the Job Centre Plus, two tick's scheme

13. Responsibility of Vice-Chancellor

The Vice-Chancellor, on behalf of the University Senate and Council has overall responsibility for the University's Equality and Diversity policy – Employment.

To ensure that the policy's directives are met, the formulation and implementation of employment activities are developed and monitored by the Human Resources and Equal Opportunities Committee.

14. Legislation

Managers will be required to make clear to staff the implications of the potential breaching of the law and of the University's policy on equality and diversity. They should ensure that they and their staff attend the mandatory 'Equally Different' training. They will also be expected to promote equality of opportunity for all and assist with eliminating discrimination.

15. Responsibilities of staff

All employees have a responsibility to cooperate with measures introduced by the University or their managers to ensure equality of opportunity. All staff must attend the 'Equally Different' training once they commence employment. They also have a responsibility to inform management if any discrimination is taking place. All staff have the right to raise a complaint with the Equality and Diversity office if they feel their rights have been breached.

16. Responsibilities of Human Resources Directorate

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

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

17. Trade Unions

The University works in partnership with its recognised Trade Unions. Trade Union representatives' experience of working with staff enables the University to have a greater understanding of the impact of its policies and procedures on staff and their well-being. Trade Union representatives also raise specific employment related issues on behalf of their members. The Trade Union Representatives role helps provide a focus on important staffing matters that may influence the University to action recommendations for change or improvement and bring about appropriate amendments to University policy and procedure in a consultative way.

18. Implementation and Monitoring

The University will implement this policy through a number of measures by:

- Utilising the Equality Strategy Group and Human Resource and Equal Opportunity Committee, to drive, review and monitor the equality objectives
 - Reviewing relevant legislative requirements, staff surveys and policies, to undertake corrective and positive action where required
 - Delivering the mandatory 'Equally Different' training
 - Utilising the results of the staff 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
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- 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 Job Centre Plus, disability two ticks symbol
 - Taking positive action if necessary, where specific under-representation of protected groups can be demonstrated

Appendix One

Summary of Equality and Diversity Legislation

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

It 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.

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.

Appendix Two

Websites and Contacts

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 Website: <http://www.stonewall.org.uk/> promoting equality and justice for lesbians, gay men and bisexuals.

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

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

Equality Challenge Unit works to further and support equality and diversity for staff and students in higher education across the UK. Website: <http://www.ecu.ac.uk/>

Appendix Three

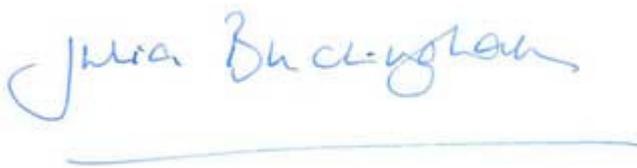
Equality and Diversity Statement

Brunel University values inclusiveness and confirms its continuing commitment to the principles of equality and diversity in employment, admissions, and in its teaching, learning and research activities.

The University endeavors to ensure that all members of staff, students, visitors and applicants for employment or study are treated on the basis of their merits and abilities and that no one suffers discrimination or disadvantage regardless of their **race, age, disability, gender reassignment, marriage, civil partnership, pregnancy or maternity, religion or belief (including lack of belief), sex and sexual orientation.**

In order to achieve an environment that is free from unlawful discrimination and which encourages everyone to contribute fully to its work the University will endeavor to ensure that it:

- Eliminates discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- Advances equality of opportunity and fosters good relations between people who share a relevant protected characteristic and people who do not share it by:
 - Removing or minimising disadvantages suffered by staff and students and taking steps to meet their needs.
 - Encouraging staff and students to participate in public life or in any other activity in which participation is disproportionately low.
 - Tackling prejudice and promoting understanding within the University.



Professor Julia Buckingham
Vice-Chancellor & Principal
October 2012