

PD034 EQUALITY AND DIVERSITY POLICY

1. POLICY STATEMENT

Dulas is committed to the development and promotion of a working environment based on equality by ensuring that all employees and potential employees are treated equally regardless of age, appearance, caring responsibilities, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, paternity, political belief, race, religion or belief, sex, and sexual orientation or working patterns and locations.

Dulas recognises its talented and diverse workforce as a key competitive advantage, and is committed to workplace diversity. Diversity includes, but is not limited to, gender, age, ethnicity and cultural background.

Dulas recognises the value of attracting and retaining employees with different backgrounds, knowledge, experiences and abilities.

The benefits arising from employee and board diversity include:

- A broader pool of high quality employees;
- Improving employee productivity and retention;
- Accessing different perspectives and ideas; and
- Benefiting from all available talent.



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2. SCOPE

This policy applies to all employees who are permanent, temporary, full time, part time, fixed term, casual, or on work experience. It also applies to non-employees such as, agency workers and volunteers.

This policy covers the following areas;

- recruitment & employment situations with Dulas
- day to day working relationships & working practices and patterns
- internal development & promotion
- terms & conditions of employment
- access to work, and to training & developmental opportunities

It does not cover;

- business relationships with customers, partner/associated organisations, and suppliers,
- non-employment situations

This policy does not form part of any employee's contract of employment and may be amended from time to time at our discretion.

3. PURPOSE

The aim of this policy is to:-

- explain how Dulas works toward creating a working environment where all employees and job applicants can expect to be treated fairly and equitably, with respect and dignity, and where direct and indirect discrimination is prevented and/or eliminated.

See **APPENDIX** for definitions



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4. PRINCIPLES

The Equality and Diversity Policy is based on the following principles:-

- All members of staff, regardless of employment status, and all other stakeholders will be treated fairly, with dignity and respect.
- Equality of opportunity will be incorporated into every aspect of organisational practice.
- A safe and supporting environment will be provided; one that is conducive to promoting the wellbeing and development of every individual.
- Assessment of the impact of Dulas equality and diversity practices will be a continuous activity.
- All members of staff will be expected to participate in Equality and Diversity training.
- Dulas will act appropriately in any case of failure to comply with this Policy which may result in disciplinary proceedings.
- All members of staff and other stakeholders must abide by the above principles.

5. RESPONSIBILITIES

5.1 The Board of Directors

- The Board of Directors is responsible for providing leadership to the organisation in the promotion of equality and diversity. Members of the Board collectively and individually are responsible for supporting the HR Manager in this objective.
- The Board of Directors will observe all current legislative requirements.



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5.2 Employees

- Employees are responsible for valuing and supporting measures introduced to ensure equality of opportunity.
- Employees must ensure that they are not persuaded to deviate from the principles of this policy.
- Employees must understand the individual, as well as the collective, responsibility to report any incidence or practice that does not promote the objectives of this policy.

5.3 Managers

- Supporting employees to understand and deliver the principles of equality and diversity as laid out in this policy and to ensure that these are extended to all organisational practice.
- Promoting equality and diversity by their own individual behaviour and action.
- Ensuring that complaints received under this policy are dealt with in a fair and consistent manner.

5.4 Employee Representatives

- Supporting employees to understand and deliver the principles of equality and diversity as laid out in this.
- Promoting equality and diversity by their own individual behaviour and action.
- Ensuring that complaints received under this policy are dealt with in a fair and consistent manner.



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6. AREAS OF APPLICATION

In practice, the principles outlined above will be applied as follows:

Recruitment

- The content of any person specifications or advertisements will be limited to those requirements that are necessary for the effective performance of the job.
- Candidates will not be asked in application forms or in interviews about their current or historical medical circumstances, or previous sickness absence record prior to any job offer being made (on a conditional or unconditional basis), unless it relates to their ability to meet any requirements which are intrinsic to the job in question, or it relates to gathering data for equality and diversity monitoring purposes only, or it relates to a genuine occupational requirement.
- Job vacancies will be advertised as widely as relevantly possible
- Interview questions and candidate selection decisions will be based on job-related criteria – see PD042 Recruitment and Selection Policy.
- All applicants are asked if they have any particular requirements in order to attend and to play a full part in interviews, and where practicable these will be accommodated.

Training & Development

- Access to relevant training for all employees is provided in a way that takes account of individual needs, preferences, working patterns and personal circumstances – see LD001 Learning & Development Policy & Procedure.

Employment

- Terms and conditions of work, benefits, facilities, working arrangements, access to holidays and leave etc do not discriminate against any employee(s)



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with protected characteristics, or eligible Agency Workers who have been working in the same job for at least 12 weeks.

- Pay rates for male and female employees will be transparent and will reflect the principles of equal pay for work of equal value, and the National Minimum Wage, and also that employees will not be subject to any 'pay secrecy' clauses or requirements.
- Employees will be promoted on their ability to do the job and undergo a selection process as outlined in the PD043 Recruitment and Selection Procedure.

Redundancy/Lay Off

- The criteria for selecting any employees and its method of application will not discriminate against any employee(s) as outlined in the PD019 Redundancy Policy.

Bullying, Harassment & other Unacceptable Behaviour

- Dulas does not tolerate any verbal or physical abuse towards our staff. See the PD041 Dignity at Work Policy.
- All employees are informed that Dulas will not condone such practices (see examples below), and also that any such incidents or complaints should be reported to the HR Manager/Director under Dulas' Dignity at Work Policy, where further advice may be found.
- Dulas will publish information regarding sources of external help and advice which can be accessed if employees feel that they are victims of such behaviour outside of the workplace.

Monitoring

- Dulas will regularly monitor the effects of its practices in the areas above in



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order to assess whether equal opportunity and dignity at work are being achieved in accordance with Dulas’ policy objectives.

- Dulas may undertake “positive action” as a proportionate means of enabling or encouraging people with a protected characteristic to overcome or minimise disadvantage, or participate in activity where they are underrepresented. Positive action may include offering training to particular groups of employees or encouraging applications from certain groups.
- Dulas is committed to undertaking Equality Impact Assessments on its policies and procedures to ensure continuous improvement and compliance.

7. REFERENCES

LD001 Learning & Development Policy & Procedure

PD019 Redundancy Policy

PD041 Dignity at Work Policy

PD042 Recruitment and Selection Policy

PD043 Recruitment and Selection Procedure

8. APPENDIX

DEFINITIONS

The following definitions reflect the changes introduced by the Equality Act 2010.

Protected Characteristics

The grounds of unlawful discrimination are now referred to as “protected characteristics”. These are:

- age
- disability
- gender reassignment
- marriage and civil partnership



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- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Direct Discrimination

Unlawful Direct Discrimination occurs when a person or group is treated less favourably on the grounds of any protected characteristic than another person not belonging to that same group in the same circumstances.

Indirect Discrimination

Indirect Discrimination occurs where a rule, policy or practice, which applies to everyone, particularly disadvantages people who share a protected characteristic.

Discrimination by Association

This occurs where a person is discriminated against because of their association with another person who possesses a protected characteristic.

Discrimination by Perception

This occurs where a person is discriminated against because others think that they possess a protected characteristic.

ACAS definitions of Bullying and Harassment

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.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.



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The following are examples of bullying and will not be tolerated:

- shouting at a colleague, negative attacks on a colleague's professional performance, criticising or humiliating a colleague in front of others
- spreading malicious rumours or making malicious allegations
- setting objectives with impossible deadlines or unachievable tasks
- excluding or ignoring a colleague with intent to isolate that person
- abusive, threatening or insulting words or behaviour

These examples can become particularly damaging if they are persistent.

Bullying excludes management's responsibility to make legitimate criticism of an employee's behaviour or job performance.

Victimisation

This occurs when someone has been treated badly because they have made a complaint or raised a grievance under the Equality Act 2010.

(There is no longer a need for the person to compare their treatment with someone who has not made or supported a complaint under the Act.)

Disability

A person has a disability if he or she has a physical or mental impairment, **and** the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities.

- 'disability' includes clinical illnesses as well as learning difficulties
- 'Long-term' means at least 12 months duration, recurrent or likely to recur

Detriment arising from disability

It is unlawful when employers treat employees in a detrimental way because of something that is a consequence of their disability eg a poor absence record.



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Gender Reassignment

'Gender Reassignment' refers to a personal, social and sometimes medical process, by which an individual changes the way they appear to others.

Racial Harassment

A person harasses another on grounds of race or ethnic or national origins when he or she engages in unwanted conduct that has the purpose or effect of:

- violating that other person's dignity; or
- creating an intimidating or hostile, degrading, humiliating or offensive environment for them.

This includes harassment by an employer, another employee, or by a third party (such as a customer or supplier). The employer will be liable if the harassment by a third party occurred during the course of a person's employment on at least two occasions.

Examples of racial harassment can also take many forms from relatively minor abuse to actual physical violence.

Examples that will not be tolerated include: insensitive jokes or terms related to race; pranks; deliberate exclusion from conversations; abusive, threatening or insulting words and behaviour; displaying abusive writing and pictures.

Sexual Harassment

Sexual harassment is defined as either:

- unwanted conduct that is related to his or her sex or that of another person
- unwanted physical, verbal or non-verbal conduct of a sexual nature

In either case, the conduct must be done with the purpose of, or have the effect of, violating the person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

A claim for harassment can also be made if:



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- an employer treats an employee less favourably because he/she has rejected, or submitted to, either form of harassment described above
- the harassment was carried out by a third party (such as a customer or supplier) during the course of a person’s employment on at least two occasions

Sexual harassment may lead to civil claims in the employment tribunal. Examples of sexual harassment at work include:

- comments about the way a person looks which he/she finds demeaning; lewd comments about appearance etc
- indecent remarks, insensitive jokes and pranks; displays of sexually offensive material etc
- questions or speculation about a person’s sex life
- sexual demands or requests for sexual favours by a member of his/her own or the opposite sex; threat of dismissal or loss of promotion for refusal of sexual favours

Examples of sexual harassment may take many forms, from relatively mild sexual banter to calendar pictures to actual physical violence. Employees may not always recognise that their behaviour constitutes sexual harassment, but it is important to recognise that what is acceptable to one person may not be acceptable to another.

EXAMPLES

Examples of sexual harassment
<ul style="list-style-type: none"> • Any sexual attention based on gender or sexual orientation which may be upsetting, offensive, threatening or embarrassing • Lewd, suggestive or over familiar behaviour in an inappropriate context • Subjecting someone to insults or ridicule of a sexual nature • The display or circulation of sexually suggestive material or e-mails
Examples of racial harassment
<ul style="list-style-type: none"> • Insults and comments based on colour, race or ethnic origin



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- Stereotyping of individuals based on ethnic group
- Exclusion from work and social activities based on ethnicity
- The display or circulation of racially offensive materials

Examples of bullying

- Humiliation, for example inappropriately reprimanding or bullying an employee in front of others
- Verbal abuse, for example personal insults
- Victimisation, for example unjustified criticism or using the employee as a scapegoat whenever anything goes wrong
- Intimidation – aggressive behaviour or threats directed at an employee and unfounded persistent criticism, or shouting at colleagues
- Behaviour that intimidates an employee in a way which leaves them feeling hurt, vulnerable, angry or powerless.
- Persistent and/or unfounded criticism, or shouting at colleagues

Other Unacceptable Behaviour

- Swearing or using obscene, malicious language
- Displaying offensive and insulting pictures, graffiti, emblems etc
- Inappropriate jokes, banter, comments, suggestions or aspersions about a colleague
- Snide remarks, jibes, name calling, use of offensive nicknames
- Threatening violence, shoving, barging and pushing or physically attacking a colleague
- Pointing, wagging of fingers, thumping a table, stamping feet, jumping up and down, screaming or having a temper tantrum
- Deliberate action outside of work that adversely affects a colleague's working life



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- Unwanted letters, texts, social media posts or telephone calls directed at a colleague's home, partner, family, or friends

9. DOCUMENT HISTORY

Revision	Created/revised by	Checked by	BoD Approval	Issue date
A	SC	ERG	AR	14/03/2011
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