



Employment Law Training Ltd

www.eltraining.co.uk

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.

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 recruiting from a wider pool of talent, broaden their markets, improve productivity and raise their 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
- Improve staff morale and performance through reducing internal conflict and creating better working relationships
- Have a more representative 'balanced' workforce
- Value and respect employees, attracting and retaining a wider talent pool

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 changing 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 practices and systems, resulting in a diverse culture.

Diversity at work is not only concerned with compliance and keeping within the confines of the law, but also gradually seeks to educate every staff member so that discrimination becomes a thing of the past.

Brief Policy Draft.

We believe our responsibility for equality is wider than those areas currently covered by present legislation.

We are committed to achieving equality for all by removing direct and indirect discrimination on the grounds of:

- Age;
- Gender or transgender identity;

- Race, colour, nationality, national or ethnic origin, being a traveler or gypsy;
- Disability, including deaf people, blind people, people with a learning disability, people with a mental illness, and people living with HIV and AIDS;
- Religious belief or non-belief, or other beliefs;
- Marital status, family circumstances, or caring responsibilities;
- Sexual orientation;
- Income, employment status or housing circumstances;
- Membership or non-membership of trade unions, or involvement or non-involvement in trade union activity;
- Any other ground that cannot be shown to be justified.

We will do this by:

- Meeting all our responsibilities for equal opportunities in relevant legislation, codes of practice and JMP policies or strategies;
- Making equality a mainstream part of our work. This means making sure that all aspects of what we do, such as our policies, plans, practices and procedures, reflect and incorporate equality objectives and targets;

DIGNITY AT WORK POLICY

EQUALITY STATEMENT

The believes that a diverse student population and work force benefit its role as a provider of high quality educational and employment opportunities. It thus affirms its commitment to the equal treatment of all people. It will not discriminate on grounds of sex, gender, gender reassignment, age (with the exception of policies in relation to normal retirement age), race, ethnic or national origins, colour, marital status, sexuality, family responsibility, disability or impairment, political, religious or other beliefs (unless these are unlawful). It is firmly opposed to any form of discrimination, which can be shown to be either directly or indirectly based on these human attributes and values.

The Company will therefore, as an employer, operate an equal opportunities policy throughout its employment provisions, and this Policy will adhere to such principles. In particular, no member of staff will be treated less favourably in regards to this policy by

reason of any of the attributes or values mentioned above or because they work part-time.

1. Scope

- 1.1 This Policy demonstrates the overriding commitment of the Company to ensuring Dignity at Work. It complements the Company's policy on Bullying and Harassment and the formal Grievance Procedure by which an employee can submit a formal complaint of bullying, harassment, discrimination or victimisation against a member of staff. It is designed to support an employee at a time of personal distress and to enable the employee to make an informed decision on their next course of action.
- 1.2 The policy is applicable to all staff of the Company.

2. Introduction

- 2.1 The Company is committed to providing a workplace where employees are treated with dignity and respect; an environment free from bullying, any form of harassment, discrimination or victimisation and where no such actions are tolerated.
- 2.2 The Company recognises the liability that both the institution and employees may face under criminal and civil law should acts and omissions which contravene legislation be left unchecked. The most relevant pieces of legislation are:

The Health and Safety at Work Act 1974;

The Protection from Harassment Act 1997;

The Sex Discrimination Act 1975;

The Race Relations Act 1976 and Amendment Act 2000;

The Disability Discrimination Act 1995;

The Human Rights Act 1998.

The Employment Equality (Religion and Belief) Regulations 2003

The Employment Equality (Sexual Orientation) Regulations 2003

The Employment Equality (Age) Regulations 2006

Under the Protection from Harassment Act 1997 it is an offence to pursue a course of conduct that amounts to harassment of another person. Employees could be personally liable in law if they harass anyone at work.

2.3 The policy and procedures set out below, which have been agreed with the recognised trade unions, have been adopted to support the commitments and requirements set out above.

3. General Statement of Policy

The Company recognises that its employees have a right to be treated (and have an obligation to treat others) with dignity and respect so that the work environment is free from any form of harassment or bullying. The existence of any form of harassment at work can create a threatening and intimidating environment with adverse consequences for job performance but, more importantly, for general health and well being. This is completely unacceptable and potentially unlawful and actionable. The Company will therefore adopt a zero tolerance approach to such action when proven.

Thus the Company is determined to eradicate any such behaviour and will do so by implementing a series of measures including awareness raising, training, counselling and, in appropriate cases, taking disciplinary action against any employee found guilty of such behaviour falling within the scope of this policy. However, making a formal complaint (grievance) falls outside of the remit of this Policy. Employees wishing to take formal action should refer to the Company policies and procedures on Bullying & Harassment and Grievance.

References to harassment and bullying in the context of this policy include unwanted acts perpetrated by means of direct physical or verbal interaction, written communications or by electronic means (e.g. sending abusive emails or posting of derogatory comments on 'social networking' websites such as myspace or facebook, which are examples of behaviour sometimes termed as 'cyber-bullying')

4. Unacceptable behaviour

4.1 Harassment

In the Employment Equality Regulations, introduced in 2003, harassment is identified as unwanted behaviour and is defined thus:

Either

(a) violating dignity or

- (b) creating an intimidating, hostile, degrading, humiliating or offensive environment.

These behaviours may evidence discrimination on grounds of:

- (a) Subordinate or contract status.
- (b) Gender, gender reassignment, sexuality or marital status;
- (c) Race, ethnicity, colour or nationality;
- (d) Religion, belief or political persuasion;
- (e) Victimisation following an allegation of harassment;
- (f) Disability, impairment or long-term medical condition;
- (g) Age or youth;
- (h) Real or suspected status with regards to AIDS/HIV;

4.2 The Company regards the following as specific but not exhaustive examples of behaviour it deems contrary to its Policy;

- (a) physical contact ranging from unnecessary and unwelcome touching to serious assault;
- (b) intimidating behaviour, either physical or non-physical;
- (c) verbal and written harassment through jokes, offensive language, gossip and slander, letters and telephone or electronic communications;
- (d) visual display of offensive material;
- (e) isolating an employee or not co-operating with others at work;
- (f) pressure/coercion into participating in or relinquishing membership of political/religious groups;
- (g) intrusion by pestering, spying or following.
- (h) pressure to hide or disclose information relating to personal circumstances, for example, on sexuality or disability.
- (i) abuse or misuse of power or authority which causes the recipient to feel undermined, humiliated, denigrated, embarrassed or injured.

5. Procedure for seeking support under this Policy

5.1 Informal Advice

Any member of staff who feels they have been subject to behaviour deemed

as inappropriate under this policy may contact their immediate manager, their HR Business Partner or their trade union representative, for further advice and assistance. However there may be circumstances where, due to the sensitivity of the matter, employees do not wish to approach any of these parties initially. In these circumstances they may prefer to contact an independent Dignity at Work Adviser, whose role is to support employees within the terms of this procedure.

5.2 Role of Dignity at Work Advisers

Dignity at Work Advisers can:

- (a) offer a confidential 'listening ear' to employees who believe they are experiencing harassment

provide information on the options for resolving the problem, including the complainant speaking or writing to the alleged harasser, suggesting referral of the matter to another source of help e.g. the Company's counselling service, or pursuing more formal action e.g. invoking the Grievance Procedure;

- (b) offer support, guidance and advice on options (as above)
- (c) accompany complainants to meetings with the alleged harasser or other parties to discuss the issues raised;

Advisers are encouraged to support the employee to resolve issues informally wherever possible.

5.3 Confidentiality

Advisers have a responsibility not to divulge information or take any action (e.g. involving other parties such as HR) without the express agreement of the complainant, unless there are circumstances where not to do so would endanger the complainant or other employees (e.g. where there is a danger of physical violence) or place the Company at risk.

6. Resolution

- 6.1 If at all possible the complainant should make the harasser aware that he/she finds the behaviour or action inappropriate or unacceptable. Making the person aware of their actions may prevent any further occurrences. If the complainant feels unable to approach the harasser they can seek advice or be accompanied by a Dignity at Work Adviser at any meetings convened to resolve the matter.
- 6.2 However if it has not been possible to resolve the matter using the informal stage (for example, where there has been a recurrence of behaviour previously

dealt with informally), or where using the informal stage is otherwise inappropriate (for example due to the nature of the complaint), the formal stage may be invoked. This will be through the agreed Company Grievance Procedure

- 6.3 As stated in Section 3 a formal stage is not covered by this Policy nor is consulting an Adviser a mechanism for, or requirement of, making a formal complaint. However it is designed to support an employee at a time of distress and to help them to make an informed decision on their next step to resolving an issue.

7. Role of Human Resources (HR)

HR, in conjunction with the Equality and Diversity Manager, will

- a) advise all parties on the general application of this policy;
- b) approve the appointment of Dignity at Work Advisers (Director of Human Resources only);
- c) implement programmes of training to support the policy and organise regular personal support meetings for Dignity at Work Advisers.

8. Role of Managers

Within this procedure managers are responsible for:

- (a) ensuring that the workplace under their control is one where everyone has the right to be treated with dignity and respect
- (b) responding to complaints swiftly and sensitively,
- (c) monitoring behaviour that could cause offence, reminding employees, where necessary, of standards that are required.
- (d) invoking the Disciplinary Procedure in cases of inappropriate behaviour.

9. Responsibility of Employees

All employees are required to familiarise themselves with the policy and to abide by its content.

Individuals have a personal responsibility not to be offensive to colleagues or to condone harassment by others. Harassment is misconduct and any formal action necessary will be taken under the Disciplinary Procedure as stated previously.

Employment Law Training Ltd

www.eltraining.co.uk