

Equality and Diversity in Employment Policy

1. Introduction

The University is committed to eliminating discrimination and creating an inclusive culture based on merit where everyone has an equal chance to succeed. We recognise that by attracting, recruiting and developing staff with different life experiences and perspectives we can generate greater creativity in anticipating and meeting the needs of all our staff, students and other customers.

The purpose of the Equality and Diversity in Employment Policy is to provide equality and fairness for all of our staff and prospective staff and to demonstrate our commitment not to discriminate in any area of our employment practices because a protected characteristic such as age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, ethnic origin, colour, nationality, national origin, religion or belief, sex and sexual orientation. The University's employment practices aim to be fair, objective and allow staff to feel valued, respected and engaged in their work.

This policy incorporates all relevant employment legislation and is underpinned by the University's Core Values. It does not form part of your contract of employment and may be amended from time to time. This policy supersedes the previous Equality in Employment Policy.

2. Scope

This policy applies to all current and prospective staff working at Birmingham City University.

3. Principles

- Every member of staff is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment including direct or indirect discrimination or victimisation or any other form of unacceptable behaviour will be tolerated
- The University aims to have a workforce that reflects the local community and/or students
- Staff development and promotion opportunities are available to all members of staff

- Decisions on recruitment, selection, pay and reward, promotion, training and development, and terms and conditions are based solely on job related ability and merit
- Reasonable adjustments will be made to the working environment and working patterns e.g. to give staff or potential disabled staff equal opportunities, to enable staff to observe their religion or belief or to allow staff to work flexibly
- Breaches of this policy could lead to disciplinary proceedings
- This policy will be monitored and reviewed regularly with an action plan developed to address any areas of weakness

4. Roles and Responsibilities

The roles and responsibilities set out below include the following

Vice Chancellor and Members of the Executive Leadership Team

- Creating, by example, a working environment with a respectful and inclusive culture in which people's differences are genuinely respected and diverse contributions can flourish
- Ensuring personal behaviour is of the highest standard and that prompt action is taken to address any conduct that is inconsistent with this policy
- Setting and working to appropriate standards of behaviour and ensuring they are communicated understood and enforced
- Encouraging staff to provide information about their personal characteristics to help the University understand how our employment policies and processes are working and to identify where these appear to be impacting disproportionately on certain groups of staff

Managers

- Promoting a positive working environment that respects and values all people
- Ensuring staff, including those serving on recruitment selection panels have undertaken any necessary training in respect of promoting awareness and understanding of equality and diversity
- Applying the University's policies, practices and procedures fairly and consistently and highlighting and addressing any practices that are or appear to be discriminatory
- Planning work activities to take into account the access requirements of different groups including reasonable adjustments for disabled staff as well as caring responsibilities and cultural differences

All staff

- Familiarising yourself with the Equality and Diversity in Employment Policy and participating in any necessary training supporting the implementation of this policy
- Reporting any instances of discrimination or unfair treatment to your line manager
- Behaving in accordance with this policy and the University's Core Values
- Respecting the rights of colleagues to keep their sensitive personal information private and not disclosing such information without the express permission of the person concerned

Human Resources

- Monitoring the implementation of this policy and action plans to promote equality and diversity in employment
- Ensuring the Equality and Diversity in Employment Policy and related guidance is easily accessible by staff
- Providing training and support as required on equality and diversity
- Developing HR policies, procedures, guidance that is consistent with the aims of this policy

5. Definitions

Equality refers primarily to statutory compliance with the Equality Act 2010 and the actions the University takes, through its policies and procedures, to prevent direct and indirect discrimination.

- **Direct discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic they have, are thought to have or because they associate with someone who has a protected characteristic
- **Indirect discrimination** occurs when a condition, rule, policy or practice applies to everyone but particularly disadvantages people who share a protected characteristic. However, if the rule can be shown to be a proportionate means of achieving a legitimate aim it may not amount to indirect discrimination
- **Discrimination by Association**
This is a direct discrimination against someone because they associate with another person who possesses a protected characteristic
- **Discrimination by perception**
This is direct discrimination against someone because they think they possess a particular protected characteristic
- **Victimisation** occurs when someone is treated less favourably because of making or supporting a complaint about discrimination

Diversity relates to the discretionary activities of the University in promoting a diverse staff community, reflective of the local community, the City and the students.

6. Equality Monitoring

The University will encourage all staff and prospective staff to provide personal information so that the University is able to monitor the composition of employees of the University and the impact University policies have on those staff with protected characteristics. Human Resources produce statistical information and analysis for recruitment, training and development, performance reviews and ratings, attendance management, grievance and disciplinary, promotion, probation and flexible working requests.

7. Age

The University will aim to promote age diversity by

- Challenging age stereotyping
- Recognising the benefits of a mixed age workforce
- Using age neutral language
- Developing an age profile for the University and considering the impact of this on the University's future business strategy
- Considering how staff can work more flexibly (in a way which supports service delivery) as they approach an age when they are considering retiring or taking a break from work or when they are returning to work after a period of absence.

8. Disability

The University recognises the social model of disability, which defines disability as created by barriers in society such as inaccessible buildings, stereotyping and prejudice, and inflexible policies and practices. The abilities of disabled staff are recognised and valued at all levels of the organisation through

- Challenging stereotypes about disabled staff
- Focusing on what staff can do rather than on what they cannot do
- Producing information in a range of formats to enable all staff to access information
- Taking account of possible needs of staff with disabilities when planning events, presentations and training.
- Making reasonable adjustments to help disabled staff achieve their full career potential.
- Ensuring University buildings are wheelchair accessible

9. Gender

The University will promote gender equality. The following are examples (not exclusive or exhaustive) of ways in which the University will achieve this.

- Ensuring that women and men are properly represented and rewarded for their contribution at all levels of the organisation including through publishing equal pay and gender pay gap information and developing an action plan to address this
- Challenging gender stereotypes
- Supporting staff in achieving an effective balance between their work and personal lives
- Supporting employees who become pregnant and taking steps to facilitate their return to work after maternity leave

10. Marital Status

The University will not treat someone less favourably because they are or are assumed to be single, married, in a civil partnership, divorced, widowed, separated or in a different relationship. The following are examples (not exclusive or exhaustive) of ways in which the University will achieve this.

- Ensuring that employment benefits are available to all staff irrespective of their marital status
- Work activities are not aimed specifically at a particular group on the assumption that their marital status would make such activities unsuitable

11. Race

Race includes colour, nationality, ethnic or national origins. The University will promote race equality. The following are examples (not exclusive or exhaustive) of ways in which the University will achieve this

- Ensuring the equality and cultural diversity of the communities served by the University is reflected at all levels throughout the University including senior academic and management posts
- Challenging racial stereotypes
- Understanding, respecting and valuing different racial and cultural backgrounds and perspectives
- Providing equality and diversity awareness training for staff

12. Religious belief

The University recognises an individual's freedom of belief and right to protection from intolerance and persecution. All staff will therefore be treated fairly irrespective of their religious beliefs. The following are examples (not exclusive or exhaustive) of ways in which the University will exercise cultural sensitivity

- Raising awareness of cultural issues, religious holidays and festivals
- Being prepared to accept and wherever possible accommodate different cultural customs and beliefs
- Ensuring that those whose religion requires them to pray at certain times of day are enabled to do so

13. Sexuality

The University respects the different lifestyles of staff and will challenge negative stereotypical views in respect of a member of staff's actual or perceived

- Orientation towards persons of the same sex (lesbian and gay men)
- Orientation towards persons of the opposite sex (heterosexual)
- Orientation towards persons of the same sex and the opposite sex (bi-sexual)

Assumptions should not be made that partners are of the opposite sex. Information about a member of staff's sexuality must be kept confidential and not be revealed without their consent. Disclosure of someone's sexual orientation without their permission is considered unacceptable conduct and could result in disciplinary action.

14. Transgender Status

All staff should be aware of the barriers and discrimination that may be encountered by staff as a result of their transgender status. Examples include excluding the trans person from work or work related activity, refusing to allow a transgender person to use the facilities of their acquired gender, passing comments about how 'convincing' the person is in their acquired gender and refusing to acknowledge the rights of a transgender person or that a transition has occurred.

The University will take positive steps to support staff who plan to undergo, are undergoing or have undergone gender re-assignment and ensure that they are treated with dignity and respect.

The following are examples (not exclusive or exhaustive) of ways in which the University will achieve this

- Absence from work because of gender reassignment will not be treated less favourably than absence because of sickness or injury and absence for any other reason if it is not unreasonable to do so.
- Recognition that the right to disclose or discuss their medical history is the prerogative of the member of staff.
- Where a member of staff has changed gender, not refer their previous name or gender.

15. Review

The Equality and Diversity Policy will be reviewed by the Human Resources Department (HRD) every year, or sooner where new developments in employment legislation necessitate such a review, where factual clarification is required or changes to operational practices take place. Reviews will be carried out in consultation with our trade union, managers and other key stakeholders. The next review will be in July 2016.

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Sally Stewart
Director of Human Resources