

Equality, Diversity and Inclusion 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, and where collectively we can advance equality and fairness. 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.

We want all our employees to bring their 'whole self' to work and be free to perform at their very best. To make that a reality we aim to eliminate bullying, harassment, victimisation and discrimination in our workplace.

The purpose of this policy is to demonstrate a commitment to and provide a framework for the provision of equality and fairness for all of our staff and prospective staff and to ensure we will not discriminate in any area of our employment practices because of a protected characteristic such as age, disability, gender identity and / or trans identity, 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 (and which include pay, promotion, access to training opportunities, recruitment, disciplinary and grievance procedures) aim to be fair, objective and allow all staff to feel valued, respected, supported and engaged in their work.

This policy incorporates all relevant employment legislation and is underpinned by the University's Core Values. Whilst it does not form part of your contract of employment and may be amended from time to time, all employees need to comply with the requirements of relevant equality legislation. Any breaches of this Policy, will be managed in accordance with the University's Disciplinary Policy.

2. Scope

This policy applies to all current and prospective employees of Birmingham City University, including casual workers, volunteers, agency staff and contractors. The principles of the Policy also extend to the conduct and behaviour of University employees outside the workplace.

The principles of this policy also underpin all other HR policies including Dignity at Work, Recruitment, Flexible Working, Grievance, Disciplinary, Performance Management and Development, Staff Development and the staff Code of Conduct.

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. This includes maintaining a zero tolerance approach to homophobic, bi phobic and transphobic bullying and harassment.
- The University aims to have a workforce that reflects the local community and/or students population
- Access to processes that may result in promotion, and development and learning opportunities are available to all members of staff
- All employees are required to complete their EDI learning prior to joining the University
- 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 to support disabled employees in the workplace and in order to fulfil our statutory obligations under the Equality Act
Breaches of this policy will be managed in accordance with the Disciplinary Policy could lead to disciplinary proceedings
- The policy will be monitored and reviewed regularly to ensure that it remains effective in delivering the University's commitment to equality, diversity and inclusion.

4. Roles and Responsibilities

The roles and responsibilities set out below include the following

Vice Chancellor and Members of the University Executive Group:

Have overall responsibility for implementation of the Policy with day to day responsibility delegated to Managers across the University

- 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 and addressing potential breaches of the principles of this policy through the effective use of other relevant HR policies (i.e. Dignity at work, Disciplinary policy etc) including the thorough and timely investigation of complaints / concerns
- 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 including taking appropriate action to address these
- 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
- Familiarising yourself with this policy and participating in any necessary training supporting the implementation of this policy
- Taking positive steps in line with the Recruitment policy to improve the diversity of our workforce to better reflect the composition of our local communities and the diversity of our student population. Improve our performance in relation to employing people from groups which are underrepresented within the University
- Ensuring the principles of equality and fairness are firmly embedded in those procurement activities you are responsible for

All staff

- 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, and guidance that are consistent with the aims of this policy
- Providing guidance and support to managers and staff on this policy and to ensure all staff are aware of how to raise concerns where they feel they have been subject to behaviours or actions which breach the University's commitment to equality and fairness

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. It includes making sure everyone in the University has an equal opportunity to make the most of their talent and to ensure no one has a poorer chance because of where they come from, what they believe, whether they are disabled, including their age, sexual orientation or gender identity.

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, respecting and valuing a diverse staff community, reflective of the local community, the City and the students, and recognising that each person is unique.

Inclusion

Refers to the commitment by the University to embrace all people irrespective of race, gender, disability or any other protected characteristic. The University's stated aim is to give equal access and opportunity to all and to eliminate discrimination and intolerance and to foster an inclusive workplace

Homophobic, bi phobic, and transphobic bullying

Is defined as the targeted abuse of an individual who identifies as lesbian, gay, bisexual, transgender or someone who is questioning their sexual orientation or gender identity (LGBTQ). It can take many forms including negative attitudes and beliefs about, aversion to, or prejudice against bisexual, lesbian, gay, trans and gender non-binary people.

6. Equality Monitoring

The University will encourage all staff and prospective staff to provide personal information in accordance with its compliance with the General Data Protection Regulations and the Data Protection Act 2018, so that the University is able to monitor the composition of its employees and the impact our policies have on those staff with protected characteristics.

To assist in monitoring the use of this policy, Human Resources will regularly produce statistical information and analysis. This will include recruitment and selection, training and development, performance reviews and ratings, attendance management, grievance and disciplinary, promotion, probation and flexible working requests, and will publish specific information on the University website in order to meet its obligations under the public sector equality duty (PSED). HR will lead a review of University processes for the Recruitment and promotion of staff to ensure these support objective, fair and equitable decision making and minimise unintended bias.

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, inclusive of Trans, gender fluid and non-binary employees.

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 and being sensitive to the need for workplace health, mindfulness, and well ness
- Supporting employees who become pregnant and taking steps to facilitate their return to work after maternity leave in accordance with the provisions of the Family Related Leave Policy and the Flexible Working Policy
- Supporting trans and gender non-binary employees through social and/or medical transition and well-being
- Utilising the support available to us as members of the Stonewall Workplace Equality Index , and our leadership role as a Stonewall Diversity champion

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 trans and gender non-binary employees through social and/or medical transition and well-being and ensure they are treated with dignity and respect.

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

- 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 their known status to their affirmed gender, not to refer to their previous name or gender marker

- Absence from work because of gender reassignment will be sensitively and positively supported by line managers and will not be treated less favourably than absence due to sickness or injury and absence for any other reason.

Further guidance and support for staff and managers will shortly be available with the introduction of a new policy for Trans employees.

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 undertaken by June 2020.

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Mark O'Dwyer
Director of Human Resources