Equal Opportunities and Diversity Policy

The Union is committed to the policy of equal treatment of all employees and applicants. The Union’s aim is to recruit, train, promote and reward on the basis of merit and irrespective of the protected characteristics detailed in the Equality Act 2010 (gender, disability, sexual orientation, marriage or civil partnership, pregnancy & maternity, gender reassignment, age, religion or belief, race, which includes colour, nationality, ethnic or national origins) or in relation to part time status, trade union membership and political belief or affiliations.

The Union is therefore committed to providing equality of opportunity for all employees by:

* Preventing any form of direct or indirect discrimination or victimisation or bullying.
* Promoting a good and harmonious working environment where all individuals are treated with respect and dignity and in which no form of intimidation or harassment from colleagues, customers or clients will be tolerated.
* Fulfilling all legal obligations under relevant legislation and associated Codes of Practice where they apply.

You must be aware of the importance which the Union attaches to its Equal Opportunities Policy, and must ensure that you do not, by your own actions, behaviour or attitude, directly or indirectly or unintentionally discriminate against any job applicants, employees, customers or clients. Any act of discrimination will be treated as a disciplinary offence; these will include for example, discrimination in selecting, promoting or training, refusing to work with or for a person because of any of the reasons stated in paragraph one of this policy and harassment of any employee, customer or client.

# Definitions of Types of Discrimination

## Direct Discrimination

Unlawful direct discrimination occurs when a person is treated less favourably than another because of a protected characteristic. These protected characteristics include gender, gender reassignment, race, disability, sexual orientation, marriage or civil partnership, part time status, age, religion or belief, colour, ethnic origin, nationality or national origin or trade union membership. A full list is at Appendix 1. Direct discrimination, for example, can occur where a person is refused a job, training or promotion in any of these circumstances.

## Indirect Discrimination

Unlawful indirect discrimination is when a provision, criterion or practice is applied to all people but which, in practice, is such that fewer people in certain groups are able to comply and it cannot be shown to be a proportionate means of achieving a legitimate aim. Some practices may look fair but have an unintended discriminatory effect. For example, if the College made a GCSE English qualification or equivalent a requirement as a selection criterion, this would have a disproportionate adverse impact on people educated overseas and may not be justified if all that is required for the job is to demonstrate a level of literacy or the ability to communicate with others. The necessary level of literacy can be tested or checked in other ways that are more relevant to the job.

## Victimization

If any employee, volunteer or student, member or trustee is victimised because they have supported another person who has a protected characteristic, that person will have the same protection as if he or she had that protected characteristic.

For example, one person gives a statement confirming that they witnessed the other employee being harassed due to his or her race. The witness is then victimised and pressure is brought in an attempt to get him or her to withdraw the statement. The witness will then be protected in the same way as the original employee who was being harassed.

## Associative Discrimination

This is where a person is discriminated against because they have an association with someone who has a particular protected characteristic. For example, a non-disabled person is discriminated against because of the action they need to take care of disabled dependent.

## Discrimination by Perception

Discrimination against a person because the discriminator thinks the person possess that characteristic. For example, a person is not shortlisted for a job on the bases that the recruiter assumes the applicant does not have the correct VISA to work in the UK as they have a foreign looking name on their application form

## Actions supporting the elimination of unlawful discrimination

The Union will work to eliminate direct discrimination through:

* Considering the equalities implications of decisions, rules or ways of doing things and ensuring they are not **direct discrimination, indirect discrimination, discrimination arising from a disability, or harassment.**
* Including a requirement in the Terms and Conditions of every employee, and in the Volunteer Agreement for every volunteer, for them to behave within equality law.
* Informing staff, Officers, volunteers, and trustees during their induction of the existence and nature of this policy, their responsibilities (including potential personal liability) under equality law, and the standards of behaviour expected by the Union.
* Reminding staff, officers and volunteers, and trustees of their responsibilities and expected behaviour.
* Providing equality training opportunities for staff, Officers and trustees as part of the induction process and at other times.
* Making it a disciplinary offence for any staff, Officers or trustees when representing the Union to discriminate against another staff member, Officer student, or volunteer or employer from a stakeholder, or member of the public.
* Undertaking that any action taken under the complaints or grievance procedures against another employee, Officer volunteer or trustee of the Union will not affect in any way the rights and opportunities of any employee, Officer volunteer, student , volunteer or employee from a stakeholder, or member of the public who initiates such action.
* Taking all such complaints seriously by:
* Informing paid workers, and volunteers how they can bring unlawful discrimination to the Union’s attention both informally with the Chief Executive or a trustee, and formally through the grievance procedure
* Informing stakeholders, students’, how they can bring unlawful discrimination to the Union’s attention both informally, and formally using the Comments, Compliments and Complaints Policy.
* Investigating all complaints whether formal or informal to find out if unlawful discrimination has taken place and if it has to take action to put the situation right (for details see the Union’s Disciplinary and Grievance Procedures, and Comments Compliments & Complaints Policy).

The Union will work to eliminate indirect discrimination through:

* On-going review of policies and procedures.
* Making provision for cultural and/or religious observances and customs in actual working conditions and in entitlement to holidays.
* Making reasonable adjustments for disabled people who are employed, by or volunteering with the UWSU; or are applying for employment or volunteering opportunities with the Union.
* An acceptance of the special needs of carers (those with a caring responsibility for children or adults) in fulfilling their domestic responsibilities through flexible working policies.
* The provision of appropriate training opportunities for staff
* Supporting all who work for the UWSU, to challenge discrimination - whether direct or indirect.

## Harassment

**Harassment** is defined as unwanted conduct which can be physical, verbal or non-verbal that either violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. The Union will not tolerate harassment on the grounds detailed in the Equality Act 2010 (gender, gender reassignment, race, which includes colour, nationality, ethnic or national origins, disability, sexual orientation, age, religion or belief. It may be persistent or an isolated incident. It can take many forms, from relatively mild banter to actual physical violence.

You may not always realise that your behaviour constitutes bullying or harassment but you must recognise that what is acceptable to one person may not be acceptable to another.

The Union has a separate [Bullying, Harassment & Stalking Policy.](#BullyingHarassment)

## Procedure for Dealing with a Complaint of Unlawful Discrimination

Complaints about, or reports of, discriminatory behaviour or harassment should be made through the [Union Grievance Procedure.](#Grievance)

Complaints should be raised as soon as possible so that the matter can be dealt with quickly. The matter should be raised first with the complainant’s line manager. If this would cause embarrassment or if the complainant feels it inappropriate, for example if the line manager is the subject of the complaint, then the matter should be raised with another, possibly more senior manager.

If you experience any discriminatory behaviour from a third party such as customers or clients, you should raise the matter immediately with your line manager or any other Manager present at the place of work. The matter will be treated seriously and the Manager will carry out a full investigation.

## Accusation of Unlawful Discrimination

Any accusations of unlawful discrimination will be investigated fully by the Union. As part of the investigation, you will be given every opportunity to answer the allegation and provide an explanation of your actions.

Once the investigation is complete, if the Union finds that no unlawful discrimination occurred, no further action will be taken. However, if the Union decides that your actions amount to unlawful discrimination, you may be subject to disciplinary action up to and including summary dismissal for gross misconduct.

If, after the investigation is complete, it is found that the claim is false or malicious, disciplinary action may be taken against the employee who raised the complaint.

Equal opportunities practice is constantly developing as social attitudes and legislation changes. The Union will keep its policies under review and will implement changes where theses could improve equality of opportunity.

## Recruitment and selection

The Union is an equal opportunities employer. It also recruits, selects and deploys staff students and volunteers using the same processes and standards.

The Union’s recruitment and selection policy will ensure that recruitment and selection practices do not discriminate against any of the protected groups.

## Monitoring information

The UWSU will collect and analyse equalities monitoring information relating to:

* The recruitment and selection process of staff, students and volunteers and trustees.
* Reviewing payment of staff.
* Its member groups.
* The take up of opportunities by students.
* In order that any under-representation issues or impacts of organisational decisions / changes can be considered and addressed.