



Equal Opportunities and Dignity at Work Policy

Updated:	July 2023
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Approved by:	Trustees' Welfare Committee, October 2023 (pending)
Next review date:	August 2024

CONCORD COLLEGE

EQUAL OPPORTUNITIES and DIGNITY AT WORK POLICY

Concord College supports the principle of equal opportunities and opposes all forms of unlawful or unfair discrimination on the grounds of the 'protected characteristics' (Equality Act 2010) as follows:

- Age
- Disability
- Sex
- Gender reassignment
- Marital or civil partnership status
- Pregnancy and maternity
- Race (including colour, nationality, ethnic or national origins)
- Religion or belief
- Sexual orientation

The College is committed to promoting equality of opportunity for all persons and a good and harmonious working environment in which all individuals are treated with respect.

SCOPE

This policy applies to: trustees, employees, job applicants, students, contract workers, agency workers and volunteers.

All job applicants and employees will be treated equally and fairly and will not be discriminated against on any of the above grounds. Decisions on recruitment and selection, on training, promotion and career development are taken solely on the basis of an employee's experience, abilities and qualifications. The policy also applies to the conditions of work, pay and to every other aspect of employment.

This policy also covers bullying and harassment in the workplace and in any work-related setting outside the workplace, such as at a work-related social event.

Every trustee, employee and student has personal responsibility to make sure this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying.

Employees who believe that they have suffered any form of discrimination, bullying, harassment or victimisation are entitled to raise the matter with their supervisor/manager or head of department, or through the College's Grievance Procedure or Policy on Harassment and Bullying at Work. Every effort will be made to ensure that employees who make complaints will not be victimised. Any complaint of victimisation will be dealt with seriously, promptly and confidentially.

Any employee who breaches the Equal Opportunities and Dignity at Work policy will be subject to the College's Disciplinary Procedure. Serious cases will be deemed to be gross misconduct and may result in summary dismissal, in the absence of mitigating circumstances. Employees should note that they can be held personally liable for any act of unlawful discrimination or harassment. who commit serious acts of harassment may also be guilty of a criminal offence.

DISCRIMINATION DEFINITIONS

Direct Discrimination - occurs when someone is treated less favourably than another person because of a protected characteristic.

Discrimination by Association - is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Discrimination by Perception - is discrimination against an individual because others think they possess a protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination - occurs when an organisation has a rule, policy or practice which applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it is a 'proportionate means of achieving a legitimate aim'.

BULLYING

Bullying is offensive, malicious, insulting or intimidating behaviour or an abuse or misuse of power which undermines or humiliates or causes emotional harm to an individual.

Bullying might be a regular pattern of behaviour, or a one-off incident and it may not always be obvious or noticed by others. Bullying might happen face-to-face, on social media, in e-mails or calls; at work or in other work-related situations.

Examples of bullying include, but are not limited to, the following:

- spreading malicious rumours about someone;
- consistently putting someone down in meetings or in the workplace;
- deliberately giving someone a heavier workload than everyone else;
- excluding someone from team social events;
- someone consistently undermining their manager's authority;
- putting humiliating, offensive or threatening comments or photos on social media

Bullying might sometimes be classed as harassment if it is related to the 'protected characteristics' listed above. For example, if someone is being bullied because of their race and the behaviour has the effect of violating their dignity, this could count as harassment.

Bullying that is not classed as harassment could still lead to other legal issues, for example if it contributes towards constructive dismissal.

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.

This policy also covers third party harassment where an employee is harassed by a third party who is not an employee of the College, for example, a contractor or supplier.

Harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:

- unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature;

- subjection to obscene or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to an anti-harassment protected characteristic;
- the offer of rewards for going along with sexual advances or threats for rejecting sexual advances;
- jokes or pictures of a sexual, sexist, **gender-discriminatory** or racial nature or which are otherwise derogatory in relation to an anti-harassment protected characteristic;
- demeaning comments about an employee's appearance;
- questions about an employee's sex life;
- the use of nick names related to an anti-harassment protected characteristic;
- picking on or ridiculing an employee because of an anti-harassment protected characteristic;
- isolating an employee or excluding him or her from social activities or relevant work-related matters because of an anti-harassment protected characteristic.

It should be noted that conduct may be harassment whether or not the person intended to offend. Something intended as a 'joke' may offend another person. This is because different individuals find different levels of behaviour acceptable and everyone has the right to decide what behaviour is acceptable to them. **Likewise, if offense was not taken by an individual but was intended by another person, that conduct may be harassment. The law on harassment also applies if a person is harassed because they are thought to have a certain protected characteristic when they do not; is harassed because they are linked to someone with a certain protected characteristic; witnesses harassment, if what they have seen has violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive working environment for them.**

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Recruitment and Selection

Advertisements will aim to encourage applications from all suitably qualified and experienced people. However, where, having regard to the nature and context of the work, having a particular protected characteristic is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim, the College will apply that requirement to the job role and this may therefore be specified in the advertisement.

Person specifications and job descriptions will be limited to the requirements necessary for the effective performance of the job. If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours), this will be discussed objectively at interview, without detailed questions based on assumptions about any of the protected characteristics.

All staff involved in the recruitment and selection of staff will treat applicants fairly and make decisions objectively and in line with the College's commitment to equal opportunities by:

- ensuring that no job application or employee receives less favourable treatment on the grounds of any of the protected characteristics;
- ensuring that all employees are recruited on the basis of experience, ability and qualifications as defined within the job description/person specification.