

# **POLICY ON EQUALITY OF OPPORTUNITY IN EMPLOYMENT**

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# **1. POLICY ON EQUALITY OF OPPORTUNITY IN EMPLOYMENT**

## **1.1 Scope of Policy**

The Policy on Equality of Opportunity in Employment has been developed within the framework of existing legislation and codes of practice and in consultation with managers and recognised trades unions. The codes of practice provide practical guidance on how to promote equality of opportunity in the workplace. (See appendix 1 for the list of the relevant Acts and codes of practice).

The Policy applies to all staff and those with a contract to provide services to the University. Students employed under a DMU contract of employment are also employees and are covered by this Policy.

A separate section (see section 3) has been included in this Policy to emphasise the University's commitment to its responsibility under the Disability Discrimination Act 1995 and 2005.

## **1.2 Objectives of the Policy**

This Policy indicates the University's commitment to equal opportunities and its aims are:

- To ensure that all existing and potential employees are fairly treated and appropriately supported by the University.
- To promote equality of opportunity for all staff and eliminate discrimination.
- To encourage diversity.
- To promote good relations between people from different racial groups, gender, disability, age, sexual orientation (and transgender) and religion and faith.
- To provide guidance to managers and those who are responsible for implementing the Policy.
- To provide a framework against which to monitor and assess the institution's performance in meeting the objectives.

## **1.3 Policy Statement**

As a responsible and leading regional employer, it is the policy of De Montfort University to maintain the highest standards in equality of opportunity in employment and to ensure a working environment that values equality and diversity. Therefore, the University will strive to promote equal opportunities for all staff, promote diversity and good relations between people of different groups.

This is reflected in the University's Diversity Statement as follows:

'At De Montfort University we are committed to providing the highest quality academic and working environment where all staff, students, visitors and contractors are welcomed, respected and treated in a consistent and non-discriminatory manner. This approach will be

applied irrespective of race, gender, disability, age, sexual orientation, religion or faith and social status. We will underpin this by ensuring our current and future policies for our staff and the accessibility, services and the outcomes on academic courses we provide for students, are all regularly, fairly and consistently applied, assessed and monitored; and that if breaches occur will be treated seriously'.

All members of staff who are responsible for employment related matters, such as:

- recruitment
- selection
- appraisal
- promotion
- pay determination
- training and development
- discipline
- grievance handling
- communications
- allocation of work
- redundancy

will be made aware of and receive training about this Policy and will be expected to act accordingly and consistently in the course of their duties.

The Board of Governors, Vice-Chancellor and Senior Executive of the University are committed to identifying and implementing the developments of policy and practice which will achieve equality of opportunity throughout the University to the benefit of the institution, its employees, students and the communities of which it is a part. In addition, the University's Equality and Diversity Steering Group (E& DSG) will make recommendations to the Vice-Chancellor and the Human Resources Committee of the Board of Governors on the operation and development of this Policy, to ensure good practice and that the University meets its legislative, moral and statutory duties.

## **1.4 Responsibilities**

### **1.4.1 Role of the Equality and Diversity Steering Group**

The Equality and Diversity Steering Group (E&DSG) is responsible for supporting the development of this Policy, any linked action plan, its implementation, review and publicity. It will make recommendations on good practice to the Vice Chancellor and the Human Resources Committee of the Board of Governors on the operation and development of this Policy. (See *Equality and Diversity Steering Group* for its terms of reference).

### **1.4.2 Managerial Responsibility**

The overall responsibility for the implementation of the Policy resides with the Board of Governors, the Vice-Chancellor, supported by the senior staff team. Nevertheless, it is the responsibility of all employees with or without managerial guidance to uphold the spirit of the Policy.

The Director of Human Resources has overall responsibility for the provision of appropriate policies, procedures and processes to support the effective implementation of this Policy. All the policies and procedures referred to in this Policy are available on the Human Resources site of the Intranet.

### **1.4.3 Individual Responsibility**

All employees of the University have a contractual obligation to abide by the Policy. As a result, employees are required to:

- promote equality of opportunity and avoid discrimination.
- avoid inducing or attempting to induce the practice of discrimination.
- draw the attention of management to alleged unlawful discriminatory acts or practices.
- avoid victimisation or attempting to victimise individuals on the grounds that they have made complaints or provided information about discrimination.
- avoid harassment, abuse or intimidating others.
- apply this Policy and principles in all areas of their work at the University.

Employees in frontline or in customer facing type roles who may have enquiries made to them, should be aware of their obligations and the danger, in particular, of indirectly discriminating by providing inaccurate information. Training will be provided to help staff fulfil these obligations.

### **1.5 External Organisations**

Contractors, particularly those who employ staff to work on the University's premises and other external organisations working in partnership with the University should be informed of the University's Diversity Statement and the requirement for contractors to fully comply or operate within it.

### **1.6 Training and Development**

- The Human Resources Training and Development Team will arrange and/or provide all employees with the training required to implement this Policy. The HR Adviser for every work area will ensure that a training needs analysis is conducted for their area prior to the start of the academic year so that this can be built into the University wide training and development plan.
- Line Managers will be required to attend equal opportunities refresher training every three years to update themselves on equal opportunities issues and the relevant legislation. The HR Adviser for each work area, in conjunction with the Training and Development Team will ensure that line managers receive a reminder about their refresher training.

- The Director of Human Resources will arrange for training to be offered to the Human Resources Committee of the Board of Governors so that they are fully aware of their role and responsibilities.

### **1.7 Communication of Policy**

In order to ensure the effective implementation of the Policy, the University will take the following steps to ensure that all employees are aware of the Policy and their responsibilities under it.

- Human Resources, as owners of the Policy, via formal and informal communications channels (such as intranet, internet, management and staff briefings) will arrange for the Policy document to be accessible by all employees and contractors.
- The Head of Training and Development will ensure that a copy of the Policy is included in the induction pack for new employees and is communicated to them during corporate induction. Line managers will also be required to draw the attention of new members of staff in their department to the Policy during departmental induction.
- The Human Resources Team will ensure that documents providing information to staff and other University's policies and procedures which are relevant to decision-making processes include a statement on the University's commitment to promoting equal opportunities for staff and students.
- The Director of Human Resources will arrange for the Policy to be circulated to the Board of Governors on their appointment so that they are aware of their responsibilities under the Policy.

### **1.8 Action for Non-compliance**

The University has a duty to comply with legislative requirements therefore, all employees and contractors must abide by this Policy. If the Policy is not followed or where it is found that an employee's action(s) amounts to deliberate discrimination, whether direct or indirect, harassment or victimisation, this will be investigated and dealt with under the University's *Disciplinary Procedure*. Sufficiently serious acts may be considered as gross misconduct and this will be dealt with as appropriate under the disciplinary procedure.

### **1.9 Review of Policy and Practice**

The University sees the development, implementation and the maintenance of the Policy on Equality of Opportunity in Employment as a planned and an ongoing process. Therefore, this Policy will be reviewed every two years by the Human Resources Team. This is to ensure that the University meets its statutory obligations and to ensure good employment practices.

The Human Resources team will review the Policy in accordance with the Management Guidance on conducting Equality Impact Assessment.

The revised Policy will be presented to the Vice Chancellor's Group for approval and the approved Policy will be communicated to all employees as explained above in Section 1.7.

#### **1.10 Definition of Terms**

The definition of terms under this Policy is as follows:

- Direct discrimination results from treating a person less favourably than others would be treated by reason of their race, colour, ethnic or natural origin, nationality, religion or belief, gender, sexual orientation, age, contractual hours of work, disability or trade union membership/non membership.
- Indirect discrimination consists of applying a requirement or condition which, although applied equally to all persons, is such that a considerably smaller proportion of a particular group can comply with it than others, and it cannot be shown to be justifiable irrespective of the race, colour, ethnic or natural origin, nationality, religion or belief, gender, sexual orientation, age, contractual hours of work, disability or trade union membership/non membership of the person to whom it is applied.
- Victimisation occurs if a person is given less favourable treatment than others because that person has brought discrimination proceedings or given evidence in connection with such proceedings either under this Policy or under the relevant legislation.
- Harassment is defined as any behaviour directed at an individual or group, that is found to be offensive or unacceptable to the recipient or that might threaten an employee's job/ work security or create an intimidating environment for work or study.

Examples of discriminatory practices are given in Appendix 2.

## 2. GUIDELINES

### 2.1 Recruitment and Selection

- The advertising, recruitment and selection of staff to posts should be carried out in accordance with the *Policy and Guidelines on the Recruitment and Selection of Staff*.
- All vacancy advertisements should include a short statement on equal opportunities to show the University's commitment to fairness to applicants. In addition, the Human Resources Team will ensure that the application packs sent to applicants contain the University's Diversity Statement.
- Where under-representation of a particular group has been identified, efforts will be made to attract and encourage applications from members of the under-represented group, for example by placing advertisements in publications aimed at that group.
- Criteria which are not relevant or which cannot be justified should not be used. Selection criteria such as tests, and qualifications should only be applied if absolutely relevant to the post. Any psychometric employment tests to be used must have been "equality proofed".
- Employees must be selected and appointed on the basis of the criteria specified for the post.
- It is the responsibility of the recruiting managers to ensure that members of their staff who take part in selection/ interview panels receive training in equal opportunities and the recruitment and selection process so that they have the skills and are familiar with the procedures to be followed. Employees who have not attended training should not be allowed to sit on interview panels.
- Managers are advised to consider the composition of the interview panel, wherever possible, reflects diversity.

### 2.2 Pay Determination

The University believes that as part of the principle of equal opportunities, all employees should receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value. It also recognises that the right to equal pay between men and women, is a fundamental principle of the European Community law and UK legislation (Equal Pay Act 1970 as amended by EPA 1983). In addition, the General Equality Duty (arising from the Equality Act 2006), requires organisations to actively eliminate sex discrimination in all forms.

Consequently, it is in the interest of the University and good employment practice that pay is awarded fairly and equitably. To achieve equal pay for employees doing equal work, the University will operate a job evaluation and pay system which are transparent, based on objective criteria and free from bias or other irrelevant criteria.

In order to ensure that a fair, equitable and consistent method of setting the salaries of newly appointed employees is adopted University wide, recruiting managers should follow the *Policy and Guidelines on Placement on Salary Scale* when determining the salary.

For the University to put its commitment to equal pay into practice, it will undertake the following:

- Carry out regular monitoring of pay and its impact on employment practices and make the results of such monitoring publicly available.
- Inform employees of how these practices work and how their own pay is arrived at.
- Provide training and guidance for managers and supervisory staff involved in decisions about pay and benefits.

Through the above action the University will avoid unfair discrimination, reward fairly the skills, experience and potential of all employees thereby increase efficiency, productivity and competitiveness and enhance the University's reputation and image.

### **2.3 Training Opportunities**

All employees should have equal access to training and development opportunities regardless of, for example, their gender, nationality, ethnic origin, disability, religion, sexual orientation, age or whether they work full time or part time.

### **2.4 Promotion and Career Progression**

Promotion and career progression should be made on the grounds of merit and performance. Employees should be considered for promotion according to their abilities and the criteria for promotion.

### **2.5 Teaching Activities**

The principles contained in this Policy are equally applicable to teaching activities and responsibilities. In this respect, this Policy document should be read in conjunction with the Code of Practice on the elimination of discrimination in education.

### **2.6 Other employment related matters**

The attention of managers and employees is drawn to other instances where discrimination can occur. These instances include:

- |                         |                            |
|-------------------------|----------------------------|
| - Dismissal             | - Disciplinary proceedings |
| - Grievances            | - Redundancies             |
| - Rules and regulations | - Communications           |
| - Granting of leave     | - Appraisal                |

Managers are advised to follow the University's policies and procedures in these instances to ensure that their staff are treated fairly and consistently. Anyone involved in selection, disciplinary or grievance procedures should ensure they are familiar with the relevant policy and procedure. In any event, it will be incumbent on managers in these circumstances to seek advice from Human Resources.

### **3. DISABILITY POLICY AND CODE OF PRACTICE**

De Montfort University recognises its obligations under the Disability Discrimination Act 1995 and 2005 and it is the policy of the University that people with disabilities should not suffer unlawful discrimination.

#### *Definition of "Disability"*

A person has a disability for the purpose of the Act if s/he has a "physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities".

For the purpose of this Policy, a "disabled person" means a person who has a disability within the terms of the Act. The Act also requires that people with past disabilities may continue to be treated as though they had a disability if their condition is likely to reoccur.

As part of its commitment to equality of opportunity, the University will seek to ensure that the practices described below are reflected in associated policies and procedures so that members of staff are aware of their responsibilities and take action accordingly.

#### **3.1 Recruitment**

The needs of applicants with disabilities will be taken into account during the recruitment and selection process, making any necessary reasonable adjustments so that they are not disadvantaged compared with other candidates. This will include making the application and other information available in other formats (e.g. large print, audiotape, CD) if requested by the applicant. Also if required, assistance will be given to the applicant to complete the application form.

Applicants with disabilities who meet the essential criteria will be guaranteed an interview and considered on their abilities. Decisions on appointment will be based on the merit and the suitability of applicants to the post.

#### **3.2 Promotion opportunities**

Employees with disabilities will be considered for promotion according to their aptitudes, abilities and qualifications.

#### **3.3 Assistance for employees with disability**

Assistance will be provided to any employee who has or develops a disability during their employment with the University. Reasonable adjustments will be made to enable them to continue in the post or take alternative employment at the University. The reasonable adjustments that may be considered by the University will include:

- Transfer to existing vacancy
- Alteration to working hours
- Reallocation of duties
- Adjustments to premises

- Leave of absence for rehabilitation, assessment or treatment
- Arranging training for the individual employee
- Acquiring or modifying equipment.

Reasonable adjustments will be considered with reference to *Health & Safety Policy (SP3/53) on Disabilities and Special Needs* to ensure that any adjustment made is safe.

Line Managers are advised to contact their HR Adviser if they require advice on how to provide reasonable adjustments. Managers should also consult the Health and Safety Office to address matters relating to health and safety of the individual and others when they are making reasonable adjustments.

### **3.4 Code of Practice on disability**

- Employees with line management responsibility must avoid discrimination in the areas of:
  - Recruitment and selection
  - Training and development
  - Career development and progression
  - Medical retirement
  - Redundancy
- All employees have a responsibility to avoid and to challenge the harassment or victimisation of people with disabilities. Incidents of harassment will be dealt with in accordance with the *Policy and Guidelines for dealing with Bullying and Harassment*.
- Line managers should consult with employees with disabilities to ensure that wherever possible, employment practices recognise and meet their needs.
- Line managers should take reasonable steps to ensure that employees with disabilities have the same opportunity as other members of staff to develop their full potential within the University and that the working environment does not prevent them from taking up positions for which they are suitably qualified.
- Employees will be given training to raise awareness of disability throughout the University particularly those involved in the recruitment and selection process and health and safety procedures.
- The University will monitor its progress in employing people with disabilities. Monitoring will be carried out as detailed in Section 4 of this Policy.

#### 4. MONITORING

Monitoring is both a vital and statutory requirement for the University. It provides information which indicates whether the Policy is working as it should and helps to measure overall effectiveness, progress and to demonstrable evidence of the success of the Policy. Therefore, it is the policy of the University and also a legislative requirement to monitor the effectiveness of this Policy annually in the month June.

The arrangements for monitoring are explained below.

- The Human Resources Team will produce statistics and analysis for the following processes as specified in their respective policy and procedure documents:
  - Recruitment and selection - monitoring will include:
    - (a) applications, short listings and appointments
    - (b) the selection / composition of interview panels
    - (c) success rates for the different selection methods used
    - (d) appointments made on permanent, temporary or fixed term contracts
    - (e) placement on the salary scale on appointment to the University
    - (f) diversity profile
  - Pay progression and promotions – monitoring will include:
    - (a) numbers eligible
    - (b) application rates and success rates
    - (c) diversity profile
  - Training and development opportunities - monitoring will include all areas that could affect career development i.e.
    - (a) applications for staff development and approval
    - (b) selection of staff to attend training and type of training attended
    - (c) the results of training and career development programmes
    - (d) staff appraisals
    - (e) diversity profile.
  - Disciplinary hearing
  - Grievance handling
  - Bullying and harassment cases
  - Diversity profile

Monitoring disciplinary, grievance and bullying and harassment will include the number of cases dealt with and outcomes at all the stages.

- Conferment of Readership
- Professorial appointments/conferment

Monitoring will include the number of applications made and awards conferred.

- Monitoring will be done for each department/division/school, faculty as well as University wide.

- Statistics will be anonymised and collected by gender, ethnicity, disability and by age in the first instance.
- The Human Resources Team will present the analysis to the E&DSG at its meeting for analysis. A working group within the E&DSG will analyse the statistics and report its findings to the Committee.
- The E&DSG will make the statistics and findings available to Deans/Directors to consider and take appropriate action.
- Where there are concerns on equality issues or if the findings indicate that the operation of a policy, procedure or process adversely affects certain groups of staff, the E&DSG will make recommendations and suggest actions to the Vice Chancellor and the Human Resources Committee of the Board of Governors to rectify the situation.

## **APPENDIX 1**

### **THE LEGISLATIVE OBLIGATIONS**

The Policy on Equality of Opportunity in Employment has been developed within the framework of existing legislation, employment directives and codes of practice and in consultation with the senior staff of the University and recognised trades unions. The codes of practice provide practical guidance on how to promote equality of opportunity in the workplace.

#### **The relevant Acts:**

- Sex Discrimination Act 1975 (as amended by the SDA 1986)
- Equal Pay Act 1970 (as amended by the EPA 1983).
- Race Relations Act 1976 (as amended by the RRAA 2000).
- Disability Discrimination Act 1995 and 2005.
- Employment Act 1990.
- Rehabilitation of Offenders Act 1974.
- The Protection from Harassment Act 1997
- Human Rights Act 1998
- Employment Rights Act 1996
- Employment Relations Act 1999
- The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Employment Directive on Sexual Orientation (2003)
- Employment Directive on Religion and Faith (2003)
- Equality Act 2006 (Gender Equality Duty – 2007)
- Age Equality Directive 2006

#### **The Codes of Practice:**

- Code of Practice for Elimination of Racial Discrimination and Promotion of Equality of Opportunity in Employment.
- Code of Practice - Equal Opportunities Commission.
- Code of Practice on the Disability Discrimination Act 1995.
- Code of Practice for the Elimination of Racial Discrimination in Education.
- Code of Practice on Age Discrimination
- Statutory Code of Practice on the duty to promote race equality – A guide for institutions of further and higher education.

## **APPENDIX 2**

### **Examples of Discrimination, Victimisation and Harassment**

The following are examples to assist you in understanding the definitions of various aspects of discrimination and meeting your responsibilities in respect of the De Montfort University Policy on Equality of Opportunity in Employment. Many of the examples given could apply under more than one aspect of discrimination under various elements of employment legislation.

#### **A. Direct Discrimination**

- Advertising for a female manager and making it clear in the advertisement that applications from men will not be considered (unless the post is subject to a Genuine Occupational Qualification).
- Refusing to appoint a candidate because of their disability without giving consideration to making reasonable adjustments to the workplace or the role/duties.
- Omitting a colleague from training/development or promotion opportunities because of their race or ethnic origin.
- The line manager displaying inconsistent treatment or behaviour towards their staff on employment matters (e.g. failing to treat complaints made by a member of staff from ethnic minority seriously).
- Offering a lower rate of pay/terms and conditions of employment to a new appointee on the grounds of their gender compared with another new appointee of the opposite sex who has been employed to do similar work without any justification.
- Sexual harassment may also amount to direct sex discrimination when a colleague is subjected to ill-treatment which is of a sexual nature (e.g. making suggestive remarks, unnecessary and unwanted attention, advances or physical contact).

#### **B. Indirect Discrimination**

- Requesting a specific skill or competence in a job advertisement which cannot be met by certain groups and which may not on examination, be entirely essential to fulfil the role.
- Arranging meetings (i.e. departmental, communication briefings) when certain groups of staff will not be able to attend on a regular basis.
- Imposing restrictive location or working hours requirements which, on further examination may prove not to be entirely essential for the role.

### **C. Victimisation**

Victimisation may occur when a member of staff has taken action for example, under the Sex Discrimination Act, Disability Discrimination Act or the Race Relations Act and as a result of having made such a claim is treated less favourably.

Examples of victimisation might be when the member of staff is excluded from day to day processes such as meetings, memos, essential communications, staff development opportunities and promotion, or in extreme circumstances excluded from the day to day social aspects of the working environment, what is commonly described as being "sent to Coventry".

### **D. Harassment (includes bullying)**

- Action by the line manager in deliberately setting-up a member of staff for failure with impossible workloads and deadlines.
- Removing responsibility or status without any reasonable justification (i.e. that the member of staff is being taken through a developmental programme or there are capability issues being addressed).
- Making suggestive and unwelcome sexual comments, jokes or remarks either directly to a colleague or to others in their presence.
- Racial name-calling, ridicule for cultural differences, racist jokes being aired either directly to a colleague or within their presence.
- Making unwelcome comments regarding the personal attributes of a disabled colleague, including refusing to work alongside a person with a disability.
- Reducing a colleague's effectiveness by withholding important information which they need to carry out their duties.
- Transmitting or displaying offensive statements or drawings or photographs to a colleague via electronic or other means.
- Making derogatory remarks and/or religious jokes directly to a colleague about their religion and in the presence of others.
- Intrusion into a person's life by pestering, spying or stalking them.
- Persistently pressurising a person to become involved in anti-social or criminal behaviour.