



## Equal Opportunities and Dignity at Work

### Policy statement

The Hospice is an equal opportunity employer and is fully committed to a policy of treating all its employees and job applicants equally.

The Hospice will avoid unlawful discrimination in all aspects of employment including recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment, discipline, selection for redundancy and dismissal.

The Hospice will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications without regard to race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marriage and civil partnership, pregnancy and maternity or disability. In this Policy these are known as the "protected characteristics". The Hospice will appoint, train develop and promote on the basis of merit and ability alone. The Hospice will also take all reasonable steps to provide a work environment in which all employees are treated with respect and dignity and that is free of harassment based upon an employee's race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status, pregnancy or maternity, or disability. The Hospice will not condone any form of harassment, whether engaged in by employees or by outside third parties who do business with the Hospice, such as clients, customers, contractors and suppliers.

Employees have a duty to co-operate with the Hospice to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under the Hospice's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this equal opportunities and dignity at work statement will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination.

Employees must not harass, bully or intimidate other employees for reasons related to one or more of the protected characteristics. Such behaviour will be treated as potential gross misconduct under the Hospice's disciplinary procedure. Employees who commit serious acts of harassment may also be guilty of a criminal offence. The Hospice has a separate anti-harassment policy which deals with these issues and sets out how complaints of this type will be dealt with.

The Hospice will also take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment against its employees.

Employees should draw the attention of your line manager to suspected discriminatory acts or practices or suspected cases of harassment. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct in accordance with the Hospice's disciplinary procedure. Employees should support colleagues who suffer such treatment and are making a complaint.

### **Direct Discrimination**

Direct Discrimination occurs when, because of one of the protected characteristics, a job applicant or an employee is treated less favourably than other job applicants or employees are treated or would be treated.

The treatment will still amount to direct discrimination even if it is based on the protected characteristic of a third party with whom the job applicant or employee is associated and not on the job applicant's or employee's own protected characteristic. In addition it can include cases where it is perceived that a job applicant or employee has a particular protected characteristic when in fact they do not.

The Hospice will take all reasonable steps to eliminate direct discrimination in all aspects of employment.

### **Indirect Discrimination**

Indirect discrimination is treatment that may be equal in the sense that it applies to all job applicants or employees but which is discriminatory in its effect on, for example, one particular sex or racial group.

Indirect discrimination occurs when there is applied to the job applicant or employee a provision, criteria or practice (PCP) which is discriminatory in relation to a protected characteristic of the job applicant's or employee's if:

- It is applied, or would be applied, to persons with whom the job applicant does not share the protected characteristic
- The PCP puts, or would put, persons with whom the job applicant or employee shares the protected characteristic at a particular disadvantage when compared with persons with whom the job applicant or employee does not share it
- It puts, or would put, the job applicant or employee at that disadvantage, and
- It cannot be shown by the Hospice to be a proportionate means of achieving a legitimate aim.

The Hospice will take all reasonable steps to eliminate indirect discrimination in all aspects of employment.

### **Recruitment, advertising and selection**

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant abilities and qualifications. The Hospice is committed to applying its equal opportunities policy statement at all stages of recruitment and selection.

### **Advertisements**

Recruitment publicity will aim to positively encourage applications from all suitably qualified

people. When advertising job vacancies, in order to attract applications from all sections of the community, the Hospice will, as far as reasonably practicable:

Ensure advertisements are not confined to those publications which would exclude or disproportionately reduce the numbers of applicants of a particular characteristic;;

Avoid setting any unnecessary provisions or criteria which would exclude a higher proportion of people with a particular protected characteristic;

Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees with a particular protected characteristic. 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 Hospice will apply that requirement to the job role and this may therefore be specified in the advertisement.

### **Selection Methods**

The selection process will be carried out consistently for all jobs at all levels. The Hospice will ensure that this equal opportunities policy is available to all staff and in particular is given to all staff with responsibility for recruitment, selection and promotion.

The selection of new staff will be based on job requirements and the individual's suitability and ability to do, or to train for, the job in question. Person specification and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment, promotion or transfer will be assessed objectively against the requirements of the job.

With disabled job applicants, the Hospice will have regard to its duty to make reasonable adjustments to work provisions, criteria and practices or to physical features of work premises or to provide auxiliary aids or services in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

### **Applications and Interviewing**

All applications will be processed in the same way. The staff responsible for short listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application.

Wherever possible, all applicants will be interviewed by at least two people. All questions that are put to the applicants will relate to the requirements 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 or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about any of the protected characteristics.

### **Training, transfer and promotion**

The Hospice will take such measures as may be necessary to ensure the proper training, supervision and instruction for all line managers in order to familiarise them with the

Hospice's policy on equal opportunities, and in order to help them identify discriminatory acts or practices and to ensure that they promote equal opportunity within the departments for which they are responsible. The training will also enable line managers to deal more effectively with their complaints of bullying and harassment.

The Hospice will also provide training to all employees to help them understand their rights and responsibilities under the equal opportunities and anti-harassment policies and what they can do to create a work environment that is free of bullying and harassment.

All persons responsible for selecting new employees, employees for training or employees for transfer or promotion to other jobs will be instructed not to discriminate because of one or more of the protected characteristics.

Where a promotional system is in operation, the assessment criteria will be examined to ensure that they are not discriminatory. The promotional system will be checked from time to time in order to assess how it is working in practice.

When a group of workers who predominantly have a particular protected characteristic appear to be excluded from access to promotion, transfer and training and to other benefits, the Hospice's systems and procedures will be reviewed to ensure there is no unlawful discrimination.

### **Terms of employment, benefits, facilities and services**

All terms of employment, benefits, facilities and service will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of one or more of the protected characteristics.

### **Equal pay and equality of terms**

The Hospice is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, the Hospice will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

### **Bullying and Harassment**

This policy covers bullying and harassment both in the workplace and in any work related setting outside the workplace, for example, during business trips and at work related events.

Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates an employee.

An employee harasses another employee if they engage in unwanted conduct related to a protected characteristic, and the conduct has the purpose or effect of violating the other employee's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee.

An employee also harasses another employee if they engage in unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating the other employee's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee.

Finally an employee harasses another employee if they or a third party engage in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, the conduct has the purpose or effect of violating the other employee's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee and because of that other employee's reaction of or submission to the conduct they treat that other employee less favourably than they would treat them if they had not rejected or submitted to the conduct.

The unwanted conduct will still amount to harassment if it is based on the protected characteristic of a third party with whom the employee is associated and not on the employee's own protected characteristic, or if it was directed at someone other than the employee, or even at nobody in particular but they witnessed it. In addition harassment can include cases where the unwanted conduct occurs because it is perceived that an employee has a particular protected characteristic, when in fact they do not.

Conduct may be harassment whether or not the person intended to offend. Something intended as a joke or as office banter may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or by their conduct, that such behaviour is unacceptable to them. A single incident can amount to harassment if it is sufficiently serious.

Harassment also occurs where, on the ground of the employee's rejection of or submission to unwanted conduct of the kind specified above, a person treats the employee less favourably than he or she would treat him or her, had he or she not rejected, or submitted to, the unwanted conduct.

## **Examples**

Bullying and 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, and other conduct of a sexual nature.
- Subjection to obscene or other sexually suggestive or racist comments or gestures.
- The offer of rewards for going along with sexual advances or threats for rejecting sexual advances.
- Jokes or pictures of a sexual or racial nature.
- Demeaning comments about an employee's appearance.
- Questions about a person's sex life.

- The use of nick names related to protected characteristic
- Picking on or ridiculing an employee.
- Isolating an employee or excluding him or her from social activities or relevant work-related matters.

### **Reporting complaints**

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. The Hospice will not ignore or treat lightly grievances or complaints of discrimination or harassment from members of a particular race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation or age or from employees who have undergone gender reassignment, are married, have entered into a civil partnership, are pregnant or on maternity leave or have a disability.

With cases of harassment, while the Hospice encourages employees who believe they are being harassed to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, the Hospice also recognises that actual or perceived power and status disparities may make such confrontation impractical. In the event that such informal, direct communication is either ineffective or impractical or the situation is too serious to be dealt with informally, the employee should follow the procedure set out below.

If you wish to make a complaint of discrimination or harassment, you should follow the following steps whether that complaint is against a fellow-employee or against a third party such as a client, customer, contractor or supplier:

First of all, report the incident of discrimination or harassment to your Line Manager. If you do not wish to speak to your line manager, you can instead speak to an alternative manager or to a member of the Senior Management Team.

Such reports should be made promptly so that investigation may proceed and any action taken expeditiously.

All allegations of discrimination or harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the details of your complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Hospice must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser or discriminator so that he or she is able to fairly respond to the allegations. The Hospice reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.

The Hospice will also invite you to attend at least one meeting at a reasonable time and place at which your complaint can be discussed. You must take all reasonable steps to attend that meeting and you have the right to be accompanied at it by either a trade union official or a fellow employee of your choice.

Once the investigation has been completed and after the meeting with you has taken place, you will be informed in writing of the outcome and the Hospice's conclusions and decision as soon as possible. You will also be notified in writing of your right to appeal against the Hospice's decision if you are not satisfied with it. The Hospice is committed to taking appropriate action with respect to all complaints of discrimination or harassment which are upheld.

If you wish to appeal against the Hospice's decision, you must appeal in writing to a more senior manager or to a Director of the Hospice within five working days of the Hospice's decision. On receipt of an appeal, a more senior manager or a Director (who may not be the person to whom you addressed your appeal) shall make arrangements to hear it at an appeal meeting and at that meeting you may again, if you wish, be accompanied by either a trade union official or a fellow employee of your choice. You must take all reasonable steps to attend that meeting. Following the meeting, the relevant manager or Director will inform you in writing of the Hospice's final decision on your appeal.

You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith.

If your complaint is upheld and the harasser or discriminator remains in the Hospice's employment, the Hospice will take all reasonable steps to ensure that you do not have to continue working alongside him or her if you do not wish to do so. The Hospice will discuss the options with you.

If your complaint is not upheld, arrangements will be made for you and the alleged harasser or discriminator to continue or resume working and to repair working relationships.

Alternatively, you may if you wish use the Hospice's grievance procedure to make a complaint (see the **Grievance Procedure**).

Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the Hospice's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal.

In addition, Line Managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Hospice's disciplinary procedure.

### **Monitoring equal opportunity and dignity at work**

The Hospice will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, the Hospice will implement them. The Hospice will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.