



P O L I C Y

EQUAL OPPORTUNITIES IN EMPLOYMENT

DOCUMENT CONTROL	
SLT owner:	Assistant Principal, Resources & Risk
Together with:	Personnel Manager
Date created/updated:	October 2010
Date of Impact Assessment:	
Initials of Assessor:	

1. Aims

- 1.1 Shrewsbury Sixth Form College is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against customers.
- 1.2 This policy is intended to assist the College to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.
- 1.3 Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The College has a separate dignity at work policy, which deals with these issues.

2. The law

- 2.1 It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".
- 2.2 Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
- 2.3 Staff should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.



EQUAL OPPORTUNITIES IN EMPLOYMENT

3. Types of unlawful discrimination

3.1 **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

3.2 **Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

3.3 **Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

3.4 **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

3.5 **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

3.6 **Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.



EQUAL OPPORTUNITIES IN EMPLOYMENT

- 3.7 Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings; such behaviour could amount to victimisation.
- 3.8 Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.
- 4. Equal opportunities in employment**
- 4.1** The College will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- 4.2** Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.
- 4.3** The College will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the College considers it has good reasons, unrelated to any protected characteristic, for doing so. The College will comply with its obligations in relation to statutory requests for contract variations. The College will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- 4.4** The College cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the College may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that the College identifies as being under-represented in particular types of job.



EQUAL OPPORTUNITIES IN EMPLOYMENT

5. Dignity at work

5.1 The College has a separate dignity at work policy and procedure concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

6. Customers, suppliers and other people not employed by the College

6.1 The College will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the College.

6.2 Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

7. Training

7.1 The College will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

7.2 The College will provide training to all existing and new employees and others engaged to work at the College to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. The College will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

8. Your responsibilities

8.1 Every employee is required to assist the College to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

8.2 Employees can be held personally liable as well as, or instead of, the College for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

8.3 Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the College's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

9. Grievances

9.1 If you consider that you may have been unlawfully discriminated against, you may use the College's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.



EQUAL OPPORTUNITIES IN EMPLOYMENT

9.2 The College will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

9.3 Use of the College's grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

10. Monitoring and review

10.1 The College will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs, whether advertised internally or externally, and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

10.2 This policy will be monitored periodically by the College to judge its effectiveness and will be updated in accordance with changes in the law. If changes are required, the College will implement them.

10.3 Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.