

DIGNITY AT WORK AND STUDY POLICY

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*An earlier version of the updated Equality and Diversity Policy was presented to SPC as part of a previous policy review cycle. However, it was agreed to put the approval of the policy on hold in anticipation of the development of GCU's Equality Outcomes Framework, which was approved in April 2013.

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Dignity at Work and Study Policy

1 Purpose and coverage

- 1.1 Glasgow Caledonian University's vision is to be a successful international University delivering access and excellence, with a strong commitment to the common good. The University acknowledges the key role of students, staff and stakeholders in achieving this vision, so we are committed to providing an inclusive and positive environment where everybody is treated with dignity and respect.
- 1.2 This Policy sets out the University's aim to be an environment where everyone is treated with dignity and respect, equality is promoted, and diversity is valued, and to outline the rights and responsibilities associated with this commitment.
- 1.3 This Policy applies to all Glasgow Caledonian University students, staff, governors, contractors and visitors.

2 General Principles

- 2.1 A positive working and learning environment which supports dignity at work and study is vital to the success of the University. Therefore, we will take a Zero Tolerance approach to any form of unlawful discrimination, including harassment, victimisation, racism, sexism, homophobia, and any other unacceptable behaviour. Dignity and respect should underpin our day to day behaviours, and everyone has rights and responsibilities under this Policy.
- 2.2 All staff, students and stakeholders at the University have a right to be:
- Treated with dignity and respect
 - Working and learning in an environment free from discrimination, bullying and harassment
 - Valued for their skills, abilities and contribution
- 2.3 All staff, students and stakeholders at the University have a responsibility to:
- Behave in an appropriate manner, and in ways that are not derogatory to others
 - Play their part in ensuring we create a positive working environment that is tolerant and supportive through treating each other with dignity and respect
 - Challenge inappropriate behaviour with confidence

3 Policy statement

- 3.1 Glasgow Caledonian University is committed to providing a culture and environment which is inclusive of all sections of society and responsive to the needs of individuals. Staff, students and other stakeholders should be free from any form of unlawful discrimination, enabling them to participate fully in all aspects of University life and make a valuable contribution to the success of the institution and the communities of which they are part.
- 3.2 The University is committed to ensuring that:
- All potential and current staff, students and other stakeholders are treated fairly, and are not discriminated against because of age, disability, gender reassignment, marriage and civil partnership, pregnancy, maternity and paternity, race, religion or belief (including lack of belief), sex, sexual orientation, socio-economic background, trade union membership, family circumstances or any other distinction
 - An inclusive and supportive environment that values dignity at work and study is created for staff, students and others associated with its work, that truly recognises and values staff and student diversity, and promotes good relations between different groups
 - A shared awareness, understanding and commitment to equality and diversity is developed to enable all staff and students to act in accordance with this Policy, so that the principles of dignity, respect, equality and diversity can effectively be mainstreamed into the core of all University functions
- 3.3 Implementation of the Policy is supported by the University's Equality Outcomes Framework, which is one of the specific duties of the Equality Act 2010. The Framework can be accessed at: <http://www.gcu.ac.uk/equality/>
- 3.4 The Conflict and Complaints Resolution Policy (for staff) and Complaint Handling Procedure (for students) should be used to address any breach of the Dignity at Work and Study Policy. Further sources of information and advice are listed in Appendix 4.

4 Accountabilities

- 4.1 Strong and clear leadership is key to ensuring that the commitment to equality and diversity is realised. The specific responsibilities in relation to this Policy are:
- 4.2 It is the overall responsibility of Court, as the governing body, for ensuring that the University fulfils its legal responsibilities for promoting equality and diversity and eliminating discrimination, and for making sure that the Policy is implemented. In order to fulfil this responsibility, Court will receive an annual report from the Equality & Diversity Committee, on the implementation of the Policy to enable members to ensure that the Policy is being implemented, monitored, enhanced and continuously reviewed.
- 4.3 The Principal is responsible for ensuring that the Policy is effectively implemented (with Court), and staff are aware of their responsibilities, accountabilities, and training needs to fulfil these. Appropriate action will be taken against staff or students who are found to have undertaken or supported any acts of unlawful discrimination, or in any other way breached this Policy.
- 4.4 The Executive lead(s) responsible for staff and student complaints is responsible for implementation of the Policy in relation to staff and students. This includes dealing with reported allegations and incidents of discrimination and harassment through implementing related policies and procedures. The Complaints Handling Procedure is the relevant policy for students to address any breach of this policy. The Conflict and Complaints Resolution Policy is the relevant policy for staff to address any breach of this policy.
- 4.5 The members of the University Executive are responsible for implementing the Policy in relation to their respective areas of responsibility.
- 4.6 Heads of Department in Schools, and Directors and Heads of Professional/Support Functions are responsible for:
- Putting the Policy, its strategies and procedures into practice in their School/Department, including mainstreaming equality and specifying how they are implementing the Policy in their annual plan
 - Ensuring that all staff know their responsibilities and receive support and training in carrying these out
 - Ensuring that staff who experience or witness unlawful discrimination are given information and support to challenge, report and redress discrimination
 - Following the relevant procedures and taking action against staff or students who may be unlawfully discriminating

- Ensuring that staff who are accused of unlawful discrimination are given appropriate information and support
- Appointing Academic Disability Co-ordinators where appropriate
- Appointing leads for equality and diversity/Equality and Diversity Champions in their areas where appropriate
- Working with other institutions, communities and others as appropriate to tackle discrimination and promote equality and diversity.

4.7 All staff, students, Court members, visitors, contractors and others using the University's premises, facilities and/or services have a responsibility to promote equality and value diversity, to eliminate unlawful discrimination and promote good relations between different groups. Everyone must observe both the requirements of current legislation and this Policy. Any act of unlawful discrimination (including harassment) could result in disciplinary action being taken through the appropriate University procedures.

4.8 The University reserves the right to refuse access to its buildings, facilities and/or services to any individual or organisation that has breached current legislation, and/or the requirements of this Policy, and/or has been convicted of unlawful discrimination, inciting hatred or engages in, or proposes to engage in, activity that is deemed reasonably likely to unlawfully discriminate or incite hatred. The Principal, on the advice of the Director of People, University Secretary and/or members of the Equality and Diversity Committee, is responsible for deciding on a case by case basis the response, which may include an outright ban, to requests to use University buildings, facilities and/or services from individuals or organisations that have breached current legislation, and/or the requirements of this Policy, and/or have been convicted of unlawful discrimination, inciting hatred or engages in, or proposes to engage in, activity that is deemed reasonably likely to unlawfully discriminate or incite hatred.

4.9 All external agencies that are contracted by the University to carry out works, or provide goods or services will be required to comply with this Policy.

5 Equality Impact Assessment

5.1 An equality impact assessment screening has been completed and is attached at Appendix 1.

6 Review

- 6.1 The Policy will be accessible through the University's website and forms part of the induction pack for new staff. The Policy will be available in alternative formats where reasonable and practicable.
- 6.2 The Policy will be reviewed on an annual basis, within the Policy Review Framework, and in line with changes to relevant employment legislation. Feedback from relevant sections of the University, including the Equality and Diversity Committee, Working Groups, Joint Consultative Committee and Students' Association will be actively sought.
- 6.3 This Policy is not contractual and the University reserves the right to alter or withdraw it at any time. This Policy is not intended to create rights beyond the Employer's statutory obligations.

Appendix 1

Equality Impact Assessment: Initial Screening

School/Directorate: Directorate of People Services		Person responsible for the assessment:	Adrian Lui, Equality and Diversity Advisor
Policy assessed	Dignity at Work and Study Policy	Date of Assessment:	August 2013
1. Briefly describe the aims, objectives and purpose of the policy.	<p>The purpose of the policy is to:</p> <ul style="list-style-type: none"> • outline GCU's commitment to promoting dignity and respect, and equality and diversity • outline the rights and responsibilities of staff, students and stakeholders 		
2. What are the intended outcomes?	GCU has a culture that is inclusive and responsive		
3. Who are the main stakeholders? (e.g. staff, students, visitors)	Staff, students, visitors, Court, contractors		
4. How does the policy/procedure take into account different needs and circumstances (e.g. Ethnicity: cultural sensitivities, plain English; Disability: Alternate/ accessible formats; Gender: inclusive to women and men; Sexual Orientation; Faith or Belief, religious practices; Age: needs of younger and older people)?	<p>This policy aims to support the principles of equality and diversity, and ensure that staff and students are not discriminated against</p> <p>This policy applies to all staff and students irrespective of personal characteristics or circumstances. However, the policy appears flexible in terms of taking into account the different needs of staff and students.</p>		
5. What is the likely impact on the general duty to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act?	There is likely to be a positive impact on this duty as the policy is based on the principles of eliminating discrimination		
6. What is the likely impact on the general duty to advance equality of opportunity between people who share a protected characteristic and people who do not share it?	There is likely to be a positive impact on this duty as the policy is based on the principles of advancing equality of opportunity		

<p>7. What is the likely impact on the general duty to foster good relations between people who share a protected characteristic, or not?</p>	<p>There is likely to be a positive impact on this duty as the policy is based on the principles of fostering good relations</p>
<p>8. How will any negative impact identified above be addressed?</p>	<p>Until the Policy and guidance are implemented, it is not possible to gauge any negative impact. However, the implementation process will be monitored and data will be gathered in relation to the relevant protected characteristics that may be affected; any negative impact will inform the future review process of the Policy and guidance.</p> <p>Overall, there is no direct negative impact on the protected characteristics, as this applies to all staff and students and the principles of the policy support equality and diversity. Although the policy itself is free from discrimination overall, ultimately it is the application and implementation of the policy that provides the scope for discrimination e.g. prejudices or attitudes of managers supporting their staff. Therefore, there is potentially a development need for those involved in implementing the policy, and appropriate information will be provided to managers.</p>
<p>9. What is the overall impact rating? (Choose one rating)</p>	<p>High: There is substantial evidence that people from different groups are (or could be) differently affected by the policy (positively or negatively)</p> <p>Medium: There is some evidence that people from different groups are (or could be) differently affected (positively or negatively)</p> <p><u>Low: There is little or no evidence that some people from different groups are (or could be) differently affected (positively or negatively).</u></p> <p>Unknown: No evidence or data has been collected therefore an assessment cannot be made.</p>
<p>10. Is a full Equality Impact Assessment necessary? Y/N</p>	<p>If Yes, date by which the full impact assessment is to be completed.</p>

Appendix 2 Definitions of protected characteristics

The Equality Act 2010 protects people from discrimination and harassment based on 'protected characteristics'. The protected characteristics are:

Age: refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability: A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment: The process of transitioning from one gender to another.

Marriage and civil partnership: Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity: Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race: Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief: Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex: A man or a woman.

Sexual orientation: Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Appendix 3 Equality Act 2010 – Key Concepts

Discrimination

Staff, students and other stakeholders of the University must comply with the requirements of the Equality Act 2010, and must not unlawfully discriminate in the following ways:

1 Direct discrimination (including discrimination based on perception or association)

- A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

Example: A University rejects a male applicant's application to a childcare course as they do not think it is appropriate for a male to be working with children. This would be unlawful direct discrimination on the grounds of sex.

It is direct discrimination if a person is treated less favourably because it is mistakenly thought that he or she has a protected characteristic.

Example: A member of staff is subjected to homophobic harassment from her colleagues who think that she is a lesbian. She is not actually a lesbian, but she is being directly discriminated against because of her perceived sexual orientation.

It is also direct discrimination if a person is treated less favourably because of the that person's association with another person who has a protected characteristic

Example:

A single parent caring for a disabled son has to take time off work whenever his son is sick or has medical appointments.

The employer refuses to give the member of staff flexible working arrangements but does allow flexible working for other staff, who do not have disabled children.

The action may amount to direct disability discrimination against the worker by association with his son.

2 Indirect discrimination

A person (A) discriminates against another (B) where a provision, criterion or practice is

- applied to everyone
- puts people sharing B's characteristic at a disadvantage compared to those who don't share it
- puts, or would put, B at that disadvantage, and

- it can't be shown to be a proportionate means of achieving a legitimate aim

Example: A College's hairdressing course does not offer places to students who cover their hair, as it believes that it is important for students to be able to exhibit different hairstyles. This criterion puts at a particular disadvantage both Muslim women and Sikh men who cover their hair, and may amount to indirect discrimination unless the criterion can be objectively justified.

3 Discrimination arising from disability

A person (A) discriminates against a disabled person (B) if -

- A treats B unfavourably because of something arising in consequence of B's disability, and
- A cannot show that the treatment is a proportionate means of achieving a legitimate aim.
- Does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

Example: A woman is disciplined for losing her temper at work. However, this behaviour was out of character and is a result of severe pain caused by cancer, of which her employer is aware. The disciplinary action is unfavourable treatment. This treatment is because of something which arises in consequence of the employee's disability, namely her loss of temper. There is a connection between the 'something' (that is, the loss of temper) that led to the treatment and her disability. It will be discrimination arising from disability if the employer cannot objectively justify the decision to discipline the worker.

4 Failure to make reasonable adjustments¹ for disabled people

Where a disabled person is placed at a substantial disadvantage² to non-disabled people, there is a duty to make changes to:

- Provisions, criteria or practices
- Physical features
- And a duty to provide auxiliary aids and services (such as a hearing loop or a special computer service)

¹ A reasonable adjustment is a step taken to prevent placing a disabled person at a substantial disadvantage compared with a person who is not disabled. The following questions should be considered when deciding what is reasonable: 1) how effective the change will be in avoiding the disadvantage the disabled person would otherwise experience, 2) its practicality, 3) the cost, 4) the organisations resources and size, 5) the availability of financial support.

² A substantial disadvantage is a disadvantage that is more than minor or trivial. The level of disadvantage created by a lack of reasonable adjustments is measured in comparison with what the position would be if the disabled person in question did not have a disability.

Example: A University has a policy to provide handouts in advance of classes in electronic format to help support students who lip-read, students with dyslexia and students with visual impairments. However, one member of staff refuses to do this as she feels it would affect the attendance of her lectures. This may constitute a failure to make a reasonable adjustment.

5 Harassment

A person (A) harasses another (B) if A engages in unwanted conduct 'related to a relevant protected characteristic' which has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B. This includes harassment on the basis of association and perception. The Equality Act 2010 outlines three types of harassment:

- Harassment related to a relevant protected characteristic
- Unwanted conduct of a sexual nature
- Rejection of or submission to conduct of a sexual nature or related to gender reassignment

Although harassment in relation to marriage and civil partnership, or pregnancy and maternity is not covered by the Act, the University is committed to ensuring that all protected characteristics do not receive unfavourable treatment

Example: During a training session attended by both male and female staff, a male trainer directs a number of remarks of a sexual nature to the group as a whole. A female participant finds the comments offensive and humiliating to her as a woman. She would be able to make a claim for harassment, even though the remarks were not specifically directed at her.

6 Victimisation

Victimisation occurs where a person is subjected to a detriment because of:

- bringing proceedings under the Act
- giving evidence or information in proceedings
- doing anything else in connection with the Act
- making an allegation that another person has breached the act (even if the allegation is later dropped)

Example: A non-disabled student gives evidence on behalf of a disabled student at a discrimination case hearing where disability discrimination is claimed.

The non-disabled student is subsequently given a lower assessment grade than he actually deserves because of that action. This may amount to victimisation under the Act.

Appendix 4 Information and Advice

Sources of information and advice in relation to upholding this Policy, and any alleged breaches of it include:

Glasgow Caledonian University

- Equality and Diversity Advisor
www.gcu.ac.uk/equality
- Harassment Advisors
www.gcu.ac.uk/... (to be confirmed)
- Human Resources
www.gcu.ac.uk/hr
- Students' Association Advice Centre
www.caledonianstudent.com/advice
- Conflict and Complaints Resolution Policy (for staff)
www.gcu.ac.uk/ ... (to be confirmed)
- Complaint Handling Procedure (for students)
www.gcu.ac.uk/gaq/appealscomplaintsandstudentdiscipline/complaints/

External organisations

Equality and Human Rights Commission
151 West George Street
Glasgow, G2 2JJ
Telephone: 0141 228 5910
Website: www.equalityhumanrights.com

UK Government Equality Advisory Support Service
FREEPOST Equality Advisory Support Service FPN4431
Telephone: 0808 800 0082
Website: <http://www.equalityadvisoryservice.com>

Equality Challenge Unit
55/56 Lincoln's Inn Fields
London, WC2A 3LJ
Telephone: 020 7438 1010
Website: www.ecu.ac.uk

ACAS (Advisory, Conciliation and Arbitration Service)
151 West George Street
Glasgow, G2 2JJ
Telephone: 0141 248 1400
Website: www.acas.org.uk