



# Equality and Diversity Policy

Status	Approved
Consultation with staff	5 <sup>th</sup> November to 19 <sup>th</sup> November 2013
Health Check by Lawyers	5 <sup>th</sup> November 2013
Trustee Board Approval	5 <sup>th</sup> December 2013

## **Equality & Diversity Policy**

### **1. Policy Statement**

GCU Students' Association is committed to the principles of promoting equality of opportunity through eliminating discrimination and recognising and valuing diversity, and being inclusive of all sectors of society in our services, activities and organisational culture. Diversity is one of the values of the Association.

The Association aims to ensure through implementation of the Policy:

- All potential and current staff, members and other stakeholders are treated fairly, and are not discriminated against on grounds due to their actual or perceived sex, or sexual orientation, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, socio-economic background, trade union membership, family circumstances, or any other irrelevant distinction.
- A shared awareness, understanding and commitment to equality and diversity is developed to enable all staff and members to act in accordance with this Policy, so that equality and diversity can effectively be mainstreamed into the core of all Association functions including strategic planning.
- We will continuously review our practice to ensure all adequate requirements are addressed through our equality Impact assessments, regular consultations and surveys with staff and members.

### **2. Responsibilities**

All individuals associated with the Association have a responsibility to adhere to the Policy and apply it in their day to day work in all dealings with, or on behalf of the Association. This includes all staff, members, visitors and external agencies that are contracted to carry out works, or provide goods or services.

- The Trustee Board will ensure the Association fulfils its legal responsibilities and takes overall responsibility for the development of equality and diversity, leads by examples and ensures that progress is reviewed and further actions instigated as necessary.
- The Chief Executive, through line management accountability, will ensure staff are aware of their responsibilities, accountability and provide the relevant training and support required.
- Appropriate action will be taken against staff who are found to have undertaken or supported any acts of unlawful discrimination, or in any way breached this Policy.

- The Association reserves the right to refuse access to its buildings, facilities or services to any individual or organisation that has breached current legislation or the requirements of this Policy.

### **3. Complaints**

Individuals who believe they have suffered any form of discrimination, harassment or victimisation are entitled to raise the matter through the agreed procedures. Breaches of this Policy will be dealt with under the following Association policies and procedures:

- Staff members should raise a grievance through the Grievance Procedure.
- Student complaints should be raised through our Member Feedback Policy (informal and formal complaint process).
- Staff and members in breach of this Policy will be subject to the relevant Association Disciplinary Procedure.
- Prior, during or after making a complaint any employee or student member may speak to the Advice Centre Student Advisers, confidentially about their issue and concerns. All complaints will be dealt with seriously, promptly and in confidence. Every effort will be made to ensure individuals making complaints will not be victimised.

A copy of the above procedures may be obtained, upon request, from the Chief Executive.

## **Appendix 1: Legislation**

### **Equality Act 2010**

The main sections of the Act came into force on 1<sup>st</sup> October 2010.

- Consolidates and streamlines anti-discrimination legislation and replaces all previous equality legislation.
- Introduces some new measures to strengthen the law to support progress on equality.

Specifically, the Act protects individuals based on their actual, perceived or association with 'protected characteristics'. These are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership (in the context of employment only)
- Pregnancy and maternity
- Race (including colour, nationality and ethnic or national origins)
- Religion or belief (including lack of belief)
- Sex
- Sexual orientation

## Appendix 2: Definitions

To assist the development of the consistent approach to knowledge and understanding of language and terminology in equality and diversity, the following should be used as guidelines for understanding and practical application in the course of the Association's work.

**Equality** (equal opportunities) is defined by the Scotland Act 1998 as: 'The prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes including beliefs or opinions such as religious belief or political opinions'. It ensures that disadvantaged groups have access to opportunities, however, it is not a minority issue; it is everyone's responsibility and right.

**Diversity** focuses on maximising the potential of all staff and members through valuing the different ethnic, religious and social backgrounds, genders, sexual orientations, ages, skills and experience of individuals, and seeks to utilise these differences for the benefit of the organisation. It recognises that 'one size does not always fit all'. Diversity should not be used interchangeably with equality; they both have distinct meanings. At the Association, equality is the primary focus and diversity may be one of the outcomes of successful equality work.

**Mainstreaming** describes the process where equality and diversity are brought into the core of the Association's work and integrated into day to day activities. Equality and diversity are considered for all functions and activities, including policy, training development, implementation and review. It is a departure from the traditional view of equality as an optional 'added extra'. It requires collective responsibility and implementation.

**Direct discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (perception discrimination), or because they associate with someone who has a protected characteristic (discrimination by association).

**Indirect discrimination** can occur when you have a condition, rule, policy or even a practice in your organisation that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, ie that it is 'a proportionate means of achieving a legitimate aim'.

**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.

**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.

**Institutional racism** is defined by the Macpherson report into the death of Stephen Lawrence as, “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviours which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people”.

**Positive action** through training and encouragement for under-represented groups can be lawful. For example, if over the previous twelve months no women, or people from a particular racial group, have been doing a certain type of work then it is lawful to offer training only for women or the racial group. Another example of positive action is advertising to encourage candidates from a particular group to compete for jobs.

**Positive discrimination (this is an American term)** occurs where one person is treated more favourably than another because they have a protected characteristic. It is generally prohibited under the Equality Act 2010, unless an occupational requirement applies. Positive discrimination because of a person’s disability is allowed, and may sometimes be required if there is a duty to make reasonable adjustments.