

EQUALITY, DIVERSITY, AND INCLUSION (NC)

Policy statement

UCEM is an equal opportunity employer and is fully committed to a policy of promoting equality, diversity, and inclusion among its employees and job applicants, and treating employees and job applicants equally, fairly, and without bias.

Although this policy refers throughout to employees, it also covers, as appropriate, all other members of staff, including workers, agency workers, apprentices, volunteers, contractors, and consultants employed or engaged by UCEM.

UCEM will avoid unlawful discrimination in all aspects of employment including, but not limited to, recruitment and selection, promotion, transfer, training and development, pay and benefits, terms of employment, dealing with grievances and disciplinary matters, performance management, requests for flexible working, redundancy, and other dismissals.

UCEM will take all reasonable steps to employ, train, and promote employees based on experience, abilities, and qualifications without regard to:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (colour, ethnic or national origins, nationality including citizenship)
- religion or belief
- sex or
- sexual orientation.

In this policy, these are known as the nine “**protected characteristics**”. The aim of UCEM is for its workforce to be truly representative of all sections of society, and for each employee to feel respected.

Employees have a duty to co-operate with UCEM to make sure this policy is effective in ensuring equality, diversity, and inclusion and in preventing discrimination. **Putting this policy into practice is the responsibility of every employee, including line managers.** Please report any suspected discriminatory acts or practices to your line manager or the HR team; colleagues who do so will be supported and not victimised, nor subject to any form of retaliation.

Employees should bear in mind they can be held **personally liable** for any act of discrimination in the course of their employment. This covers discrimination both in the workplace and in any work-related setting outside the workplace, for example during business trips, at external training events or at work-related social events and functions. It also covers discrimination in work-related online settings and electronic communications.

Action will be taken under the Disciplinary Procedure against any employee who is found to have committed an act of discrimination against a job applicant or employee, or against a third party who does business with UCEM such as a student, employer, contractor, or supplier. Serious breaches of this policy will be treated as potential gross misconduct and could render an employee liable to summary dismissal.

UCEM is also committed to providing a work environment that is **free of harassment, bullying, and intimidation** and promoting dignity and respect for all. The latter part of this policy covers **dignity at work**.

This policy is non-contractual.

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. It also occurs when someone is put at a disadvantage.

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 an employee has a particular protected characteristic when in fact they do not.

Discrimination after employment is also unlawful if it arises out of and is closely connected to the employment relationship, such as refusing to give a reference or providing an unfavourable reference for a reason related to one of the protected characteristics. The HR team handle all reference requests; please forward any you receive for former employees to [AskHR](#).

Discrimination is a barrier to equality, diversity, and inclusion. It doesn't necessarily occur because of a conscious decision, as there are also subtle and **unconscious** ways of discriminating, such as making general assumptions about an employee based on **stereotypes**.

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

Indirect discrimination

Indirect discrimination happens when there is a practice, policy, rule, or arrangement which applies to all job applicants or employees but disadvantages a group who share a protected characteristic.

If UCEM can show there is a good reason for its practice, rule, policy, or arrangement, it is not indirect discrimination. This is known as objective justification.

In legal terminology, a working practice, policy, or rule is referred to as a **provision, criterion, or practice (PCP)**.

Under the law, there may be objective justification in certain circumstances if UCEM can prove both of the following:

1. There is a legitimate aim, such as a genuine business need or a health and safety need.
2. The discrimination is proportionate, appropriate, and necessary. This means the legitimate aim is more important than any discriminatory effect.

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

Victimisation

Victimisation occurs when an employee is treated less favourably as a result of being involved with a discrimination or harassment complaint. For victimisation to occur:

- the employee must be subjected to a detriment, such as being denied a training opportunity or a promotion, because they have raised or supported a grievance or complaint of unlawful discrimination, or
- because they have issued employment tribunal proceedings for unlawful discrimination, or
- they have given evidence in connection with unlawful discrimination proceedings brought by another employee.

However, an employee is not protected if they give false evidence or information or make a false allegation and they do so in bad faith.

Post-employment victimisation is also unlawful, such as refusing to give a reference or providing an unfavourable reference, because the former employee has done one of the protected acts set out above.

Victimisation is a specific type of discrimination under the law and is different to bullying (see later). UCEM will take all reasonable steps to eliminate victimisation in all aspects of employment.

Recruitment and selection (inc. internal promotion/transfers)

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 experience, abilities, and qualifications, i.e. based on merit. UCEM is committed to applying its equality, diversity, and inclusion policy at all stages of the recruitment and selection process, which includes both internal promotion opportunities and transfers.

Job advertisements will aim to positively encourage applications from all suitably skilled, experienced, and where relevant, qualified people. When advertising job vacancies, in order to attract applications from all sections of the community and to encourage diversity and strive for greater inclusion, UCEM will as far as reasonably practicable:

1. Make sure advertisements are not confined to those areas or publications which would exclude or disproportionately reduce the numbers of applicants with a particular protected characteristic.
2. Avoid setting any unnecessary provisions or criteria which would exclude a higher proportion of applicants with a particular protected characteristic.
3. Avoid stereotyping or using wording that may discourage particular groups from applying.

Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in a way which does not restrict applications from employees with a particular protected characteristic.

However, where having a particular protected characteristic is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim, UCEM will apply that requirement to the job role, and this may therefore be specified in the advert.

All job vacancies and applications, regardless of job level, will be managed in a consistent way, by the HR team working in collaboration with hiring managers. Employees responsible for screening, shortlisting, interviewing, and selecting candidates,

will be clearly informed of the selection criteria and of the need for their consistent application.

Job descriptions and person specifications – which together form the **Job Specification** – will be limited to those requirements necessary for effective performance of the job. The HR team will challenge requirements for particular levels of qualifications and encourage, wherever possible, skills-based recruitment.

The HR team undertakes initial application screening and hiring managers then determine a shortlist for interviews; this makes sure shortlisting is fair and not carried out by one person only.

Applicants will be interviewed by at least two interviewers and ideally there will be two interview stages; a member of the Senior Leadership Team must be present for at least one stage.

All questions asked at interview stage will relate to the requirements of the job and be based on the person specification. Applicants will not be asked questions which might suggest an intention to discriminate on grounds of a protected characteristic. The selection of new employees will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

UCEM will have regard to its duty to make reasonable adjustments for disabled job applicants; this may be towards 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.

If you are disabled or consider you may have a condition or illness which could be deemed a disability under the Equality Act 2010, you are encouraged to tell your line manager (or the HR team) about your condition, so UCEM can support you as appropriate.

If it is necessary to assess whether personal circumstances will affect the performance of the job, this will be discussed objectively at interview, without detailed questions based on assumptions about any of the protected characteristics.

Access to work

UCEM encourages all disabled job applicants and employees, and those with physical or mental health conditions, to apply to the [government's Access to Work scheme](#) for a grant. An Access to Work grant can pay for **practical support** to help you either start work or stay in work. How much you may be awarded depends on your circumstances.

This government scheme and eligibility is strictly governed by the terms set by the government from time to time. It is also entirely the government's decision as to whether to award you a grant.

For the avoidance of doubt, Access to Work **will not** pay for reasonable adjustments. UCEM remains responsible for considering reasonable adjustments at work and takes its legal responsibility seriously.

Training and development

UCEM is committed to providing accessible training to all employees, including line managers, on equality, diversity, and inclusion – including this policy. Training is essential to creating a work environment which is free from discrimination.

Line managers are responsible for actively promoting equality of opportunity, diversity, and inclusion within the teams/departments for which they are responsible. Line managers must also set an appropriate standard of behaviour, lead by example, and ensure that those they manage adhere to this policy.

Opportunities for training and development will be made available to all employees via departmental budgets. Internal opportunities may also be offered from time to time, and all employees have access to LinkedIn Learning via the web or via the Viva Learning app in Teams.

All employees are encouraged to develop to their full potential, wherever possible. UCEM aims to develop routes for career progression, however in the meantime promotional and secondment opportunities are available through internal vacancy advertisements.

The Performance and Development Review process (PDR) at UCEM is the mechanism via which development conversations should take place and development plans agreed.

Terms of employment, benefits, facilities/services

Terms of employment (including pay), benefits, staff facilities/services, along with employment practices/procedures, will be reviewed from time to time to ensure fairness. In addition, they will be reviewed to make sure there is no unlawful direct or indirect discrimination, because of one or more of the protected characteristics.

If you experience difficulties at work because of a disability, we encourage you to contact your line manager to discuss any reasonable adjustments which would help you overcome or minimise the difficulty.

Equal pay and equality of terms

UCEM is committed to equal pay and equality of terms in employment. Employees, regardless of sex, should receive equal pay where they are carrying out the same or broadly similar work, work rated as equivalent under a job evaluation study, or work of equal value.

Equal pay for these purposes covers all forms of contractual pay, including salary, non-discretionary bonuses, commission, overtime rates, allowances, and pension scheme contributions. It also covers any contractual benefits, such as life assurance and private medical insurance cover, subject to the rules of the insurer or benefit provider at the relevant time.

In order to achieve equal pay, UCEM will endeavour to maintain a pay system that is fair and transparent, free from gender bias, and based on objective criteria. Further information can be found in the Pay Policy.

Where it is legally obliged to do so, UCEM will also prepare and publish an annual gender pay gap report in accordance with statutory requirements from time to time in force. The last report can be found on the policies page of the UCEM website.

Dignity at work

UCEM seeks to provide a work environment in which all employees are treated with respect and dignity and that is free of **harassment, bullying, and intimidation**. The “work environment” covers all Place of Work options at UCEM (Horizons Based, Split, Remote) and electronic communications used for work-related purposes.

This policy also covers harassment, bullying, and intimidation in any **work-related setting outside the workplace**, for example during business trips, at external training events, or at work-related social events and functions. It also covers harassment, bullying, and intimidation in **work-related online settings and electronic communications**, including social media, email, text messaging, and other instant messaging platforms, as well as telephone/video calls.

Bullying and harassment are often confused. By law, bullying behaviour can be harassment if it relates to any of the following **seven** protected characteristics:

- age
- disability
- gender reassignment
- race (colour, ethnic or national origins, nationality including citizenship)
- religion or belief
- sex, or
- sexual orientation.

Employees have a duty to implement this policy, prevent and act against harassment or bullying.

Action will be taken under the Disciplinary Procedure against any employee who is found to have committed an act of harassment, bullying, or intimidation against a job applicant or employee, or against a third party who does business with UCEM such as a client, customer, contractor, or supplier. Serious breaches of this policy will be treated as potential gross misconduct and could render the employee liable to summary dismissal.

In addition, line managers who had knowledge that harassment or bullying had occurred in their teams/departments but who had taken no action to eliminate it, will also be subject to disciplinary action under the Disciplinary Procedure.

Employees should bear in mind they can be held **personally liable** for any act of unlawful harassment in the course of their employment. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

UCEM will not condone or tolerate any form of harassment, bullying, or intimidation. Please report any suspected cases of harassment, bullying, or intimidation to your line manager or the HR team; colleagues who do so will be supported and not victimised, nor subject to any form of retaliation.

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

Definitions

Bullying is offensive, intimidating, malicious, or insulting behaviour or an abuse or misuse of power which undermines or humiliates an employee or makes them feel vulnerable, upset, or threatened. Power does not always mean being in a position of authority, as it can include personal strength and the power to coerce through fear.

An employee unlawfully harasses another employee if they engage in the below conduct, which has the purpose or effect of violating the other employee's dignity, or creates an intimidating, hostile, degrading, humiliating, or offensive environment for that other employee:

- unwanted conduct related to a protected characteristic, and/or
- unwanted conduct of a sexual nature, and/or
- unwanted conduct of a sexual nature or conduct related to gender reassignment or sex, and because of that other employee's rejection 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.

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. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

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 conduct, that such behaviour is unacceptable to them.

It should be noted a single incident can amount to harassment if it is sufficiently serious.

Examples of bullying and harassment

Bullying and harassment may be verbal, non-verbal, written, or physical and it can be undertaken in person, in an online setting, or electronic communication. Examples of unacceptable behaviour include, but are not limited to, the following:

- Unwanted physical conduct, including touching, pinching, pushing and grabbing.
- Physical or psychological threats.
- Overbearing and intimidating levels of supervision or inappropriate derogatory comments about an employee's performance.
- Using abusive or threatening language in emails, text, or IM messages.
- Writing emails, text, or IM messages in capital letters (as that is considered to be shouting).
- Unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature.
- Subjection to obscene, lewd, or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to a protected characteristic, including during telephone or video calls.
- The offer of rewards for going along with sexual advances or threats for rejecting sexual advances.
- Jokes, comments, remarks, or pictures of a pornographic, sexual, sexist, racist, homophobic or ageist nature or which are otherwise inappropriate, derogatory, discriminatory, or stereotypical in relation to a protected characteristic, including emails, text and IM messages, video clips and images sent by mobile phone or posted on social media.
- Demeaning comments about an employee's appearance.
- Questions about an employee's sex life.
- Outing or threatening to out an employee e.g. as gay or circulating rumours about an employee's sexual orientation.
- Consistently addressing a transgender or intersex employee by a previous name.
- Consistently failing to use an employee's preferred pronoun.
- The use of nicknames related to a protected characteristic whether made orally or by email, text, or IM message.
- Picking on, mocking, mimicking, or ridiculing an employee because of a protected characteristic.
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome.
- Isolating an employee or excluding them from social activities or relevant work-related matters because of a protected characteristic, including excluding them from video calls, group instant messaging chats, or email correspondence.

Reasonable, legitimate, and constructive criticism of an employee's performance or behaviour, or reasonable instructions given to employees in the course of their employment **will not** amount to bullying or harassment on their own. Those are part of normal employment routine and should not be interpreted as anything different.

Training on bullying and harassment

Early in 2024 UCEM will make available to all employees and line managers accessible training on bullying and harassment in the workplace – from an employment (contract of employment) perspective. The aim of this training is to help all employees understand their rights and responsibilities in relation to dignity at work and help everyone understand how to create a work environment that is free from harassment, bullying, and intimidation.

For the avoidance of doubt, any future training does not replace any existing training already available within UCEM, intended for student-facing teams.

Line managers will be responsible for ensuring they actively promote dignity at work within the teams/departments for which they are responsible, and for ensuring those they manage understand the standards of behaviour expected, along with adherence to this policy. Line managers must also set an appropriate standard of behaviour and lead by example, taking appropriate action when behaviour falls below acceptable standards.

Reporting complaints

All complaints about unlawful discrimination, inequality of opportunity, lack of diversity or inclusion, unequal pay, harassment, bullying, or intimidation, will be dealt with seriously, confidentially, and without unreasonable delay. UCEM will not ignore or treat lightly complaints raised by employees.

If you are not sure whether to raise a complaint or wish to talk it through before doing so, or if you are not certain whether an incident or series of incidents amount to harassment or bullying, please contact the HR team or speak to your line

manager. The Employee Assistance Programme is also available to you for free, confidential, and impartial advice.

If you feel you are being harassed or bullied, consider whether you can raise the problem informally with the person responsible. You can explain clearly to them their behaviour is unwelcome or makes you feel uncomfortable. However, UCEM recognises that actual or perceived power and status disparities may make such conversations impractical. If informal direct communication is ineffective, unsuccessful, or impractical, or you feel it is too difficult or embarrassing, or the situation is too serious to be dealt with informally, you should follow the Grievance Procedure.

If you wish to make a complaint you should do so promptly, raising the matter in accordance with the Grievance Procedure. Complaints will be treated in confidence and investigated as appropriate. If the matter concerns your line manager, please raise your grievance to the HR team.

Employees who in good faith bring a grievance under this policy will not be disciplined, dismissed, or otherwise suffer any adverse treatment for having done so. However, making a false allegation deliberately and in bad faith will be treated as misconduct under the Disciplinary Procedure.

Monitoring equality, diversity, and inclusion

The HR team will monitor employment practices and procedures to assess whether equality, diversity, and inclusion are being achieved; this will also involve considering any possible indirectly discriminatory effects of working practices. If changes are required to address issues, UCEM aims to implement them. Wherever feasible and practicable, UCEM will make reasonable adjustments to its working practices to overcome substantial disadvantages caused by disability.

UCEM will monitor the equality profile of its workforce to ensure it is meeting its commitment in this policy of encouraging equality, diversity, and inclusion. With the introduction of new technology, UCEM will also collect relevant data from job applicants, to meet this same commitment.