

Policy name	Equality and Diversity Policy
Date policy was introduced	2009
This policy has been authorised by (SRO)	
Policy owner	Inclusion and Diversity
Other contacts	Employment Relations
Scope of the policy	
Next review date	<p>This policy will be reviewed subject to business needs, when issues arise or due to legislation.</p> <p>Any review will be in consultation with DTUS.</p> <p>The department will monitor the effectiveness of this policy and procedure, with a view to compliance and diversity.</p>

Tips on completing this proforma (Delete this box before finalising your policy)

Use the Main Heading and Sub-heading buttons on the ribbon to start sections; this will format the headings appropriately and automatically populate the Navigation Pane.

If you cannot see the Navigation Pane, click View on the ribbon and tick Navigation Pane.

Summary

1. This Policy covers employee's rights and responsibilities under the department's equality and diversity policy and the relevant legislation. It also applies to visitors, customers, respondents, contractors and suppliers whilst they are supplying goods and services to the department. It gives guidance on the implementation of the policy and the legislation, and has been written in line with The Civil Service Code of Conduct.

Introduction

2. The department is committed to being an equal opportunities employer and to achieving equality of opportunity for all employees. The department values and welcomes diversity and all employees are entitled to work in an environment free from discrimination and harassment.

Objectives and basic principles

3. Our equality and diversity policy aims to ensure that existing employees and applicants for jobs are treated fairly and within the law. No employees or applicants for jobs in the

department should receive less favourable treatment on unjustifiable grounds because of their:

- sex
- marital status (including civil partner status)
- age
- race (includes ethnic or national origin or nationality within the constraints of the *Civil Service Nationality Rules*)
- disability
- responsibility for dependants
- religion or belief (actual or perceived)
- sexual orientation (actual or perceived)
- gender identity or transgender status
- pregnancy
- political beliefs
- trade union activities
- working patterns
- contract status

4. The department supports a range of flexible working patterns to enable employees to balance home and work responsibilities and treats people fairly, irrespective of their working arrangements.

Under our equality and diversity policy the department will also:

- aim to employ a workforce which reflects the diverse community at large
- use only role criteria in recruitment, selection and promotion
- aim to ensure that all aspects of our pay systems are free of bias
- provide reasonable adjustments and a workplace which is environmentally compatible with and accessible to people with disabilities
- utilise the expertise and skills of all employees and ensure their development through training and other career opportunities; and
- support employee network groups on all ONS sites to ensure management are informed of their needs and that their views are sought
- ensure that companies or individuals supplying goods or services to the department know and adhere to this policy within the department

5. The Equality and Diversity policy defines the departments commitment to embedding equality and diversity throughout the business. It provides clarity on what constitutes harassment and bullying and a procedure for dealing with complaints

Everyone working in the department must comply with equality legislation and with codes of practice issued under such legislation. The department recognises its legal obligations and is also committed to operating within the terms of the relevant Codes of Practice (**See Annex A below**) Many of the rights and responsibilities detailed in this policy and which must be conformed with are underpinned by a legal framework (**See Annex A below**) along with definitions of commonly used terms (**See Annex A below**), for example, direct and indirect discrimination, reasonable adjustment, victimisation, harassment, and positive action.

6. All employees have rights (**See Annex B below**) under these Acts, the departments equality and diversity policy and related procedures.

Policy on Harassment and Bullying See [ONS Resolution policy](#)

Roles and responsibilities

Individual Responsibilities

7. All employees have a duty:

- to act in accordance with this policy
- not to unfairly discriminate (**See Annex A below**) against a colleague, customer, visitor, contractor, supplier or respondent.

8. Individuals are legally liable if, in the course of employment, they:

- commit an act of unlawful discrimination (**See Annex A below**)
- induce or attempt to induce another person to commit an act of unlawful discrimination
- help someone else to commit an act of unlawful discrimination (**See Annex A below**)
- victimise a person for asserting or seeking to assert their rights under the legislation

9. The department will not tolerate any discriminatory behaviour and in some situations, may be at risk of being held responsible for the acts of individual employees.

10. Responsibility for a successful equality and diversity policy and its practical implementation rests with every employee. All employees will be expected to examine their attitudes to colleagues to ensure that they do not unfairly discriminate.

11. Unfair discrimination (**See Annex A below**) is a serious matter and employees should be aware of the forms which unconscious discrimination can take, guard against them and avoid any action which might influence others to discriminate unfairly. Unfair discrimination can result in disciplinary proceedings which could result in dismissal and in individual liability under relevant Acts. If you have a complaint about unfair discrimination, refer to the departments [Resolution policy and procedure](#).

12. Employees are obliged to attend the mandatory diversity training and to have one diversity objective in their Performance Management goals.

Manager Responsibilities

13. All managers have a responsibility to:

- ensure that this policy is implemented effectively
- foster a culture in which compliance with this policy is regarded as integral to the work of ONS
- establish a working environment that provides equality for all and where people are respected and valued as individuals
- raise diversity regularly at team or divisional meetings
- ensure that employees attend the mandatory diversity training
- ensure that all employees have a diversity objective in their PMS
- ensure that they are undertaking their duties in relation to equality impact assessment

14. Managers may need to consider accessibility issues relating to this policy, e.g. 1:1 discussion with those who may have difficulty with assimilating written text.

The Department' Responsibilities

15. The following have responsibilities:

- The Executive group is responsible for making sure the department meets its legal obligations in relation to equality & diversity
- The Equality and Diversity Steering group (EDSG) is responsible for overseeing and monitoring progress against the department' Diversity and Inclusion strategy and resolving obstacles to progress
- diversity advisor is responsible for the strategic diversity work stream which includes analysing data in relation to recruitment and selection, promotion, resolution, disciplinary, leavers, appraisal, pay and benefits, learning and development, and the People Survey. Also for providing advice, guidance and support to People and Business Services (PBS)
- PBS is responsible for ensuring that all employee policies and procedures are carried out in accordance with the equality & diversity policy. It is also responsible for addressing any inequalities which are identified in the data mentioned above
- Learning and Development (L&D) are responsible for providing equality and diversity training to all employees and managers and ensuring that equality and diversity is threaded through the entire L&D offering.
- Employee network groups have a role in providing guidance and support to the department and individual employees
- Trade Unions (TUS) are responsible for supporting and monitoring the equality & diversity policy and providing support for employees who seek their help because they are subject to unfair discrimination
- Facilities management at each site are responsible for ensuring that local working needs of employees with disabilities are met
- Corporate communication is responsible for ensuring that all publicity for the department is representative of the UK population and conveys a positive message regarding diversity

Procedures

16. Individuals may prefer in the first instance to take an informal approach which may include a discussion with a contact from the employee assistance programme, Employment Relations, their line manager, a friend or colleague.

17. Any employee who believes they are being unfairly discriminated against may use the [Resolution policy and procedure](#) for formal resolution, including mediation. The diversity advisor will monitor procedures and outcomes. Complaints related to bullying or harassment will be dealt with through the resolution policy and procedure, as above.

18. All employees making complaints have the right to a fair and confidential hearing without victimisation.

19. The department will take steps to investigate and act if there appears to be any inappropriate material or behaviour that contravenes this policy. Individuals exhibiting such behaviour will be subject to disciplinary action.

Employees with specific needs

19. Any employee who has specific needs/requirements in relation to this policy will be given consideration on a case by case basis.

Additional Guidance

Equality Assessments

20. An Equality Assessment (EA) should form part of any new policy or practice and be factored in as early as one would for other considerations such as risk, budget or health and safety. An EA should be carried out when:

- developing new policies
- developing new guidelines
- developing a new survey/way of working
- starting a new project
- reviewing existing policies
- reviewing existing guidelines
- reviewing existing services / functions

The decision on when to carry out an assessment should also take into account the number of staff who are affected by the change. This should be considered in terms of the weight of the impact on the staff, not just the number of staff affected.

21. Forms and Guidance Documents-

<https://intranet.ons.statistics.gov.uk/corporate-ons/inclusion-and-diversity/>

<https://officenationalstatistics.sharepoint.com/sites/divdive/PubLib/Forms/AllItems.aspx?id=%2Fsites%2Fdivdive%2FPubLib%2FEquality%5FImpact%5FAssessment%2FDocuments&p=true&originalPath=aHR0cHM6Ly9vZmZpY2VuYXRpb25hbHN0YXRpc3RpY3Muc2hhcmVwb2ludC5jb20vOmY6L3MvZGI2ZGI2ZS9FbkF6eXVzM0ZxSkR>

[wOTRxUmIKYjVCZ0I0bFFVQWQ3SndnNzI0eDZtMzRtUnZRP3J0aW1IPXJTWVhPeUEzMIVn](#)



Appendix A - The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.pdf



Appendix B - EHRC Guidance - England and Non-Devolved Public Authorities in Scotland and Wales.pdf

List of Annexes

Annex A

Legal Framework:

- The Equality Act 2010
- Protection from Harassment Act 1997
- Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002

Codes of Practice:

- Code of practice on equal pay (2010)
- Code of practice on employment (2010)
- Code of practice on employment, services, public functions and associations (2010)

Definitions of some of the terms used:

a) Unlawful discrimination

Unlawful discrimination in employment occurs as a result of prejudice, misconception and stereotyping which hinders the proper consideration of an individual's talents, skills, abilities, potential and experience. Unlawful discrimination can be direct or indirect, intentional or unintentional.

b) Direct Discrimination

Direct discrimination is when a person treats another less favourably than they treat or would treat others because of a protected characteristic. Direct discrimination is generally unlawful. However, it may be lawful in the following circumstances:

- where the protected characteristic is age, and the less favourable treatment can be justified as a proportionate means of achieving a legitimate aim
- in relation to the protected characteristic of disability, where a disabled person is treated more favourably than a non-disabled person
- where the Act provides an express exception which permits directly discriminatory treatment that would otherwise be unlawful

For example:

- *not promoting a woman who is pregnant on the assumption that she would not be able to cope with a child and new responsibilities*
- *not appointing a man to a senior position because there are too few women*
- *not encouraging an Asian woman to seek professional qualifications, based on the assumption that she is unlikely to seek promotion*
- *not asking a person with partial hearing for an interview because it is thought that they might not be able to use the telephone.*
- *viewing a younger worker as "too young"*
- *not allowing career development opportunities for employees on fixed term or casual contracts*

c) Indirect discrimination

Indirect discrimination may occur when an employer applies an apparently neutral provision, criterion or practice which puts workers sharing a protected characteristic at a particular disadvantage. For indirect discrimination to take place, four requirements must be met:

- the employer applies (or would apply) the provision, criterion or practice equally to everyone within the relevant group including a particular worker
- the provision, criterion or practice puts, or would put, people who share the worker's protected characteristic at a particular disadvantage when compared with people who do not have that characteristic
- the provision, criterion or practice puts, or would put, the worker at that disadvantage; and
- the employer cannot show that the provision, criterion or practice is a proportionate means of achieving a legitimate aim

For example:

- *setting an upper age limit of 32 for access to further education with which fewer women than men could comply because of taking a career break to have a family*
- *using word of mouth recruitment as the sole method of advertising vacancies, which perpetuates the current gender/race employee profile and so excludes certain groups*
- *Requiring graduate qualifications where there is no legitimate aim might exclude older workers who are less likely to hold higher academic qualifications*
- *requiring recent graduate experience which might exclude older workers who obtained their qualifications several years ago*

d) Sex Discrimination in pay

Occurs where a person of one sex is doing the same or similar work, work which has been rated as equivalent, or work of equal value to a person of the opposite sex, but is not receiving equal pay and other contractual benefits, unless there is a genuine material factor unrelated to sex which accounts for the difference in pay.

For example:

- a woman clerical worker could claim equal pay with a male colleague doing similar work. The tribunal would assess whether the differences between jobs were sufficient to justify the difference in pay and whether these differences were based on sex.

e) Reasonable adjustment

Under the Equality Act 2010 employers must make reasonable adjustments for people with disabilities. "**Disability**" is defined by that Act as:

"a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities". this includes people with HIV, cancer and Multiple Sclerosis from the point of diagnosis, rather than from the point when the condition has an adverse effect on the ability to carry out normal day-to-day activities.

For example:

- a person who could not climb stairs should not be refused a vacancy when the job could be relocated to the ground floor

f) Victimisation

Victimisation occurs when a person is treated less favourably than another person because he/she has complained about discrimination or harassment or supported someone who has complained about discrimination or harassment.

For example:

- a woman makes a complaint that she is being harassed by her boss. Subsequently her work is criticised, she is given impossible deadlines to meet and she receives a performance assessment lower than she might otherwise have expected.

g) Positive action

The positive action provisions of the Equality Act mean that it is not unlawful to recruit or promote a candidate who is of equal merit to another candidate, if the employer reasonably thinks the candidate:

- has a protected characteristic that is under represented in the workforce; or
- that people with that characteristic suffer a disadvantage connected to that characteristic.

However, positive action does not allow an employer to appoint a **less suitable candidate** just because that candidate has a protected characteristic that is under-represented or disadvantaged.

The law permits positive action where it is proportionate to achieving the legitimate aim. It also permits positive action in connection with training for particular work where a protected characteristic is under-represented in the workforce or the relevant population. Types of positive action permitted under legislation include running a positive action mentoring scheme for ethnic minority employees because they are under-represented at senior levels and data shows that they are not being promoted in the same numbers as their white counterparts.

Annex B

Employee Rights

Every employee is entitled:

- to a working environment free from discrimination and harassment
- to complain about discrimination or harassment in the work place
- to make a complaint to an employment tribunal (ET) within three months of the act complained of under The Equality Act (2010) as appropriate, and to seek the assistance of The Equality and Human Rights Commission in so doing
- to continue to make a complaint through the internal resolution procedures after making a complaint to an ET
- to involve ACAS before or after making a complaint to an ET
- to participate in mediation as laid out in the resolution procedure
- for any party to an internal complaint to have it dealt with fairly, thoroughly, sensitively and expeditiously on the facts of the case and in line with our equality and diversity policy
- for any party to a complaint to seek advice from, and be represented by, a 'friend', being either a member of staff or a TUS representative
- to confidentiality as far as possible, consistent with a thorough enquiry and the requirement to keep a central record of complaints made, to ensure the reputation or career of either party to a complaint is not unjustly affected as a result of the complaint having been made
- to equality of treatment in all areas of employment, including:
 - I. terms and conditions
 - II. access to the workplace
 - III. job and work allocation
 - IV. training
 - V. career development
 - VI. performance review
 - VII. promotion
 - VIII. transfer
 - IX. redundancy
 - X. disciplinary proceedings