



Equality and Diversity Policy

Contents

1. Introduction	2
2. Scope	2
3. Definitions	2
4. Key Principles	3
5. Responsibilities	4
6. Implementing this Policy.....	4
7. Further Information and Advice	5
8. Monitoring	5
9. Links to other Policies	6
10. Relevant Legislation.....	6
11. Useful contacts.....	7
Appendix A	8

Author	Equality and Diversity Office
Responsibility	Human Resources Student Experience and Enhancement Services
Published	June 2011
Revised	March 2014

You may use the information contained within this Policy by acknowledging the University of Strathclyde and/ or the appropriate source.

1. Introduction

- 1.1 The University of Strathclyde is committed to achieving and promoting equality of opportunity in its learning, teaching, research and working environments, and to ensuring these environments support positive relations between people, and a culture of respect.
- 1.2 As a provider of employment and education, we value the diversity of our staff and students and are committed to encouraging everyone to realise their full potential. To this end the University will work with the representatives of staff and students to develop a positive and enabling culture of work and study.
- 1.3 We are committed to providing equality or opportunity for all irrespective of their protected characteristics¹:
 - age
 - disability
 - ethnicity (including race, colour and nationality and Caste in 2015²)
 - gender reassignment
 - religion or belief
 - sex
 - sexual orientation
 - marriage and civil partnership
 - pregnancy and maternity

2. Scope

The policy is relevant to all members of the University community, including:

- 2.1 All members of staff including those with full-time, part-time and sessional contracts, honorary staff, and staff from other institutions or organisations on placement, or working on a visiting basis at the University.
- 2.2 All students, including exchange and placement students.
- 2.3 Visitors, including individuals using the University's premises.
- 2.4 Contractors and volunteers working at the University.
- 2.5 Individuals working or acting on the University's behalf, including suppliers of goods and services.

3. Definitions

- 3.1 **Positive Action** – The Equality Act 2010 allows employers to take “positive action” as a proportionate means of enabling or encouraging people with a protected characteristic to overcome or minimise disadvantage, or participate in activity where they are underrepresented. This includes allowing employers

¹ The terminology is prescribed by the Equality Act 2010.

² www.gov.uk/government/publications/caste-discrimination-legislation-timetable

to recruit or promote employees because of their protected characteristic if they are “as qualified as” other candidates, provided this is done on a case-by-case basis rather than as a matter of policy.

- 3.2 **Positive about Disabled People accreditation** – Awarded by Jobcentre Plus to employers who have made commitments to employ, keep and develop the abilities of staff with disabilities. These commitments are based around the areas of recruitment, training, retention, consultation and disability awareness.

4. Key Principles

- 4.1 The University works to ensure that all of our students, staff and visitors, as well as those who apply or seek to apply to work or study with us, are treated fairly and are not subjected to discrimination (by the University) on any grounds, including those defined within the protected characteristics.
- 4.2 Therefore, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation are not considered as criteria in any decision making concerning student admissions, progression or support, or in the criteria applied to staff recruitment and selection, promotion and staff development opportunities.
- 4.3 To support our commitment to equality and diversity, and to address our legal commitments, the University has developed Equality Outcomes 2013-2017 which are reviewed, monitored and developed on an on-going basis.
- 4.4 The University aims to create learning and working environments based on fostering good relations between all people, with a shared commitment to preventing and challenging stereotyping, prejudice, discrimination and harassment, and promoting respect for all.
- 4.5 The University aims to meet the different needs of different groups, as appropriate, whilst promoting shared values. In so far as possible the different needs of individuals within the community will be accommodated in policies procedures and practices of the University to ensure equality of treatment.
- 4.6 Diversity is celebrated within the University community and as such, a range of events and activities is supported each year for both staff and students.
- 4.7 Equality Impact Assessments are conducted to assess the implications of decisions on the University’s community and to help prevent and tackle inequality.
- 4.8 The University works in conjunction with the University of Strathclyde Students’ Association in taking forward its work on equality and diversity and seeks to gather student feedback relevant to equality of opportunity and experience.
- 4.9 Where data relevant to Equality and Diversity, or any of the protected characteristics is gathered and stored by the University, it is done so appropriately and in line with Data Protection guidelines.
- 4.10 Under-represented groups are encouraged to apply for work and study at the University. The University has been awarded the Positive about Disabled People accreditation and as appropriate the University may consider applying positive action as permitted within the Equality Act 2010.

- 4.11 The University will follow appropriate search and selection procedures, giving due consideration to matters of fairness, transparency, equality and diversity.
- 4.12 The University is committed to ensuring that equality and diversity are embedded within the Outcome Agreement process with the Scottish Funding Council.

5. Responsibilities

- 5.1 The Principal and Vice-Chancellor has ultimate responsibility for ensuring that this policy and the Equality Outcomes 2013-2017 are implemented. Senior and Operational Managers are accountable for delivering the equality commitments in their designated areas of responsibility. The Equality and Diversity Manager also has specific responsibilities for supporting and guiding the implementation of this policy (and the Equality Outcomes 2013-2017) and the achievement of the University's aims.
- 5.2 All staff, students and others to whom this policy applies are responsible for ensuring their own understanding of this policy and for seeking clarification on any aspect of the document as required. Staff and students will be reminded of their responsibilities through the appropriate communication channels.
- 5.3 All staff and students of the University, those carrying out work or delivering services on behalf of the University and our partners, are required to adhere to this policy and everyone is expected to support the University in promoting good relations and challenging discrimination and harassment.

6. Implementing this Policy

The University will ensure that:

- 6.1 Staff, students and visitors are made aware of this policy through a range of communications and training activities.
- 6.2 Staff and students are provided with appropriate equality training and development.
- 6.3 Communications materials reflect the diverse community of the University and help to promote equality of opportunity.
- 6.4 Prompt action is taken in response to any alleged discrimination, victimisation or harassment.
- 6.5 Staff involved in (staff) recruitment and selection and (student) admissions are offered appropriate training on equality and diversity matters and have a clear understanding of their responsibilities within this policy.
- 6.6 External contractors are made aware of their responsibilities in relation to equality and diversity and the requirement to comply with relevant University policies and regulations.

- 6.7 Learning and teaching material, where practicable, is developed and reviewed to be inclusive in its content.
- 6.8 Through the Equality Impact Assessment process, significant changes to University policies and practices are assessed in terms of any inequality that may result from their implementation and corresponding action is taken to prevent or appropriately address inequality.

7. Further Information and Advice

- 7.1 Any student or staff member requiring further information or advice regarding an equality and diversity matter can contact the Equality and Diversity Manager.
- 7.2 If a staff member or student perceives that they may have been unfairly treated in respect of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation background, they should follow the protocol noted in points 7.3 and 7.4.
- 7.3 Staff should normally speak to their Line Manager in the first instance. Alternatively, advice can be sought from the Human Resources Department, Equality and Diversity Manager or relevant Trade Union.
- 7.4 Students should normally speak to their Adviser of Studies in the first instance. Alternatively, advice can be sought from the Students' Association, the University Advice Centre, the Disability Service or Equality and Diversity Manager.
- 7.5 It is anticipated that any concerns raised will normally be addressed effectively and swiftly through these and any subsequent discussions. However, if a matter remains unresolved, the Dignity and Respect Policy should be used:
<http://www.strath.ac.uk/media/ps/humanresources/policies/DignityandRespectPolicy.pdf>

8. Monitoring

- 8.1 The Equality and Diversity Strategy Committee (EDSC) monitors the implementation and review of this Policy.
- 8.2 The University gathers statistical information relevant to equality and diversity in relation to staff and student processes, including:
 - Staff - recruitment and selection, access to promotion, training, grievances and discipline.
 - Students – admissions, retention, progression, degree classification, complaints, appeals, discipline and surveys.
- 8.3 Information collected and stored is analysed for monitoring purposes and reported within the University's equality monitoring annual reports.

9. Links to other Policies

This Policy forms part of the University's suite of policies which govern the day-to-day workings of the institution.

- 9.1 University Equality Outcomes 2013-2017:
<http://www.strath.ac.uk/equalitydiversity/publicsectorequalitydutyreports/>
- 9.2 Staff-related policies information can be found on the University's Human Resources Department web page: <http://www.strath.ac.uk/staff/policies/hr/>
- 9.3 Information on student policies can be found on the University's Student Experience and Enhancement Services (SEES) Directorate web page: <http://www.strath.ac.uk/staff/policies/academic/>

10. Relevant Legislation

- 10.1 [Equality Act 2010](#).
- 10.2 [Human Rights Act 1998](#).

11. Useful contacts

<p>1) Equality and Diversity Office University of Strathclyde Graham Hills Building Room GH208B, Level 2 50 George Street Glasgow, G1 1QE Telephone: 0141 548 2811</p> <p>Annie McLaughlin Email: annie.mclaughlin@strath.ac.uk</p> <p>Website: www.strath.ac.uk/equalitydiversity/</p>	<p>3) Human Resources McCance Building 16 Richmond Street Glasgow G1 1XQ Telephone: 0141 548 4476 Email: humanresources@strath.ac.uk</p> <p>4) Dignity and Respect Advisers' Network This is a voluntary team providing support to students and staff who may experience bullying and harassment. www.strath.ac.uk/equalitydiversity/policies/</p> <p>5) Disability Service Room 4.41, Level 4 Graham Hills Building 50 George Street Glasgow G1 1QE Telephone: 0141 548 3402 Minicom: 0141 548 4739 Email: disabilityservice@strath.ac.uk</p>
<p>2) Strathclyde Students' Union 90 John Street Glasgow G1 1JH Telephone: 0141 567 5000 Email: strathunion.info@strath.ac.uk</p>	<p>6) Equality and Human Rights Commission 151 West George Street Glasgow G2 2JJ Telephone: 0141 228 5910 Email: scotland@equalityhumanrights.com</p>
<p>If you need advice or information on discrimination or human rights matters please contact the:</p>	<p>7) Equality Advisory Support Service Telephone: 0808 800 0082 Text phone: 0808 800 0084 Post: FREEPOST Equality Advisory Support Service FPN4431 Website: www.equalityadvisoryservice.com/</p>

Appendix A

Equality Act 2010 - Implications for the University of Strathclyde

Executive Summary

1. Background

The Equality Act 2010 came into force on 1 October 2010 and harmonises former anti-discrimination legislation and statutory instruments. The Act strengthens the law on equality and introduces several new rights and remedies. The Act covers employment matters, education and the provision of goods and services and public procurement.

The Equality Act introduces the new terminology of '**protected characteristics**': age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The following is an outline of implications of the Act for the University of Strathclyde.

2. Court responsibility

The University Governing body (the Court) is legally responsible for ensuring the University is compliant with the Equality Act 2010.

3. Institutional Responsibility

- Implement the 'equality duties' (general and specific)
- Ensure University policies and practices are consistent with the Act
- Develop Equality Outcomes for 2013-2017
- Inform staff, students (current and former) and visitors including contractors on the University equality policy and Equality Outcomes for 2013-2017
- Monitor procurement processes
- Conduct equality impact assessments on current, revised or new policy and practices to address any inequality or potential discrimination
- Provide information in accessible format

4. Employment relevant responsibility

Requirements of the Equality Act 2010 which are applied and practiced at the University include:

- Reviewing (and thereafter periodically) HR policies, job contracts and practices to ensure compliance with the Act
- Revising job application forms to omit health and disability related questions; unless justified, such as employers may ask candidates to establish whether any reasonable adjustment is required during the selection process
- Having no pay secrecy clauses
- Conducting equal pay review and publishing gender pay gap data
- Publishing equality trends for employment of men, women, minority ethnic people and people with disabilities
- Providing staff development awareness opportunities

- Students advised of their rights and responsibilities via course handbooks
- Range of diversity events that enable engagement, dialogue and promote understanding and respect between people from all protected characteristics.

Elements of the Act relating to employment matters that require consideration include:

- Applying positive action to address patterns of under-representation (in relation to training and jobs)
- Updating the staff and students equality monitoring process to capture data for all protected characteristics (introduced in September 2013)
- Awareness raising for all students

5. Challenges

- Resource implications at time of financial constraint
- Understanding and engaging with the Equality Impact Assessments process
- Greater buy-in and engagement on equality matters by all members of the University community
- Taking pro-active measures to prevent harassment, including better monitoring of (incidents) information
- Devising a manageable monitoring process for procurement

The University's Equality and Diversity office will keep abreast of legislative (codes of practice) developments and will inform the University community accordingly.

Equality Act 2010

1. Introduction

Equality Bill received Royal Assent on the 8th April 2010 and became the Equality Act 2010. The Act came into force on 1st October 2010.

The Act streamlines³ the former nine major pieces of anti-discrimination legislation and some 100 statutory instruments into one legislation. The Equality Act 2010 does not apply to Northern Ireland.

The Equality Act covers employment, facilities, goods and services and education.

2. Protected Characteristics

The Equality Act introduces new terminology/ concept of 'protected characteristics' which widen the scope of the existing six equality strands.

The protected characteristics cover:

<ul style="list-style-type: none">▪ Age▪ Disability▪ Gender reassignment⁴▪ Marriage and civil partnership▪ Pregnancy and maternity	<ul style="list-style-type: none">▪ Race▪ Religion or belief▪ Sex▪ Sexual orientation
---	--

3. Equality Duties (Section 149 of the Equality Act 2010)

The Act places general and specific duties on public authorities.

3.1 General Duty

The Act places a new single duty⁵ (came into force in April 2011) on public authorities to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act
- Advance equality of opportunity between people from different groups
- Foster good relations

³ Most of the existing anti-discrimination legislation is repealed. However, the Equality Act 2006 will remain in force (as amended by the Equality Act) so far as it relates to the constitution and operation of the Equality and Human Rights Commission and the Disability Discrimination Act 1995 in relation to Northern Ireland.

⁴ A trans person does not have to be under medical supervision to be protected from discrimination and harassment.

⁵ Applies to all protected characteristics other than marriage/ civil partnership.

3.2 **Specific Duty**

The purpose of the specific duties is to set a framework for delivery of the general duty. Proposed new specific duties for Scotland include:

- **Publication of Equality Outcomes** (covering period of 4 years) - based on evidence and involvement of equality groups and communities, and informed by the general duty. A public authority will have to report on progress made towards these outcomes.
- **Mainstreaming Equality** - duty to report on embedding equality across corporate systems, policies and practices
- **Impact Assessment** - consider the impact on equality of new policies and practices, including changes to, or redesign of, existing policies and practices; which is informed by evidence (comes into force from April 2011)
- **Publication of Employment Information** - data on the gender pay gap, the proportion of staff from ethnic minority communities and the distribution of disabled employees throughout an organisation's structure
- **Publication Duty** - simplification of reporting, including a requirement to use existing public performance reporting systems
- **Procurement** - when relevant and proportionate institutions should have due regard to whether the award criteria and the contract conditions for goods, works or services should include equality considerations
- **A duty on Scottish Ministers** to set national equality priorities and report on progress, including the placing of additional specific duties on public authorities to assist the delivery of the general duty⁶.

4. Types of discrimination

The Equality Act defines the following:

4.1 Direct discrimination occurs if an employer discriminates against an employee because of a protected characteristic, whether or not the employee possesses that characteristic (except in the case of marital status or civil partnership).

The new definition of direct discrimination extends protection based on *association and perception*.

- **Discrimination based on association⁷** (Applies to age, disability, gender reassignment, race, religion or belief, sex and sexual orientation)
It will be unlawful to discriminate against employees because of their connection with someone else who possesses a protected characteristic such as an employer treats a white employee less favourably because she has a black boyfriend.

⁶ The specific focus of the Scottish Ministers 2013 proposals is to help improve the quality of equality outcomes, the robustness and use of employee information and the wider equality evidence base (p5). <http://www.scotland.gov.uk/Resource/0044/00440910.pdf>

⁷ *Attridge Law v Coleman*: Coleman claimed she was forced to quit her job at Attridge Law after she requested time off to look after her four-year-old disabled son. The European Court of Justice ruled that able-bodied people can be covered by the Disability Discrimination Act. Direct discrimination or harassment based on association or perception is unlawful.

- **Discrimination based on perception** (applies to age, disability, gender reassignment, race, religion or belief, sex and sexual orientation)
It will be unlawful to discriminate against employees because they are mistakenly perceived to possess a protected characteristic for example; an employee is treated less favourably because his colleagues think he is gay when in fact he is not.

4.2 Indirect discrimination makes it unlawful to apply a provision, criterion or practice which is discriminatory in relation to one of the protected characteristics (but not to pregnancy and maternity). This the first occasion where scope of indirect discrimination is applied to disability and gender reassignment.

4.3 Harassment - employees are able to complain of harassment even if it is not directed at them, if they can demonstrate that it creates an offensive environment for them.^{8/9}

4.4 Victimization - this definition broadly reflects the existing provisions. It is unlawful to subject someone to a detriment because they have brought proceedings under the Equality Act, given evidence or information in connection with proceedings under the Equality Act, done any other thing for the purposes of or in connection with the Equality Act or alleged that the employer or another person has contravened the Equality Act.

4.5 Detriment arising from disability - this replaces the concept of “disability-related discrimination”. It occurs when employers treat employees in a detrimental way because of something that is a consequence of their disability.

A typical example would be dismissing employees with poor attendance records when their absences were caused by a disability. This would be unlawful unless dismissal could be justified as a “proportionate means of achieving a legitimate aim” or the employer could not reasonably have been expected to know of the disability.

4.5.1 The duty to make reasonable adjustments

Employers, education and service providers have a duty to make reasonable adjustments to ensure disabled people do not face ‘substantial disadvantage.’ This could be in relation to a policy, criterion or practice (for example selection criteria for recruitment) or physical features (for examples access to lecture rooms). The duty to make reasonable adjustments remains anticipatory for education providers and providers of service and public functions.

This may involve treating disabled people 'more favourably' than non-disabled people¹⁰.

⁸ Morgan v Halls of Gloucester UKEAT/0573/10/DA. Mr Morgan, a black delivery driver, resigned and claimed constructive dismissal as his employer failed to prevent racist abuse of a colleague. The Employment tribunal found that Mr Morgan’s own dignity had been violated and awarded him £27k.

⁹ Provisions in the Equality Act that make employers liable for harassment of employees by third parties, such as customers, clients or suppliers, was repealed as of 1 October 2013.

¹⁰ Extract on making reasonable adjustments taken from P.3 Skill National Bureau for Students with Disabilities, Equality Act 2010 and Disability, London October 2010

5. New and Extended Requirements

5.1 Equal pay

Under existing law, employees who claim they are paid less because of their sex must identify a “comparator” of the opposite sex who is in the same employment (which usually means employed by the same employer), doing equal work but paid more. The legislation retains the need for a comparator, with two changes.

The Act allows:

- comparison with a successor to a post; and
- “hypothetical comparators”, where there is direct sex discrimination in contractual pay but no actual comparator exists.

5.2 Pay transparency

The Act prevents employers from taking action against employees who discuss their pay with a view to finding out if there has been any unlawful discrimination.

5.3 Positive action

The Act extends the scope for employers to take “positive action” as a proportionate means of enabling or encouraging people with a protected characteristic to overcome or minimise disadvantage, or participate in activity where they are underrepresented.

This includes allowing employers to recruit or promote employees because of their protected characteristic if they are “as qualified as” other candidates, provided this is done on a case-by-case basis rather than as a matter of policy.

5.4 Pre-employment health questions

An additional feature in the Act is a ban on asking job candidates about their health before offering them work.

Some questions will still be permitted: for example, those necessary to establish whether a candidate can undergo an assessment for the job such as a test or an interview; carry out an intrinsic function of the job itself; or for monitoring diversity. However, untargeted health questionnaires, forming part of the application process, are no longer allowed.

Once a person has passed the interview and has been offered a job then it is permitted for Employers to ask appropriate health-related questions.

5.5 Recommendations by Tribunals

A tribunal will be able to make a recommendation benefiting the wider workforce, even if it is no longer relevant for the individual claimant - probably because the individual has left the employer.

6. Codes of Practice

The Equality Act requires the Equality and Human Rights Commission (EHRC) to produce statutory and non-statutory guidance on the legislation.

6.1 Statutory Codes

There are three legally binding Codes of Practice, including:

- [Code of Practice on Equal Pay](#)
- [Code of Practice on Employment](#)
- [Code of Practice on Services, Public Functions and Associations](#)

6.2 Technical Guidance

This form of guidance is not statutory but can be used as evidence in legal proceedings:

- Technical Guidance on the Public Sector Equality Duty Scotland ([PDF](#))
- Technical Guidance on Further and Higher Education ([PDF](#))

6.2 Non-Statutory Codes

The Equality and Human Rights Commission has produced non-statutory Codes of Practice aimed at people relying on the law to protect their rights and the other at those who have responsibilities under the law. Whilst these Codes are not legally binding they may be taken into account by a tribunal. The non-statutory guidance includes:

- [non-statutory guidance on employment](#)
 - What the Equality Act 2010 means for you as an employer
 - What the Equality Act 2010 means for you at work: a guide for employees

Non-statutory guidance for Scottish public authorities includes:

- [Essential guide to the public sector equality duty](#)
- [Equality outcomes and the public sector equality duty](#)
- [Evidence and the public sector equality duty](#)
- [Involvement and the public sector equality duty](#)
- [Assessing impact and the public sector equality duty](#)
- [Mainstreaming the equality duty](#)
- [Employee information and the public sector equality duty](#)

7. Implications of the Equality Act 2010 for the University of Strathclyde

The executive summary on pages 1 and 2 highlight the implications of the Equality Act for the University.

The University's Equality and Diversity office will keep abreast of legislative (codes of practice) developments and will inform the University community accordingly.

References

Consultation on Public Sector Equality Duty Draft Regulations and Order Sept 2010
Skill National Bureau for Students with Disabilities, Equality Act 2010 and Disability,
London October 2010

The Equality Act 2010, Chapter 15, HMSO, London

<http://www.equalityhumanrights.com/legislative-framework/equality-bill/equality-bill-timeline/>

<http://www.equalities.gov.uk/>

<http://www.interfaith.org.uk/publications/equalitybilapr2010.pdf>

http://www.mills-reeve.com/files/Publication/4a13b29f-82bc-4b17-acba-38165ae1744b/Presentation/PublicationAttachment/2aea4b14-3153-4f17-a045-398b0706fb45/Equality_Act_Apr10.pdf

<http://news.parliament.uk/2010/04/the-end-of-the-2005-2010-parliament/>

<http://www.peoplemanagement.co.uk/pm/articles/2010/04/equality-act-2010-a-guide-for-employers.htm>

<http://www.stammeringlaw.org.uk/changes/sea.htm>

<http://www.freelanceadvisor.co.uk/go-freelance-guide/equal-opportunities-and-discrimination-equality-act-2010/>

NA160114

Appendix 1



Equality Act 2010

What's new & what's changed: at a glance

Key		Age	Disability	Gender Reassignment	Race	Religion or Belief	Sex	Sexual Orientation	Marriage & Civil Partnership	Pregnancy & Maternity
Characteristic covered by previous equalities legislation - no changes										
Characteristic covered by previous equalities legislation - some changes made by the Equality Act	Changes									
Characteristic – new to Equality Act	New									
Characteristic - not covered										
Direct discrimination Someone is treated less favourably than another person because of a protected characteristic (PC)										
Associative discrimination Direct discrimination against someone because they associate with another person who possesses a PC	New	New	New			New				
Discrimination by perception Direct discrimination against someone because the others think they possess a particular PC		New	New			New				
Indirect discrimination Can occur when you have a rule or policy that applies to everyone but disadvantages a particular PC		New	New							
Harassment Employees can now complain of behaviour they find offensive even if it is not directed at them	Changes	Changes	Changes	Changes	Changes		Changes			
Victimisation Someone is treated badly because they have made/ supported a complaint or grievance under the Act	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes	Changes