

EQUAL OPPORTUNITIES

✧ OUR CODE OF CONDUCT ✧

The RSE and its staff will:

- Accept and treat others fairly
- Respect differences
- Promote and encourage diversity and equality of opportunity
- Not harass, victimise, bully or discriminate against others
- Not tolerate harassment¹, victimisation², bullying³ or discrimination
- Report harassment, victimisation, bullying or discrimination if it happens
- Address any harassment, victimisation, bullying or discrimination reported

¹ Unwanted conduct affecting the dignity of the person in the workplace.

² Treat someone less favourably on the grounds of age, colour, race, nationality, ethnic origin, gender, gender assignment, religion or beliefs, sexual orientation, marital status, disability.

³ Persistent behaviour directed against an individual which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient.

EQUAL OPPORTUNITIES POLICY

1	Introduction	P 2
2	Policy	P 2
3	Understanding the RSE Commitment	P 2
4	Rights & Personal Responsibilities	P 3
5	Complaints Procedures a) Informal procedure b) Formal procedure c) Appeal process	P 3 P 3 P 4 P 6
6	Staff Support Available	P 6
7	Defining Unacceptable Behaviour a) Harassment b) Victimisation c) Discrimination d) Bullying	P 6 P 6 P 7 P 7 P 8
8	Review of Working Practices, Arrangements & Procedures	P 8

Effective from: 01 July 2004

EQUAL OPPORTUNITIES POLICY

1. Introduction

The Royal Society of Edinburgh / RSE Scotland Foundation ("the RSE") equal opportunities policy and associated procedures are set out below.

2. Policy

The RSE is an equal opportunities employer. It is committed to ensuring, as far as reasonably practicable, all its staff have equality of opportunity and work in an environment free from harassment, victimisation, discrimination or bullying on the grounds of age, colour, race, nationality, ethnic origin, gender, gender reassignment, religion or beliefs, sexual orientation, marital status, disability and any other irrelevant difference or personal characteristic of an individual, e.g. social background, working pattern.

The RSE is also committed to ensuring, as far as reasonably practicable, its staff do not harass, victimise, discriminate or bully others¹ on these grounds in the course of undertaking their RSE duties; and that the RSE working practices, arrangements and procedures operate in accordance with this policy.

In implementing the policy the RSE will:

- Ensure staff understand its commitment to equal opportunities, know their rights and personal responsibilities under the policy, know who to contact for support if they wish to discuss experiences in order to decide steps to be taken, and know the procedure for making a complaint.
- Periodically review its working practices, arrangements and procedures to ensure the policy is being applied.

3. Understanding the RSE Commitment

All staff will be encouraged to read, understand and implement the policy. This will be achieved through:

- Staff receiving individual copies of the policy and any subsequent revisions
- The Policy being easily accessible to all through the staff intranet
- The Personnel Office acting as an ongoing source of advice and guidance
- Staff receiving a copy of the annual Equality Report (see section)
- Promotion of the policy as part of the induction process for new staff

¹ "Others" means other RSE staff, RSE Fellows and individuals who RSE staff are connected or in contact with in the course of undertaking their RSE duties

4. Rights and Personal Responsibilities

It is the duty and responsibility of RSE and every member of staff to stop all types of harassment, victimisation, discrimination or bullying in the workplace². Every member of staff also has the right not to be subjected to any form of harassment, victimisation, discrimination or bullying in the workplace, by others. Additionally, no member of staff must subject others to any form of harassment, victimisation, discrimination or bullying, while in the workplace. Where an individual considers he / she has been the subject of harassment, victimisation, discrimination or bullying, while in the workplace, he / she has a right to invoke the complaint procedure (see section 5).

5. Complaints Procedures

Individuals can invoke an informal or formal procedure against an alleged harasser, victimiser, discriminator or bully. Every complaint received will be investigated thoroughly and dealt with sympathetically and as quickly as possible. The RSE recognises that some complainants may prefer not to have their name used and will observe that wish. However, if the RSE is unable to mention names this may limit its ability to investigate the complaint.

The RSE will make every effort to ensure that individuals who make a complaint in good faith do not suffer from any further detriment or victimisation because of making a complaint. In the same way, the following action will be taken against an individual found to have made a malicious complaint:

- If he / she is a RSE staff member, he / she will be subject to the RSE Disciplinary Procedure. In serious cases, such behaviour may constitute gross misconduct and result in dismissal.
- If he / she is a RSE Fellow, the incident will be referred to RSE Council for consideration and action. In serious cases, such behaviour may constitute conduct injurious to the character or interests of the Society and may result in expulsion from the Fellowship in accordance with Law 42 of the Laws of the Society.
- If he / she is neither of the above, the RSE will write to him / her and, where relevant, his / her employer, recording the malicious complaint and any action it proposes to take as a result. The action may result in the RSE prohibiting future RSE workplace access to him / her and / or the employer.

a) *Informal Procedure*

When possible and appropriate to the circumstances, an individual should approach the harasser, victimiser, discriminator or bully and indicate that their attitude is unwelcome, upsetting or offensive and must stop. If preferred this may be done accompanied by a colleague, or alternatively, in writing, keeping a copy of this. If an individual does not wish to make a direct approach, or if he / she already has, and the behaviour continues, he / she should speak to the Chief Executive or Director of Corporate Services³.

² "Workplace" means any premises / location in which staff are working in the course of undertaking their RSE duties.

³ If both the Chief Executive and Director of Corporate Services are alleged offenders, their role here, and at other stages of the complaint procedure, will be assumed by a member of the RSE Staff Management Group not associated with the complaint.

If approached by an individual, the Chief Executive or Director of Corporate Services will, in discussion with the complainant(s) and alleged offenders(s):

- Confidentially consider the allegation
- Decide and agree the necessary action(s).
- Record details in a confidential note, which will be retained on a complainant(s) and alleged offenders(s) career folder (where he / she is a staff member) or on an equal opportunities complaints folder (where he / she is not a staff member).

If an alleged offender admits to unacceptable behaviour, or based on the evidence, the Chief Executive or Director of Corporate Services genuinely believe that the offender has behaved unacceptably, the following action will be taken:

- If he / she is a RSE staff member, he / she will be warned that continuation of the behaviour will be treated as a disciplinary offence under the RSE Disciplinary Procedure and may constitute gross misconduct and result in dismissal.
- If he / she is a RSE Fellow, the incident will be referred to the RSE Staffing Committee for consideration and further action. In serious cases, the continuation of such behaviour will be treated as conduct injurious to the character or interests of the Society and may result in expulsion from the Fellowship in accordance with Law 42 of the Laws of the Society.
- If he / she is neither of the above, he / she and, where relevant, his / her employer, will be warned that continuation of the behaviour will be treated as conduct injurious to the character or interests of the Society. This may result in the RSE prohibiting future RSE workplace access to him / her and / or the employer.

b) Formal Procedure

If the informal procedure fails, or an individual considers it inappropriate in the circumstances, he / she can invoke the formal procedure by making a complaint, in writing, to the Chief Executive or Director of Corporate Services. The complaint should state the following:

- Name of the alleged offender(s);
- Details of harassment, victimisation, discrimination or bullying alleged;
- The date and time when the event took place;
- Names of any witnesses;
- Details of any actions, which might have already been taken (informal procedure and informal discussions).

On receiving the complaint the Chief Executive or Director of Corporate Services will instigate a formal, confidential investigation, during which both parties will be kept informed of progress. Neither party will be ostracised or subject to less favourable treatment as a result of the complaint.

The investigation process will:

- Provide the alleged offender(s) with a copy of the complaint
- Consider the necessity and scope to separate the alleged offender(s) from the complainant(s) until the complaint has been resolved. If separation is considered appropriate it may, for RSE Staff, involve suspension, with or without pay.
- Seek witness statements and making these available to the alleged offender(s) and the complainant(s).
- Gather the facts through discussion with the alleged offender(s) complainant(s) and witnesses.
- Prepare a written report to the RSE Staffing Committee, which will decide if there is charge to answer.

When the investigation is complete the RSE General Secretary⁴ will advise the alleged offender(s) complainant(s), in writing, of the result and the action to be taken. If either is unhappy with the outcome they have a right to appeal (see section 5 c).

If an alleged offender admits to unacceptable behaviour, or based on the evidence is found to have a charge to answer, the following action will be taken:

- If he / she is a RSE staff member, he / she will be subject to the RSE Disciplinary Procedure. In serious cases, the behaviour may constitute gross misconduct and result in dismissal.
- If he / she is a RSE Fellow, the incident will be referred to RSE Council for consideration and action. In serious cases, the behaviour may constitute conduct injurious to the character or interests of the Society and may result in expulsion from the Fellowship in accordance with Law 42 of the Laws of the Society.
- If he / she is neither of the above, the RSE will write to him / her and, where relevant, his / her employer, informing about action it proposes to take as a result. The action may result in the RSE prohibiting future RSE workplace access to him / her and / or the employer.

If a complaint is upheld, the following information will be held on an offenders career folder (where he / she is a staff member) or on an equal opportunities complaints folder (where he / she is not a staff member):

- The parties involved
- The date and nature of complaint
- Details of any action taken
- A copy of the investigation report.

Records of formal complaints will not be held on a complainant's career folder, or the equal opportunities complaint folder, unless the complainant requests this.

⁴ If the RSE General Secretary is an alleged offender, their role will be assumed by another RSE Senior Officer not associated with the allegation.

c) Appeal Process

If an offender or complainant is unhappy with the outcome of an investigation under the formal procedure, they can appeal against it. The appeal must be made in writing within 14 days of him / her receiving the decision letter and must clearly state the grounds on which it is being made. The RSE will appoint an independent RSE Fellow, not associated with the complaint, or its earlier procedures, to conduct the appeal. The RSE will then inform the other party (offender or complainant) about the appeal.

The appeal will be completed within 1 month of the appeal letter being received. The appellants, other party and the RSE will be informed, in writing, of the appeal decision. The appeal decision is final.

6. Staff Support Available

Staff who feel they are being subjected to any form of unacceptable behaviour, or are being accused of it, can, at any time, speak confidentially with the Personnel Office, which will provide guidance and help on handling matters and options open to them. Staff may also wish to consider seeking support from work colleagues and / or colleagues outside of work. In that respect, a fellow RSE employee of choice may support a member of staff who is a complainant, throughout the complaint procedure.

7. Defining Unacceptable Behaviour

Unacceptable behaviour is that which is unacceptable by normal standards and is disadvantageous to the individual.⁵ What is acceptable behaviour to one person may be unacceptable to another. Staff must therefore be aware of the effect their behaviour and language may have on others.

There are different types of behaviours, which are forms of harassment, victimisation, discrimination or bullying. These have a detrimental effect on individuals and on the RSE reputation. Harassment, victimisation, discrimination or bullying do not necessarily occur on a face to face basis. They may also occur through e-mail, other forms of communication, or down-loading offensive material. Some common definitions and relevant examples are set out under the headings below. The examples provided are not exhaustive and each incident of harassment, victimisation, discrimination or bullying will be viewed on its individual facts.

a) Harassment

Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, colour, race, nationality, ethnic origin, gender, gender reassignment, religion or beliefs, sexual orientation, marital status, disability, any other irrelevant difference or personal characteristic of an individual, e.g. social background, working pattern and may be persistent or an isolated incident. It may be deliberate or unconscious, open or covert, direct or indirect. Some examples of harassment:

- Physical or verbal abuse or intimidation.
- Insensitive jokes, banter, insinuations, insults and taunts based on someone's nationality, gender or sexual orientation.

⁵ Source: The Chartered Institute of Personnel and Development

- Asking intimate questions about someone's disability.
- Unwelcome advances, behaviour or physical contact which an individual finds offensive and which causes them to feel threatened, humiliated, patronised or harassed.
- Display or communication of offensive, written or visual material including graffiti;
- Exclusion from normal workplace conversation or social events.
- Lewd comments about appearance;
- Speculation about an individual's private life and/or sexual activities;
- Threatened or actual violence;

It will not necessarily be a defence that such incidents consist of words or behaviour, which might be claimed to be "common place" or intended as a joke.

b) Victimization

The Sex, Race and Disability Discrimination Acts define victimisation as occurring when an individual is treated less favourably because he / she has complained about unacceptable behaviour or have given evidence for another individual when they have complained. Some examples of victimisation:

- Someone given an unfair workload.
- Someone isolated by others.
- Someone picked on or singled out by others.

c) Discrimination

Direct discrimination is treating someone less favourably on the grounds of age, colour, race, nationality, ethnic origin, gender, gender reassignment, religion or beliefs, sexual orientation, marital status, disability and any other irrelevant difference, e.g. social background, working pattern.

Indirect discrimination on the grounds of sex is:

- Where a provision, criterion or practice is applied or would be applied equally to both sexes but which is such that it would be to the detriment of a considerably larger proportion of women than men and vice versa and which cannot be justified irrespective of the sex of the person to whom it is applied and it is to that person's detriment. For example, a requirement to work full-time might affect more women than men as women are much more likely to undertake caring responsibilities for their dependants. A complainant would have to show that fewer women than men could comply with such a requirement and that it is to her detriment that she cannot apply.

Indirect discrimination on the grounds of race is:

- Where a provision, criterion or practice is applied universally and it is applied to persons not of the same race or ethnic or national origin but which put persons of that race, ethnic or national origin at a particular disadvantage compared to persons not in that racial, ethnic or national group and which cannot be shown to be a proportionate means of achieving a legitimate aim. For example, a rule that employees must not wear headgear could exclude Sikh men who wear a turban, in accordance with practice within their religious group.

Indirect discrimination on the grounds of disability is:

- Where a provision, criterion or practice is universally applied but not account is taken of people with 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. For example, it could not be justified to refuse to promote a wheelchair user because the new workplace was inaccessible if, by easily re-arranging the furniture, the workstation could be made accessible.

d) Bullying

Bullying is defined as any persistent behaviour, directed against an individual, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient.⁶ Bullying behaviour may be characterised by:

- Taking credit for others' work, but never taking responsibility when things go wrong.
- Open aggression, threats, swearing, physical or verbal intimidation.
- Humiliation or ridicule in front of others or in private.
- Excessive over or under supervision
- Over-ruling a person's authority or undermining skills and capabilities
- Setting impossible or unrealistic objectives.
- With-holding information from or deliberately excluding an individual.
- Spreading rumours about an individual.

8. Review of Working Practices, Arrangements and Procedures

The RSE will periodically review working practices, arrangements and procedures to ensure its commitment to equality of opportunity is sustained. To help achieve this it will establish an Equal Opportunities Forum, chaired by the Director of Corporate Services and comprising a representative group of staff. The Forum's remit will be to consider working practices, arrangements and procedures and to produce an annual Equality Report informing about its work and setting out future objectives and proposed actions. This report will be presented to the RSE Executive Board.

⁶ CIPD definition