



Equal Opportunities Policy

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EDMS have made every effort to ensure this policy does not unlawfully discriminate on the grounds of any protected characteristics of: age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. EDMS has a zero-tolerance approach to unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership and employment or belonging to any other organisation. In addition, EDMS will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups. This policy applies to all individuals working at all levels and grades for EDMS, including senior managers, directors, employees (whether permanent, fixed-term, zero hours or temporary), or any other person associated with EDMS. All of our policies can be provided in alternative formats and languages.

Introduction

This document outlines the Equal Opportunities Policy and procedure for Emergency Doctors Medical Service (EDMS)

EDMS is pro-active in its work towards making diversity an integral part of the core business. It incorporates the principles of equality, diversity and human rights in employment, encouraging, valuing and actively promoting diversity, recognising the talent and potential across the population. Promoting equality of opportunity is in the best interests of EDMS, including recruitment and development of the best people for our jobs, and providing appropriate services meeting the diverse needs of our community.

EDMS is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination. In line with the Equality Act 2010 the nine protected characteristics are afforded due regard. These include; age, marital status, disability, race, nationality, sex, religion, sexual orientation, sex reassignment, ethnic or national origin, beliefs. In addition to this, to protect human rights we take into consideration equality and respect difference in relation to domestic circumstances, social and employment status, political affiliation or trade union membership, HIV status or other condition relevant to requirements of the post.

EDMS is committed to becoming an organisation that applies human rights-based approaches and making diversity integral to the core business to ensure that it is pro-diversity and anti-discriminatory.

Attracting, employing, and developing individuals to meet the needs of its diverse communities is central to staff retention. It underpins the aspirations to provide a comprehensive service for all ensuring equal access, dignity and respect for the community in contact with EDMS either; as patients, those who care for others, other health and social care partners and volunteers and staff.

EDMS's aim is that our workforce will be truly representative of all sections of society and each employee feels respected, supported and able to give their best. This will enable EDMS to be more sensitive to the needs of the community which it serves.

Purpose

This policy sets out the standards and guidance for EDMS, which aim to ensure that all EDMS staff are able to comply with the law and Department of Health Guidance with regards to the principles of the Equality Act 2010.

Duties of Key People

Medical Director:

The Medical Director is ultimately responsible for ensuring that EDMS is compliant with all aspects of the Equality Act 2010. Accountability for ensuring that EDMS fulfils its legal requirement rests with the Medical Director who may delegate to a nominated officer within our organisation. The Clinical and Risk Senate will receive reports either directly or through the management team

Staff and all other persons working with or for EDMS:

All staff, have a responsibility to read, understand and take full responsibility to adhere to the requirements of this policy and its appendices

The Equality Act 2010

The Equality Act brings together over 116 separate pieces of legislation into one single Act. Combined they make up a new Act that provides the legal framework to protect the rights of individuals and advance equality of opportunity for all.

Equality Duty

In summary, those subject to the equality duty, must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act.
- Advance equality of opportunity between people who share a characteristic and those who don't.
- Foster good relations between people who share a characteristic and those who don't.

These are referred to as the three aims of the general duty. The Act helpfully explains that having due regard for advancing equality involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics.

Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.

Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Key dates for the Equality Duty:

6 th April 2011	General (GED) and specific duties came into force
31 st July 2011	NHS Trusts (and others except schools) published equality information
6 th April 2012	NHS Trusts publish objectives
1 st October 2012	Age discrimination in relation to goods and services becomes unlawful

This policy recognises the Equality Act 2010 which affords additional protection for people who are discriminated against because of the following protected characteristics. ¹

Age	Disability	Sex Reassignment
Pregnancy and maternity	Race	Religion or belief
Sex	Sexual orientation	Marriage and civil partnership

<https://www.gov.uk/society-and-culture/equality>

<https://www.equalityhumanrights.com/en/advice-and-guidance>

For further information and definitions of the characteristics please refer to the EDHR guidance.

The Equality Act 2010 extends the application of direct discrimination to include association and perception.

Discrimination or harassment of an individual because they have an association with someone who has a protected characteristic is unlawful and is classed as direct discrimination.

Discrimination or harassment of an individual perceived to have a protected characteristic is unlawful and is classed as direct discrimination whether they have the characteristic or not.

Equality Impact Assessment

EDMS requires strategies, policies and procedures to be assessed for the impact they may have upon equality, diversity and human rights; specifically considering due regard for the protected characteristics.

Key managers and decision makers are to ensure that they have sufficient training and knowledge to comply with the legislative requirements that the equality analysis poses.

The outcomes of the equality analysis must accompany any document that is relevant and likely to have an impact upon people, both internally and externally. Evidence about the people must be presented to support the outcomes and decisions made.

Reduce and Eliminate Inequalities in Health

EDMS endeavours to challenge unfair boundaries and work in partnership with staff, voluntary and community bodies and service users. This will aim to improve access to services for disadvantaged communities and to maximise opportunities for employment.

Transgender people

EDMS recognises that people who propose undergoing, are undergoing, or have undergone gender reassignment have the protected characteristic of gender reassignment under the Equality Act 2010. In addition, EDMS recognises that some transgender people may not wish to transition, and they must also be treated with dignity and respect. Equality legislation has a broader reach than just these groups; those associated with them, for instance, family members or carers, are also protected as are those who are perceived – even if wrongly – to be trans and they suffer a ‘detriment’ as a result.

This legislation ensures that the privacy of trans people and their families is respected and that they are treated with dignity on all occasions. In any event, these are standards of behaviour that the Trust is proud to deliver to all its service users and staff.

The Trust recognises that the gender identity of a person may not be the same as with the gender recorded at birth. EDMS has a zero tolerance of transphobic behaviour and discrimination, and staff will not discriminate on any grounds, including gender reassignment (as defined in the Equality Act 2010). For gender variant people not covered by the Act (i.e. those who do not currently intend to transition), they also must not be discriminated against.

EDMS is becoming increasingly aware of a growing community who consider themselves outside of the gender binary. EDMS aims to gain a better understanding of this section of society, to better inform our policies and practices.

Definitions

Discrimination definitions

1. **Direct discrimination:** Direct discrimination occurs when someone is treated less favourably than another person because of their age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex and sexual orientation (known as protected characteristics).
2. **Discrimination by association:** This is direct discrimination against someone because they associate with another person who possesses one of the following protected characteristics: age, race, religion or belief, sexual orientation, disability, gender reassignment and sex.
3. **Discrimination by Perception:** This is direct discrimination against an individual because others think they possess one of the following protected characteristics: age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. It applies even if the person does not actually possess that characteristic.
4. **Indirect discrimination:** Indirect discrimination can occur when you have a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share one of the following protected characteristics: age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability and gender reassignment.
5. **Harassment:** Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Harassment applies to the following protected characteristics; age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. Employees are now able to complain of behaviour that they find offensive even if it is not directed at them. Employees are also protected from harassment because of perception and association.
6. **Victimisation:** Victimisation occurs when an employee is treated badly (suffers a detriment) because they have made or supported a complaint or raised a grievance under the Equality Act 2010 or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Other relevant definitions

1. **Equality** is about creating a fairer society in which everyone has the opportunity to fulfil their potential.
2. **Diversity** is about recognising and valuing difference in its broadest sense.
3. **Inclusion** means involving and engaging with our stakeholders to help improve access to our services and eliminate discrimination, to better meet the needs of patients, and to fulfil our statutory obligations.
4. **Human Rights** are about our basic needs as human beings. These are the core rights we are all entitled to so that we may develop our potential and live our lives with dignity and respect.

Protected characteristics:

1. **Age:** Could age be a barrier to accessing/receiving services? This can be for older persons or younger persons/children.
2. **Disability:** Could relate to any of the following: deaf, or hearing impaired, blind, or visually impaired, speech impaired, physical disability (including mobility issues), memory loss, dementia, learning disability, mental ill health etc.
3. **Gender reassignment:** Related to a person who intends to, or who is undergoing or has undergone a process to change social gender. How do we care for transgender individuals? See Appendix B for further information.
4. **Sex:** Males and females being treated equally.
5. **Sexual orientation:** Lesbians, gay men, bisexual people. Do our services take a patient’s sexual orientation into account in what we do, say, and the information we give? For example, does our marketing of services reflect the LGBTQ+ community and encourage uptake? Does it contain a pledge to ensure that awareness around sexual orientation remains prominent in training so that

when faced with a situation where sexual orientation is disclosed, the appropriate considerations are taken (and discrimination does not happen)? Does this apply to staff as well as service users?

6. **Marriage and Civil Partnership***: Do our services take into account the need to involve civil partners? Do our services take into account all married partners, including same-sex couples?
7. **Pregnancy and maternity (breastfeeding)**: Do we make sure the treatment of women positively takes pregnancy, maternity and breastfeeding into account, if at all possible?
8. **Race**: Related to a person's genetics and place of birth, language, culture, etc.
9. **Religion or Belief**: Related to a person's customs and beliefs –including non-belief. This extends to any and all practices required.

* For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

Positive Action

1. The result of the monitoring will be analysed and where there is evidence of underrepresentation, the Trust will produce an action plan. This may include strategies such as target advertising or management development programmes designed to meet specific needs. The Equality Act 2010 allows measures to be taken to encourage members of under-represented communities to take advantage of employment and or training and development opportunities. For example, where following a full and objective assessment of two candidates, they are found to be of equal merit, provisions allow for the appointment of the candidate from an underrepresented group. Positive Action is lawful and should not be confused with positive discrimination, which is unlawful.
2. Positive Action measures may be used to target services at particular communities where there is low usage of service compared to disease profile for those particular communities.

Sharing Information

Please refer to the EDMS OPPOL081 – Information Sharing policy