

Equality, Diversity and Inclusion Policy

What is the purpose of this policy?

We are striving to encourage equality of opportunity everyone in employment and are committed to ensuring that unlawful discrimination does not occur in employment or against members of the public, registrants or any of our service users.

We have set out this policy so we can be clear how we will put this commitment into practice.

What version is this document?

The GPhC produces a range of documents as part of upholding standards and public trust in pharmacy. Some of these are documents that change over time, being updated on a regular basis or as required. In order to make sure that you have the most up to date versions we have created the simple table below. It lets you know the web page where the document can be found, the version of the document you have so you can check to see if newer versions have been made, and also the date of publishing.

Website address	http://www.pharmacyregulation.org/policy/
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Version	Changes	Published	Review Date
1.1	First draft	28-11-11	31-01-13

Equality, Diversity and Inclusion Policy

Our commitment

We are striving to encourage equality of opportunity everyone in employment and are committed to ensuring that unlawful discrimination does not occur in employment or against members of the public, registrants or any of our service users.

We have set out this policy so we can be clear how we will put this commitment into practice. This policy will safeguard you against any actions which may constitute unlawful acts of discrimination and echoes the commitment in our equality scheme to:

- promote an inclusive culture for all our staff, others who work with us, and the people that we serve;
- provide services that are accessible and appropriate for everyone
- provide organisational capability for continuous improvement, learning and sharing good practice;
- work towards the elimination of all forms of discrimination and harassment;
- positively promote equality through our activity and communications.

Working to ensure that we have an environment that is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The GPhC has a separate dignity at work policy, which deals with these issues.

What is the law?

It is against the law to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy or maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Definitions are shown in Appendix A.

Discriminating after employment may also be against the law, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

You also must not discriminate against or harass a member of the public or our registrants in the way we provide a service to them. We also should make reasonable adjustments to overcome barriers for those with disabilities so that they are able to use our services. Our responsibility to make reasonable adjustments includes things like altering our building for easy access for disabled people. Using our Equality Impact Analysis document helps us to think ahead about what we plan

to do and how we plan to do it. This allows us to identify barriers, or other issues that could have an unreasonable impact on disabled people, or others with protected characteristics, from accessing or using our services or working with us

Equal opportunities in employment

We will work to prevent unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

We will ensure that person and job specifications only ask for those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

We will consider any possible indirectly discriminatory effect of our standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done. When asked to consider requests for changes to these standard working practices, we will only refuse such requests if we consider we have good reasons, unrelated to any protected characteristic, for doing so. We will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Dignity at work

We have a separate dignity at work policy concerning issues of bullying and harassment on any ground, and explains how complaints of this type will be dealt with.

Service users, suppliers and other people not employed by the GPhC

We will not discriminate unlawfully against service users using or seeking to use our facilities and services.

If you are affected or become aware of any bullying or harassment by service users, suppliers, visitors or others you should advise your line manager who will take appropriate action.

Training

We will provide equality, diversity and inclusion training to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

We will provide training to all existing and new employees and others engaged to work with us to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment.

Your responsibilities

You are required to assist us to meet our commitment to ensure equality, diversity and inclusion in employment and avoid unlawful discrimination.

You can be held personally liable as well as, or instead of, the GPhC for any act of unlawful discrimination. If you commit serious acts of harassment you may be guilty of a criminal offence.

We consider acts of discrimination, harassment, bullying or victimisation against those we employ, or our service users, as disciplinary offences which will be dealt with under the disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If you consider that you may have been unlawfully discriminated against, you may use the grievance procedure to make a complaint.

We will take any complaint seriously and will seek to resolve any grievance that is upheld. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Monitoring and review

We will monitor this policy periodically to judge its effectiveness and update it as the law changes.

Should people wish to volunteer the information, we will monitor the ethnicity, sex, age, religion and sexual orientation of those that we employ and those that apply for

jobs with us (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

Appendix A

What are the different types of unlawful discrimination – the definitions

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An obvious example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, we can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. However the occupational requirement must be crucial to the role and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to those who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) so that its application would be detrimental to people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and Acas) pregnancy and maternity).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as contractors or service users. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);

- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to help enable the disabled person to overcome the disadvantage.