

HCA HEALTHCARE UK POLICY

CORPORATE DIVERSITY AND INCLUSION POLICY

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<u>Target Audience:</u> all employees, potential employees, service users, secondees, agency workers, contractors, volunteers, work experience and student placements.		<u>Date approved:</u> 10/06/2016		
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04/01/2016	2	Human Resources	To consolidate religion and belief with equality and diversity policies for ease of use	Approved
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<u>Date</u>	<u>Version Number</u>			
17/11/2016	1.1	Changes to all definitions and the addition of the protected characteristics Change to the roles of responsibilities, with additions to both Human Resources and SMT/EMT Addition of disability discrimination under section 6.2		

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1 Introduction

HCA Healthcare UK (HCA) is committed to providing a working environment that is welcoming, inclusive, respectful, and free from discrimination.

2 Scope

This policy and procedure applies to all employees, as well as potential employees, service users, secondees, bank members, agency workers, contractors, volunteers, work experience and student placements.

This policy and procedure applies equally to all aspects of the employment cycle including recruitment and selection, promotion, education, learning and development, grievances, sickness and absence, conduct, terms and conditions of service, and reasons for termination.

This policy covers HCA procedures and practice on:

1. Equal Opportunities
2. Religion and Belief

3 Document Statement

HCA believes that all employees should expect to be treated with dignity and respect, and that equality, diversity, and inclusion are embedded into the organisation's communication, both internally and externally. The overall aim of this policy and procedure is to provide a framework that supports the below aims:

- To ensure that equality, diversity, and inclusion are integral and fully reflected in HCA's employment practices, policies and procedures.
- To ensure that HCA is compliant with the statutory employment duties under equality legislation (Equality Act 2010).
- To increase awareness and understanding of equality, diversity, and inclusion across HCA.
- To ensure that HCA attracts and retains a diverse workforce through appropriate means of recruitment and promotion methods.
- To ensure that no employee or potential employee experiences less favourable treatment as a result of personal attributes or circumstances.
- To reinforce the view that any form of unlawful direct and/or indirect, or other form of discrimination in employment practice is unacceptable.

4 Definitions

Protected Characteristics Grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

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Age	Refers to a person belonging to a particular age (for example 32 years old) or range of ages (for example 18-30 years old).
Disability	A person has a disability if they have a 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.
Gender reassignment	The process of transitioning from one gender to another,
Marriage & Civil Partnership	Marriage is a union between a man and a woman and now includes marriage between a same sex couple. Same sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples, except where permitted in the Equality Act.
Pregnancy & Maternity	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth and this includes treating a woman unfavourably because she is breastfeeding.
Race	Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour and nationality, including citizenship, ethnic or national origins.
Religion & belief	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief, such as Atheism. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
Sex	A man or a woman
Sexual orientation	Whether a person's sexual attraction is towards their own sex, the opposite sex or both sexes.
Equality	Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents, and believing that no one should have poorer life chances because of where, what or whom, they were born, what they believe or whether they have a disability.
Diversity	The mosaic of people who bring a variety of cultural, social and historical backgrounds, styles, perspectives, values and beliefs as assets to the groups and organisations with which they interact.

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Inclusion Inclusion is about positively striving to meet the needs of different people and taking deliberate action to create environments where everyone feels respected and able to achieve their full potential.

5 Roles and responsibilities

5.1 Employees

All employees will:

- Treat people with dignity and respect.
- Be aware of their responsibilities and, report inappropriate behaviour(s) and raise any incident(s) that breach this policy and procedure.
- Familiarise themselves with this policy and procedure, ensuring that their practices are consistent with its contents and legislation.
- Champion equality, diversity and inclusion in the workplace.
- Provide personal diversity information when required notwithstanding the fact that there is a right not to disclose this information.
- Be aware of their personal liability in breaching the requirements of the Section 110 of the Equality Act 2010.

5.2 Line Managers

Line Managers will:

- Be responsible for promoting and championing equality, diversity, and inclusion.
- Be responsible for creating a climate where the differences that individuals bring to the workplace are valued.
- Foster good relations between all employees.
- Ensure that their direct reports complete equality, diversity, and inclusion training as part of mandatory training each year, in addition to Company induction.

5.3 Human Resource Department

The Human Resources Department are responsible for:

- Ensure that the Diversity and Inclusion policy and procedure is updated following legislative changes.
- Request equality information on the protected characteristics from job applicants, on application to a new post, and employees on a two yearly basis, giving assurances that this information will be kept confidential.
- Carry out regular reviews to identify any potential barriers in relation to recruitment, selection, education and learning and career development.
- Ensure that at least one member of the Recruitment and Selection process has undertaken the Recruitment and Selection training and, that all members of the Recruitment and Selection process, has completed the Equality, Diversity and Inclusion training prior to undertaking these duties.
- Implement Recruitment and Selection training for all managers raising awareness of unconscious bias and stereotype threat.

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- Ensure that all HR policy and procedures are Equality Impact Assessed.
- Advise on and manage employee complaints and grievances in relation to equality, diversity, and inclusion issues.
- Advise the Senior Management Team and Line Managers on best practice on employee issues taking into account the principles of equality, diversity, and inclusion in all advice that is provided.
- Advise Line Managers on handling all disability related employee issues, especially when taking into account Occupational Health advice on reasonable adjustments.
- Require equality monitoring data to be analysed to identify gaps and disproportionalities.
- Sponsor and encourage 'smart' flexible working policy and practice to attract and retain diverse talent.

5.4 Local Senior Management and Executive Teams

The local senior management and Executive Teams are responsible for:

- Ensuring that all employees within their area of responsibility comply with this policy.
- Communicate personal commitment in creating a culture which supports diversity and inclusion within their teams.
- Promote and communicate strategic value of diversity and inclusion.
- Ensure that the implications for diversity of all major changes and initiatives are considered early in any change, or decision-making process.
- Ensure systematic consideration of potential service users who are under-represented in the current customer profile; as well as the appropriateness of services and facilities to the diversity of the existing customer profile.
- Taking a no tolerance approach to behaviour which does not support diversity and inclusion.

6 Equal Opportunities

6.1 Protected Characteristics

The Equal Opportunities Policy of HCA provides that all current employees and applicants for employment shall receive equal treatment, regardless of any protected characteristics they may possess, defined by the Equality Act 2010 as:

- age,
- disability
- gender reassignment
- marriage or civil partnership
- pregnancy or maternity
- race,
- religion or belief
- sex
- sexual orientation.

Further, they will not be disadvantaged by conditions or requirements, which cannot be
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shown to be relevant to the job or justified as necessary on operational grounds.

Employees are reminded of the importance of the HCA Code of Conduct and expectations in terms of how they conduct themselves at work.

HCA and its Directors place great emphasis on maintaining procedures which are free from all forms of discrimination. Policies, procedures, and practices will be regularly monitored in the light of this Policy and any necessary amendments made to ensure its aims are achieved.

6.2 Discrimination

Discrimination is defined as less favourable treatment because of a protected characteristic, this also covers less favourable treatment because of an association with someone with a protected characteristic or an incorrect belief that someone has a protected characteristic.

Discrimination can take many forms:

- Direct discrimination:
Occurs when someone is treated less favourably from others in the same circumstances due to a particular characteristic that is protected by law. An example of direct discrimination would be to refuse to appoint someone to a particular job simply because of his or her nationality.
- Indirect Discrimination:
Occurs when applying a provision, criterion, or practice which, although applied equally to everyone, is such that a person with a particular characteristic that is protected by law cannot comply with it, and the provision, criterion or practice cannot be justified. An example of indirect discrimination would be making a rule about uniform which would disadvantage those from a certain racial or ethnic group, and for which there was no justification.
- Associative Discrimination:
Where a person treats another person differently on the basis that they have an association with a person who has a particular characteristic protected by law. An example of this includes a male being subjected to harassment on the basis that his partner is undergoing gender reassignment surgery.
- Perceptive Discrimination
Where a person treats another person differently because they perceive them as having a protected characteristic that is protected by law. An example of this is where an individual in his 50s is not given a promotion because the recruitment panel presumes he is in his late 20s, and therefore inexperienced. This could amount to age discrimination based on perception.
- Disability Discrimination
A person discriminates against a disabled person if that person treats the other unfavorably because of something arising in consequence of their disability and they

cannot show that the treatment is a proportionate means of achieving a legitimate aim.

It is possible to discriminate against a person on more than one ground based on characteristics that are protected by law. For example, discrimination can take place in relation to the same person on the basis of their race, sex, and religion.

6.3 Harassment and Bullying

HCA has a separate Harassment and Bullying Policy with a view to preventing harassment and bullying in the workplace, and to ensure appropriate steps are taken to investigate and take any necessary action where an allegation of harassment is made.

6.4 Victimisation

Victimisation occurs when an individual is treated less favourably because he/she has taken action to assert their legal rights under discrimination legislation or has assisted a colleague to do so.

6.5 Customers / Clients

This policy applies equally to the treatment of HCA customers/clients. In promoting equality of opportunity, HCA fulfils its social responsibilities towards its employees, customers and clients, and communities in which it operates, and also recognises its legal obligations under the relevant equality legislation.

7 Religion and Belief

7.1 Religious Observance

Many religions or beliefs have special festival or spiritual observance days. An employee may request annual leave in order to celebrate festivals or attend ceremonies. Managers should sympathetically consider such a request where it is reasonable and practical for the employee to be away from work and they have sufficient annual leave to be taken from their entitlement. In dealing with such matters, managers must seek to balance the operational needs of their service with the religious or belief needs of employees. Any request should also be considered in accordance with the HCA Annual Leave Policy.

Some religions or beliefs have specific dietary requirements. If employees bring food into the workplace they may need to store and heat food separately from other food. This should be accommodated if reasonably practicable to do so.

Some religions require their followers to pray at specific times during the day. Employees may request access to an appropriate quiet place to undertake their religious observance, this should be accommodated whenever possible. HCA is not required to provide time and facilities (e.g. a Prayer room). However, if a quiet place can be found, and allowing its use for prayer does not interfere with the business, managers should positively consider allowing the request.

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7.2 Dress Code

HCA operates a Dress Code and Appearance Policy which recognises cultural/religious considerations. This policy is available in the Policy Library.

8 Management Process

All reasonable endeavours will be made to ensure that individuals are treated equally and fairly, and that decisions on recruitment, selection, training, promotion, and career development are based solely on reasonable and objective criteria, including but not limited to merits, ability to do work of a particular kind, and job criteria.

The policy applies to all aspects of employment, including the advertisement of jobs, recruitment and appointment of employees, appraisals, promotion, conduct at work, training, and conditions of work, pay, benefits, disciplinary and grievance procedures, and termination of employment.

Managers must ensure that any employee involved in recruitment in particular has had the necessary training with regards to the application of this policy.

Managers should note that the imposition of a condition or requirement of employment, which whether intended or not, adversely affects, or favours one particular group will also be unlawful, unless it can be reasonably and objectively justified on grounds of business need. By way of example, a height requirement of 5'10" will eliminate some men, but proportionately more women, and so may therefore be unlawful. In all such situations a manager should contact the local HR team for guidance.

In the event that an employee becomes disabled during their employment and/or unable to perform their role, the manager must ensure that, where practicable, "reasonable adjustments" to their employment or working conditions are considered. These will be adjustments which are considered necessary to assist them in the performance of their duties. Contact the local HR team for advice.

Any employee who wishes to complain about discriminatory conduct (including conduct on the basis of sex, race, religion or belief, sexual orientation, change of gender, age, marriage or civil partnership status or disability) should in the first instance contact the local facility HR department, who will discuss this informally and advise on the options available to them. HCA would like to ensure that employees feel able to raise such grievances, and no individual will be penalised or face disciplinary action for raising such concerns in good faith.

In the event that an employee wishes to formalise their complaint, an employee may use the Grievance Procedure or Bullying and Harassment Procedure (if appropriate). Details of these can be found on the policy server or from the local HR team.

9 Implementation Process

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- Managers are responsible for familiarising themselves with this policy and for following it with regard to matters such as requests for leave;
- Employees are responsible for familiarising themselves with this policy, for informing their Line Manager of their particular requirements, and for making up any time lost as a result of religious/beliefs observance;
- Employees who experience discrimination from service users or contractors working within HCA should inform their manager as soon as possible, in order that the situation can be resolved. Employees may wish to refer to the Harassment & Bullying Policy or the Grievance Policy;
- Managers must notify their local HR team of complaints that are brought to their attention and be guided by their advice.

The policy will be distributed to the following groups:

Group	Responsibility
Director Human Resources	Accountable for delivery
Corporate Human Resources Team	Review and implementation oversight
Facility Human Resources Team	Implementation
Facility Senior Management Team	Information and support of process
Line Managers	Information and support of process
Employees	Information

10 Monitoring arrangements

Review and monitoring of the Diversity and Inclusion Policy will take place through the HR system and the employee relations case monitoring process.

11 Training

Training on this policy is available from your local HR Team or can be accessed via e-learning through Grapevine.

12 References

Equality Act 2010

- End Document-