

The Royal College of Surgeons of England

Equality and Diversity

INTRODUCTION

The Royal College of Surgeons of England is committed to complying with relevant equality legislation, the Equality Act 2010, codes of practice and best practice guidance.

The College operates as an employer, as a trainer, an authorising body and examiner for surgeons and provides other services for members and the general public. The legislation acts as a framework to the College's desire to encourage a wider diversity of people to work as surgeons and to become members of the College.

The College is committed to ensure equality of opportunity and to promote diversity for all existing and potential staff, Affiliates, Members, Fellows, Council Members, contractors and visitors in accordance with the relevant statutory requirements. To do this the College seeks to:

- operate practices which promote equal opportunities in employment, training and service delivery;
- create a workplace environment free of harassment and discrimination;
- ensure that all students, contractors and visitors are treated fairly, free of harassment and discrimination; and
- raise awareness of equality and diversity issues and promote best practice throughout the College.

This document sets out the College's commitment to equal opportunities and the encouragement of diversity.

1. EQUALITY & DIVERSITY POLICY STATEMENT

Definition of Equality and Diversity

- 1.1 Equality is about fair treatment to all regardless of the difference in race, physical ability, sexual orientation, gender, age, ethnic or religious background. Managing equality in the College means ensuring equality of opportunity for all groups in order to maximise employee potential and create a framework where all employees and job applicants receive equal access in relation to employment, terms and conditions, training, promotion and services.
- 1.2 Diversity is about respecting differences, recognising and valuing individuals within the workforce and among our service users. This means we can treat

people differently with regards to their different needs without being unfair to them or others.

- 1.3 Equality and Diversity are not inter-changeable but inter-dependent. There can be no equality of opportunity if difference is not valued and harnessed and taken account of.
- 1.4 The College is committed to the elimination of unfair discrimination on the grounds of the following nine protected characteristics as set out in the Equality Act 2010:
 - Disability
 - Age
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race (includes colour, nationality and ethnic groups)
 - Religion or belief
 - Sex
 - Sexual orientation

The College is committed to the promotion of equality and diversity for all existing and potential staff, Affiliates, Members, Fellows, Council Members, contractors and visitors in all its practices and arrangements.

2 Discrimination

- 2.1 The College will not tolerate processes, attitudes and behaviour that amounts to direct discrimination, associative discrimination, discrimination by perception, indirect discrimination including harassment (harassment by a third party), victimisation and bullying through prejudice, ignorance, thoughtlessness and stereotyping. Some of these terms are new and been implemented by the Equality Act 2010. **Please see appendix 1 for explanations of these terms.**
- 2.2 The College undertakes to work with its senior management team, Staff Council and others as necessary to develop comprehensive equality and diversity policies and procedures which benefit all staff, Affiliates, Members, Fellows, Council Members, contractors and visitors.

3. Work Life Balance

- 3.1 The College is committed to assisting its employees fulfill their potential at work whilst finding the right work-life balance by offering a flexible system for working hours and a significantly enhanced annual leave allowance.
- 3.2 The College aims to improve the working lives of its employees by having a framework of family friendly policies covering topics such as Flexible Working,

Special Leave, and Time Off for Dependants, to help with caring responsibilities and domestic emergencies.

4. RESPONSIBILITY FOR EQUALITY AND DIVERSITY

4.1 All employees have a responsibility to guard against any form of discrimination and avoid any action which goes against the spirit of this policy. Thus employees at all levels must ensure that there is no discrimination in any of their decisions or behaviour. This includes the provision that all employees must:

- report any suspected discriminatory acts or practices to their line manager or HR as soon as possible;
- not discriminate against colleagues, Affiliates, Members, Fellows, Council Members, contractors and visitors;
- co-operate with any measures introduced to ensure equality of opportunity;
- not victimise anyone as a result of them having complained about, reported or provided evidence of discrimination;
- implement the policy in their day to day work and their dealings with colleagues, Affiliates, Members, Fellows, Council Members, contractors and visitors to the College; and
- ensure their behaviour is appropriate to the policy and that they treat everyone with dignity and respect.

4.2 However, whilst all employees have a collective responsibility to ensure this policy is successfully implemented, there are also specific responsibilities within this.

4.3 **Council, Chief Executive and Senior Management Team are responsible for:**

- providing leadership on the equality and diversity policy, acting as overall champions to ensure the policy is implemented;
- communicating the policy, internally and externally; and
- ensuring all managers are aware of their responsibilities.

4.4 **Managers at all levels are responsible for:**

- implementing the policy as part of their day to day management of staff and in applying employment policies and practices in a fair and equitable way;
- ensuring equality and diversity issues are addressed in performance;
- ensuring all staff act in accordance with the equality and diversity policy providing necessary support and direction; and
- effectively managing and dealing promptly when investigating issues relating to potential discrimination, including those matters concerning Affiliates, Members, Fellows, Council Members, contractors and visitors to the College or third parties.

4.5 Human Resources are responsible for:

- developing the policy on equality and diversity;
- regularly reviewing and updating this policy in line with legislative changes;
- providing guidance to line managers and staff;
- supporting managers in investigating issues relating to potential discrimination;
- monitoring employment policies and practices for any potential discriminatory implications;
- championing the relevant issues, internally and externally; and
- facilitating training and development initiatives on equality and diversity, both at a strategic and operational level.

5 Non-compliance with Policy

The College will not tolerate any behaviour from employees which breaches our equality and diversity policy. An employee who is found to have acted contrary to this policy will be subject to action under the College's Disciplinary Policy.

6 IMPLEMENTATION

- 6.1 The College is committed to improving diversity amongst its employees and to encouraging a wider diversity of people to work as surgeons and to become Members of the College. Key to this is the work undertaken under the heading 'Surgical Careers'. RCS staff will talk to school students about the a career as a medical student and the option of training to be a surgeon.
- 6.2 The College recognises that women have particular difficulties establishing a career in surgery and has supported the campaign Women in Surgery since 1991. The campaign aims to enable women who have chosen a career in surgery to realise their professional goals. The Women in Surgery campaign has representatives in every region.

7 MONITORING AND REVIEW

Responsibility for monitoring the effectiveness of the equality and diversity policy lies with the College's Human Resources Department.

8 HARASSMENT & BULLYING POLICY STATEMENT

- 8.1 The College is committed to providing a workplace environment free of harassment and bullying. A harassment free working environment makes good business sense. Harassment or bullying can have a debilitating effect on people's lives and can affect their ability to perform their job properly.
- 8.2 Harassment occurs in circumstances where someone's dignity has been violated or where they have been subjected to an intimidating, hostile,

degrading, humiliating or offensive environment. Bullying is vindictive, cruel behaviour which humiliates and undermines confidence.

- 8.3 The College will take all complaints of harassment or bullying seriously and ensure that all complaints are investigated effectively.

9 GRIEVANCE PROCEDURE

- 9.1 Employees who consider that they have a complaint about the way they have been treated under the Equality and Diversity Policy or feel they have been bullied or harassed should use the procedure set out in the Staff Handbook in order to have their complaint resolved.
- 9.2 All visitors, contractors who consider that a member of staff of the College or an Affiliate, Member, Fellow or Council Member has discriminated against them should write to the Chief Executive with full details of their complaint. The Chief Executive will ask an appropriate manager to investigate the complaint who will make recommendations as to future action.
- 9.3 Affiliates, Members, Fellows or Council Members who consider that a member of staff of the College or another Affiliate, Member, Fellow or Council Member has discriminated against them should write to the College President or one of the Vice Presidents with full details of their complaint. After consultation with the Chief Executive the President or Vice President will appoint a manager to investigate the complaint who will make recommendations as to future action.
- 9.4 In circumstances where a Member or Fellow allegedly discriminates against another Affiliate, Member, Fellow or Council Member in their place of work (i.e. when acting in their capacity as a surgeon), or when a Member or Fellow is acting in their capacity as a College Assessor, (e.g. when acting as a member of an Advisory Appointment Committee), the complainant should contact the relevant Trust in the first instance. The Trust may wish to inform the College in due course, after the complaint has been dealt with by the Trust in their capacity as the surgeon's employer.

Human Resources
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Appendix 1

EXPLANATION OF TERMS USED

Direct discrimination arises when someone is treated less favourably than another person because of a protected characteristic, i.e. Age, Disability, Gender reassignment, Sex, Sexual Orientation, Marriage & Civil Partnership, Pregnancy & Maternity.

Associative discrimination is an example of direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Indirect discrimination can arise when the employer has a rule or policy that applies to everyone but disadvantages an employee with a particular protected characteristic. However, indirect discrimination can be justified if the employer can show the rule or policy is 'a proportionate means of achieving a legitimate aim'. To be proportionate the employer needs to show it has acted reasonably, including looking at less discriminatory alternatives.

Discrimination by perception is direct discrimination against someone because the other person thinks he or she possesses a particular protected characteristic.

Harassment is an '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.

Employees are able to complain of behaviour that they find offensive even it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of **perception** and **association**.

Third Party Harassment Employers will be potentially liable for harassment of their employees by people (third parties) who are not employees of your company, such as customers or clients. However, employers will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance relating to discrimination 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.