



## EQUALITY AND DIVERSITY POLICY AND PROCEDURE

**MCO Healthcare** takes a zero-tolerance approach to any discrimination, bullying, harassment and/or victimisation which one member of staff may perpetrate against another and/or against any other person, including but not limited to former employees, job applicants, clients, customers, suppliers and visitors.

Equally, this policy not only applies in the workplace but also outside of it when the member of staff is dealing with customers, suppliers or other work-related contacts, or when wearing a work uniform and on work-related trips or events including social events.

The following forms of discrimination are prohibited under this policy and are unlawful:

**Direct Discrimination:** Treating someone less favourably because of a protected characteristic; for example, rejecting a job applicant because of their religious views or because of their sexuality.

**Indirect Discrimination:** A provision, criterion or practice that applies to everyone but adversely affects people with a particular protected characteristic more than others and is not justified. For example, requiring a job to be done full-time rather than part-time may adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.

**Bullying:** This is categorised as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened. Bullying is dealt with further in our Anti-Bullying Policy and Procedure.

**Harassment:** This includes sexual harassment and other unwanted conduct related to a protected characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-Bullying Policy and Procedure and our Harassment Policy and Procedure.

**Victimisation:** Retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.

**Disability Discrimination:** This includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

Any data collected as part of this policy will be processed in accordance with current data protection legislation, the Privacy Notice issued to staff and the Data Security

and Data Retention Policy and Procedure of MCO Healthcare. MCO Healthcare appreciates that certain health data and medical reports will be special category data and MCO Healthcare will process this data accordingly.

MCO Healthcare complies with the Equalities Act 2010 and the United Nations Convention on the Rights of Persons with Disabilities in all its processes regarding employees.

### **Procedure**

MCO Healthcare will provide appropriate training on Equal Opportunities. MCO Healthcare is committed to following the European Human Rights Commission Employment Statutory Code of Practice and has appointed an appropriate senior manager to have responsibility for Equal Opportunities training.

### **Recruitment and Selection**

Any selection exercises including recruitment, promotion and redundancy selection, amongst others, will be carried out with regard to objective criteria which specifically avoid any issues of discrimination. Similarly, where possible, MCO Healthcare will ensure that such exercises are carried out by more than one person. Any vacancies will be advertised to as wide and diverse an audience as possible. Such advertisements will not discourage any individual or group from applying. Job applicants will not be asked questions which might suggest an intention to discriminate on grounds of a protected characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.

Job applicants will not be asked about health or disability before a job offer is made, except in the very limited circumstances allowed by law, for example, to check that the applicant could perform an intrinsic part of the job (taking account of any reasonable adjustments), or to see if any adjustments might be needed at interview because of a disability. Where necessary, job offers can be made conditional on a satisfactory medical check. Health or disability questions may be included in equal opportunities monitoring forms, which must not be used for selection or decision-making purposes.

### **Disabilities**

If a member of staff is disabled or becomes disabled, MCO Healthcare encourages them to tell their manager about their condition so that MCO Healthcare can consider what reasonable adjustments or support may be appropriate.

### **Part-time and Fixed-term Work**

Part-time and fixed-term employees should be treated the same as comparable full-time or permanent employees and enjoy no less favourable terms and conditions

(on a pro-rata basis where appropriate), unless different treatment is justified.

### **Disciplinary Procedure**

Any member of staff found to be in breach of this policy will be subject to disciplinary action. Serious cases of deliberate discrimination may amount to gross misconduct, resulting in dismissal.

### **Grievance Procedure**

If a member of staff believes that they have suffered discrimination, then they should raise these issues through the Grievances Policy and/or Anti-Bullying and Harassment Policies of MCO Healthcare. A member of staff will not be bullied or victimised for raising issues under this policy. However, if a complaint is made in bad faith and/or is knowingly false, the member of staff may be subject to the Discipline Policy and Procedure of MCO Healthcare.

All staff should understand their responsibility to show consideration to and to not discriminate against disabled colleagues, and this will be reinforced in supervision. Employees are informed and reminded of their responsibility to notify their manager of any disability that might not be obvious, in order to enable MCO Healthcare to take necessary steps to enable the employee's rights.

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