



## Equality, Diversity and Inclusion Policy

Purpose:	This policy sets out our expectations for all who work with the MS Society to do so in a way that builds equality, diversity and inclusion
Region:	All nations
Scope:	All employees and others who work on behalf of the MS Society
Lead Officer:	Assistant Director, HR
Responsible Director:	Executive Director of Corporate Services
Key Consultation:	Head of Volunteering, EDI Steering Group
Approver	People Committee
Committee review	People Committee
Last Approval	2021
Approval Cycle	3 years
Next Approval	2024

### Introduction

We are committed to encouraging a dynamic and inclusive working environment, where we benefit from a variety of perspectives to make smarter decisions and better support people with MS. We have an ethical and legal responsibility to celebrate and champion equality and diversity.

We will actively work to ensure that our organisation is inclusive and accessible to all. It is only through embracing equality, diversity and inclusion that we can truly embody our organisational values and become the organisation that we aspire to be.

We expect all our colleagues to be accountable for equality, diversity and inclusion at work. It is only by working together in unity that we can ensure that everyone can perform at our best.

This policy reflects the fact that equality, diversity and inclusion are an integral part of the MS Society. It sets out how we will treat all volunteers, employees, contractors, service users, and other stakeholders with dignity, fairness and respect. This is regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, socio-economic background or any other personal characteristic.

## Purpose

The purpose of this policy is to set out our commitment to:

- A workplace that is free from discrimination and prejudice.
- Treat all people, regardless of their background, with dignity and respect – this includes our colleagues, those with whom we interact (e.g. service users and customers) and other stakeholders.
- Comply with UK equalities legislation and our other external obligations including equality standards set by contracts, regulatory requirements, accreditations and good practice schemes.
- Uphold the values of the MS Society.
- Make our colleagues aware of their responsibilities and know how and where to seek support to actively uphold and champion equality, diversity, and inclusion.
- Ensure that we attract and retain people from the widest possible diversity of backgrounds and experiences to and at all levels of the organisation.
- Actively promote our services and opportunities to diverse communities from all backgrounds to ensure we are able to reach as many people as we reasonably with a connection to MS
- Ensure robust diversity-related data collection to better understand our colleagues and audiences.

## Scope

This policy applies to:

- all employees, secondees and others who work on our behalf such as consultants
- all of our work across the UK; and
- working with third-party UK providers and partners.

This policy applies to all conduct in the workplace and also to conduct outside of the workplace that is related to your work (e.g. at meetings, social events and social interactions with colleagues) or which may impact on our organisational reputation (e.g. the expression of views on social media, contrary to the commitments expressed in this policy, that could be linked to the MS Society).

## Definitions

**Equality:** ensuring people are not treated less favourably; unjustifiably. Specifically on the basis of one or more protected characteristics defined by the Equality Act 2010 and other anti-discrimination legislation.

**Diversity:** recognising and valuing the benefits of different perspectives, backgrounds and experiences. Also, identifying and acknowledging under-representation, and taking active steps to address it through initiatives, policies, and systemic change.

**Inclusion:** actively embracing people with diverse perspectives, backgrounds and experiences. And creating an environment that enables us all to feel a sense of belonging, and where we can achieve the extraordinary together.

Equality, diversity and inclusion are not identical, but they are reliant on one other to tackle discrimination. For example, we cannot achieve real inclusion unless we embrace equality and diversity. We often use diversity as umbrella term to describe any of our equality, diversity and inclusion initiatives.

**Unlawful discrimination** When a person or group of people is treated less favourably than another person or group of people would be treated based on their protected characteristic

**Protected characteristics** The nine protected characteristics in UK law are:

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

**Positive action** When an employer or organisation takes positive steps to help or encourage certain groups to participate in activity or overcome or minimise disadvantages. For example, offering leadership developing training to women when an organisation has identified that women are under-represented in senior leadership roles. This measure stops short of allowing preference to be given to less qualified applicants (e.g. employing or promoting an individual solely because they are from an under-represented group regardless of their suitability for the position); this is considered positive discrimination and is unlawful.

**Occupational Requirement** There are times when it is fair and lawful to state a preference for a person of a particular sex or a particular ethnic origin. This is when you can prove that it is essential for the purposes of the job to be of a particular sex or to come from a particular ethnic background. This is referred to as an occupational requirement.

**Equality targets** These are targets an organisation has decided to establish to ensure equality of opportunity. Equality targets are not the same as setting or establishing quotas. Quotas involve setting aside a number of jobs only to be filled by a particular group. This restricts the opportunity for other people to fill these positions and would therefore result in unfair or unlawful discrimination.

**Reasonable Adjustments** Under anti-discrimination legislation (e.g. Equality Act 2010) employers are required to make reasonable adjustments for disabled staff. This means making changes to a disabled person's environment or the way their employment is structured to mitigate any disadvantages, and allows them to work safely and productively. This may include, removing physical barriers, providing extra support, and providing flexibility. Further details are set out in the MS Society Reasonable Adjustments Policy.

## Our Standards

1. No unlawful discrimination will occur in the support and management of our colleagues and delivery of our services, and all decisions will be objective and fair with individual circumstances taken into account.
2. Our services will take a person-centred approach, and diversity considerations will be incorporated into processes and delivery to ensure that all our services are

accessible to their intended audiences; we prevent discrimination and we protect the dignity of our service users.

3. We expect all our colleagues will use appropriately inclusive language and behave in a way that will uphold the dignity of colleagues, service users, and stakeholders.
4. We commit to providing and supporting channels for employees to have their voices heard. This includes opportunities to network with one another, and feedback on organisational proposals.
5. We ensure that recruitment & selection, including promotion, is transparent, merit-based and fair. We commit to providing recruitment and selection training, including training on equal opportunities and unconscious bias, to support these objectives. Further details are set out in our Recruitment and Selection Policy.
6. Where reasonable we will make tailored adjustments to accommodate the needs of our colleagues, including those seeking to join the MS Society as employees. Further details are set out in our Reasonable Adjustment procedure.
7. We aspire to be a working environment that values difference and is free from discrimination, victimisation, bullying or harassment. Any individual who experiences or witnesses discrimination / harassment is encouraged to report it. All complaints will be taken seriously, promptly and thoroughly investigated, and dealt with in a sensitive manner ensuring that confidentiality is preserved as far as reasonably practicable.

## Dealing with breaches of our standards

No form of discrimination, intimidation, bullying or harassment will be tolerated. If you believe that you may have suffered discrimination because of any of the above protected characteristics, you should consider the appropriateness and feasibility of attempted informal resolution by discussion in the first instance with your line manager, a Staff Representative or a member of the HR team. Alternatively, you are encouraged to raise the matter through our Grievance Policy or Resolving Volunteer Issues and Complaints policy as appropriate.

Allegations regarding potential breaches of this policy will be treated in confidence as far as reasonably practicable and investigated in accordance with the processes set out in the grievance policy. The Dignity at Work policy for employees provides additional information on addressing such issues informally. We will ensure that individuals who make such allegations in good faith will not be victimised or treated less favourably as a result. However, allegations of a breach of this policy which are found to have been made in bad faith, i.e. those that are intended to be vexatious or are known by the complainant to be false, will be dealt with under our Discipline Policy.

Anyone within the scope of this policy who is found to have breached its requirements may be subject to disciplinary action under the MS Society's Discipline Policy. Employees may also be personally liable for any acts of discrimination prohibited by this policy that they commit, meaning that they can be sued by the victim.

## Responsibilities

**The Board of Trustees** is responsible for championing equality, diversity and inclusion, approving the strategy and ensuring that the policy is consistent with our values and that

resources, support and leadership is provided to ensure this policy can be meaningfully implemented

**The Executive Group** is responsible for championing this policy and ensuring compliance with policy and the effective development, implementation and monitoring of the equality, diversity and inclusion strategy.

**The Assistant Director, People** is the policy owner and is responsible for ensuring that this policy is fit for purpose and up to date.

**Leadership Group and line managers** are responsible for implementing the policy and role modelling inclusive behaviour and providing support to their staff and volunteers

**Employees and others who work on behalf of the MS Society** are responsible for championing equality, diversity and inclusion, understanding how the policy relates to their role, and reporting cases of discrimination, harassment, and unfair treatment.

## Laws and regulations

This policy ensures our compliance with the requirements of relevant UK legislation including the Equality Act 2010 and The Fair Employment and Treatment (Northern Ireland) Order 1998.

## Monitoring and compliance

We will monitor diversity-related actions and targets within the equality strategy and report on these regularly. The way in which this will be done is being developed as part of our 2021 equality, diversity and inclusion strategy action planning.

Feedback will continue to be sought regularly using existing channels such as EDI Activities group, the Directorate EDI champions group and any other relevant groups that are set up from time to time.

Anonymised equality and diversity monitoring information may be provided to external organisations to meet our contractual obligations or to comply with legislation (e.g gender pay gap reporting requirements).

## Training and support

All our colleagues will have access to training through mandatory and recommended routes to assist them to translate the requirements of this policy into practice. This includes an equality, diversity and inclusion e-learning module made available on our Learning Management System.

## Types of Discrimination: definitions

### Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

### Associative discrimination

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. It applies to race, religion, or belief and sexual orientation, age, disability, gender reassignment and gender.

### Perceptive discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and gender. It applies even if the person does not actually possess that characteristic.

### Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

Indirect discrimination applies to age, race, religion, or belief, gender, sexual orientation, marriage and civil partnership, disability and gender reassignment.

### 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 all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if 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.

### Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; 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.

Under the Equality Act there is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

## Related documents

**Dignity at Work** Outlines our commitment to tackle inappropriate/offensive behaviour, intimidation, threats, discrimination, bullying or harassment.

**Disability policy** Ensures equality of opportunity for employees ensuring that no one receives less favourable treatment on the basis of their disability.

**Disciplinary policy & procedure** Ensures that we operate effectively, and to promote and support the value that we place upon expected behaviours and conduct at work.

**Grievance policy & procedure** Provides a mechanism for staff to raise genuine concerns about work, our conduct or other employees' actions where these affect the employee, with the aim to affect a speedy resolution to the problem or issue.

**Flexible working procedure** Outlines process for colleagues who want to work flexibly (e.g. part-time)

**Reasonable Adjustment procedure & guidance** Our agreed structure to manage requests for reasonable adjustments for staff.

**Recruitment and Selection policy & procedure** Includes our commitment to fair and merit-based recruitment and selection