

CODE OF PRACTICE FOR STAFF: SEX EQUALITY

1.0 Introduction

- 1.1 The University of East Anglia, referred to as “the University” throughout this document, has developed this revised Code of Practice to demonstrate the steps that will be taken to ensure equality in respect of sex and to ensure its compliance with the Equality Act 2010.
- 1.2 This Code of Practice is underpinned by the University’s Equality & Diversity Strategy/Action Plan and the Equality & Diversity in Employment Code of Practice, which can be accessed on the Human Resources Division’s intranet sites.
- 1.3 The University is an international and multicultural community which values and encourages diversity. The University is committed to ensuring that it makes every reasonable effort to provide a supportive, inclusive environment to all staff irrespective of their sex; and, to not unlawfully discriminate against employees, job applicants and trainees because of their sex.
- 1.4 This Code of Practice should be read in conjunction with other key University documents, including but not limited to the Equality & Diversity Code of Practice and Recruitment & Selection Guidelines.

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2.0 Purpose

2.1 The purpose of this Code of Practice is:

- to raise the awareness of the University's staff about sex equality issues and their responsibilities under the Equality Act 2010;
- provide guidance to managers to ensure that all staff irrespective of their sex are supported in their work activity at the University;

3.0 Scope

3.1 This Code of Practice applies to all staff employed by the University, individuals registered on UEA's staffing registers, individuals holding honorary and/or secondment contracts, individuals undertaking work experience and self-employed individuals.

3.2 The University also expects the following groups to behave in a manner which complies with the expectations set out for staff :

- Students
- individuals undertaking work experience on placements
- members of the public
- service users
- individuals employed by other organisations (such as recruitment agencies, Consortiums and Partnerships)
- suppliers and contractors.

4.0 Responsibility of all staff

4.1 All staff are required to comply with this Code of Practice and with the relevant legal requirements. Anyone with responsibility for managing staff has additional responsibilities which are detailed in Section 5.0.

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- 4.2 Staff are encouraged to disclose their sex and staff can update their personal circumstances online via the UEA Portal or in writing to Human Resources. See *Briefing Note 13 – Disclosing your Gender* for further information.
- 4.3 Staff should consider making their manager and/or Human Resources Manager aware of issues related to their personal circumstances, particularly where this relates to their wellbeing, health and safety in the workplace or a practice that could result in unlawful discrimination due to their sex.
- 4.4 All staff have a responsibility to ensure that all members of the University community irrespective of their sex are treated with dignity and respect.
- 4.5 The Vice-Chancellor and Executive Team requires all staff to complete the online Equality and Diversity training module that can be accessed via the Equality & Diversity, Human Resources and CSED webpages; and to re-complete a refresher every two years.

5.0 Responsibility of all managers

- 5.1 All individuals with management and supervisory responsibility are responsible for the implementation of this Code of Practice within their Service, Faculty, School, Department, Office areas.
- 5.2 Managers need to be aware of their responsibilities under this Code of Practice and under the Equality Act 2010 and ensure that they are carried out appropriately.
- 5.3 Managers must take steps to ensure that policies, procedures and practices in their areas of responsibility do not have an adverse impact for staff of

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different sex and to assess whether the cause of this different outcome might constitute unjustifiable discrimination.

5.4 Where inappropriate behaviour is brought to a manager's attention, the manager is responsible for taking appropriate action. This includes addressing the behaviour of individuals not employed by the University as referred to in paragraph 3.2 of this document. Managers can seek advice and support from Human Resources in dealing with such matters.

5.5 Managers can seek advice from Human Resources on managing and supporting staff.

6.0 The Legislation – Equality Act 2010

6.1 The main provisions of the Equality Act 2010, referred to as “the Act” throughout this document, came into force on 1 October 2010.

6.2 The Act consolidated the many equality and anti-discrimination laws, including the Employment Equality (Age) Regulations 2006, into a single Act covering nine protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race (including Caste¹)
- Religion or belief
- Sex
- Sexual orientation

¹ Current case law also means that race in the Equality Act can also pertain to caste.

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- 6.2 The Equality Act 2010 defines sex as:
- A male or female of any age
 - A group of people either men/ or boys, or women or girls
- 6.3 Gender reassignment or sexual orientation are covered separately under the Act under the protected characteristics of gender reassignment and sexual orientation.
- 6.4 The Equality and Human Rights Commission² explains that the Act makes it unlawful to discriminate on the grounds of sex because:
- You are (or are not) a particular sex;
 - Someone thinks that you are the opposite sex. This is known as discrimination by perception;
 - You are connected to someone of a particular sex. This is known as discrimination by association.
- 6.5 Acts of discrimination can occur in a number of ways, which include:
- **Direct discrimination** where an individual is treated less favourably than another individual because of their sex.
 - **Indirect discrimination** occurs where a condition, rule, policy or practice that is applied equally to staff of both sexes has the effect of disadvantaging a particular group of individuals because of their sex.

² Source: The Equality and Human Rights Commission <https://www.equalityhumanrights.com/en/advice-and-guidance/sex-discrimination>

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- **Discrimination by association** is direct discrimination and occurs where an individual is treated less favourably because they associate with another individual of a specific sex.
- **Discrimination by perception** is direct discrimination and occurs where an individual is treated less favourably because they are perceived to be of a particular sex. The individual does not need to be of that particular sex.
- **Harassment** is unwanted conduct related to a person's sex that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. This can be defined as 'unwanted conduct' related to sex; 'unwanted conduct' of a sexual nature; or less favourable treatment because they have refused to put up with sexual harassment.
- **Victimisation** happens when an individual is treated less favourably because they have made or supported a complaint of sex related discrimination.

6.6 Please refer to Briefing Note 22 – Different Types of Sex Discrimination for examples of discrimination in the workplace.

6.7 For further information on how to deal with sexual harassment and sexual assault related incidents and crime please refer to *Briefing Note ** – Sexual Harassment and Assault* (insert link).

7.0 Monitoring and Review

7.1 The Human Resources Division, on behalf of the University, is responsible for monitoring and reviewing the implementation of this Code of Practice to ensure its effectiveness.

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- 7.2 The University will continue to monitor and review the impact of its policies, procedures and practices on staff and applicants for employment of different sexes and take positive action where appropriate to ensure that its policy on sex equality is fully implemented.
- 7.3 Such action will include the provision of training and awareness, particularly for key staff groups where monitoring indicates that an area of policy, procedure or practice requires revision.
- 7.4 The Human Resources Division will monitor the completion rates for the Equality & Diversity module and provide a regular report to the Equality & Diversity Committee.
- 7.5 The University will develop and keep under review indicators of the impact of its policies and practices in employment and the provisions of other services. These indicators will be reported to the Equality & Diversity Committee on an annual basis. These will include as a minimum a sex equality profile for:
- Staff employed at the University
 - Applicants for and those obtaining employment
 - Applicants for and those receiving training
 - Applicants for and those completing probation and obtaining promotion and awards
 - Staff being appraised
 - Staff whose attendance at work is being measured through the sickness absence guidelines
 - Staff whose performance is being measured through the formal capability process
 - Staff involved in formal disciplinary and grievance processes (including the outcome of said processes)
 - Staff leaving the University

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