

# DFID's Equal Opportunity Policy

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## Policy Statement

**This policy sets out DFID's approach to promoting Equality of Opportunity with the primary aim of providing equality for all, preventing any form of discrimination and fostering good relations between people of different groups.**

**DFID is committed to creating an inclusive working environment to maximise the potential of all staff by providing equal opportunities in all aspects of employment and avoiding unlawful discrimination at work. DFID will not tolerate discrimination, harassment, bullying or victimisation of employees or third parties who do work on DFID's behalf. DFID will take account of and embed equality and diversity when working to improve poor people's lives and influencing key development issues globally.**

## Who does the policy apply to?

The policy applies to all DFID Home Civil Service staff; to Staff Appointed in-county (SAIC) who are expected to adopt the same principles; contractors; consultants and any other third parties who carry out work on DFID's behalf.

## Principles

The key principles of this equal opportunities policy are to:

- provide equality for all
- promote an inclusive culture
- respect and value differences of everyone
- prevent discrimination, harassment and victimisation
- promote and foster good relations across the workforce and with partners

This means being aware of the impact of our behaviour and thinking about the impact of employment policies and our programmes in the UK and overseas on people from the protected groups listed below.

## The Law

Our policy is governed by the Equality Act 2010, which makes it unlawful to discriminate directly or indirectly, in recruitment, employment or service delivery because of a protected characteristic. The protected characteristics are:

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

The Equality Act 2010 states that all public sector organisations have a duty to pay due regard to:

1. Eliminate discrimination, harassment and victimisation in the workplace
2. Advance equality of opportunity between people from different groups
3. Foster good relations between people of different groups

Case law has established the principles of due regard as:

**Knowledge:** public bodies need to be aware of the duty

**Timeliness:** public bodies should consider equality as they develop policy and take decisions, not as an afterthought

**Real consideration:** public bodies should demonstrate how thinking about equality has influenced decisions

**Sufficient information:** public bodies should make reasonable effort to make sure they have the information needed to do so

**No delegation:** public bodies have to give due regard themselves

**Review:** public bodies should keep equality under review

As a result all public organisations will be required to publish equality objectives every four years and publish information/data annually to demonstrate their compliance with the general Equality Duty.

The Act applies to everyone in Great Britain. DFID applies the general principles to our overseas offices and expects all staff to adopt these principles, but practice may vary from office to office to take account of local laws and custom.

## Types of Unlawful Discrimination

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The Equality Act 2010 defines the different types of discrimination that are unlawful:

**Direct discrimination** is when someone is treated less favourably than another person because of a protected characteristic. Direct Discrimination is not justifiable. Examples of direct discrimination would be refusing to recruit a woman because she is pregnant; or excluding one staff member from a team training event on account of their disability or race.

**Occupational Requirement** (previously known as genuine occupational requirement) - in limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protect characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and be a proportionate means of achieving a legitimate aim. Decisions are made on a case by case basis. For example, a Catholic religious college could reasonably refuse women admittance on a course for the Priesthood because all Catholic priests are male, whereas an Anglican religious college could not refuse women, because both men and women can be Anglican priests. Another example is an organisation that campaigns for LGBT legal rights may feel that their Chair should be lesbian, gay or bisexual.

**Indirect discrimination** is when you have a condition, rule, criterion, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim. An example of indirect discrimination would be a manager continually holding team meetings on a Monday, which is a day that a part-time member of the team does not work.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic. An example would be not promoting a staff member because they care for a parent who had a stroke. This is discrimination against the staff member because of their association with a disabled person.

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception by others that they have a particular protected characteristic. It applies even if the individual does not actually possess that protected characteristic. An example would be if colleague A harasses colleague B because they think colleague B has AIDS, even though they do not, in fact, have the illness. Colleague A has made assumptions and discriminated against colleague B, based on a perception.

**Discrimination arising from disability** is where an individual has been treated unfavourably because of something connected with their disability (so does not have to be the disability itself). An example would be disciplining a staff member for repeated spelling mistakes that are in fact caused by dyslexia, which amount to discrimination arising from disability. This type of discrimination is unlawful where the employer (or a line manager) knows, or could be reasonably expected to know, that the person has a disability.

**Harassment** is unwanted conduct related to one of the protected characteristics that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It does not matter whether or not this effect was intended by the person responsible for the conduct. Employees can complain of behaviour that they find offensive even if it is not directed at them and the complainant does not need to possess any of the protected characteristics themselves.

**Third-party harassment** is where an employee is harassed and the harassment is related to a protected characteristic, by people (third-parties) who are not employees of the organisation, for example external trainers, staff contracted by DFID or visitors to DFID. You are liable if the 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** is when an employee is treated badly and subjected to detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, 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. An example would be if a disabled staff member raises a grievance that the line manager is not complying with the duty to make reasonable adjustments and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

### **Reasonable Adjustments**

The Equality Act also makes it unlawful to fail to make reasonable adjustments, as a result of a disability, to overcome barriers in employment or to using services. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical feature makes it impossible or unreasonably difficult for disabled people to make use of services. In addition, employers and employees have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service, for example ensuring documents are available in alternative formats. For further information refer to a [Guide to Reasonable Adjustments in DFID](#).

## Roles & Responsibilities

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### Organisational responsibility

Diversity is central to our work as a global organisation and each of us have a responsibility for taking action. Leadership on diversity and equality will be provided by the DFID Management Board and the Diversity Champion. The corporate Diversity Team will set out the overall strategy in DFID and implement central initiatives, facilitate best practice and provide policy advice and support to DFID staff.

DFID's Diversity Networks (Disability Forum Network, Ethnic Minority Network and the Lesbian, Gay, and Bisexual Network) play a key role in supporting DFID's diversity and equality objectives. They provide advice and promote education/raise awareness to ensure that the needs of its members are understood and met in both policy and practice.

- DFID will embed equality and avoid unlawful discrimination in all aspects of employment, including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job.
- Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any [reasonable adjustments](#) that may be required for candidates with a disability.
- Disability and personal or home commitments will not form the basis of employment decisions.
- DFID will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours worked, the time at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse requests only if DFID considers it has good business reasons, unrelated to any protected characteristic. DFID will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- DFID will monitor the diversity composition of the existing workforce and all aspects of employment, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.
- Screen new policies, initiatives, programmes for their potential impact on equality - to meet the needs of people from the protected groups.

### Line Manager Responsibility

Line managers at all levels should appreciate their responsibility both to set a good example, and to deal promptly and fairly with complaints of harassment or bullying. They must give full consideration to complaints of conduct which is either deliberately, or likely to be taken as, harassing or offensive. It is the responsibility of all managers to:

- ensure that the standards established within this policy are adhered to within their own area of responsibility
- familiarise themselves with the Equal Opportunities Policy and the [Dignity at Work policy](#) and bring to the attention of their staff
- ensure that they are not instructing employees to act in a discriminatory manner or are not putting pressure on employees to discriminate; and
- ensure that information on equal opportunity is incorporated in departmental/team induction processes for new or temporary staff and is supported by ongoing training (please refer to the [LearningSight](#) pages on inSight for diversity and equality training information)
- screen new policies, initiatives, programmes for their potential impact on equality and to meet the needs of people from the protected groups

Check out the [Top Ten Tips for Inclusive Management](#).

### **Individual responsibility**

Every employee is required to assist DFID to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable for any unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence. Individuals should:

- co-operate with any measures introduced to ensure equality of opportunity
- report any discriminatory acts or practices
- not encourage or attempt to make others practice unlawful discrimination
- not victimise anyone as a result of them having reported or provided evidence of discrimination; and
- not harass, abuse, bully or intimidate others
- complete the Equality and Diversity e-learning on the Civil Service Learning website (<https://civilservicelearning.civilservice.gov.uk/>)

## **Applying DFID's Equal Opportunity Policy**

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### **Monitoring and Review**

To measure the effectiveness of our equality and diversity objectives and policies, DFID collects employment equality data, via the YOURSELF system on inSight.

Monitoring equality data enables DFID to examine how its policies and processes are working and to identify areas, where these appear to be impacting disproportionately on the protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. This

leads to the development of better and more informed, inclusive decision making. DFID uses quantitative and qualitative information to shape equality objectives for the year ahead.

As part of our compliance with the law, DFID will be required to publish information (including statistical data) annually and to publish equality objectives at least every four years to demonstrate compliance with the general Equality Duty and allow us to monitor the overall effectiveness of the [Civil Service Equality and Diversity Strategy](#).

All data collected on staff will be dealt with in accordance with the Data Protection Act 1998 and is treated as **confidential**.

## Equality Screening

We use equality screening to ensure that equality and fairness is placed at the centre of everything we do in DFID. Screening allows us to embed equality and diversity within the organisation and ensure we pay due regard to the Public Sector Equality Duty to eliminate discrimination, harassment and victimisation, promote equality and foster good relations between people of different groups.

This means thinking about the likely or actual effects of our employment policies, our programmes in the UK and overseas, our spending decisions and any organisational change (for example restructuring, redundancy etc) on different groups of people to ensure the needs of different people (particularly those that share a protected characteristic) are taken into account when we develop and implement new policies, processes or programmes (or revise them).

## Sources of information

[Government Equalities Office \(GEO\)](#) is the department responsible for the Government's overall strategy and priorities on equality issues and aims to improve equality and reduce discrimination and disadvantage for all, at work, in public and political life, and in people's life chances.

[Equality and Human Rights Commission \(EHRC\)](#) is the independent statutory body established to help eliminate discrimination, reduce inequality, protect **human rights** and to build good relations. The Commission may carry out formal judicial reviews and investigations, either on their own initiative or when required to do so by the Secretary of State.

[The Civil Service Code](#) sets out the core Civil Service values and the standards of behavior expected of all civil servants in upholding these values: Integrity, Honesty, Objectivity and Impartiality.

[Civil Service Learning Website – Equality and Diversity e-learning](#) provides an introduction to workplace diversity and gives an overview of equality legislation. The interactive session last approximately 1.5 hrs and contains some practical activities designed to advance equality and inclusion and improve service delivery. By the end of learning you will understand what diversity means and why it is so important, be able to explain the difference between diversity and equality, and understand your personal responsibilities under equality legislation.