



Dundee Contemporary Arts

Equality, Diversity & Inclusion Policy

Policy Statement

Promoting equality and valuing diversity are fundamental to DCA's core values and mission with the principles of inclusiveness, tolerance and fairness central to our legitimacy as an organisation. This policy exists to ensure equal access to the employment and service opportunities that are available in every dimension of our work.

DCA will not accept unfair discrimination or less favourable treatment as an employer or in the running of our organisation on the grounds of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity/paternity, race, religion, belief, sex or sexual orientation. These characteristics are informed by The Equality Act 2010 and we further recognise the intersectional aspects of many of these concerns.

This policy is fully supported by DCA's Board, Director and senior management team who have given clear strategic direction and leadership that promoting equality is a priority as part of our commitment to social justice.

Our Aim

DCA aim is to become an inclusive organisation with a workforce and audience as diverse as the communities we serve. This is fundamental to DCA's future success and our ability to continue to contribute to culture and society.

We want our workforce to more representative of all sections of society at all levels in the organisation. The range of perspectives and experience diversity brings is an asset to our organisation and we want to create an inclusive, welcoming environment for visitors, artists, partners and stakeholders and all those who work at DCA.

Our Commitment

We believe that our commitment to equality has positive impact for all areas of our organisation. Our visitors, stakeholders and staff will have assurance that we will take action to support all groups named in this policy and challenge an acts that would, or could appear to be discriminatory, to the groups named in this policy.

Recognising and valuing the different and varied skills and talents our staff bring to the workplace, and integrating diversity management into their key leadership skills, enabling staff to develop their teams to the benefit of DCA and all those we serve.

Audiences

DCA's audiences are entitled to the same quality and level of service, irrespective of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity/paternity, race, religion, belief or sexual orientation. DCA will promote equality of opportunity by:

Providing services to meet audiences' actual, rather than presumed, needs:

- Providing accessible information about our programme activities;
- Ensuring staff are trained to provide an appropriate and informed response to all audiences and stakeholders;
- Delivering activity in ways which are appropriate to their needs and, wherever possible, removing barriers which may deny access;
- Ensuring any complaints of discrimination are dealt with speedily and fairly;
- Requiring that those who provide services on behalf of DCA are sensitive to the needs of all sections of the community and that they abide by this equality policy, or one of equal value which they own as an equal opportunities employer or provider.

Implementation of this Policy

The Director has specific responsibility for the effective implementation of this policy. However each Head of Department, all line managers and staff, also have responsibilities in meeting the requirements of this policy. We expect all our employees to abide by the policy and help create an inclusive equality based environment in support of DCA's activity. We also have an organisational champion appointed within the Senior Management Team to support the implementation of this policy.

In order to implement this policy we are committed to:

- Working within the legislation as set out in the Equality Act 2010
- Providing equality of opportunity for all employees in the workplace including recruitment, selection, promotion and retention processes
- Taking lawful, supportive or positive action, where appropriate
- Treating all employees fairly, whether full-time, part-time, permanent or temporary
- Encouraging valuing and managing diversity in the workplace
- Providing a working environment free from harassment, bullying and discrimination
- Regarding all breaches of this Equality & Diversity Policy as misconduct, and which may then lead to disciplinary proceedings
- Creating an inclusive organisational culture where everyone knows that their contribution is valued and where they feel able to reach their full potential.

The Equality Act 2010

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The Equality Act covers the same groups that were protected by earlier equality legislation and extends protections to groups with specific characteristics not previously covered, and also strengthens particular aspects of equality law.

It is our policy to provide employment and service delivery equality to all, irrespective of:

- age
- disability
- gender reassignment

- marriage/civil partnership
- pregnancy/maternity/paternity
- race
- religion or belief
- sex
- sexual orientation.

These are called 'protected characteristics'.

Age

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

Disability

The Act has made it easier for a person to show that they are disabled and be protected from disability discrimination. Under the Act, a person is disabled if they have a physical or mental condition which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

The Act puts a duty on DCA as an employer to make reasonable adjustments for our staff to help them overcome disadvantage resulting from an impairment.

The Act includes protection from discrimination arising from disability. This states that it is discrimination to treat a disabled person unfavourably because of something connected with their disability. This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person has a disability. Additionally, indirect discrimination covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless you could justify this, it would be unlawful.

The Act also includes a provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

Gender Reassignment

The Act provides protection for both men and women, as well as members of the trans community. Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. A trans man is someone who is assigned female at birth but identifies and lives as a man, and a trans woman is someone who is assigned male at birth but identifies and lives as a woman.

The Act no longer requires a trans person to be under medical supervision to be protected. It is discrimination to treat trans people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured. DCA at all times will respect and support any transitioning employee, protecting their dignity and privacy throughout this process.

DCA further recognises and protects non-binary people. Non-binary identities are varied and can include people who identify with some aspects of gender binary identities, while others reject them entirely.

Marriage and civil partnership

The Act protects employees who are married or in a civil partnership against discrimination.

Pregnancy and maternity

A person is protected against discrimination on the grounds of pregnancy and maternity during the period of their pregnancy and any statutory maternity leave to which they are entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. Employers must not take into account an employee's period of absence due to pregnancy-related illness when making a decision about their employment.

DCA further recognises and protects employees taking paternity leave.

Race

For the purposes of the Act 'race' includes nationality, ethnic or national origins.

Religion or belief

In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

Sex

The Act protects people from discrimination on the basis of their sex.

Sexual orientation

The Act protects bisexual, gay, heterosexual and lesbian people.

Positive action

As with previous equality legislation, the Equality Act allows us to take positive action if we think that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity, job role, or grade is disproportionately low. This is now extended to cover all the protected characteristics, previously this just covered gender, race and disability.

Pre-employment health-related checks

The Equality Act limits the circumstances when we can ask health-related questions before we have offered the individual a job. Up to this point, we can only ask health-related questions to help us to:

- decide whether we need to make any reasonable adjustments for the person to the selection process
- decide whether an applicant can carry out a function that is essential ('intrinsic') to the job
- monitor diversity among people making applications for jobs
- take positive action to assist disabled people
- assure ourselves that a candidate has the disability where the job genuinely requires the jobholder to have a disability.

Equal pay – direct discrimination

The Equality Act retains the framework that was previously in place. This means that in most circumstances a challenge to pay inequality and other contractual terms and conditions still has to be made by comparison with a real person of the opposite sex in the same employment. However, a change in the Equality Act allows a claim of direct pay discrimination to be made, even if no real person comparator can be found.

Types of discrimination as set out in the Equality Act 2010

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 perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

Discrimination by association

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

Perception discrimination

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

Indirect discrimination

Applies to age, race, religion or belief, sexual orientation, marriage and civil partnership, disability and gender. 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.

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. A complainant will not need to compare their treatment with that of a person who has not made or supported a claim under the Act.

Monitoring

The effectiveness of this Equality Policy will be monitored by gathering and analysing information on and from employees and from visitors/customers in accordance with GDPR. Ongoing monitoring, analysis and subsequent policy review provides the basis of eliminating discrimination and promoting equality of opportunity for DCA's employees and customers.

Complaints

Employees who believe that they have suffered any form of discrimination, harassment or victimisation should raise the matter using DCA's Dignity At Work policy, available in the staff handbook, through our BreatheHR portal and from hrenquiries@dca.org.uk. Further information for staff and managers about what may constitute bullying, harassment, or discriminatory behaviour in the workplace, can be found in this policy.

Further advice can be obtained from the People Manager faith.mcdonald@dca.org.uk.

All complaints of discrimination will be dealt with seriously, promptly and confidentially.

External Complaints

Customers who believe that they have been discriminated against by DCA or that we have not by our actions fulfilled our commitment to equality, diversity and inclusion should get in touch as outlined in our [complaints policy](#).