

AFRICA EDUCATIONAL TRUST (AET) EQUAL OPPORTUNITIES POLICY

Policy statement

AET is an equal opportunity employer and is fully committed to a policy of duty of care giving all its employees and job applicants equality and opportunity. We also promote principles of equal opportunities in our programme work. This policy is subject to regular review based on changing contexts and needs of AET staff in UK and Nairobi offices and those working with local AET partners.

AET will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications without regard to gender, disability, race, ethnic origin, nationality, religion or belief, sexual orientation, age, partnership status, or number of dependents. Where two candidates are of equal merit AET will offer a post to the female, disabled or national candidate.

AET will also take all reasonable steps to provide a work environment in which all employees are treated with respect and dignity and that is free of harassment based upon an employee's gender, disability, race, ethnic origin, nationality, religion or belief, sexual orientation, age, partnership status, or number of dependents.. AET will not condone any form of harassment, whether engaged in by employees or by outside third parties who do business with the organisation.

Employees have a duty to co-operate with the organisation to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under the organisation's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this equal opportunities and dignity at work statement will be treated as gross misconduct and could render the employee liable to summary dismissal. Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination. Employees who commit serious acts of harassment may also be guilty of a criminal offence according to the laws of the country in which they work.

You should draw the attention of your Line Manager (or if necessary any member of the Senior Management Team) to suspected discriminatory acts or practices or suspected cases of harassment. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as gross misconduct resulting in summary dismissal.

Recruitment, advertising and selection

The recruitment process aims to select the most suitable person for the job in terms of relevant experience, abilities and qualifications. AET is committed to applying its equal opportunities policy statement at all stages of recruitment and selection.

Advertisements will encourage applications from all suitably qualified and experienced people, especially those from excluded groups. When advertising job vacancies, in order to attract applications from all sections of the community, the organisation will, as far as reasonably practicable:

1. ensure advertisements are not confined to those publications which would exclude or disproportionately reduce the numbers of applicants of a particular gender, sexual orientation, age, religion or racial group
2. avoid prescribing any unnecessary requirements which would exclude a higher proportion of a particular gender, sexual orientation, age, religion or racial group or which would exclude disabled job applicants
3. avoid prescribing any requirements as to marital or civil partnership status

Recruiting Internally

It is in AET's interest to retain staff by ensuring that they are motivated and challenged. AET as an organisation seeks to train and develop staff by giving them the chance to apply for all vacancies that arise within the organisation. All vacancies will be advertised internally in the first instance and will be circulated to all eligible employees in such a way that they do not restrict applications from employees of any gender, disability, race, ethnic origin, nationality, religion or belief, sexual orientation, age, partnership status, or number of dependents. If no interest is registered internally for vacancies then an advertisement for the post will be placed in the appropriate places.

The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

With disabled job applicants, the organisation will have regard to its duty to make reasonable adjustments to work provisions, criteria and practices or to work premises in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about gender, disability, race, ethnic origin, nationality, religion or belief, sexual orientation, age, partnership status, or number of dependents.

Embedding the Policy

AET will make sure all line managers are aware of and understand the organisation's policy on equal opportunities and help them identify discriminatory acts or practices or acts of harassment or bullying. Line managers will be responsible for ensuring they actively promote equal opportunity within the teams for which they are responsible.

AET will also make all staff aware of the policy and help them understand their rights and responsibilities in relation to dignity at work and what they can do to create a work environment that is free of bullying and harassment.

Induction includes discussion of this policy.

Terms of employment, benefits, facilities and services

All terms of employment, benefits, facilities and service will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of gender, disability, race, ethnic origin, nationality, religion or belief, sexual orientation, age, partnership status, or number of dependents.

Equal pay

AET is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, the organisation will endeavour to maintain a pay system that is free from bias and based on objective criteria applied in the different economic contexts in which AET works.



Dignity at Work

AET's Equal Opportunities policy seeks to ensure that all members of staff are treated with respect and are able to work in an environment free from harassment and bullying. It also makes clear that conduct involving harassment of any member of staff for any reason is unacceptable and could make the individual liable for disciplinary action.

Bullying and harassment

Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates an employee.

Harassment occurs where, on the ground of an employee's gender, disability, race, ethnic origin, nationality, religion or belief, sexual orientation, age, partnership status, or number of dependents, a person engages in unwanted conduct that:

- has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or
- is reasonably considered by the employee to have the effect of violating his or her dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person intended to offend. Something intended as a "joke" or as "office banter" may offend another person.

This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Behaviour is generally deemed to be likely to offend an employee will constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

In unusual circumstances, a single incident can amount to harassment if it is sufficiently serious.

Harassment also occurs where, on the ground of the employee's rejection of or submission to unwanted conduct of the kind specified above, a person treats the employee less favourably than he or she would treat him or her had he or she not rejected, or submitted to, the unwanted conduct.

Examples

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour may include, but are not limited to, the following:

- unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature
- subjection to obscene or other sexually suggestive or racist comments or gestures
- the offer of rewards for going along with sexual advances or threats for rejecting sexual advances
- jokes or pictures of a sexual or racial nature
- demeaning comments about an employee's appearance
- questions about a person's sex life
- the malicious use of nick names related to an employee's sex, sexual orientation, gender reassignment, race, religion, age or disability
- picking on or ridiculing an employee
- isolating an employee or excluding him or her from social activities or relevant work-related matters.

Any employee who is found to have discriminated against or harassed another employee in violation of this policy statement will be subject to disciplinary action under the organisation's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal.

In addition, line managers or senior managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to deal with it will also be subject to disciplinary action under the organisation's disciplinary procedure.

Reporting complaints

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. AET will not ignore or treat lightly grievances or complaints of discrimination or harassment based on gender, disability, race, ethnic origin, nationality, religion or belief, sexual orientation, age, partnership status, or number of dependents.

With cases of harassment, while the organisation encourages employees who believe they are being harassed to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, the organisation also recognizes that actual or perceived power and status disparities may make such confrontation impractical.

If you wish to make a complaint of discrimination or harassment, you should follow the following steps:

Informal Procedure

It is recognised that often a victim of harassment may not wish to make a formal complaint if there is a chance that the problem can be solved discreetly and informally.

In the first place, anyone who believes he or she is subject to harassment or bullying should wherever possible ask the harasser to stop by explaining that the behaviour being experienced is unwelcome.

If anyone believes s/he has witnessed the harassment of another, s/he should ask that person if the behaviour was unwelcome; if so the person who experienced the harassment and the witness should approach the harasser together, explain that the behaviour was unwelcome and ask that it should stop.

If the harassment or bullying continues, or the individual feels that s/he cannot confront the harasser or bully, the matter should be registered; this may be with the individual's line manager or, if this is not felt to be appropriate, with a member of the Senior Management Team. The objective of this process will be to confront, counsel and monitor the harasser in order to put an end to the unwanted behaviour.

No details will be recorded on personnel files (either the complainant's or the accused person's) at this stage.

Formal Procedure

If the Informal Procedure is followed and fails to stop the harassment taking place or if an individual feels that the matter is too serious to be dealt with informally, a formal complaint should be made by using the following steps:

1. Report the incident of discrimination or harassment to your line manager in writing detailing the nature of the harassment. If you do not wish to speak to your line manager, you can instead speak to a member of the Senior Management Team
2. Such reports should be made promptly so that investigation may proceed and any action taken expeditiously.
3. All allegations of discrimination or harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the details of your complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the organisation must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation.

For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser or discriminator so that he or she is able to fairly respond to the allegations. Where practicable, the complainant and the alleged harasser or bully will be separated whilst the investigation is taking place.

The organisation reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.

4. The organisation will also invite you to attend at least one meeting at a reasonable time and place at which your complaint can be discussed. You must take all reasonable steps to attend that meeting and you have the right to be accompanied at it by either a trade union official or a fellow employee of your choice.
5. Once the investigation has been completed and after the meeting with you has taken place, you will be informed in writing of the outcome and the organisation's conclusions and decision as soon as possible. You will also be notified in writing of your right to appeal against the organisation's decision if you are not satisfied with it.

The organisation is committed to taking appropriate action with respect to all complaints of discrimination or harassment which are upheld. As an investigation will already have taken place, the immediate process will follow the organisation's disciplinary procedure.

6. If you wish to appeal against the organisation's decision, you must appeal in writing to the Executive Director of AET within five working days of the organisation's decision. On receipt of an appeal, the Executive Director shall make arrangements to hear it at an appeal meeting. If practical a Trustee will be asked to attend. At that meeting you may again, if you wish, be accompanied by either a trade union official or a fellow employee of your choice. You must take all reasonable steps to attend that meeting. Following the meeting, the AET Executive Director will inform you in writing of the organisation's final decision on your appeal.
7. You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith.
8. If your complaint is upheld and the harasser or discriminator remains in the organisation's employment, the organisation will take all reasonable steps to ensure that you do not have to continue working alongside him or her if you do not wish to do so. The organisation will discuss the options with you.
9. If your complaint is not upheld, arrangements will be made for you and the alleged harasser or discriminator to continue or resume working and to repair working relationships.

Monitoring equal opportunity and dignity at work

AET will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will be done annually and a report made to the Board where there are significant findings as part of the annual meeting of the trustees' Remuneration Committee. This will also involve considering any possible indirectly discriminatory effects of its working practices.