



## **DONOR CONCEPTION NETWORK**

### **EQUAL OPPORTUNITIES AND ANTI- HARASSMENT POLICY**

#### **1. EQUALITY AND DIVERSITY STATEMENT AND PRINCIPLES**

DCN considers itself to be an equal opportunities employer and is committed to providing equal opportunities in employment regardless of:

- age;
- disability;
- gender reassignment;
- marital or civil partner status;
- pregnancy or maternity;
- race;
- colour;
- nationality, ethnic or national origin;
- religion or belief; and
- sex or sexual orientation.

The above list contains the "**Protected Characteristics**".

This applies in respect of recruitment, training, promotion and all other aspects of employment. This policy does not form part of your contract of employment but wherever reasonably practicable, we will abide by the following principles:

- (a) DCN will endeavour to ensure so far as practicable that job vacancies are widely advertised internally so that the widest range of suitable candidates can apply.
- (b) Everyone who works for DCN (whether as employee or contractor) has a responsibility to ensure that this policy is properly observed and fully complied with. Any act of deliberate discrimination (including harassment and victimisation), based on a Protected Characteristic is viewed very seriously by DCN and, in appropriate cases, such an act will result in a worker's summary dismissal for gross misconduct and/or the termination of a contractor's services summarily. The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat job applicants, visitors, clients, customers, suppliers and former staff members.
- (c) Employees at every level are responsible for ensuring that all those who work under their line management/supervision are fully aware of this policy, of the seriousness with which we view breaches of this policy, of DCN's expectations of each person who works for it and of each individual's responsibilities under this policy.
- (d) We are committed to giving reasonable consideration to providing facilities for recruitment, employment and promotion of disabled employees. It is also DCN's aim where practicable to continue to employ those who may become disabled during the course of their employment but remain capable of working, and we will make such reasonable adjustments and/or provide reasonable assistance as are appropriate to that end and to ensure that the employee in question is not subjected to less favourable treatment for a reason related to the disability. DCN will not ask job applicants any medical screening questions unless such questions relate to a function that is intrinsic to the work concerned or for the purposes of equal opportunities monitoring.
- (e) DCN is required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the UK Border Agency. Employees

subject to immigration control are required to provide this information annually upon request.

- (f) Discrimination on the grounds of or for reasons relating to a woman's pregnancy or maternity leave will be sex discrimination and will not be tolerated.

## **2. Definitions - Different Types of Discrimination**

- (a) Direct discrimination is where a person treats another person less favourably than they would treat another person because of a Protected Characteristic. For example, a woman who is not promoted solely because she is a woman will be a victim of direct sex discrimination where a less-qualified man is promoted instead.
- (b) Indirect discrimination broadly speaking occurs when a provision, criterion or practice is applied to everyone but puts people with a Protected Characteristic at a particular disadvantage and the reason for the provision, criterion or practice cannot be shown to be a proportionate means of achieving a legitimate aim. An example of indirect discrimination may be a rule that no employees can wear headgear in the workplace, which would subject Sikhs who wear a turban to a disadvantage.
- (c) Discrimination by association. This is where a person is treated less favourably because they are associated with someone with a Protected Characteristic. For example, a non-disabled employee might bring a direct disability discrimination claim where they have been treated less favourably because they have a disabled child.
- (d) Discrimination by perception. This is where a person is treated less favourably because that person is wrongly perceived to have a Protected Characteristic. For example, this applies where there is a perception that a person is disabled, or perceived to be of a certain age.
- (e) Victimisation occurs where someone raises a discrimination complaint (or supports someone else who has) and is treated less favourably as a result.
- (f) Harassment is dealt with in detail below.

### **3. Anti-Harassment Policy**

#### **3.1 Anti-Harassment Statement and Principles**

DCN is committed to ensuring so far as possible that no worker suffers unlawful harassment or bullying at work, and that such conduct, if it ever occurs, is effectively addressed. Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. Where motivated by issues of a Protected Characteristic, it will usually also amount to unlawful discrimination for which the perpetrator - and DCN - could be held liable.

Harassment is damaging to both workers and DCN. It can create an intimidating, hostile or humiliating working environment for the recipient (and for others too), putting workers under strain and impairing the effectiveness of the organisation. Whatever form it takes it is unacceptable at work and DCN will not tolerate it. All staff - employees and managers alike - are responsible for complying with and upholding this policy and any harassment or breach of this policy generally will constitute a disciplinary offence and may constitute gross misconduct under DCN's disciplinary procedure.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to any of the other Protected Characteristics. Harassment is unacceptable even if it does not fall within any of these categories.

Please note that conduct only constitutes *unlawful* harassment under the Equality Act if based on the Protected Characteristics. It may happen from time to time that staff will have action taken against them, whether by colleagues or superiors, which is unwanted and which they feel humiliates or intimidates them. If that conduct is not based on any of the Protected Characteristics, then it is not harassment pursuant to the Equality Act. However, it may still amount to unlawful conduct depending on the circumstances and in any event, we will not tolerate any form of harassment or bullying, whatever its motivation or grounds, as we believe this is damaging to the individual employee and to the business.

#### **3.2 Examples of Harassment**

Harassment can range from extreme forms such as violence and bullying to less obvious actions like making fun of or teasing colleagues or subordinates, freezing them out or refusing to talk to them. Examples of harassment may include (without limitation) the following types of conduct:

- (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
- (b) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
- (c) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- (d) sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- (e) offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- (f) mocking, mimicking or belittling a person's disability;
- (g) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- (h) outing or threatening to out someone as gay or lesbian; or
- (i) ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

These examples are not exhaustive of the behaviour which may constitute unacceptable harassment in DCN's opinion. The essence of harassment is that the conduct is unwanted, unreasonable and offensive to the recipient. For example, inviting someone for a drink after work is perfectly acceptable if they welcome the approach but if the recipient indicates that it is not welcome and the person making the request persists or indicates that, say, a pay increase rests on accepting the request,

this may constitute sexual harassment. Also, it is important to be aware that a person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if the joke creates an offensive environment for them.

It is for each individual to determine what behaviour is reasonably acceptable to them and what they regard as offensive. Conduct becomes harassment if it persists once it has been made clear that it is regarded by the recipient as offensive, although a single incident may constitute harassment if it is sufficiently serious. It is the unwanted nature of the conduct which distinguishes harassment from friendly behaviour or "banter" which is welcome and reciprocal. This is a subjective issue and line managers in particular should not discount or ignore a complaint of harassment simply because they feel it is minor or personally would not find the behaviour in question offensive.

Managers should note that they have a particular responsibility to prevent and eradicate discrimination and harassment in the work area for which they are responsible.

We will not accept "it was only a bit of fun" or similar defences to allegations of harassment. You should also not forget that your behaviour and sense of what is proper may be affected by external factors such as pressure at work, fatigue or alcohol - you must be particularly careful about what you say and do in these circumstances. Remember that your behaviour at work-related events is just as important as it is in the office.

DCN recognises that employees may find it difficult to raise concerns about harassment and we have therefore compiled a Harassment Procedure which can be followed in those circumstances - this can be found at the end of this policy.

An employee who raises a complaint of harassment in good faith must not be victimised or made subject to any retaliatory action as a result - we will not tolerate any such action and this may lead to disciplinary action, up to and including dismissal, against the perpetrator.

#### **4. Harassment Procedure**

DCN recognises that in the event of incidents of harassment based on the Protected Characteristics, the normal grievance procedure may not be appropriate. We will not tolerate any such harassment and will implement disciplinary proceedings where it

has occurred. If you have experienced any such harassment, or if you are aware that any other employee has experienced such harassment, you are encouraged to report it in accordance with the following procedure. This procedure does not form part of your contract of employment but we will endeavour to follow it where reasonably practicable.

#### 4.1 Harassment Procedure – Informal

If you are suffering from harassment in any form, you may, if you are comfortable doing so, initially attempt to solve the problem informally by speaking to the alleged harasser and explaining politely and unambiguously that the behaviour is unwelcome and that you wish it to stop. Alternatively, you may express this in writing, detailing the behaviour concerned.

If you find it difficult or embarrassing to raise the issue directly with the person creating the problem, you may seek support from a colleague or manager unrelated to the incident, who can assist, guide you, or intervene on your behalf. Any workers approached to give such support are encouraged to do so if willing and able to help and they must, of course, respect the need for confidentiality. There will be no victimisation of any worker supporting and/or assisting in good faith a complainant who is making an allegation of harassment or against a worker who is making a complaint in good faith.

#### 4.2 Harassment Procedure – Formal

In situations where an informal approach is not possible, inappropriate, causes you discomfort, or has been attempted without success, you should raise a formal complaint, following the procedure detailed below.

The formal complaint will be dealt with where possible in accordance with the principles of the Grievance Procedure and you should usually raise it in the first instance with your immediate supervisor or manager. If this is inappropriate, however, you may raise the issue with the next higher level of management/trustees.

The complaint should be set out in writing by you and sent to your line manager/higher level of management/trustees, as appropriate. In order to enable DCN to investigate the allegations effectively, the written information should wherever possible include:

- (a) name of alleged harasser;
- (b) nature of behaviour complained of;
- (c) date(s) and time(s) when harassment is alleged to have occurred;
- (d) name(s) of any witness(es); and
- (e) any action already taken by the complainant to stop the alleged harassment.

Once a formal complaint has been made, a full and impartial investigation shall be carried out. The investigation will so far as reasonably practicable be carried out confidentially. However, the person accused is entitled to know the details of allegations being made in order to prepare their response. As a result, we may find it difficult to progress a complaint made by an employee wishing their identity not to be disclosed to the alleged harasser. DCN may also need to interview other employees in order properly to investigate the complaint. This will be kept to the minimum necessary for a fair investigation and confidentiality will be emphasised.

Once the investigation is complete, you will be given the opportunity to make representations at a meeting after we have had a reasonable opportunity to consider the information. Your rights and obligations in relation to this meeting will be the same as outlined in DCN's Grievance Procedure in place from time to time. After the meeting, we will inform you of its decision in writing.

If you are not satisfied with DCN's decision at this stage, you may appeal to the Chair of trustees. Your appeal must be in writing, setting out the grounds of appeal, and must be made within five working days of DCN's decision.

The appeal will, where possible, be heard either by a more senior manager than the level of management which took the decision or by a trustee. A meeting will be arranged to hear the appeal and your rights and obligations in respect of that meeting will reflect those as outlined in DCN's Grievance Procedure in place from time to time. The decision will be confirmed in writing to you after the appeal meeting and that decision will be final.

Where an allegation of harassment is upheld and the perpetrator receives a penalty short of dismissal (e.g. a written warning), the manager who conducted the hearing will consider whether further action could reasonably be taken so that the complainant



can continue working without embarrassment or anxiety. This may involve mediation or amending work practices to minimise contact between the complainant and the perpetrator.

Where a complaint is upheld, DCN will monitor the situation to ensure that the harassment has stopped.

It is emphasised that a good faith complainant will not be victimised in any way. However, any malicious unfounded complaints may result in disciplinary action against the complainant and/or against any worker who knowingly in bad faith supports or assists in the bringing of a false complaint of harassment.

Approved on 7th October 2025 by:

Sue Dean - Chair of the Board of Trustees

A handwritten signature in black ink, appearing to read 'S. Dean', followed by a period.