

BI-HR-002 EQUALITY, DIVERSITY & INCLUSIVITY POLICY

Document reference

Policy number:	BI-HR-002		
Policy Owner:	Andrea Last, Head of HR		
Date:	03 June 2021		
Version:	1.0		
Status:	Active		
EIA number:	BI-HR-002-EIA		
Last reviewed:	03 June 2021	Next review:	June 2021

Version control

Date	Version	Status	Summary of Changes
07 April 2021	1.0	Inactive	Updated in the 2021 Policy Review
03 June 2021	2.0	Active	No change; approved by the Board

Document approval

Define the approval authorities for the document

Version	Approver	Date
Draft	Babraham Executive Committee	26 November 2020
1.0	Audit Committee	07 April 2021 (by circulation)
2.0	Board of Trustees	03 June 2021

Distribution

Name or Group	Date of issue	Version
All staff and associates	23 April 2021	1.0
All staff and associates	11 June 2021	2.0

Associated policies, procedures and guidance

This policy should be read in conjunction with:

BI-HR-001 Code of Conduct
 BI-HR-003 Harassment & Bullying policy
 BI-HR-004 Grievance policy
 BI-HR-005 Disciplinary policy
 BI-COR-009 Complaints Policy
 Recruitment & Selection Policy (to follow)

Work-Life Balance & Flexible Working Policy (to follow)
Family Leave Policy (to follow)
Pay Policy (to follow)

Contents

1. Definitions.....	4
2. Commitment statement	7
3. Purpose.....	8
4. Scope	8
5. Principles.....	8
6. Accountabilities & responsibilities.....	10
7. Transgender & transitioning guidelines	10
8. After leaving employment.....	10
9. Further information.....	10
Appendix 1 – Transgender guidelines.....	11
Transgender Equality Statement	11
An inclusive environment	11
Legal protections.....	11
Harassment & bullying.....	12
Dress codes	12
Facilities.....	12
Additional resources	12
Appendix 2 – Transitioning at Work Guidelines	13
Process & responsibilities	13
Transitioning individual.....	13
Line manager.....	14
Point of contact.....	14
HR.....	14
All staff	14
Additional resources	15
Appendix 3 – Sample action plan for transitioning at work	16

1. Definitions

“Employee”	Institute employees on Institute or Babraham Institute Enterprise Ltd (BIE) terms and conditions, Institute employees on BBSRC or other terms and conditions, and Research Fellows on Institute terms and conditions.
“Staff”	Employees and Babraham Institute registered PhD students.
“Worker”	Staff, Research Fellows (honorary), Honorary Members of Faculty, visiting students, visiting researchers and workers (including consultants and secondees), workers provided by a third party / contractors, and Trustees.
“Others”	Non-worker visitors and members of the public.
“Equality”	Relates to creating a fairer society where everyone can participate and has the opportunity to fulfil their potential. It is mainly about fair treatment and compliance with legislation (the Equality Act 2010) designed to address unlawful discrimination against those who share a protected characteristic.
“Diversity”	Recognising and valuing difference in its broadest sense by creating a culture and practices that recognise, respect, value and harness difference for the benefit of workers, stakeholders and members of the public.
“Inclusivity”	The practice or policy of including people who might otherwise be excluded or marginalised, such as those who have physical or mental disabilities and members of minority groups.
“Protected characteristics”	Specific aspects of a person’s identity defined by the Equality Act 2010. The ‘protection’ relates to protection from discrimination. The nine protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
“Direct discrimination”	The less favourable treatment of a person because of a protected characteristic.
“Indirect discrimination”	The use of an apparently neutral provision, criterion or practice that puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the practice, provision or criterion cannot be objectively justified.
“Discrimination by association”	Discrimination against an individual who does not have a protected characteristic but is discriminated against because

of their association with someone who has a protected characteristic.

“Discrimination by perception” Discrimination against an individual because of a perception that they have a protected characteristic.

“Harassment” Unwanted behaviour 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; or is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

“Victimisation” Subjecting a person to a detriment because they have, in good faith, previously made or supported a complaint under the Equality Act 2010 or because they are suspected of doing so. Protection against victimisation is not provided if the complaint is made maliciously or vexatiously, or those supporting the complaint know it is untrue, malicious or vexatious.

“Positive action” The Equality Act 2010 allows positive action if workers or applicants for employment who share protected characteristics suffer disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low. For example, applications for jobs may be encouraged from specific sections of the community that are underrepresented in the workforce as a whole or at particular levels, or a specific training course may be targeted at workers who have a protected characteristic to help them develop skills to the required level to compete for jobs and promotion opportunities. In addition, if candidates for a vacancy, promotion or training course are from an under-represented group, positive action allows the selection of an individual with a protected characteristic over other candidates. However, positive *discrimination* is unlawful, i.e., recruiting people solely on the basis of their protected characteristic.

“Transgender” or “Trans” Used to refer to:

- People covered by the Equality Act 2010 definition: a person proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

- And any person whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

“Cisgender” or “Cis”	Someone whose gender identity is the same as the sex they were assigned at birth.
“Acquired gender”	A legal term used under the Gender Recognition Act 2004 to describe a person’s gender after transitioning.
“Gender dysphoria”	Used to describe when a person experiences discomfort or distress because there is a mismatch between their sex assigned at birth and their gender identity. This is also the clinical diagnosis for someone who does not feel comfortable with the sex they were assigned at birth. This does not cover everyone who wishes to transition.
“Gender identity”	A person’s internal sense of their own gender.
“Gender reassignment”	Another way of describing a person’s transition. To undergo gender reassignment usually means to undergo some sort of medical intervention, but it can also mean changing names, pronouns, dressing differently and living in their self-identified gender. Gender reassignment is a characteristic that is protected by the Equality Act 2010.
“Transitioning”	A term used to describe the process and steps an individual takes in order to live in the gender in which they identify. Each person’s transition will involve different things. For some this involves medical intervention, such as hormone therapy and surgeries, but not all trans people want or are able to have this. Transitioning also might involve things such as telling friends and family, dressing differently and changing official documents.
“Gender Recognition Certificate (GRC)”	This enables trans people to be legally recognised in the self-identified gender and to be issued with a new birth certificate. You do not need a GRC to change your gender at work or to legally change your gender on other documents.
“Gender expression”	How someone manifests their gender identity in society, e.g., through their appearance and behaviour. A person who does not confirm to societal expectations of gender may not, however, identify as trans.

“Intersex”	A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. There are many different intersex conditions. Intersex people may identify as male, female or non-binary. Not all intersex people identify as trans.
“Non-binary”	An umbrella term for people whose gender identity does not sit comfortably with ‘man’ or ‘woman’. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely. The terms intersex and non-binary are not interchangeable.
“Pronoun”	Words we use to refer to people’s gender in conversation, e.g., ‘he’ or ‘she’. Some people may prefer others to refer to them in gender neutral language and use pronouns such as they / their and ze / zir.
“Deadnaming”	Calling someone by their birth name after they have changed their name. This term is often associated with trans or non-binary people who have changed their name as part of their transition.
“Misgender”	Referring to someone with a gendered term (e.g., he / she, sir / ma’am, man / woman, etc.) that does not match their gender identity.
“Transsexual”	This was used in the past as a more medical term (similarly to homosexual) to refer to someone whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. This term is still used by some although many people prefer the term trans or transgender.
“Transphobia”	A fear of or a dislike of transgender people, including the denial / refusal to accept their gender identity. It is based on prejudice and misunderstanding and can involve verbal abuse, physical violence and other forms of harassment.

2. Commitment statement

- 2.1. At the Babraham Institute our mission is to be an international leader in research focusing on basic cell and molecular biology with an emphasis on healthy ageing through the human lifecycle.
- 2.2. The Institute’s success and competitiveness depends on its ability to embrace diversity and draw on the skills, understanding and experiences of its workers. The Institute is fully committed to encouraging equality, diversity and inclusion among its workforce and eliminating unlawful and unfair discrimination. The Institute values the differences that a diverse workforce brings to the organisation.

3. Purpose

- 3.1. Our aim is that our workers will be truly representative of all sections of society and feel respected and enabled to give their best and fulfil their potential. The purpose of this policy is to promote equality and fairness for all of the Institute's workforce and not to discriminate on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation.

4. Scope

- 4.1. This policy applies to:
- Institute employees on Institute or Babraham Institute Enterprise Ltd (BIE) terms and conditions
 - Institute employees on BBSRC (in conjunction with their frozen policies) or other terms and conditions
 - Research Fellows on Institute terms and conditions
 - Research Fellows (honorary)
 - Honorary Members of Faculty
 - Babraham Institute registered PhD students
 - Visiting students
 - Visiting researchers and workers, including consultants and secondees
 - Workers provided by a third party / contractors
 - Visitors
 - Trustees
- 4.2. Institute employees on BBSRC terms and conditions (T&Cs, i.e., those who transferred employment to the Institute under TUPE in 2017) will generally fall under Institute policies, particularly where legislation has since been updated and the processes in their frozen BBSRC contractual policies no longer exist. However, where an Institute policy has an equivalent contractual BBSRC policy, these will be assessed side by side at the time they are invoked to ensure that the Institute policy to be used is no less favourable for Institute employees on BBSRC T&Cs. Institute employees on BBSRC T&Cs can see a copy of their frozen BBSRC contractual policies on the HR pages on The Hub. For avoidance of doubt, Institute employees on BBSRC T&Cs retain their holiday allowance, sickness absence allowance, and redundancy and pension arrangements. If you have any concerns, please speak to hr@babraham.ac.uk.

5. Principles

- 5.1. All workers and other individuals that we come in to contact with in the course of our work will be treated fairly and with respect as outlined in the Institute's Code of Conduct (BI-HR-001).
- 5.2. Selection for employment, promotion, or any other benefit will be on the basis of skill, aptitude and ability. All workers will be encouraged to develop to their full potential and the talents and resources of the workforce will be fully utilised to maximise the performance of the organisation. See the Recruitment & Selection Policy (to follow) for further information.
- 5.3. The Institute seeks to operate a fair and transparent pay and grading system where reward is based on objective criteria free from all forms of unfairness or bias. On an annual basis, the

Institute will publish its annual gender pay gap results. See the Pay Policy (to follow) for further information.

- 5.4. The Institute recognises the importance of helping its employees to balance their work and home life by offering flexible working arrangements (both formal and informal) that give room for other priorities, including parental and caring responsibilities, life-long learning, charity work, leisure activities and other interests. The Institute operates a fair and transparent policy for applications of flexible working in order to meet the needs of employees and the organisation. See the Work-Life Balance and Flexible Working Policy (to follow) for further information.
- 5.5. The Institute seeks to operate a fair and transparent family leave policy covering both statutory obligations and enhanced pay provision for qualifying (linked to statutory criteria) employees. The Institute offers enhanced pay provision for shared parental leave, irrespective of gender. See the Family Leave Policy (to follow) for further information.
- 5.6. When developing new policies or considering changes to an existing one, the Institute will carry out an Equality Impact Assessment to review how it may affect particular groups or individuals and will implement changes where appropriate. Further information can be found on the Policies page of The Hub.
- 5.7. When establishing committees, panels, working groups, etc., consideration will be given to the membership to ensure, where possible, it is suitably diverse. When planning events or panels, venues will be appropriate and accessible for disabled people. Consideration will also be given to timings of events to ensure, where possible, participation by other groups (e.g., those with caring responsibilities) and / or whether information from the event can be made accessible by other means.
- 5.8. The Institute is committed to supporting and promoting equality, diversity and inclusivity in operation of funding of any Institute schemes, initiatives and communications.
- 5.9. The Institute is committed to training workers about their rights and responsibilities under this policy via Equality and Diversity training and through our Dignity at Work programme.
- 5.10. The Institute will take positive action where necessary to make sure opportunities are offered on a fair and equal basis and to redress any imbalances in the makeup of the workforce where these are considered potentially damaging for the organisation.
- 5.11. Discrimination or harassment will not be tolerated in any form (see definition in section 1). Incidents of discrimination should be addressed under the Grievance Policy (BI-HR-004) and allegations relating to harassment and bullying should be addressed via the Harassment & Bullying Policy (BI-HR-003). Visitors can raise complaints through the Complaints Policy (BI-COR-009). Discrimination and instances of harassment by individuals because of age, disability, gender reassignment, race religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy or maternity will be treated as a serious offence and in the case of staff will be dealt with under the Disciplinary Policy (BI-HR-005). Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice or, in the case of those who are not employees, removal from the Institute.

6. Accountabilities & responsibilities

6.1. All individuals have a responsibility to:

- Cooperate with measures introduced by the Institute that promote equality, diversity and inclusivity, and prohibit discrimination.
- Not act in a way that contravenes this policy.
- Advise the Institute if they are aware of any discriminatory conduct either against themselves or any third party that contravenes the essence of this policy.

6.2. The completion of Equality and Diversity and Dignity at Work training is mandatory for all workers to ensure they understand their responsibilities. The HR team will arrange the training within six months of workers joining the Institute and refresher training will take place every three years.

7. Transgender & transitioning guidelines

- 7.1. The Institute aims to create an inclusive trans-friendly culture where all transgender and non-binary people are treated with dignity and respect in the gender with which they identify, irrespective of their legal sex. No one will be treated less favourably than any others on the grounds of gender identity or reassignment.
- 7.2. Appendix 1 outlines guidelines on how transgender and non-binary people can expect to be supported at the Institute.
- 7.3. Appendix 2 sets out guidelines for transitioning at work.
- 7.4. Appendix 3 is a sample action plan for transitioning at work. This is not prescriptive and can be adjusted as required.

8. After leaving employment

- 8.1. All workers are reminded that they are expected to treat former workers in accordance with the spirit of this policy.
- 8.2. All requests from third parties for information about former workers must be discussed with HR in the first instance, and any informal references or opinions about former workers must not be made or given to third parties on behalf of the Institute under any circumstances.

9. Further information

- 9.1. This policy will be reviewed regularly to incorporate any changes, legislative or otherwise. The next review date is specified on the cover sheet.
- 9.2. Associated policies, procedures and guidance are listed on the cover sheet. The Policy Owner named on the cover sheet can be contacted with any queries.
- 9.3. This policy may be varied, withdrawn or replaced at any time by the Institute at its absolute discretion.

Appendix 1 – Transgender guidelines

Transgender Equality Statement

The Institute values the contribution of all members regardless of their gender.

This statement demonstrates that the Institute insists that all transgender workers, students, volunteers, service users, or visitors, regardless of whether they have decided to go through a process of gender reassignment, and regardless of the law, must be treated with dignity and equal respect and not be disadvantaged in the workplace.

An inclusive environment

The Institute aims to create an inclusive trans-friendly culture and workplace free from discrimination, harassment and victimisation, where all transgender people are treated with dignity and respect in the gender with which they identify, irrespective of their legal sex.

No prospective worker will be treated less favourably than any other, before, during or after their employment or study at the Institute on the grounds of gender identity or reassignment.

The Institute commits to anticipate and respond positively to the needs of trans workers, and alumni, providing a professional and consistent service so that all trans members of the Institute feel welcome, safe, valued and supported in achieving their potential and contributing as a member of the Institute.

With regard to workers (except students), these guidelines apply (but are not limited) to the advertisement of jobs and recruitment and selection, training and development, opportunities for promotion, conditions of service, benefits, facilities and pay, health and safety, conduct at work, grievance and disciplinary procedures, and termination of employment.

With regard to students, these guidelines apply (but are not limited) to recruitment, health and safety, conduct at work, grievance and disciplinary procedures, and training and development.

Legal protections

As part of our commitment to trans equality, we comply fully with the relevant legislation, including The Gender Recognition Act (2004), The Equality Act (2010), and The Data Protection Act (2018). We recognise that not all gender identities or transition journeys are recognised by the current legal framework so our commitment to inclusion, dignity and equality begins at the law, but it does not end at it.

Some of the protections trans workers are guaranteed under law in the workplace are:

- Protection from direct discrimination (Equality Act 2010)
- Protection from indirect discrimination (Equality Act 2010)
- Protection from harassment (Equality Act 2010)
- Protection from victimisation (Equality Act 2010)
- Protection in taking time off work related to transitioning (Equality Act 2010)
- Protection from misuse of trans history information (Data Protection Act 2018)
- Protection from non-consenting disclosure of trans history (Gender Recognition Act 2004)

Harassment & bullying

The Institute recognises it is the right of every individual to choose whether to be open about their gender identity and history. To 'out' someone without their permission is a form of harassment and possibly a criminal offence.

We have a zero-tolerance approach to all forms of bullying and harassment. Any transphobic bullying and harassment will be regarded as grounds for disciplinary action, which may include dismissal (and, for individuals who are not employees, expulsion from the site). Such behaviour will be dealt with under the Institute's Disciplinary Policy (BI-HR-005) and in conjunction with our policy on Harassment & Bullying (BI-HR-003).

Dress codes

The Institute does not have any formal dress codes. The only requirement is that people dress in a way that is appropriate for their role and does not endanger their safety or cause offence. There are no restrictions by gender and any attempt to enforce conformity to specific gender presentation could constitute bullying or harassment and would be dealt with accordingly.

Facilities

All people have the right to use gendered facilities, such as toilets or changing rooms, which match their gender identity. It is not the policy of the Institute to require trans people to use single stall gender neutral facilities as that would constitute unfair and discriminatory behaviour, although they can if they prefer.

Additional resources

<https://lgbt.foundation/who-we-help/trans-people/resources-for-trans-people>

<https://www.trans.ac.uk/ResourcesInformation/OrganisationsCommunity/tabid/7258/Default.aspx>

<https://www.allabouttrans.org.uk/support-organisations/>

Appendix 2 – Transitioning at Work Guidelines

These guidelines set out a framework for how the Institute will support workers or volunteers, who are going through a gender transition.

The Institute aims to give support and understanding to any individuals who wish to take, or have taken, steps to change how their gender identity is recognised at work. The Institute recognises that the period of transition can be complex and difficult for the individual and wishes to act in a supportive and sensitive way to make the transition period at work as smooth as possible. During the process of transition the organisation and management will be fully supportive and ensure the transitioning person does not suffer any detriment, bullying or harassment as a result of transitioning.

A transitioning person can expect the following:

- That their gender identity will be respected
- That they will lead on all aspects of their transition
- Support from the Institute and their manager throughout and after the transition
- An environment free from bullying, harassment and discrimination
- To have their dignity and privacy respected
- That the Institute will comply with all relevant legislation

These guidelines support Institute workers in meeting the requirements of the Equality Act 2010, which lists gender reassignment as one of the nine protected characteristics, on the grounds of which people are protected against unlawful discrimination.

Please also see the Transgender Guidelines in Appendix 1 for how trans people are supported at the Institute.

Process & responsibilities

Transitioning involves different steps and activities for different people. The timescales, activities and communication will be driven by the person transitioning and with their consent. An individual does not need to have a Gender Recognition Certificate in order to change the way their gender identity is recognised at the Institute.

Transitioning individual

- Notify your line manager that you wish to change how your gender identity is recognised at work and arrange a meeting.
- Agree a single point of contact who will support you and help create an action plan for your transition. This would normally be the line manager or another senior manager in the work area who would liaise as necessary with other teams (e.g., HR, Babraham Institute Computing Service (BICS), the Contracts Office, etc.)
- Create an action plan (see Appendix 3 for a sample action plan). Areas it could cover include: expected timescale, expected time off (e.g., for medical procedures), any new name or pronouns, and what type of information will be communicated and how.
- The action plan does not need to be complete if not all information is known and can always be revised.

Line manager

- Once your direct report has notified you they want to change how their gender identity is recognised at work, arrange a meeting with them.
- Agree a single point of contact who will support the individual and help create an action plan for their transition. If you are the point of contact, also read Appendix 3 for a sample action plan.
- Familiarise yourself with the relevant legislation, Institute policies and your responsibilities.
- Do not communicate any information without the transitioning person's permission.
- Ensure the transitioning person is not treated unfavourably in any way due to their transition by yourself, colleagues, collaborators, or any other person they come in contact with through work.
- If you have questions or would like further support, you can speak to HR, the Equality, Diversity and Inclusion Manager, or request training.

Point of contact

- Support the transitioning person to come up with an action plan for their transition at work (see Appendix 3 for a sample action plan). Areas it could cover include: expected timescale, expected time off (e.g., for medical procedures), any new name or pronouns, and what type of information will be communicated and how.
- As agreed with the transitioning person, liaise with necessary members of staff, such as HR or BICS.
- Familiarise yourself with the relevant legislation, Institute policies and your responsibilities.
- Do not communicate any information without the transitioning person's permission.
- If you have questions or would like further support you can speak to HR, the Equality, Diversity and Inclusion Manager, or request training.

HR

- Once HR has been notified that a person will be transitioning, they should agree with the person, either directly or through their point of contact with their permission, what changes will be made to their records, when this will occur, and who they want to be aware of the situation.
- A trans person's file should reflect their current name and gender. Any material that needs to be kept related to the person's trans status, such as records of absence for medical reasons, will be stored confidentially in accordance with the law. No records will be changed without the permission of the person concerned.

All staff

- Respect and support the transitioning person's dignity and privacy.
- Do not communicate any information without the transitioning person's permission.

- If you have questions or would like further support, you can speak to HR, the Equality, Diversity and Inclusion Manager, or request training.

Additional resources

Please see Appendix 1 for more information about how trans people are supported at the Institute, covering creating an inclusive environment, legal protections, bullying and harassment, dress codes and use of facilities.

Additional resources can be found at:

<https://www.brook.org.uk/your-life/transitioning>

<https://transfigurations.org.uk/coming-out/>

<https://actionfortranshealth.org.uk/resources/for-trans-people/changing-your-name/>

Appendix 3 – Sample action plan for transitioning at work

Current Name *Jane Doe*

I will be taking holiday at the end of July and when I return on 5 August, I would like to be referred to by my new name in all communication and records.

New name and pronouns

John Doe, he/him/his

Facilities

I will be using male toilets and changing facilities when I return.

Records

I will request the following and while I'm away my line manager will ensure they are done before I return:

Change records in HR

Change email address (current email address to forward to new one)

Change profile on external and internal website

New ID

Time off

I expect I will need time off for medical procedures in the autumn and I will communicate this with my line manager when I have more details.

Communication

Before I go on holiday, I will send an email to my team members and people I communicate with regularly:

'Dear all,

When I return from holiday, please note that I will be going by the name of John Doe and using the pronouns he / him / his.

Thanks,

Jane'

I give my line manager permission to bring my new name etc. up at the lab meeting, which will occur while I am away where they will remind everyone that my new name and gender identity need to be respected and point them to resources if they have any questions.

I will deal with other people on a case-by-case basis.

My email signature will be 'John Doe (formerly Jane)' for at least a few months.