

# UEA CODE OF PRACTICE: PROMOTION OF AGE EQUALITY IN EMPLOYMENT FOR STAFF

## 1.0 Introduction

- 1.1 The University of East Anglia, referred to as “the University” throughout this document, has developed this revised Code of Practice to demonstrate the steps that will be taken to ensure equality in respect of age and to ensure its compliance with the Equality Act 2010.
- 1.2 This Code of Practice is underpinned by the University’s [Equality & Diversity Strategy](#) and the [Equality & Diversity Code of Practice for Staff](#), which can be accessed on the Human Resources Division’s intranet sites.
- 1.3 The University is an international and multicultural community which values and encourages diversity. The University is committed to ensuring that it makes every reasonable effort to not unlawfully discriminate against employees, job applicants and trainees because of their age, in respect of recruitment, promotions, training and development, dismissals, grievances, discipline, pay, terms and conditions of employment.
- 1.4 As a public body the University has a particular responsibility to promote age equality. The University as a major employer and provider of education and other services, and a purchaser of goods, works and services, is committed to:

- ensuring that it makes every reasonable effort to promote age equality;
- the removal of unlawful age discrimination;
- the promotion of good relations between people of different age groups;
- providing a supportive and inclusive environment to staff of all age groups.

1.5 The aim of the University is to remove barriers to the working environment and/or policies, procedures and processes which could disadvantage staff from different age groups.

1.6 This Code of Practice should be read in conjunction with other key University documents, including but not limited to the Equality & Diversity Code of Practice for Staff, [Recruitment & Selection Guidelines](#) and [promotions and annual review](#) documents.

## **2.0 Purpose**

2.1 The purpose of this Code of Practice is:

- to raise the awareness of the University's staff about age issues and their responsibilities under the Equality Act 2010;
- provide guidance to managers to ensure that staff of different age groups are supported in their work activity at the University;

## **3.0 Scope**

3.1 This Code of Practice applies to all staff employed by the University, individuals registered on UEA's staffing registers, individuals holding honorary and/or secondment contracts, individuals undertaking work experience and self-employed individuals.

3.2 The University also expects the following groups to behave in a manner which complies with the expectations set out for staff :

- Students
- individuals undertaking work experience on placements
- members of the public
- service users
- individuals employed by other organisations (such as recruitment agencies, Consortiums and Partnerships)
- suppliers and contractors.

#### **4.0 Responsibility of all staff**

4.1 All staff are required to comply with this Code of Practice and with the relevant legal requirements. Anyone with responsibility for managing staff has additional responsibilities which are detailed in Section 5.0.

4.2 Staff should consider making their manager and/or Human Resources Manager aware of issues related to their personal circumstances, particularly where this relates to their wellbeing, health and safety in the workplace or a practice that could result in unlawful age discrimination.

4.3 All staff have a responsibility to ensure that all members of the University community irrespective of their age are treated with dignity and respect.

4.4 The Vice-Chancellor and Executive Team requires all staff to complete the online Equality and Diversity training module that can be accessed via the Equality & Diversity, Human Resources and CSED webpages; and to re-complete a refresher every two years.

## **5.0 Responsibility of all managers**

- 5.1 All individuals with management and supervisory responsibility are responsible for the implementation of this Code of Practice within their Service, Faculty, School, Department, Office areas.
- 5.2 Managers need to be aware of their responsibilities under this Code of Practice and under the Equality Act 2010 and ensure that they are carried out appropriately.
- 5.3 Managers must take steps to ensure that policies, procedures and practices in their areas of responsibility do not have an adverse impact for staff from different age groups and to assess whether the cause of this different outcome might constitute unjustifiable discrimination.
- 5.4 Where inappropriate behaviour is brought to a manager's attention, the manager is responsible for taking appropriate action. This includes addressing the behaviour of individuals not employed by the University as referred to in paragraph 3.2 of this document. Managers can seek advice and support from Human Resources in dealing with such matters.
- 5.5 For advice on how to manage discussions with staff of all ages regarding their future aims and expectations, please refer to Briefing Note 12 – How to manage discussions with staff about their development needs, future aspirations and transitions to retirement. In addition, managers can seek advice and support from Human Resources in dealing with such matters.

## **6.0 The Legislation – Equality Act 2010**

- 6.1 The main provisions of the Equality Act 2010, referred to as "the Act" throughout this document, came into force on 1 October 2010.

6.2 The Act consolidated the many equality and anti-discrimination laws, including the Employment Equality (Age) Regulations 2006, into a single Act covering nine protected characteristics:

- [Age](#)
- [Disability](#)
- [Gender reassignment](#)
- [Marriage and civil partnership](#)
- [Pregnancy and maternity](#)
- [Race](#) (including Caste)
- [Religion or belief](#)
- [Sex](#)
- [Sexual orientation](#)

6.3 The Equality and Human Rights Commission indicates that ‘age groups can be quite wide (for example, ‘people under 50’ or ‘under 18’s’). They can also be quite specific (for example ‘people in their mid-40s’). Terms such as ‘young person’ and ‘youthful’ or ‘elderly’ and ‘pensioner’ can also indicate an age group’.<sup>1</sup>

6.4 The Act makes it unlawful to discriminate on the grounds of age. Acts of discrimination can occur in a number of ways, which include:

- **Direct discrimination** where an individual is treated less favourably than another individual because of their age.
- **Indirect discrimination** occurs where a condition, rule, policy or practice that is applied equally to everyone has the effect of disadvantaging a particular group of individuals who are from a particular age group.

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<sup>1</sup> Source: Equality and Human Rights Commission <https://www.equalityhumanrights.com/en/advice-and-guidance/age-discrimination>

- **Discrimination by association** is direct discrimination and occurs where an individual is treated less favourably because they associate with another individual of a specific age or age group.
- **Discrimination by perception** is direct discrimination and occurs where an individual is treated less favourably because they are perceived to be of a certain age or age group. The individual does not need to be of that age or age group.
- **Harassment** is unwanted conduct related to a person's age 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.
- **Victimisation** happens when an individual is treated less favourably because they have made or supported a complaint of age related discrimination.

6.5 Please refer to [Briefing Note 10 – Different Types of Age Discrimination](#) for examples of discrimination in the workplace.

6.6 For further information on how to deal with age hate incidents and hate crime please refer to [Briefing Note 11 – How to deal with Age related Hate Incidents and Crime](#).

## 7.0 Retirement Age

7.1 When the Employment Equality (Age) Regulations 2006 were in place, there was a legal default retirement age of 65. With the implementation of the Equality Act 2010, retirement was no longer a fair reason for dismissal unless it could be objectively justified. The University does not have a default retirement age.

7.2 For further information on how to manage discussions with staff of all ages regarding their future aims and expectations, please refer to Briefing Note 12 – How to manage discussions with staff about their development needs and future aspirations.

## **8.0 Monitoring and Review**

8.1 The Human Resources Division, on behalf of the University, is responsible for monitoring and reviewing the implementation of this Code of Practice to ensure its effectiveness.

8.2 The University will continue to monitor and review the impact of its policies, procedures and practices on staff and applicants for employment from differing age groups and take positive action where appropriate to ensure that its policy on age is fully implemented.

8.3 Such action will include the provision of training and awareness, particularly for key staff groups where monitoring indicates that an area of policy, procedure or practice requires revision.

8.4 The Human Resources Division will monitor the completion rates for the Equality & Diversity module and provide a regular report to the Equality & Diversity Committee.

8.5 The University will develop and keep under review indicators of the impact of its policies and practices in employment and the provisions of other services. These indicators will be reported to the Equality & Diversity Committee on an annual basis. These will include as a minimum an age profile for:

- Staff employed at the University
- Applicants for and those obtaining employment

- Applicants for and those receiving training
- Applicants for and those completing probation and obtaining promotion and awards
- Staff being appraised
- Staff whose attendance at work is being measured through the sickness absence guidelines
- Staff whose performance is being measured through the formal capability process
- Staff involved in formal disciplinary and grievance processes (including the outcome of said processes)
- Staff leaving the University

UEA Equality & Diversity Committee – approval date	9 May 2017
Equality Impact Assessment undertaken	Yes
Next Review Date	April 2018
Review frequency	Annually
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Document Ref.	UEA Code of Practice: Promotion of Age Equality in Employment for Staff