



# MDDUS EQUAL OPPORTUNITIES POLICY

February 2007

## Equal opportunities - the approach of MDDUS to members and employees

As a mutual organisation, dedicated to protecting the professional interests of our members and as an employer, the Medical and Dental Defence Union of Scotland is committed to equality both in terms of providing services to our members and in selecting, promoting, training and providing benefits to our staff. Our aim is to promote honourable practice, a concept that sits comfortably with our intention to implement and maintain a robust policy on equal opportunities.

The purpose of this commitment is to ensure that MDDUS members and staff will be treated with fairness and respect regardless of race, ethnicity, gender, colour, nationality, national origin, sexual orientation, marital status, age, disability, religion or belief.

This Statement of Purpose and accompanying policy documents have been developed to ensure that MDDUS members and staff are fully aware of our promise to provide equality of opportunity in all aspects of our workings. This Statement of Purpose and the policy documents set out the way in which the MDDUS will implement its equal opportunities and diversity procedures in order to maintain and reinforce the assurance members and staff should have on the principle of receiving equal treatment from MDDUS.

This Statement of Purpose has been produced to be read in conjunction with the policy documents. It has been produced to underline how important we take equal opportunities. Read together with the policies, it sets out the way in which MDDUS will implement its equal opportunities and diversity procedures in order to maintain and reinforce the assurance members and staff should have on the principle of receiving equal treatment from MDDUS.

We recognise the value of regular monitoring as to how well our systems on the subject are working and the need for periodical defined reviews of this practice to ensure they are up to date. As well as having a designated member of senior staff responsible for this (Dr George Fernie) in whose absence the Chief Executive, we undertake to annually consult with our solicitors to ensure we comply with current best practice.

The policies on equal opportunities outline a number of relevant definitions on the topic along with the MDDUS approach to equal opportunities policies and some ways in which this should be implemented. We would particularly wish to acknowledge assistance from the BMA who have been kind enough to allow us to draw on their own policy and experience as forerunners within the medical profession in this area.

In 2003 the BMA neatly summed up the position in this comment on the importance of valuing diversity by pointing out that:

"People are different from one another in many ways - in age, gender, education, values, physical ability, mental capacity, personality, experiences, culture and to the way in which they approach work. Acknowledging, understanding and appreciating these differences and developing a workplace that enhances their value - by being flexible enough to meet needs and preferences - creates a motivating and rewarding work environment."<sup>1</sup>

It is difficult to better this definition and it seems self-evident that a similar approach would also serve MDDUS well.

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<sup>1</sup> British Medical Association (2003) Dealing with Discrimination: Guidelines for BMA Members.



## MDDUS Equal Opportunities Policy for Members

### 1. MDDUS Commitment

The Medical and Dental Defence Union of Scotland is committed to equality in providing membership and services that do not discriminate against members on the grounds of race, ethnicity, gender, colour, nationality, national origin, sexual orientation, marital status, age, disability, religion or belief.

### 2. What can I expect to receive from MDDUS?

#### 2.1 General

2.1.1 It is unlawful for the MDDUS to discriminate against a person who has applied for membership on the grounds of race, ethnicity, gender, colour, nationality, national origin, sexual orientation, marital status, age, disability, religion or belief in the terms on which it will admit him or her to membership, or by refusing, or deliberately omitting to accept the membership application. It is unlawful for the MDDUS to discriminate against a disabled person in the arrangements that it makes for determining who should be offered membership.

2.1.2 It is also unlawful for the MDDUS to discriminate against a member on the grounds of race, ethnicity, gender, colour, nationality, national origin, sexual orientation, marital status, disability, religion or belief, in access to any benefits, facilities or services, (on the grounds of age in relation to benefits only), or by refusing or deliberately omitting to give the member access to them or by depriving the member of membership or varying the terms of his or her membership, or by subjecting him or her to any other detriment.

2.1.3 It is also unlawful for the MDDUS to subject members or those who have applied for membership to harassment because of their race, ethnicity, gender, colour, nationality, national origin, sexual orientation, marital status, age, disability, religion or belief.

#### 2.2 Sex Discrimination

2.2.1 Sex discrimination can be less favourable treatment on the grounds of sex or alternatively it can be the application of a provision, criterion or practice equally to men and women but which puts or would put one sex at a particular disadvantage when compared with the other, and which puts you at that disadvantage and is not a proportionate means of achieving a legitimate aim.

2.2.2 Sex discrimination may also be on the grounds of gender reassignment, against married persons, on the ground of pregnancy or maternity leave or by way of victimisation or harassment (including sexual harassment).

#### 2.3 Disability Discrimination

2.3.1 A person discriminates against a disabled person if for a reason which relates to the person's disability he treats him less favourably than he treats or would treat others to whom that reason does not or would not apply, and the treatment is not justified by a material and substantial reason.

2.3.2 Treatment of a disabled person cannot be justified if it amounts to direct discrimination, i.e., on the ground of the disabled person's disability, the disabled person is treated less favourably than a person not having that particular disability is or would be treated.

2.3.3 Where a provision, criterion or practice applied by or on behalf of the MDDUS, or any physical feature of premises occupied by the MDDUS, places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, the MDDUS



must take reasonable steps to prevent it having that effect unless the MDDUS do not know the person has a disability and is likely to be affected.

2.3.4 Disability discrimination can also be on the grounds of harassment or victimisation.

## 2.4 Race Discrimination

2.4.1 A person discriminates against you if he treats you less favourably on racial grounds than he treats or would treat other persons. Alternatively he will discriminate if he applies a provision, criterion or practice equally to members but which puts or would put persons of the same race or ethnic or national origins as you at a particular disadvantage when compared with other persons, it puts you at that disadvantage and it is not a proportionate means of achieving a legitimate aim.

2.4.2 Discrimination can also be by way of victimisation where the individual is treated less favourably because he has been involved with a complaint of unlawful discrimination. Discrimination may also be because of harassment.

## 2.5 Discrimination on grounds of sexual orientation | religion

Discrimination on the grounds of sexual orientation or religion or belief can be direct or indirect discrimination, by victimisation or by harassment.

## 2.6 Age Discrimination

Discrimination on the grounds of age can be direct, indirect, by victimisation or by harassment.

# 3. To whom should I make a complaint if I believe I have been discriminated against?

- 3.1 If you consider you have been discriminated against because of your race, ethnicity, gender, colour, nationality, national origin, sexual orientation, marital status, age, disability, religion or belief, either because you have been refused membership or because of the terms on which you have been offered membership or because of the provision of access to any benefits, facilities or services, the variation of your membership terms, the deprivation of your membership or any other detriment, you will be entitled to make a complaint. Your complaint should be made to [insert name or status of person].
- 3.2 Any complaints will be rigorously investigated and where necessary working practices will be amended in order to ensure compliance.