## Equality & Diversity Policy

**1 Our Commitment**

THE ORGANISATION is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist THE ORGANISATION to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. THE ORGANISATION has a separate dignity at work policy, which deals with these issues.

**2 The Law**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics”.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

You should not discriminate against or harass a member of the public or service user in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

**3 Types of Unlawful Discrimination**

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person’s dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and, according to guidance from the Government and ACAS, pregnancy and maternity).

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as service users.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

**Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

**4 Equal Opportunities in Employment**

THE ORGANISATION will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Working practices

THE ORGANISATION will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if THE ORGANISATION considers it has good reasons, unrelated to any protected characteristic, for doing so. THE ORGANISATION will comply with its obligations in relation to statutory requests for contract variations. THE ORGANISATION will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Equal Opportunities Monitoring

THE ORGANISATION will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

**5 Dignity at Work**

THE ORGANISATION has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

**6 Service users, suppliers and other people not employed by THE ORGANISATION**

THE ORGANISATION will not discriminate unlawfully against service users using or seeking to use the services provided by THE ORGANISATION.

You should report any bullying or harassment by service users, suppliers, visitors or others to your manager who will take appropriate action.

**7 Training**

THE ORGANISATION will support and encourage managers to train in and raise awareness of equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

As part of the induction process, all employees will be made aware of THE ORGANISATION policies on Equality and Diversity so that they understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment.

**8 Your responsibilities**

Every employee is required to assist THE ORGANISATION to meet its commitment to avoid unlawful discrimination both in employment and to service users and the public. Employees can be held personally liable as well as, or instead of, THE ORGANISATION for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under THE ORGANISATION’s disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

**9 Grievances**

If you consider that you may have been unlawfully discriminated against, you should use THE ORGANISATION’s grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

THE ORGANISATION will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

**10 Monitoring and review**

This policy will be monitored periodically by THE ORGANISATION to judge its effectiveness and will be updated in accordance with changes in the law. In particular, THE ORGANISATION will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, THE ORGANISATION will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998 and from May 2018 in accordance with the General Data Protection Act (GDPR).

**Linked policies and procedures:**

* Code of Conduct
* Dignity at Work
* Recruitment

*This is a non-contractual procedure which will be reviewed from time to time.*