

# Equal Opportunities Policy and Procedure (GWHR16)

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This Policy applies to all Groundwork South and North Tyneside, Windmill and TEN North East staff and volunteers (hereafter referred to as Groundwork).

## 1. PURPOSE

- 1.1. Equality of opportunity is vital if employees are to have a fair and equal chance of developing their abilities and to ensure that Groundwork South and North Tyneside hereafter referred to as Groundwork, makes the most effective use of its staff.
- 1.2. The aim of the policy is to ensure that no job applicant or employee receives less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.
- 1.3. Although the prime responsibility for achieving and providing equality of opportunity rests with the employer, employees at every level have an individual responsibility for complying with and promoting the policy.
- 1.4. Equal opportunity does not follow from good intentions alone, and it is important to support this policy with practical action. Both the policy and the associated action will be implemented in accordance with the statutory requirements.
- 1.5. Groundwork is committed to the elimination of unlawful or unfair discrimination on any grounds, including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.
- 1.6. Individuals will be selected, promoted, and treated on the basis of their relevant merits and abilities. All employees will be afforded equal opportunity and access to training to enable them to progress within Groundwork.

1.7. Operational policies and procedures will be regularly reviewed, including recruitment and selection, and training and development. In the first instance, this will be after 12 months and thereafter at a timescale to be determined.

### **3. LEGISLATION**

Groundwork's Equal Opportunities Policy has been developed within the framework of existing legislation within the Equality Act 2010, which was brought in to combine all the previous anti-discrimination laws, and added further protected characteristics.

- Sex Discrimination Act (1975)
- Race Relations Act (1976), Race Relations (Amendment) Act 2000
- Employment Relations Act (1999)
- Disability Discrimination Act (1995)
- Equal Pay Act (1970)
- Employment Rights Act (1996)
- Harassment Act (1997)
- Data Protection Act (1998)
- Human Rights Act (1999)
- Equality of Employment (Sexual Orientation) Regulations (2003)
- Equality of Employment (Religion or Belief) Regulations (2003)
- Employment Equality (Age) Regulations (2006)

#### **3.1 Implications of the Legislation**

Both Groundwork and individual member of staff concerned may be liable to legal proceedings if found to be in contravention of the Race Relations Act, Sex Discrimination Act, Disability Discrimination Act, and/or the Equality of Employment Regulations with regards to Sexual Orientation, Religion or Belief and Age. Groundwork will take all reasonable practicable steps to prevent acts of discrimination.

#### **3.2 Codes of Practice**

The Commission has issued codes of Practice for Racial Equality and the Equal Opportunities Commission that set out the practices, which employers should adopt in order to ensure equal opportunities at work. A Voluntary Code on Age Discrimination has been introduced. The Codes does not have statutory provisions, but lay down well-defined operating practices for employers, which if not followed, may result in action through Employment Tribunals. In such a case, the Tribunal will have regard to the extent to which an employer had followed the guidelines contained in the Codes of Practice.

### **4. THE NATURE OF DISCRIMINATION**

This policy refers to several forms of discrimination. These are explained below:

#### **4.1 Direct Discrimination**

Direct Discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below). Annex 1 contains an example of direct discrimination.

#### **4.2 Associative Discrimination**

This applies to race, religion or belief and sexual orientation, age, disability, gender re-assignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

#### **4.3 Perceptive Discrimination**

This applies to age, race, religion or belief, sexual orientation, disability, gender re-assignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

#### **4.4 Indirect Discrimination**

This applies to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability, and gender re-assignment.

Indirect discrimination can occur when you have a condition, rule policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic.

#### **4.5 Harassment**

Any behaviour deliberate or otherwise, directed at an individual by another individual whilst at work, which is found to be offensive to the recipient and which threatens an employee's job security or creates an intimidating environment.

Examples and further descriptions of forms of harassment are given below:

- Racial harassment includes racial abuse, racially explicit, derogatory statements, which are found objectionable and offensive and make the employee to whom they are addressed feel threatened or humiliated. Offensive jokes of a racial nature or an offensive manner in communication that is not used with other employees are likely to constitute racial harassment.

Sexual harassment includes unwanted verbal or sexual advances, sexually explicit derogatory statements or sexually discriminating remarks made by someone in the working environment which are offensive to the worker involved which cause the worker to feel threatened, humiliated, patronised or harassed, or which interfere with the worker's job performance, or undermines job security or create a threatening or intimidating work environment.

- Victimisation includes forms of bullying, harassment, most commonly from a more senior member of staff although, not exclusively. Examples include being singled out, being made to look or feel silly, the removal of opportunities within the workplace – e.g. training, and promotion, amongst others.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees can also complain of behaviour that they find offensive even if it is not directed at them and the complainant need not possess the relevant characteristics themselves. Employees are also protected from harassment because of perception and association.

#### **4.6 Third Party Harassment**

This applies to sex, ages, disability, gender re-assignment, race, religion or belief and sexual orientation. The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company such as customers or clients. Groundwork can only be liable if the harassment occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

#### **4.7 Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

### **5.0 DEFINITIONS OF PROTECTED CHARACTERISTICS**

#### **5.1 Age**

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

## **5.2 Disability**

A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities, which would include things like using a telephone, reading a book or using public transport.

## **5.3 Gender Reassignment**

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. They are not required to be under medical supervision to be protected, e.g. a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

## **5.4 Marriage and Civil Partnerships**

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

## **5.5 Pregnancy and Maternity**

A woman is protected against the discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled.

## **5.6 Race**

Race includes colour, nationality and ethnic or national origins.

## **5.7 Religion or belief**

This includes and religion or a lack of religion. A religion must have a clear structure and belief system. A belief must satisfy various criteria including that it is a weighty and substantial aspect of human life and behaviour. Humanism is a protected belief but political beliefs are not protected.

## **5.8 Sex**

Both men and women are protected.

## **5.9 Sexual Orientation**

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The Act protects bisexual, gay, heterosexual and lesbian people.

## **6.0 RESPONSIBILITIES - UNDER THE EQUAL OPPORTUNITIES POLICY**

All managers and staff share responsibility for promoting equality of opportunity. These responsibilities are as follows:

- 6.1 The Board/Chief Executive has overall responsibility to provide equal opportunity for all job applicants and employees; to seek to eliminate any discriminatory practice in respect of the treatment of the providers and users of the service; and to promote equality of opportunity. The adoption, implementation and monitoring of an Equal Opportunities Policy will be important steps towards satisfying this responsibility.
- 6.2 The Chief Executive is responsible for co-ordinating the introduction, operation, and monitoring of the Equal Opportunities Policy on behalf of Groundwork. It will be her/his duty to ensure managers receive guidance on the proper application of the Policy, that adequate recording systems are established, that Equal Opportunities Policy is included at the induction stage for all employees and that the monitoring of procedures and selection decisions are carried out. She/he will also ensure that regular reports are produced on the operation of the policy and that remedial action is taken as necessary.
- 6.3 Heads of Service and Programme Leads will be responsible for the practical application of the Equal Opportunities Policy and in particular should ensure that:
- all employees are aware of their responsibilities according to the legislation, relevant codes of practice and the Equal Opportunities Policy of Groundwork.
  - employment decisions are not discriminatory.
  - proper records of employment decisions are maintained.
  - fair standards of employment practice are maintained.
  - employment practices are reviewed regularly by monitoring records of employment decisions
- 6.4 The Responsibility of Individual Employees

All employees have a responsibility for ensuring that they do not unlawfully discriminate during the course of their employment.

In particular, individual employees must:

- comply with the Policy and their responsibilities in relation to Groundwork colleagues and customers;
- adhere to and give support to any measures introduced to ensure equal opportunity;
- not themselves discriminate, e.g., as supervisors or managers responsible for selection decisions in recruitment, promotion, transfer, training, etc;
- not themselves discriminate in the application of any of Groundwork Policies;
- not themselves discriminate in applying conditions of employment;
- not induce, or attempt to induce, other employees or unions or management to practise discrimination;
- not victimise or attempt to victimise individuals on the grounds that they have made complaints or provided information on discrimination;
- not harass, abuse or intimidate other employees, e.g. in attempts to discourage them from continuing their employment.

## **7.0 IMPLEMENTING THE POLICY**

Groundwork aims to maintain and extend a fair working environment for all employees through the revision and development of policies to promote equal opportunities in employment at every stage. The stages include:

- Advertisement
- Recruitment and Selection
- Induction
- Training and Development
- Retention and Retraining
- Terms and Conditions of Employment
- Discipline
- Grievance
- Dismissal, Redundancy or Grading
- Providing references

## **8.0 MONITORING AND REVIEWING**

Monitoring is an essential part of the equal opportunities policy and as such the procedure for this is detailed below.

- 8.1 To facilitate the ongoing monitoring process, Groundwork will maintain records of the sex, marital status, disablement, age and ethnic origin of all employees and job applicants. Such records will be used solely for the purpose of monitoring the equality of opportunity. Analysis of short-listing and selection decisions for employment, promotion, transfer and access to training as well as the composition of the workforce will be carried out.

8.2 The results of monitoring will be reviewed to assess the effectiveness of the implementation of the policy. If necessary, adjustment will be made to the policy to ensure that equal opportunities are afforded to all applicants and staff. If factual evidence is found which suggests that the policy is ineffective, this should be investigated and appropriate positive action may be taken.