

The Burton Street Foundation
Community Benefit Society #28699R

Equality and Diversity in Employment

POLICY

Introduction

Welcome to your guide to the key issues on Equal Opportunities, of the rights you're entitled to as an employee and also the responsibilities you have when dealing with colleagues and clients.

Equal Opportunities are a challenging area. Hopefully you will find this policy will help to make things clearer by highlighting good practice and legal issues.

This policy provides you with:

- information about your rights to fair treatment as an employee of the Burton Street Foundation
- guidance on dealing fairly with others, including colleagues, customers and service users
- advice on what to do if you feel you are being treated unfairly

Principles

All employees will be treated consistently and fairly in line with this policy.

This policy is designed to comply with relevant legislation such as the Equality Act 2010.

Scope

The Burton Street Foundation's Equal Opportunities Policy covers all employees, volunteers and contractors.

Procedure

The Burton Street Foundations Policies and the Law

The Burton Street Foundation is an Equal Opportunities Employer

We aim to ensure that no employee or job applicant receives less favourable treatment on the basis of race, colour, nationality, ethnic or national origins, religion belief, gender, gender reassignment, sexual orientation, marital status, civil partnership status, disability or age, or is disadvantaged by requirements, which cannot be shown to be justifiable. We are also committed to promoting equality of opportunity in the provision of our services and we expect the same commitment from any agencies who work on our behalf.

The Burton Street Foundation Policies and the Law

The Burton Street Foundation, along with most other employers, has certain obligations under the law. Our policies aim to make sure we are acting according to the law, and they also aim to improve the working life of all employees. They also aim to make sure we provide fair and equal treatment for service users. As an employee, you are required to follow these policies. By not doing so, you may also be acting illegally. If you do anything, which breaks the law, you can be disciplined by your employer.

Equality Act 2010

The Equality Act 2010 harmonised and replaced previous equalities legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and covers the same groups that were protected by previous equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are now called 'protected characteristics' and are also covered by the General Equality Duty which replaces the previous separate duties covering Race, Disability and Gender. See Appendix 1 for further information.

Disability Equality

The policy aims to focus on “ability” not “disability”. The Burton Street Foundation is also committed to the “Positive about Disability Symbol” campaign and is committed to the General Equality Duty. We guarantee an interview for disabled people who meet the minimum requirements for a job. We will try where possible to retain current employees who become disabled. If you are disabled, or you become disabled, and you think an adjustment to your work or your workplace would enable you to do your job better or more easily, for example, alternative formats or shorter working hours, you should contact your Line Manager for advice.

The policy also applies to service users who should be encouraged to provide feedback on services, which they receive (or can't get access to). You should let your line manager know of any improvements, which may help people with disabilities.

The main legislation which applies is the Equality Act 2010 which:

- states that you cannot treat a person less favourably because of their disability if reasonable adjustments could be made which would enable them to do the job, or, have access to goods or services
- covers direct and indirect discrimination. “Direct” could be refusing to interview someone who is deaf. “Indirect” could be refusing to rearrange furniture to give access to a wheelchair user
- apply to recruitment, training, development, transfers and covers job applicants and current employees who are disabled or become disabled
- also covers victimisation and harassment

Race Equality

The Race Equality Policy aims to promote racial equality in employment and to ensure that services provided take account of the race of those seeking them.

The main legislation which applies is the Equality Act 2010.

The legislation:

- states that you cannot treat a person less favourably because of their race (which also covers colour, nationality, ethnic origins and national origins)
- covers direct and indirect discrimination. “Direct” means, for example, not employing someone because they are Asian; “indirect” means, for example, excluding job applications which have addresses in a certain area where a high number of Chinese people live
- also covers victimisation and harassment

Religion and Belief

We should not discriminate against someone because of their religion or belief.

The legislation which applies is the Equality Act 2010.

The legislation:

- covers all the main religions and also lesser-known religions such as Paganism and Rastafarianism. Also applies to those with no religious belief e.g. humanists, agnostics and atheists, as well as other beliefs (non-religious) that have a profound affect on the person's way of life or view of the world
- states that you cannot treat a person less favourably because of their religion or belief
- covers direct and indirect discrimination. “Direct” means, for example, not employing someone because they are Hindu; “indirect” means, for example, applying a ‘no headgear’ rule could indirectly discriminate against Sikh staff who wear turbans for religious reasons
- also covers victimisation and harassment

Sex Equality

The policy aims to provide people with equal access to employment opportunities, goods and services regardless of their sex or sexual orientation.

The legislation which applies is the Equality Act 2010 and the Civil Partnership Act 2004.

The legislation:

- states that you cannot treat someone less favourably because of his/her sex or sexual orientation or because they are married or are a civil partner.
- covers direct and indirect discrimination. An example of direct discrimination would be not employing a man for a job traditionally done by women (eg a secretary) or not appointing the best candidate for the job because they are gay or lesbian, bisexual or transsexual; an example of indirect discrimination could be requiring applicants to be at least 6 feet tall (which would exclude significantly more women than men)
- also covers victimisation and harassment

Age Equality

This policy states that we should not discriminate against people because of their age without justification, eg assuming someone is too young or too old to do a certain job. It also states that we should think about the entire age range of people when planning for how services are delivered.

The legislation which applies is the Equality Act 2010.

It states that:

- you cannot treat someone less favourably because of their age
- you cannot discriminate against someone, either directly or indirectly, because of their age. An example of direct discrimination would be specifying that candidates must be below a certain age. An example of indirect discrimination may be to specify that a certain length of experience were required which may prevent younger people from applying
- it is unlawful to harass or victimise someone because of their age

Harassment at Work

As an employee, you should not be harassed by other employees and should be protected (as far as possible) from harassment by customers. Harassment can take many forms, including physical assault, constant criticism, being humiliated and being excluded.

The legislation which covers this includes the Criminal Justice and Public Order Act 1995 which:

- makes it a criminal offence to intentionally cause someone harassment, alarm or distress
- harassment would usually mean the use of threatening, abusive or insulting words or disorderly behaviour

and the Protection From Harassment Act 1997 which:

- makes it an offence to knowingly harass and/or knowingly cause others to fear violence
- if you harass someone on at least two occasions you can be found guilty of harassment under this Act.

Flexible Working Arrangements

This policy covers a range of options such as flexible working hours, reduced hours and job sharing.

Complaining about Discrimination

If you believe you are being discriminated against at work for any reason, you should speak first of all to your manager or supervisor. If you can't do that, you can contact a HR Advisor or your Trade Union representative in confidence.

Other Information

This policy has aimed to provide general information on the main aspects of Equal Opportunities. For more detailed information, please refer to the following documents which should be available in your workplace.

References/Further Reading

- Flexible Working Hours and Arrangements
- Code of Conduct
- Grievance and Dignity at Work Policy and Procedure
- Special Leave for Family or Personal Reasons

Appendix 1: Equality Act 2010

The Equality Act harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in what employers need to do to comply with the law.

The Act extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law.

The Act covers the same groups that were protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. These are now called 'protected characteristics' and are described below:

- Age
- Disability
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Gender Reassignment
- Marriage and Civil Partnerships
- Pregnancy and Maternity

Discrimination

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 perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

Discrimination by association

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception discrimination

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.

Indirect discrimination

Indirect discrimination can occur when an employer has a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if the employer can show that they acted reasonably in managing the business, i.e. that it is 'a proportionate means of achieving a legitimate aim', and that there is an Occupational Requirement to do so.

A legitimate aim might be any lawful decision made in running the business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being proportionate really means being fair and reasonable, including showing that 'less discriminatory' alternatives have been looked at prior to any decision made.

Harassment

Harassment is "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

Employees are also protected from harassment because of perception and association.

Third party harassment

The Equality Act makes employers potentially liable for harassment of their employees by people (third parties) who are not employees of their company, such as customers or clients. Employers will only be liable when harassment has occurred on at least two previous occasions, and that the employer is aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

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.