



# EQUALITIES and DIVERSITY POLICY

## **Our commitment**

We are committed to providing equal opportunities in employment and to avoiding unlawful discrimination. This policy is intended to assist putting this commitment into practice. Our aim is that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect, which is an important aspect of ensuring equal opportunities in employment. We have a separate anti-harassment and bullying policy, which deals with these issues.

## **The law**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of a 'protected characteristic'. The Equality Act defines the protected characteristics as being 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.

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

It is also unlawful to discriminate against or harass a member of the public or service user in the provision of services or goods or 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.

## **Types of unlawful discrimination**

- **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. However, discrimination may be lawful if there is an occupational requirement which is core to a job role and a proportionate means of achieving a legitimate aim.
- **Indirect discrimination** means putting in place, a rule or policy or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified.

- **Harassment** is where there is unwanted behaviour related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity) which has the purpose or effect of violating someone's dignity or which creates a 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 the individual treated less favourably does not have a protected characteristic but is discriminated against because of their association with someone who does, e.g. the parent of a disabled child.
- **Perceptive discrimination** is where the individual discriminated against or harassed does not have a protected characteristic but they are perceived to have a protected characteristic.
- **Third-party harassment** occurs where an employee is harassed by third parties such as service users, due to a protected characteristic.
- **Victimisation** is treating someone unfavourably because they have taken some form of action relating to the Equality Act, i.e. because they have supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.
- **Failure to make reasonable adjustments** is where a rule or policy or way of doing things has a worse impact on someone with a protected characteristic 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.

### **Equal opportunities in employment**

We will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. Job descriptions will avoid any unnecessary requirements (those unrelated to effective performance) that may otherwise have deterred applicants. We will base decisions on objective criteria. We will consider making reasonable adjustments in recruitment as well as in day-to-day employment.

### **Service users, suppliers and others**

We will not discriminate unlawfully against service users using or seeking to use the services we provide. If you are bullied or harassed by a service user, suppliers, contractor, visitor or others, or if you witness someone else being bullied or harassed, you are asked to report this to your manager who will take appropriate action.

## **Training**

We will provide information and guidance to those involved in recruitment or other decision making where equal opportunities issues are likely to arise to help them understand their responsibilities and to avoid the risk of discrimination.

## **Your responsibilities**

All staff are responsible to support the organisation to meet its commitment and avoid unlawful discrimination. If you believe that you have been discriminated against you should report this to your line manager or the chief executive under the grievance procedure. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy. We take any complaint seriously and 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. If you witness what you believe to be discrimination you should report this to your line manager or the chief executive as soon as possible.

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 our disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## **Why do we have an equal opportunities policy?**

An effectively implemented Equal Opportunities Policy will help us to:

- a) Provide an environment conducive to the promotion of fair and equal opportunities to all staff.
- b) Ensure fair treatment for all job applicants and existing members of staff
- c) Ensure fair treatment for all others with whom we have contact e.g. users, participants, contractors and customers.
- d) Make the best possible use of our existing and potential staff.
- e) Improve employment practices and staff morale.
- f) Attract, develop and retain the good quality staff who are essential for achievement of our objectives.
- g) Avoid unlawful or unfair discrimination.

Seeds for Growth believes that it is in everyone's best interests to ensure that the experience, talents and skills available throughout this organisation are considered when employment or development opportunities arise.

## **What has it got to do with me?**

Equal opportunities impose rights and responsibilities for every member of staff. Everyone has a right to fair and dignified treatment. This means that no-one will be discriminated against nor harassed. Every member of staff has an obligation to ensure fair and dignified treatment. The contribution of everyone will be valued and everyone will be treated purely on their merits. Everyone must act fairly, within Seeds for Growth policy and the law. Failure to do so may lead to disciplinary action.

The Seeds for Growth Equal Opportunities Policy is issued to all members of staff and job applicants.

## **Policy statement**

Seeds for Growth is an equal opportunities employer. Our aim is to be fair to everybody and to ensure that no job applicant or employee receives more or less favourable opportunities or treatment on the grounds of, for example:

- Age
- Race
- Colour
- Ethnic or national origin
- Nationality (subject to nationality rules)
- Sex / Gender
- Transgender
- Sexual orientation
- Marriage and Civil Partnership
- Disability
- Religion or religious affiliation / Belief
- Part-time working
- Pregnancy and Maternity
- Political Opinion (Northern Ireland only)
- People with or without dependants (Northern Ireland only)
- Trade union membership and duties

There may be limited exceptions for positive action which is allowed by relevant legislation.

No-one will be disadvantaged by conditions or requirements which cannot be shown to be genuinely necessary for objective reasons. In addition, care should be taken when selection criteria such as sift conditions are set as some applicants may find these more difficult to meet due to their sex, race, marital status or disability etc.

Equal opportunities and equal treatment are the cornerstones of our recruitment and employment policy.

## **Personal development**

Seeds for Growth is committed to encouraging all staff to make full use of their skills and talents and to helping staff progress through the charity and reach their full potential. Everyone will have equal access to any course which is appropriate to an individual's current job or development within Seeds for Growth. We will encourage the development of the individual's skills and knowledge for use in their work.

Where necessary, training courses will be provided to assist any group of individuals who are under-represented in any area of work or range to move into the area of their choice.

This is the only form of positive action allowed on the basis of sex or race under Section 47 and 48 of the Sex Discrimination Act 1975 and Section 37 of the Race Relations Act 1976. Statistical information will be used to monitor this policy. (Some forms of positive action are also allowed by the Disability Discrimination Act 1995.)

## **Key concepts explained**

There follows a brief explanation of some key equal opportunities concepts.

### **Discrimination**

Discrimination is unequal treatment of an individual because of their membership of a particular class or group, such as sex, race or trade union. It may be direct, for example, refusing to send someone on a training course because they are married or have children. It may be indirect, for example, declaring a post as being suitable only for a full-time member of staff without proper justification (that means establishing the need for a full-time member of staff rather than part-timers or job sharing).

Discrimination may be subtle and unconscious. It may not be easy to identify. For example, discrimination sometimes results from general assumptions about the capabilities, characteristics and interests of particular groups or individuals, which are allowed to influence the treatment of staff or job applicants.

Without appropriate awareness and safeguards, discrimination may occur in any area of recruitment and employment including:

- Inappropriate questioning at interview
- Inappropriate appointment to post
- Allocation of volumes and/or type of work
- Transfer decisions
- Promotion and progression opportunities
- Annual leave allocation
- Special leave requests
- Application of disciplinary action

### **Sexual harassment**

Sexual harassment may involve unwelcome sexual comments or innuendo, looks and gestures, displays of pin-ups or physical contact by one individual aimed at another, and which is only directed at that other person because of their sex.

Sexual harassment cannot be dismissed as a 'bit of harmless fun'. It can lead to an uncomfortable and alienating working environment.

### **Racial harassment**

Racial harassment is offensive or hostile behaviour, which has the purpose or effect of creating discomfort, distress, exclusion or isolation and is based upon someone's race (colour, nationality or ethnic origins) or is directed at them because of their race. If the comment or behaviour is offensive to the individual, it will amount to racial harassment.

### **Harassment/bullying**

As with sexual or racial harassment, any form of harassment or bullying will have the effect of causing undue stress on individuals and of demotivating them. Harassment of any kind will not be tolerated and serves to undermine the good team spirit which Seeds for Growth wishes to encourage.

## **Sex/Gender Harassment**

Unlawful sex discrimination happens when someone is treated unfairly because of their gender. Women, men and transsexual people can all experience sex discrimination. Sex discrimination also includes treating someone less favourably because they are married or in a civil partnership: for example, by not hiring married women.

## **Disability harassment**

Offensive or hostile behaviour or comments aimed at an individual because he or she is disabled, will also be harassment.

## **Resolving problems**

Everyone must be sensitive to the effects their words and actions have on their colleagues and need to ensure that their attitudes towards others carry no trace of discrimination which can affect working relationships, behaviour or judgement.

Staff who are experiencing or are concerned about discrimination or harassment should discuss the problem with their line manager who must take appropriate action to try to resolve it, if possible. (If you do not feel able to discuss the problem with your line manager initially you may speak to the Diversity Advisor or other relevant manager). The advice of the Trade Union Representatives may also be sought.

Managers should be aware of any problem developing at an early stage and take corrective action to ensure that the situation is resolved in a conciliatory and effective manner and that staff do not feel excluded.

Although the Equal Opportunities Forum cannot look into individual problems, members of the Forum will welcome and look into any general comments or issues raised by staff.

Staff are encouraged to make clear to their colleagues if conduct or comments are offensive to them.

## **Complaints procedure**

If there are reasons why you do not feel you are able to speak to your line manager there are a number of different people you can speak to including:

- Senior Staff
- Staff member responsible for HR
- A Trustee or Director

However, the duty of confidentiality does not apply if:

- There has been a breach of the law
- There has been a breach of Seeds for Growth Disciplinary Procedures.
- There is a risk of harm to the individual or to others.
- The disclosure is in the context of legal or disciplinary procedures.

In any event, if the manager fails to act effectively to stop the discrimination or harassment, the individual may seek the assistance of the Chair of the Board.

Where appropriate, a full enquiry will be conducted into the complaint and if it is considered that the behaviour of the individual is unlawful, unfair or unacceptable, disciplinary action will be taken by Seeds for Growth against that individual.

All staff are subject to the disciplinary rules and should remember that unfounded allegations of unfair treatment can themselves be distressing to the recipients of such complaints. Such unfounded allegations may lead to further disciplinary proceedings.

### **Unlawful Discrimination**

Seeds for Growth prohibits discrimination on the basis of race, colour, creed, religion, ethnic origin, age, sex, disability, sexual orientation, or other unlawful basis.

The goal of this procedure, to be used alongside the full Equal Opportunities Policy Document, is to ensure that non-discrimination is a reality in Seeds for Growth and that that no employee, contractor or user is subjected to such unlawful conduct.

Everyone in Seeds for Growth can and should assist in the furtherance of this goal by ensuring that complaints of discrimination are promptly directed to the appropriate people who have been designated to receive them, in accordance with these procedures.

Any employee, part-time member of staff, volunteer, participant, or applicant for employment who believes that he or she has been subjected to any form of unlawful discrimination may make a complaint. Unlawful discrimination includes sexual harassment as well as harassment based on an individual's membership in any other legally protected category.

Seeds for Growth will conduct a fair and impartial investigation of all such complaints, with due regard for the rights of all parties. Retaliation against any individual who has made a complaint of discrimination, or who has cooperated in the investigation of such a complaint, is unlawful and in violation of Seeds for Growth policy.

The purpose of these procedures is to ensure that all complaints of discrimination are thoroughly and fairly investigated by authorized Seeds for Growth officials who have the necessary expertise.

Any complaint of discrimination should be referred to one of the Seeds for Growth, departments, or individuals who are responsible for receiving or investigating such complaints. Any employee who receives a complaint but who is not specifically designated to formally handle such a complaint is responsible for directing the complainant or otherwise referring the complaint to the appropriate individual. All complaints, either verbal or written, must be referred to the person in the charity.

### **Further information and relevant legislation**

Seeds for Growth will comply with all the relevant anti-discriminatory legislation including:

Disability Discrimination Act 1995  
Disability Discrimination Act 2005 (Amendment)

Employment Equality [Age] Regulations 2006  
Employment Equality [Religion or Belief] Regulations 2003  
Employment Equality [Sexual Orientation] Regulations 2003

Equal Pay Act 1984

Equality Act 2006  
Equality Act 2010

Gender Recognition Act 2004

Human Rights Act 1998

Race Relations Act 1976  
Race Relations (Amendment) Act 2000  
Racial and Religious Hatred Act 2006

Sex Discrimination (Gender Reassignment) Regulations 1999  
Sex Discrimination Act 1975

Special Educational Needs and Disability Act 2001

### **Monitoring and review**

This policy will be monitored periodically to judge its effectiveness and will be updated in accordance with changes in the law. We will report to the board of trustees on any actions or activities undertaken to improve equality of opportunity. Any 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.