

OUR COMMITMENT

BHWRP is 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 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, or the Chair of Trustees, 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 and trustees are responsible for supporting the organisation in meeting its commitment and avoiding unlawful discrimination. If you believe that you have been discriminated against you should report this to your line manager or the Chair of Trustees 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 Chair of Trustees 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.

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 legislation.

Our Policy

- 0.1 We do not discriminate against staff on the basis of their gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. The principle of non-discrimination and equality of opportunity applies equally to the treatment of former staff, visitors, clients, customers and suppliers by members of our current workforce.
- 0.2 The measures we take to implement the principle of non-discrimination have been devised on the basis of advice from the relevant governmental and professional bodies as well as in consultation with appropriate union and/or workers' representatives. We are committed to a programme of action to make this policy effective and to bring it to the attention of all staff.
- 0.3 This policy deals with the specific categories of staff and areas of work which we have identified as potentially giving rise to equal opportunities issues and provides more specific guidance on the parameters of our policy and approach to equal opportunities.
- 0.4 All staff have a duty to act in accordance with this policy, and therefore to treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, whether junior or senior to them. In some situations, we may be at risk of being held responsible for the acts of individual members of staff so discriminatory practices or behaviour in our staff may be met with disciplinary action.

Scope and purpose of the policy

- 0.5 This policy applies to the advertising of jobs, recruitment and selection, to training and development, to opportunities for promotion, to conditions of service, benefits and facilities and to pay, to health and safety and to conduct at work, to grievance and disciplinary procedures and to termination of employment, including redundancy.
- 0.6 We will take appropriate steps to accommodate the requirements of workers' religions, cultures, and domestic responsibilities.

Forms of discrimination

- 0.7 Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- 0.8 Direct discrimination occurs where someone is put at a disadvantage for a reason related to one or more of the grounds set out in paragraph 7.1. For example, rejecting an applicant on the grounds of their race because it is considered they would not "fit in" could be direct discrimination.
- 0.9 Indirect discrimination occurs where an individual is subject to an unjustified provision, criterion or practice which puts them at a particular disadvantage because of, for instance, their sex or race. For example, a height requirement would be likely to eliminate proportionately more women than men. If this criteria cannot be objectively justified for a reason unconnected with sex, it would be indirectly discriminatory on the grounds of sex.
- 0.10 Discrimination also includes victimisation (less favourable treatment because of action taken to assert legal rights against discrimination or to assist a colleague in that regard) and harassment (which is dealt with under our Anti-harassment Policy).

Recruitment and selection

- 0.11 We aim to ensure that no job applicant receives less favourable treatment on any of the unlawful grounds listed in paragraph 7.1. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities and that sufficiently diverse sectors of the community are reached. Job selection criteria are regularly reviewed to ensure that they are essential for the effective performance of the job and therefore justified on non-discriminatory grounds.
- 0.12 We take steps to ensure that knowledge of vacancies reaches a wide labour market and, where relevant, groups underrepresented in our organisation. Where appropriate, use may be made of lawful exemptions to recruit suitably-qualified people to cater for the special needs of particular groups. Vacancy advertisements shall include an appropriate short statement on our

Equal Opportunities Policy and a copy of this policy shall be sent to those who enquire about vacancies.

- 0.13 To ensure that this policy is operating effectively with respect to recruitment and selection and the other areas identified in paragraph 7.5, and to identify those sections of the local community which may be under-represented in employment, we monitor applicants' racial origins, gender, disability, sexual orientation and religion and age as part of the recruitment procedure. We also maintain records of this data in an anonymised format solely for the purposes stated in this policy. Ongoing monitoring and regular analysis of the data obtained provide the basis for taking appropriate steps to eliminate unlawful direct and indirect discrimination and implement this policy.

Staff training and promotion and conditions of service

- 0.14 Staff training needs will be identified through regular staff appraisals. All staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.
- 0.15 The composition and movement of staff at different levels will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unnecessary or unjustifiable barriers and to provide appropriate facilities and conditions of service to meet the special needs of disadvantaged or underrepresented groups.
- 0.16 Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them.

Termination of employment

- 0.17 We will monitor redundancy criteria and procedures to ensure that they are fair and objective and are not directly or indirectly discriminatory.
- 0.18 We will also ensure that disciplinary procedures are carried out fairly and uniformly for all staff, whether they result in the giving of disciplinary warnings, dismissal or other disciplinary action.

Disability discrimination

- 0.19 If you are disabled, or become disabled, you are encouraged to tell us about your condition. This is to enable us to support you as much as possible. You may also wish to advise the Chief Executive Officer of any reasonable adjustments to your working conditions or the duties of your job which you consider to be necessary, or which would assist you in the performance of your duties. The Chief Executive Officer may wish to consult with you and with your medical adviser(s) about possible reasonable adjustments. Careful

consideration will be given to any such proposals and they will be accommodated where possible and proportionate to the needs of your job. Nevertheless, there may be circumstances where it will not be reasonable for us to accommodate suggested adjustments and we will ensure that we provide you with information as to the basis of our decision not to make any adjustments.

- 0.20 We will monitor the physical features of our premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where possible and proportionate, we will take steps to improve access for disabled staff and service users.

Fixed-term employees and agency workers

- 0.21 We monitor our use of fixed-term employees and agency workers, and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities. We will, where relevant, monitor their progress to ensure that they are accessing permanent vacancies.

Part-time workers

- 0.22 We monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will ensure requests to alter working hours are dealt with appropriately under our Flexible Working Policy.

Breaches of the policy

- 0.23 If you believe that you may have been discriminated against you are encouraged to raise the matter through our Grievance Procedure. If you believe that you may have been subject to harassment you are encouraged to raise the matter through our Anti-harassment Policy. If you are uncertain which applies to you or need advice on how to proceed you should speak to the Chief Executive Officer.
- 0.24 Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our Disciplinary Procedure.
- 0.25 Any member of staff who is found to have committed acts of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We always take a strict approach to serious breaches of this policy.

Date Originally Agreed: February 2022

A handwritten signature in black ink, appearing to read 'PRWA', is located at the bottom right of the page.

Next Review: September 2023

Signature:

Agreed by Trustee Board and Signed on their behalf by Pete West, Chair of Trustees, February 2022

Written by Rik Child, Advisor to the Board, Date: 10th February 2022