



## Equality, Diversity and Inclusion Policy

### 1. Introduction

1.1. This Policy covers all aspects of how you are treated by us and everybody who works for us. It also sets out the standards of conduct we need from you. It covers:

- a Recruitment
- b Pay and conditions of employment
- c Training and continuing professional development
- d Promotion
- e Appraisals
- f Grievances and disciplinary matters
- g Ending employment
- h Giving references
- i How visitors are treated
- j How clients and suppliers are treated
- k How any other business contacts and associates are treated

1.2. This Policy:

- a Explains what we mean by equality and diversity
- b Sets out the legal protections in this area
- c Explains the importance of equality and diversity to the business
- d Sets out the role you can play in ensuring that the workplace is a diverse, inclusive and supportive environment for all, focused on the goal of equality

1.3. This Policy applies to all employees, apprentices, consultants, officers, contractors, interns, volunteers, job applicants, and agency and casual workers.

1.4. This Policy does not form part of your contract with us. We reserve the right to amend or remove this Policy.

### 2. What is equality, what is diversity and what is inclusion?

2.1. 'Equality' requires us, and you, to treat everyone equally and fairly, with equal opportunities and rights.

2.2. 'Diversity' recognises that this world is full of differences. We should note, value and positively embrace these differences. It is important for differences to be recognised. But it is equally important that, whilst recognising them, each and every person does so positively, with the importance of equality at the forefront of their minds.

2.3. 'Inclusion' means making sure that people from different backgrounds, experiences and identities feel welcomed, respected and fully able to participate. As well as creating a diverse environment, inclusion means making sure there is a culture where individuals can be themselves.

### 3. Our commitment to equal opportunities

- 3.1. We want everyone associated with our business to have a fair and equal opportunity to achieve their very best and to feel included in a safe working environment. We want everyone who works for us to understand the importance of this, and to always act consistently with it.
- 3.2. We will not tolerate discrimination or harassment in our business, and we will never victimise anyone who makes a legitimate complaint to us about harassment or discrimination, or anyone who supports a colleague in their complaint.
- 3.3. This Policy is underpinned by the following further commitments:
  - a To create a working environment free from all forms of unlawful discrimination, including victimisation and harassment
  - b To have a workplace capable of allowing everyone to achieve their potential and to feel included, and where individuals are willing to give their best
  - c To make sure that all staff understand their rights and responsibilities under this Policy – if you are not sure what we consider acceptable and unacceptable, you should check with your line manager
  - d To amend this Policy if we think it has become outdated, or circumstances suggest to us that it needs to be updated
  - e To protect staff, wherever possible, from being victimised or treated less fairly if they make or support a complaint in good faith under this Policy

#### **4. Why might a person be treated unfairly or less favourably?**

- 4.1. Although it is important to create a workplace which promotes fairness for all, the law focuses its protection on nine characteristics. The current protected characteristics are:
  - a Age
  - b Disability (which means someone with a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry-out normal day-to-day activities)
  - c Gender reassignment (which covers any person who is proposing to undergo, is undergoing or has undergone a process for the purpose of reassigning their sex by changing physiological or other attributes of sex)
  - d Marriage and civil partnership
  - e Pregnancy and maternity
  - f Race (incorporating colour, ethnic origin, national origin and nationality)
  - g Religion or belief
  - h Sex
  - i Sexual orientation
- 4.2. You don't actually have to have a protected characteristic in order to be able to claim you have been discriminated against because of it. The law protects you from being treated less favourably because of a protected characteristic you are thought to have (discrimination by perception) or because of the characteristic of someone you are associated with (discrimination by association). So, for example, if an employee who is straight is subjected to verbal homophobic abuse in the mistaken belief that they are gay, that employee could

still claim discrimination on grounds of sexual orientation. If an employee who is straight is treated unfairly because they have been seen socialising with someone who is gay, then that employee could potentially claim discrimination on grounds of sexual orientation as they are being discriminated against by association.

## 5. What are the different types of discrimination?

5.1. Generally, discrimination boils down to unfair treatment based on an actual or perceived protected characteristic. It can take several forms which are legally protected. We do not tolerate any form of discrimination. Sometimes, actions can be intentional and sometimes unintentional. We include examples of both types in this list:

a **Direct discrimination:** this is when somebody is treated less favourably because of a protected characteristic than somebody else has been, or would have been, in identical circumstances.

*Examples:* rejecting a job applicant because of their race or failing to promote someone because they are pregnant.

b **Indirect discrimination:** this is when a group of people with one of the protected characteristics (subject to a couple of exceptions) are put at a disadvantage by a provision, criterion or practice applied to all staff unless the treatment is justified for a good business reason.

*Examples:* refusing a request to work part-time without a good business reason (which indirectly discriminates against women, who are more likely to have childcare responsibilities); insisting all staff work on Saturdays without a good business reason (which indirectly discriminates against Jewish employees, who may not be able to work on the Jewish Sabbath).

c **Harassment:** this is when a hostile, humiliating, degrading, intimidating or similarly offensive environment is created in relation to a protected characteristic. We also consider it harassment for a worker to be subjected to uninvited conduct related to a protected characteristic which – as an intended or unintended consequence – violates their dignity.

*Examples:* name calling, lewd comments, excluding colleagues, making insensitive jokes and displaying pornographic material. We deal in detail with harassment in our separate *Harassment & Bullying Policy*.

d **Victimisation:** in a legal context, 'victimisation' has a much more restricted meaning than in real life. It happens when a worker has complained about harassment or discrimination, or has supported a colleague in their complaint, and is then treated less favourably as a result.

*Example:* an employee who is ostracised or dismissed at work because they spoke up on behalf of one of their colleagues in a harassment investigation.

5.2. There are other actions which can be unlawful under equal opportunities legislation which apply specifically to disability:

a Failure to make reasonable adjustments to minimise certain disadvantages suffered by a disabled employee (or job applicant).

*Example:* a person has a physical disability which makes it difficult to walk upstairs. They ask to be given an office on the ground floor. If this is a reasonable request and will remove

or reduce the difficulty the person experiences, then it will be a reasonable adjustment to make and we will discriminate if we do not make it.

- b Treating someone less favourably because of something arising from their disability (rather than the disability itself) without a good reason which justifies that treatment.  
*Example:* a person has a disability which means that they are absent frequently. If we tell them they should not attend a work social event because of their poor attendance levels, this will be discrimination arising from a disability unless we can show a good reason which justifies the treatment.

## **6. How we carry out our responsibilities and duties**

- 6.1. Everyone in our organisation is essential to the success of this Policy. We all have a legal responsibility to comply with it, and any of us – however senior or junior we are – may be personally liable in an employment tribunal claim for unlawful discrimination if we breach terms of this Policy.
- 6.2. Everyone working at managerial level is expected to act in full accordance with this Policy, lead by example, and attain and maintain appropriate standards of behaviour within the teams they manage.
- 6.3. The ethos and standards covered by this Policy can only be achieved and maintained if you cooperate fully and embrace the approach in this Policy. It is also important that you understand you have a legal responsibility to comply. If you breach this Policy, we may be liable for your actions, and we may both have to pay compensation to anyone who claims against us. We expect you to take personal responsibility for following this Policy's aims and commitments and for drawing any actual or potential breaches to our attention.

## **7. Commitment to equal opportunities in recruitment, training and development**

- 7.1. We will conduct recruitment, promotion, and other selection exercises, such as redundancy selection, on the basis of merit, using criteria and processes that avoid discrimination. Managers involved with these processes will receive training on equality and diversity. More information on our commitment in these areas can be found in our *Recruitment Policy*, *Training & Development Policy* and *Redundancy Policy*.
- 7.2. Training needs will be identified through regular appraisals which will be carried out in line with our *Appraisals Policy* and *Training & Development Policy*. We will not be influenced by any protected characteristics that you may have. You will be given appropriate access to training to enable you to progress within the organisation, and all promotion decisions will be made on the basis of merit.

## **8. How we enforce this Policy and handle breaches**

- 8.1. We will investigate any complaint or allegation you raise regarding a potential breach of this Policy. If you believe you have been harassed or discriminated against, you should contact your [*line manager*] as soon as possible. If you want to take formal action, you will need to follow our grievance procedure (see our *Grievance Policy* and our *Harassment & Bullying Policy*).

- 8.2. You will face disciplinary action if we find you have harassed or discriminated against anyone else, in breach of this Policy. Sometimes, this type of behaviour may amount to gross misconduct, in which case we may dismiss you without notice.
- 8.3. Occasionally, people make complaints in bad faith, knowing that they're not true. People might do this to avoid or deflect disciplinary action or performance management. We view any complaint made in bad faith as an act of misconduct, and this will normally lead to disciplinary action. In some cases, bad faith complaints may lead to summary dismissal for gross misconduct.

## **9. How we monitor whether this Policy is working**

- 9.1. We undertake equal opportunities monitoring as part of our recruitment processes. Further information is contained in our *Recruitment Policy*.
- 9.2. We may record and analyse information about equal opportunities within the workplace, and when you join us, you give us consent to gather and process this data about you. We use the information to make sure this Policy works properly and to refine it. We may also use the information to review the composition of our workforce and to promote workplace equality. All data will be stored and processed in line with our *Data Protection Policy* and *Privacy Notice*.
- 9.3. SMT will monitor the outcomes of any complaints raised under this Policy to note any patterns of behaviour and to assess the quality of investigations. We will use the information gathered to focus training, development and awareness needs appropriately.

## **10. Useful links**

- 10.1. The following internal policies are referred to in this Policy and provide additional information:
- 10.2. *Harassment & Bullying Policy*
- 10.3. *Recruitment Policy*
- 10.4. *Training & Development Policy*
- 10.5. *Appraisal Policy*
- 10.6. *Grievance Policy*
- 10.7. *Redundancy Policy*

## **11. Administration of the Equality, Diversity and Inclusion Policy**

- 11.1. Michael Addison is responsible for the administration of the Equality, Diversity and Inclusion Policy. Should you have any feedback, please contact [michael@ecobirmingham.com](mailto:michael@ecobirmingham.com).