

Equality and Diversity Policy – Inverness Badenoch & Strathspey CAB

1. Introduction

Inverness Badenoch & Strathspey CAB is committed to providing equal opportunities in the delivery of its services and in the recruitment, selection and employment of its workforce. Inverness Badenoch & Strathspey CAB is committed to avoiding unlawful discrimination in any aspect of employment and against any of its clients.

The aim of this policy is to ensure that no person receives less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, or is disadvantaged by conditions or requirements which cannot be shown to be relevant to performance. It seeks also to ensure that no person is victimised or subjected to any form of bullying or harassment. The organisation has a separate Bullying and Harassment policy, which deals with these issues.

The terms equality, inclusion, diversity and equity are at the heart of this policy.

- 'Equality' means ensuring everyone has the same opportunities to fulfil their potential free from discrimination.
- 'Inclusion' means ensuring everyone feels comfortable to be themselves at work and feels the worth of their contribution.
- 'Diversity' means the celebration of individual differences amongst the workforce.
- 'Equity' means recognising barriers and that some groups are more advantaged than others, and putting measures in place to eliminate these barriers, ensuring equal opportunities for all.

We will actively support diversity, equity and inclusion and ensure that our workforce is valued and treated with dignity and respect. We want to encourage everyone in Inverness Badenoch & Strathspey CAB to reach their potential.

We value people as individuals with diverse opinions, cultures, lifestyles and circumstances. This policy covers all employees, Trustees, volunteers, and agency workers and it applies to all areas of employment including recruitment, selection, training, deployment, career development, and promotion.

2. The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics". Discrimination after employment may also be unlawful, for example, refusing to give a reference for a reason related to one of the protected characteristics.

It is unlawful for an employer to fail to make reasonable adjustments to its requirements, working practices or the physical features of the workplace where these put a disabled job applicant or employee at a substantial disadvantage. It is also unlawful discrimination where a disabled employee is at a substantial disadvantage due to the employer's unreasonable failure to provide an auxiliary aid or service to the disabled employee.

Staff should not discriminate against or harass a client or any member of the public in the provision of services, goods or facilities. It is unlawful to fail to make reasonable adjustments to overcome barriers to using the bureau's 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 make reasonable adjustments to address any barriers that may impede disabled people from accessing a service.

3. Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant or rejecting a job applicant because of their race.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Associative discrimination is direct discrimination against someone because they associate with another person who possesses a protected characteristic. This provision will help to provide protection for carers, amongst others.

Perceptive discrimination is direct discrimination against individuals because others *think* that they possess a particular protected characteristic. This applies even if the person does not actually possess the characteristic.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity which are covered by direct discrimination provisions in the Equality Act 2010) that has the purpose or effect of violating a person's dignity; or is reasonably considered by that person to create an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or 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 in bad faith. There is no need for a complainant to compare their treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that disability and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

4. Equal opportunities in employment

Inverness Badenoch & Strathspey CAB will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Inverness Badenoch & Strathspey CAB will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the organisation considers it has good reasons, unrelated to any protected characteristic, for doing so. Inverness Badenoch & Strathspey CAB will comply with its obligations in relation to statutory requests for contract variations. Inverness Badenoch & Strathspey CAB will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Inverness Badenoch & Strathspey CAB will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

5. Delivery of services

Inverness Badenoch & Strathspey CAB will not discriminate unlawfully against clients using or seeking to use facilities or services provided by the bureau. Inverness Badenoch & Strathspey CAB is committed to:

- providing services to which all clients are entitled regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation
- making sure our services are delivered equally and meet the diverse needs of our service users and clients
- taking steps to ensure equity amongst our clients and service users such as removing any unlawful obstacles to accessing our services or facilities. Where appropriate, measures will be taken to identify and remove unnecessary barriers and to meet the special needs of disadvantaged or underrepresented groups
- regularly monitoring and reviewing this policy
- having clear procedures that enable our clients, candidates for jobs and employees to raise a grievance or make a complaint if they feel they have been unfairly treated.

6. Equal Opportunity Policy Statements

Age

We will:

- ensure that people of all ages are treated with respect and dignity
- ensure that people are given equal access to our employment, training, development and promotion opportunities and
- challenge discriminatory assumptions about younger and older people.

Disability

We will:

- provide any reasonable adjustments to ensure disabled people have access to our services and employment opportunities.
- challenge discriminatory assumptions about disabled people
- seek to continue to improve access to information
- If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate
- We will keep the physical features of our premises under review to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

Race

We will:

- challenge racism wherever it occurs
- respond swiftly and sensitively to racist incidents
- actively promote race equality and inclusion
- offer equal access for everyone to representation, services, employment, training and pay and encourage other organisations to do the same.

Gender

We will:

- challenge discriminatory assumptions about gender
- offer equal access for everyone to representation, services, employment, training and pay and encourage other organisations to do the same and
- provide support to prevent discrimination against transgender people who have or who are about to undergo gender reassignment.

Sexual orientation

We will:

- ensure that we take account of the needs of everyone, including the LGBTQ+ communities
- promote positive images of the LGBTQ+ communities
- challenge discriminatory assumptions about the LGBTQ+ communities
- offer equal access for everyone to representation, services, employment, training and pay and encourage other organisations to do the same.

Religion or belief

We will:

- ensure that employees' religion or beliefs and related observances are respected and accommodated wherever possible and
- respect people's beliefs where the expression of those beliefs does not impinge on the legitimate rights of others.

Pregnancy or maternity

We will:

- ensure that people are treated with respect and dignity during pregnancy or maternity leave
- challenge discriminatory assumptions about pregnancy or maternity
- ensure that no individual is disadvantaged during pregnancy or maternity leave and that we take account of the needs of our employees' during pregnancy or maternity leave.

Marriage or civil partnership

We will:

- ensure that people are treated with respect and dignity regardless of marriage or civil partnership status
- challenge discriminatory assumptions about the marriage or civil partnership of our employees and
- ensure that no individual is disadvantaged as a result of their marriage or civil partnership status.

7. Part time and fixed term work

Part time and fixed term staff should be treated the same as comparable full time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

8. Equal Pay

We will ensure that all employees have the right to the same contractual pay and benefits for carrying out the same work, work rated as equivalent work or work of equal value.

9. Your responsibilities

Individuals at all levels have a responsibility to treat others with dignity and respect. The personal commitment of everyone to this policy and application of its principles are essential to eliminate discrimination and provide equality and equity throughout Inverness Badenoch & Strathspey CAB. Every employee is required to assist the organisation to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the bureau 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 clients are disciplinary offences and will be dealt with under Inverness Badenoch & Strathspey CAB's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

10. Grievances

If you consider that you may have been unlawfully discriminated against, you may use Inverness Badenoch & Strathspey CAB's grievance procedure to make a complaint. If your complaint involves bullying or harassment, please first refer to the Bullying and Harassment policy.

Inverness Badenoch & Strathspey CAB will take any complaint seriously and will seek to resolve any grievance that it upholds. 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.

11. Monitoring and review

This policy will be monitored periodically to judge its effectiveness and will be updated in accordance with changes in the law.

In particular, the organisation will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the organisation will implement them.

Inverness Badenoch & Strathspey CAB treats personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with its data protection policy.