



**maytree**

**We're open to suicidal feelings**

## EQUAL OPPORTUNITIES POLICY

**This policy applies to all Trustees, employees, and volunteers at Maytree, and to all external contractors that Maytree engages.**

**Related policies and procedures:**

**Bullying and Harassment Policy and Procedure**

**Recruitment Policy and Procedure**

**Learning and Development Policy**

This policy is non-contractual and maybe subject to change from time to time.

Date agreed	
Date due for review	

## **EQUAL OPPORTUNITIES POLICY**

### **1. PURPOSE AND SCOPE**

Maytree aims to promote a productive and balanced working environment where staff and volunteers are valued and everybody is treated with respect, and in which no form of discrimination, harassment, or victimisation is tolerated.

The purpose of this Equal Opportunities Policy is to:

- a) provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time
- b) ensure there is no unlawful discrimination within Maytree on the grounds of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation
- c) oppose and avoid all forms of unlawful discrimination. This includes in pay and benefits, terms and conditions of employment, dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, and selection for employment, promotion, training or other developmental opportunities

It applies to all Trustees, employees, and volunteers at Maytree, and to all external contractors that Maytree engages.

### **2. RESPONSIBILITIES**

2.1 The Board of Trustees is responsible for:

- setting the standards and leading by example, by ensuring that they adhere to the principles set out in this policy at all times
- ensuring that this policy is properly implemented, monitored and reviewed
- undertaking equal opportunities related training when required

2.2 The Director is responsible for:

- creating a work culture and environment that supports the purpose and principles set out in this policy

- ensuring that this policy is monitored effectively, and that appropriate action plans are put in place to implement it effectively
- providing a report to the Trustees on equal opportunities within Maytree on at least an annual basis

### 2.3 Line managers are responsible for:

- ensuring that all employees and volunteers are aware of the policy and of their responsibilities under the policy, and are provided with appropriate training
- ensuring that all concerns about discrimination, harassment, or victimisation are dealt with properly, fairly and as quickly as possible
- reporting any concerns to the Director

### 2.4 Employees and volunteers are responsible for:

- understanding and complying with the policy
- not discriminating in their day to day activities or inducing others to do so
- ensuring no employees, volunteers, callers or guests are victimised, discriminated against, harassed, or intimidated because they have, or are perceived to have, one of the characteristics set out in paragraph 1b or 1c above, or because of their association with another individual who has one of the characteristics set out in paragraph 1b or 1c above
- informing their manager if they become aware of any victimisation, discrimination, harassment, or intimidation because of the characteristics set out in paragraph 1b or 1c above

## **3. PRINCIPLES**

- 3.1 No caller, guest, employee or volunteer will be discriminated against because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender), or sexual orientation.
- 3.2 All employees and volunteers will aim to create a working environment free of unlawful discrimination, harassment, and victimisation, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued. Definitions of unlawful discrimination, harassment, and victimisation can be found in Appendix 1.

- 3.3 All complaints of unlawful discrimination, harassment, and victimisation by callers, guests, employees, volunteers, and any others in the course of Maytree's work activities will be taken seriously and will be investigated. Such acts will be dealt with as misconduct under Maytree's procedures, and any appropriate action will be taken. Unlawful discrimination, harassment, and victimisation will not be tolerated by Maytree, and if they do occur then all reasonable steps will be taken to prevent them from happening again. Particularly serious complaints against employees could amount to gross misconduct and lead to dismissal without notice.
- 3.4 Decisions relating to the recruitment and selection of employees and volunteers will be based on merit (apart from any necessary and limited exemptions and exceptions allowed under the Equality Act). This is covered in Maytree's Recruitment Policy and Procedure.
- 3.5 All employees and volunteers will be provided with training in equal opportunities as part of their induction into working for Maytree.
- 3.5 Opportunities for training, development and progress will be made available to all employees, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation. This is covered in Maytree's Learning and Development Policy.
- 3.6 Employment and management practices and procedures will be reviewed and updated as necessary to ensure fairness and to take account of changes in the law.
- 3.7 The effectiveness of this policy will be monitored, and an annual report will be presented to the Trustees. Maytree will maintain records of employees, volunteers, and applicants sufficient to enable accurate and meaningful equal opportunities analysis to be carried out at regular intervals, and will develop and implement action plans to improve equality of opportunity as necessary.
- 3.8 Where guests, employees, or volunteers have particular cultural and religious needs, Maytree will, wherever it is reasonably practicable to do so, aim to meet these needs.

#### **4. RAISING A CONCERN**

- 4.1 Employees wishing to raise a concern about unlawful discrimination or victimisation should do so using Maytree's Grievance Procedure.
- 4.2 All other individuals wishing to raise a concern about unlawful discrimination or victimisation should do so using the appropriate complaints process.

- 4.3 Individuals wishing to raise a concern about harassment or bullying, should do so using Maytree's Bullying and Harassment Policy and Procedure.

## **5. TRADE UNIONS**

It is worth noting that the law also protects workers from being subjected to detriment related to trade union membership or taking part in trade union activities.

## **APPENDIX 1: DEFINITIONS**

**The following is based on extracts from the guidance: Equality and Discrimination: Understand the basics, published in September 2017.**

### **1. Types of discrimination**

Under the Equality Act, there are four main types of discrimination:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

No minimum length of continuous employment is necessary for a discrimination claim to be made to an employment tribunal. Protection starts from when a role is advertised through to the last day of employment and beyond to include references.

### **2. Direct discrimination**

Direct discrimination occurs where someone is treated less favourably directly because of:

- a protected characteristic they possess – this is ordinary direct discrimination; and/or
- a protected characteristic of someone they are associated with, such as a friend, family member or colleague – this is direct discrimination by association; and/or
- a protected characteristic they are thought to have, regardless of whether this perception by others is actually correct or not – this is direct discrimination by perception.

Direct discrimination in all its forms could involve a decision not to employ someone, to dismiss them, withhold promotion or training, offer poorer terms and conditions or deny contractual benefits because of a protected characteristic.

#### ***For example... ordinary direct discrimination***

*Paul, a senior manager, turns down Angela's application for promotion to supervisor. Angela, a lesbian, learns that Paul did this because he believes the team she applied to manage are homophobic. He thought that her sexual orientation would prevent her from gaining the team's respect and managing them effectively. This is direct discrimination against Angela because of her sexual orientation.*

#### ***For example... direct discrimination by association***

*June, a project manager, has been promised promotion by her boss. However, after she tells him that her mother, who lives at home, has cancer, he withdraws the promotion because he feels the commitment of looking after her mother and moving to a higher grade role will be too much for her. This is potentially discrimination against June because of her association with a disabled person.*

#### ***For example... direct discrimination by perception***

*Dimitri is 45, but looks much younger. Many people assume he is in his mid-twenties. He is not allowed to represent his company at an international meeting because the managing*

*director thinks he is too young. Dimitri has been discriminated against because of his perceived age.*

### **3. Indirect discrimination**

This type of discrimination is usually less obvious than direct discrimination and can often be unintended. In law, it is where a provision, criterion or practice is applied equally to a group of employees/job applicants, but has (or will have) the effect of putting those who share a certain protected characteristic at a particular disadvantage when compared to others without the characteristic in the group, and the employer is unable to justify it.

An employee or job applicant claiming indirect discrimination must show how they have been, or could be, personally disadvantaged. They must also show how the application of the 'provision, criterion or practice' has or might disproportionately disadvantage other employees or job candidates with the same protected characteristic. The Equality Act does not define a 'provision, criterion or practice'. However, in the workplace, the term is most likely to include an employer's policies, procedures, rules and requirements, whether written down or not. Examples might include recruitment selection criteria, contractual benefits, a redundancy scoring matrix or any other work practice.

#### ***For example... indirect discrimination***

*Abu is in his late twenties and working as a surveyor in a property investment company. He is fully qualified, doing well in his current role and ambitious. He spots a post advertised with another employer for what he sees as the next step in his career. However, the advertisement specifies that candidates must have ten years' experience in the profession. Abu has six. Unless the employer can lawfully justify why candidates need ten years' experience, this is likely to be indirect discrimination against young candidates such as Abu who can demonstrate that they are qualified and capable, but don't have ten years' experience because of their age.*

### **4. Harassment**

Harassment is defined as 'unwanted conduct' and must be related to a relevant protected characteristic or be 'of a sexual nature'. It must also have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Generally, harassment:

- includes bullying, nicknames, threats, jokes, 'banter', gossip, inappropriate questions, excluding an employee (for example - ignoring them or not inviting them to meetings), insults or unwanted physical contact
- can be verbal, written or physical
- is based on the victim's perception of the unwanted behaviour rather than that of the harasser, and whether it is reasonable for the victim to feel that way
- can also apply to an employee who is harassed because they are perceived to have a protected characteristic, whether they actually have it or not
- can also apply to an employee who is harassed because they are associated with someone with a protected characteristic
- can also apply to an employee who witnesses harassment because of a protected characteristic and that has a negative impact on their dignity at work or the working

environment, irrespective of whether they share the protected characteristic of the employee being harassed.

***For example... harassment within an organisation***

*Nnamdi has a severe stammer and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. Richard, who shares an office with Nnamdi, is also claiming harassment, even though he is not disabled, as the manager's behaviour created an offensive environment for him, too. Both lodged separate grievances against the manager who, at the grievance hearings, was found to be at fault. She apologised to both Nnamdi and Richard, and welcomed senior management's decision that she should undergo full refresher training in the manager's role in fostering equality and diversity in the organisation.*

**5. Victimisation**

Victimisation is when an employee suffers what the law terms a 'detriment' - something that causes disadvantage, damage, harm or loss - because of:

- making an allegation of discrimination, and/or
- supporting a complaint of discrimination, and/or
- giving evidence relating to a complaint about discrimination, and/or
- raising a grievance concerning equality or discrimination, and/or
- doing anything else for the purposes of (or in connection with) the Equality Act 2010

Victimisation may also occur because an employee is suspected of doing one or more of these things.

An employee is protected under the Equality Act if they make, or support, an allegation of victimisation in good faith – even if the information or evidence they give proves to be inaccurate. However, an employee is not protected if they give, or support, information or evidence in bad faith – in other words maliciously.

***For example... victimisation***

*Halina makes a formal complaint against her manager because she feels she has been discriminated against because she is married. Although the complaint is resolved through the organisation's grievance procedures, Halina is subsequently ignored and excluded from work-related social events by her colleagues after they realised she had named them in her complaint. She could claim victimisation.*