

Equal Opportunities & Diversity Policy (HR_P5)

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Signed:	
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Position:	Chairman
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1 POLICY STATEMENT

- 1.1 The Hertfordshire & Middlesex Wildlife Trust (the 'Trust') is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against customers.
- 1.2 This policy is intended to assist the Trust to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.
- 1.3 Striving to ensure 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. The Trust has a separate policy, which deals with these issues.
- 1.4 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".
- 1.5 Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
- 1.6 Staff should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful 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.

- 1.7 More details on the law relating to this policy can be found at Appendix A
- 1.8 A list of types of unlawful discrimination can be found at Appendix B
- 1.9 The Trust will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- 1.10 The Trust 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 Trust considers it has good reasons, unrelated to any protected characteristic, for doing so.
- 1.11 The Trust will comply with its obligations in relation to statutory requests for contract variations. The Trust will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- 1.12 The Trust 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.
- 1.13 The Trust cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the Trust may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that the Trust identifies as being under-represented in particular types of job.

2 DIGNITY AT WORK

- 2.1 The Trust has a separate policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

3 CUSTOMERS, SUPPLIES AND OTHER PEOPLE NOT EMPLOYED BY THE TRUST

- 3.1 The Trust will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Trust.
- 3.2 Employees should report any bullying or harassment by customers, suppliers, visitors or others to their line manager who will take appropriate action.

4 TRAINING

- 4.1 The Trust will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.
- 4.2 The Trust will provide training to all existing and new employees and others engaged to work at the Trust to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment. The Trust will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

5 EMPLOYEE RESPONSIBILITIES

- 5.1 Every employee is required to assist the Trust to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.
- 5.2 Employees can be held personally liable as well as, or instead of, the Trust for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.
- 5.3 Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Trust's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

6 GRIEVANCES

- 6.1 If you consider that you may have been unlawfully discriminated against, you may use the Trust's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in this policy.
- 6.2 The Trust 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.
- 6.3 Use of the Trust's grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

7 MONITORING AND REVIEW

- 7.1 This policy will be monitored periodically by the Trust to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the Trust 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 Trust will implement them.

- 7.2 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 2018.

APPENDIX A

Law relating to this document

Leading statutory authority

Equality Act 2010

The Equality Act 2010 came into force on 1 October 2010. The purpose of the Equality Act 2010 is to simplify discrimination legislation and create a more consistent and effective framework, while at the same time extending discrimination protection.

The Act defines direct discrimination as less favourable treatment because of a protected characteristic. The protected characteristics under the Equality Act 2010 are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Indirect discrimination against individuals because they have a relevant protected characteristic is also covered, although pregnancy and maternity does not come under the indirect discrimination provisions in the Equality Act 2010.

Employers will be liable for acts of unlawful discrimination committed by their employees against other employees or customers in the course of their employment unless they can show that they took such steps as were reasonably practicable to prevent those acts. There is no limit on compensation for unlawful discrimination, which includes compensation for injury to feelings and personal injury.

Employers may take positive action in the form of proportionate measures to encourage or train people from an under-represented group to apply for jobs, overcome a perceived disadvantage or meet specific needs based on a protected characteristic. For example, an employer could facilitate women having access to childcare facilities, or provide certain religious groups with time off for religious observance.

The Equality Act 2010 makes it unlawful to discriminate directly or indirectly, or harass customers or clients because of the protected characteristics of disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation in the provision goods and services.

APPENDIX B

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.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

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, which is covered by indirect sex discrimination) 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.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating 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.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his or her 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 protected characteristic and the employer has failed to make reasonable adjust