

## EQUAL OPPORTUNITY POLICY & PROCEDURE

As a forward-looking organisation Beyond the Blue Limited ('the company') recognises the positive benefits of the implementation of an Equal Opportunities Policy for all its employees (to include freelance staff), visitors and the organisation as a whole. The paragraphs below set out Beyond the Blue Limited's agreed Equal Opportunities Policy; the remainder of the document explains the implications and implementation of the policy and the associated procedure.

### 1. EQUAL OPPORTUNITIES POLICY STATEMENT

The company is committed to the elimination of all forms of discrimination and harassment within its organisation, both in relation to its employees and in the provision of its services to its clients.

It is the policy of the company that there should be equality of opportunity for all in terms of employment and advancement within the organisation on the basis of appropriate ability, qualifications and fitness for work, regardless of sex, marital status, disability, colour, nationality and national origin, ethnic origin, sexual orientation, family responsibility age and religious belief.

The promotion of equal opportunity will be actively pursued through the application of employment policies, procedures and practices which will ensure that individuals are not discriminated against and that they receive treatment that is fair, equitable and consistent. To this end, the company will encourage all employees to take advantage of suitable opportunities for training and development.

The company believes that equalising employment opportunity not only meets legal and social responsibilities, but also promotes organisational effectiveness. By implementing an Equal Opportunities Policy and by focusing attention on the treatment of all staff and clients, the company aims to foster a healthy and more productive atmosphere and improve the quality of working life.

### 2. CURRENT LEGISLATION/CODES OF PRACTICE

A range of legislation establishes the principles of equal treatment that the company is committed to enforcing. The company has a legal obligation to ensure policies and procedures operate to conform to relevant legislation as set out below:

- Sex Discrimination Act 1975 (as amended 1986)
- Race Relations Amendment Act 2000
- Race Relations Act 1976
- Equal Pay Act 1970 (as amended)
- Disability Discrimination Act 1995
- Rehabilitation of Offenders Act 1995
- The Protection from Harassment Act 1997

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- Employment Protection (Consolidation) Act 1978
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- EEC Directives and Legislation

In addition to the above legislation, there are various codes of practice that lay down ground rules and guidelines for sound policies and practices.

The company aims to comply with the following:

- Equal Opportunities Commission code of practice for the elimination of discrimination on the grounds of sex and marriage and the promotion of equal opportunity in employment.
- Commission for Racial Equality code of practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment.
- Chartered Institute of Personnel & Development (CIPD) equal opportunities code.

### 3. DISABILITY

The company has a separate Disability Policy.

### 4. IMPLICATIONS OF THE LEGISLATION

The Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 deals with discrimination on racial grounds, that is on the grounds of a person's colour, race, nationality, religious or ethnic or national origins. The Acts places a statutory duty on the company to promote racial equality and prevent racial discrimination.

The Sex Discrimination Act 1975 deals with discrimination on grounds of a person's sex, or marital status.

These two Acts define different forms of discrimination as follows:

#### **Direct Discrimination**

This consists of treating a person, on the grounds of sex or race less favourably than others are or would be treated in the same circumstances.

Such treatment involves a conscious motive or decision to discriminate, eg. A job applicant of ethnic minority origin was not born in this country and is rejected for a post on these grounds.

A female employee is refused access to a relevant training course on the grounds that she may leave the organisation should she become pregnant; although a male employee in the same position is allowed to undertake the training.

## **Indirect Discrimination**

This consists of applying a requirement or condition which, whether intentionally or not, adversely affects one group (ie ethnic origin or sex) considerably more than another and cannot be justified on other grounds.

eg. A job advertisement requires a graduate for a general administrative post, although the tasks of the post could be carried out effectively by a school leaver. This is indirect discrimination as less young people from some ethnic minorities go on to higher education than from other groups.

## **Victimisation**

This consists of treating a person less favourably than others are or would be treated in the same circumstances because that person has made a complaint or allegation of discrimination, or has acted as a witness or informant in connection with proceedings under the Acts, or has been involved in any other way in their enforcement, or intends to do any of these things.

The above discrimination under the Acts relates to all aspects of employment and to the provision of goods, facilities, or services to the public.

## **Harassment**

This is a form of direct discrimination. It describes the behaviour of one person which another person finds unacceptable and unwelcome. It is not the intention behind the action, it is the action itself and the impact on the person who is on the receiving end which determines what constitutes harassment.

The following is a list of the sort of behaviour that may constitute harassment:

- verbal or physical threats and abuse
- touching, grabbing or brushing up against others
- innuendo, mockery, jokes or lewd remarks
- intrusive questioning about someone's ethnic origins, marital status, sexual orientation
- leering and lewd gestures
- graffiti and the display or circulation of racially or sexually offensive material
- an offensive manner of communication that is not used with other colleagues or visitors.

Harassment is upsetting to the recipient and can cause embarrassment, intimidation and humiliation as well as undermining respect between colleagues. This type of behaviour can also create a stressful or hostile working environment.

As an employer the company has a legal obligation to provide a safe and healthy working environment. It is therefore legally liable for any racial or sexual harassment in the work place, whether or not it is done with the employer's knowledge or approval.

## 5. THE ORGANISATION AND ACCOUNTABILITY

The Director of the company has overall responsibility for Equal Opportunities within the organisation, with delegated responsibility to line managers for implementation, monitoring and review of the policy throughout the organisation.

All the company employees must act in accordance with this policy. Employees with managerial and supervisory responsibilities must perform their duties with full regard to this Equal Opportunities Policy. Employees who contravene this policy may face disciplinary action and may render themselves liable, resulting in legal action being taken against them.

## 6. DAY TO DAY OPERATION OF AN EQUAL OPPORTUNITIES POLICY

The company actively encourages individual members of staff who feel that they have in any way:

- suffered from discrimination,
- been disadvantaged by discrimination,
- been discriminated against unlawfully, or
- suffered harassment

to report these incidents to their appropriate line manager, in the first instance, or alternatively directly to the Director of the company, if they prefer. In the same way, employees who witness an act of discrimination or harassment against a fellow employee and/or visitor should report this.

Any employee found to have acted in a discriminatory way in relation to colleagues or visitors to the company will be dealt with in accordance with the organisation's disciplinary procedure. Employees who consider they have been discriminated against and who believe they have failed to secure adequate redress under the organisation's own procedures, have a legal right to take their case to an employment tribunal.

## 7. MONITORING

To enable the company to assess whether its policy of equality of opportunity in employment is being fully and fairly implemented, all applicants for vacancies will be asked to complete a standard monitoring form which is detached from the application form immediately it is received and prior to the form's being considered by those short-listing.

The organisation will also establish a database for monitoring details of current staff.

Personal information required for equal opportunities monitoring is intended for the specific purpose of ensuring the effectiveness of the policy and will be used for no other purposes.

## 8. IMPLEMENTATION OF POLICY

All vacant posts within the company are openly publicised. In some cases where it is considered appropriate, this publicity may be through an internal notice only.

For all vacancies, job descriptions and details of the knowledge, skills and experience required to fulfil the post will be drawn up. Forms indicating reasons why an applicant is or is not to be short-listed for

interview will be used on all occasions. Interview assessment forms will be used for each interview, during which candidates are considered against the criteria specified for the post.

All the company job advertisements will contain the statement:

***Beyond the Blue Limited is an equal opportunities employer. Applications are welcome from all sections of the community.***

In implementing employee training and development, the company ensures that opportunities offered to all employees, adhere to the principles and standards set by its Equal Opportunities Policy. All the company human resource procedures, including probation procedures, performance and employee development review, disciplinary and grievance procedures must be conducted in accordance with this equal opportunities policy and in line with the relevant legislation.

As far as possible, the company will make every effort to enable employees to reconcile work with domestic responsibilities and will make employees aware of provisions for maternity leave, part-time work, special leave.

## 9. COMMUNICATION OF POLICY AND TRAINING

The company's Equal Opportunities Policy will initially be communicated to each employee through delivery of this document. It will also be circulated for inclusion in all staff handbooks. New employees will be advised of the policy and their responsibilities on induction.

The encouragement of all employees will play a major part in the promotion of equal opportunity within the organisation. Every effort will be made to ensure that all those with managerial and supervisory responsibilities are fully informed of the implications of the equal opportunities legislation and are given guidance on how to recognise possible incidents of discrimination or harassment.

## 10. PROCEDURE

**10.1** Beyond the Blue Limited is an equal opportunity employer. Equal opportunity is about good employment practices and efficient use of our most valuable asset, our employees. Every line manager and employee has personal responsibility for the implementation of the policy. Any instance of doubt about the application of the policy, or other questions, should be addressed to the Director of the company, as should any requests for special training.

**10.2** Beyond the Blue Limited will not discriminate on grounds of sex, sexual orientation, religion or belief, marital status, ethnic origin, colour, nationality, disability or other grounds of discrimination not prohibited by legislation such as age, etc.

**10.3** The policy applies to the advertisement of jobs, recruitment and appointment to them, training, conditions of work, pay and to every other aspect of employment. The policy also applies equally to the treatment of our customers/clients. Employees involved in recruitment in particular should request training if they have any doubt about the application of this policy.

10.4 Employees should note that the imposition of a condition or requirement which has an adverse impact on someone, because his or her sex, race or marital status is more likely to be affected by it, will also be unlawful unless it can be justified on grounds of business need. (By way of example a height requirement of 5' 10" will eliminate some men, but proportionately more women, and so be unlawful.) In all such situations the Director of the company should be consulted.

10.5 Employees who are disabled or become disabled in the course of their employment should inform and may also wish to advise the company of any "reasonable adjustments" to their employment or working conditions which they consider to be necessary or which they consider would assist them in the performance of their duties. Careful consideration will be given to any proposals of this nature and, where reasonable and reasonably practicable such adjustments will be made. There may however be circumstances where it will not be reasonable or reasonably practicable for the company to accommodate those proposals and where less favourable treatment may be justified in accordance with the statutory provisions.

10.6 Any employee may use the 'Formal Complaints Procedure' to complain about discriminatory conduct. If the matter relates to sexual or racial harassment or harassment on the basis of disability then the grievance may be raised directly with the Director of the company. The company is concerned to ensure that employees feel able to raise such grievances and no individual will be penalised for raising such a grievance unless it is untrue and made in bad faith.

10.7 Where an employee is falsely accused of discriminatory conduct, then he or she can implement the company's grievance procedure. In this instance, the person who is accusing may find him or herself disciplined within the company's disciplinary procedure.

### **Discipline**

10.8 Any employee who harasses any other employee on the grounds of race, sex, sexual orientation, disability or religion or belief, will be subject to the organisation's disciplinary procedure. In serious cases, such behaviour may be deemed to constitute gross misconduct and, as such, may result in summary dismissal in the absence of mitigating circumstances.

### **Monitoring**

10.9 All employees and job applicants will be asked to complete a form denoting their sex, race, ethnic origin and any disabilities. The company guarantees that this form will be used solely for the purpose of monitoring the effectiveness of its equal opportunities policy.

10.10 This policy will be monitored on a regular basis by the Director of the company. Where there are issues with the way the policy is working, these will be examined closely and reviewed/amended as appropriate.

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Updated – 12<sup>th</sup> January 2016 – Peter Mayhew