

Havelock Community Association **G7 Equal Opportunities Policy**

STATEMENT OF INTENT

Havelock Community Association celebrates the fact that Portsmouth is diverse in culture, race, beliefs and religion and believes that no individual or group of people should receive less favourable treatment on the grounds of gender, age, colour, race, nationality, racial or national origins, cultural heritage, disability, marital status, social background, sexual orientation or geographical location. The Committee acknowledges that members of these groups are often under-represented, exposed to prejudice and stereotypes, and suffer various disadvantages within our society.

For Havelock Community Association it is not just a matter of meeting the minimum requirements of the legislation. We are at the very heart of community life, and we will reach out to all sections of the community and make every effort to create an environment where everyone is welcomed and treated with respect, ensuring that the Community Centre is truly accessible, enabling all of the community to make full use of our facilities.

Introduction

Equal Opportunities are included within our Constitution and as such all staff, members and users should be aware that we do not accept discrimination of any sort. The Committee is committed to providing equality of opportunity in all areas of its work. It aims to overcome discrimination on the grounds mentioned above. The Equal Opportunities Policy will be implemented ensuring equality of provision in representation, service provision, appointment of staff and their conditions of service and access.

The purpose of this policy is to set out clearly and fully the positive action that the Committee intends to take to combat direct and indirect discrimination in employment policy, management of the organisation, relationships with other bodies, and the services it provides to the community, community organisations and individuals. This document has been produced to give guidelines for both staff, members and users of the Havelock Community Association.

THE EQUAL OPPORTUNITIES POLICY AND CODE OF CONDUCT

The Committee acknowledges the definitions of various groups of people who are vulnerable to discrimination as set out in the Equality Act 2010. The committee will support and implement the legislation and will work to ensure that no person protected by the legislation is discriminated against unlawfully, and that any positive obligations and duties are performed.

The Aims of the Committee

Our aim is to ensure that we are aware of discrimination and the problem it causes.

- The Committee will challenge practices, legislation and institutions, which seek to discriminate against or deny the rights of individuals or groups in any form.
- The Committee will seek to take positive action to address the inequalities in our society.
- The Committee is committed to the equal opportunities policy set out in this document and will work to develop, improve and monitor it.

Actions to be taken by the Committee:

- provide services and facilities for people with disabilities to enable them to participate in activities. Where reasonably practical widen accessibility by removing barriers which make it difficult for people with disabilities to use our facilities
- produce publicity for its services and events in appropriate languages as well as in English, if required. All publications should avoid racial, sexual and other stereotypes and seek to promote positive images.
- ensure that the design of publicity and information take account of the needs of people with disabilities e.g. language used, print size.
- deal with any complaints of discrimination promptly, impartially, thoroughly and confidentially.
- ensure all staff, hirers and committee members are aware of the Association's policy on equality.
- ensure that the equal opportunities policy is monitored and reviewed annually.
- challenge racism in any form and encourage its users to do the same.
- challenge sexist policies, practices and attitudes (including policies, practices and attitudes which may relate to sexual orientation and gender re-assignment) and encourage users to do the same.
- challenge age discrimination in policies, procedures and attitudes
- endorse the right of each individual to his or her own religious belief or the absence of a belief.
- encourage people from under-represented groups to attend and participate in the activities of the hall
- encourage equality and diversity in the workplace
- recognise the rights of groups of people who suffer from discrimination to meet together
- meetings should be held at times and in places which encourage maximum participation and not cause stress to possible attendees e.g. some people do not feel safe walking in the dark.
- research the needs of the whole community and strive to meet those needs.
- provide or offer training in awareness of racism, sexism and other forms of discrimination.
- provide training in ways of tackling discrimination.

- build links with organisations that share our principles, and draw on their experiences to help us develop good equal opportunities practice.
- when recruiting workers, whether paid or unpaid, seek to give the same opportunities to members of minority ethnic communities, young people, older people, people with a disability, homosexuals etc. Advertisements for vacancies and for events should be placed to ensure they reach the members of under-represented groups
- make opportunities for training, development and progress available to all staff, 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
- decisions concerning staff being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act)
- review employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law
- create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued
- all staff should understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public
- take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the organisation's work activities. Such acts will be dealt with as misconduct under the Association's grievance and/or disciplinary procedures, and any appropriate action will be taken.
- *monitor the make-up of the workforce regarding information such as age, gender, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality and diversity, and in meeting the aims and commitments set out in the equality policy
- monitoring will also include assessing how the equality policy, and any supporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues

*Where monitoring is undertaken it will be in line with the guidance attached (Appendix 2)

Actions to be taken by the Association, Members, Volunteers and Staff:

- It should be made clear to people in a constructive way when they are being discriminative e.g. sexist, racist etc.
- Stereotyped images of people of any age, culture, sexual orientation etc should be challenged.
- We should all try to recognise when we are making comments that may be perceived by others as racist, sexist, ageist etc. and be prepared to listen to criticism and to change.

If an individual wishes to raise a concern on the behaviour or actions of a user, member, volunteer or employee, they can do so under the Association's Complaints Policy or Whistleblowing Policy.

The Code of Conduct

1. People will be treated with dignity and respect regardless of the group to which they belong.
2. People's feelings and views will be valued and respected. Language or humour that people find offensive will not be used or tolerated, e.g. racist jokes or derogatory terminology.
3. No one will be harassed, abused or intimidated on the grounds that they belong to a vulnerable group. Incidents of harassment will be taken seriously and the committee will undertake investigations of any complaints quickly, impartially, thoroughly and confidentially.

This policy will be reviewed annually or when legislation changes or amendments are required (whichever falls first)

Approved by the Committee of Trustees at a meeting held on (date)

Chairperson on behalf of Trustees

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APPENDIX 1

DEFINITIONS AND KEY CONCEPTS OF THE EQUALITY ACT 2010

Direct discrimination:

The definition of direct discrimination has been broadened to apply whenever one person is, because of a protected characteristic, treated worse than another person is or would be treated.

Example: not allowing someone to join the bowls club because of their ethnic origin.

Specific provisions allow for different treatment because of age, where it is justified as a proportionate means of meeting a legitimate aim, and for treating a person with a disability more favourably than people without disabilities.

Indirect discrimination:

Indirect discrimination is having a condition, rule or policy which applies to everyone but has a worse impact on some people who share a particular protected characteristic. Indirect discrimination can be justified *'if it can be shown that the rule, policy or practice is intended to meet a legitimate objective in a fair, balanced and reasonable way'*, i.e. it can be objectively justified.

Example: A user group decides to apply a 'no hats or other headgear' rule. Although this rule would be applied in exactly the same way to all members of the community, it would mean that people who cover their heads as part of their religion would not be able to attend. This would be unlawful unless the group could justify using the rule.

The definition of indirect discrimination has now been brought in line in relation to the protected characteristics, including disability, to which indirect discrimination did not apply under the Disability Discrimination Act 1995. It does not cover pregnancy and maternity.

Discrimination arising from disability

This has extended the legal protection for disabled people and states that you must not treat someone unfavourably because of something that is a consequence of their disability or connected with their disability, unless it can be shown that it is objectively justified. This form of discrimination only applies if you know or could reasonably be expected to know that the person has a disability.

Example: A weekly lunch club has a 'no dogs' rule. If the club does not allow a person with a disability to bring his/her assistance dog to the group, and cannot objectively justify this treatment, it would be discrimination arising from disability.

Disability

The protected characteristic of disability is defined as, '*a physical or mental impairment that has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities*'. It includes long-term medical conditions such as depression, asthma, diabetes and rheumatoid arthritis. 'Substantial' means more than minor or trivial.

Harassment - disability, gender reassignment, race or sex

There are three types of harassment which is defined as, '*unwanted conduct relating to a relevant protected characteristic, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual*'.

1. Harassment – disability, gender reassignment, race or sex. Under the Equality Act 2010 the harassment protection was extended to include disability. There is no specific prohibition on harassment related to religion or belief or sexual orientation but any such harassment that meant people were treated less favourably because of these characteristics would usually count as unlawful direct discrimination.
2. Sexual Harassment – unwanted conduct of a sexual nature.
3. Treating someone less favourably because they have either submitted to or rejected sexual harassment or harassment related to sex or gender reassignment.

Victimisation

Victimisation is when a person is treated badly or 'victimized' because they have complained about discrimination or harassment or helped someone else complain. It no longer stipulates that a victim has to compare their treatment with that of a person who has not made or supported a complaint under the Act. They only need to show that they have been treated badly.

New forms of direct discrimination have been introduced by the Equality Act which will protect more people from discrimination:

Discrimination by association is where a person is treated less favourably than others because they are linked or associated with a person who has a protected characteristic.

Example: Staff at a playgroup refuse to allow a child to attend because the child's parents are a gay couple.

Discrimination by perception is where a person is treated less favourably because people believe that the person has a protected characteristic even though they do not.

Example: A woman is told she is not welcome to join a club because it is believed that she is transsexual. She can make a claim for discrimination because of gender reassignment even though she is not actually undergoing or considering gender reassignment.

Dual discrimination

This was a new provision allowing for claims to be brought on two of the protected characteristics, e.g. sex and race but excluding marriage/civil partnership. The Government announced on the 23 March 2011 that it was not going to implement the provision of Dual discrimination. However, it is still possible for claimants to make two or more separate claims.

Public Sector equality duty

From 5 April 2011 the previous race, disability and gender equality duties, which required public bodies to reduce inequality and foster good relations, have been extended to cover age, gender reassignment, pregnancy/maternity, religion/belief, and sexual orientation. It does not apply to marriage/civil partnership.

Positive action

Positive action is needed to promote equal opportunities because discrimination and disadvantage exist. It means that active steps can be taken by an organisation to compensate for past or present discrimination or disadvantage, by favouring a person with a particular protected characteristic through positive action measures. Any such measures must be a proportionate way to achieve a particular aim. Employers, for instance, can favour a person with a protected characteristic when recruiting, providing the person with the protected characteristic is at least as qualified as other applicants. Disabled people can be treated more favourably than non-disabled people in order to remove the barriers that they would otherwise face to access services, e.g. building a ramped entrance or a toilet that people with wheelchairs can use.

Burden of Proof

In discrimination, harassment and victimisation cases the claimant must initially, establish facts which point to a breach of the act having occurred. The burden of proof then moves to the respondent to show that he or she did not breach the provisions of the Act. The Act has extended this principle to cover all protected characteristics.

Protections for breastfeeding mothers in goods, services and facilities provisions

The Act has clarified that it is unlawful to discriminate against a woman because she is breastfeeding. This means that you should allow a woman to breastfeed her baby if she wishes to do so.