

Enterprise East Group

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Introduction

This Equality and Diversity Policy has been written in accordance with current best practice and has been drafted in line with the Equality Act 2010 and reflects the positive action provisions in force from 6 April 2011.

The Equality Act 2010 makes it unlawful for a company to discriminate against anyone on the grounds of race, sex, pregnancy and maternity, marriage or civil partnership status, gender reassignment, disability, religion or belief, age or sexual orientation. It is also possible for employees to claim for discrimination on a combination of two of these grounds.

Similarly, if your employees discriminate against a colleague or customer your company could be held vicariously liable for their acts, and be responsible for paying the compensation or damages to the victim of the discrimination.

If a company can prove that it has done all that was reasonable to prevent the discriminatory acts from occurring, then its liability can be reduced or eliminated. Having an equal opportunities policy and apprising all staff of its existence is one of the things that a reasonable employer should do.

Under the Equality Act 2010, employers may utilize positive action in recruitment and promotion from 6 April 2011. 'Positive action' means the steps that an employer can take to encourage people from groups with different needs or with a past record of disadvantage or low participation, to apply for jobs.

Employers are permitted, not required, to take positive action and one of the conditions of the positive action provisions is that employers must not routinely treat people with a protected characteristic more favourably: it must be used only in tie-break situations.

Purpose

The Enterprise East Group is committed to promoting equality and diversity and fostering a culture that actively values difference and recognises that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work.

We aim to be an inclusive organisation, where diversity is valued, respected and built upon, with ability to recruit and retain a diverse workforce that reflects the communities it serves. Within this framework the Organisation specifically refers to measures it has in place to provide equality of opportunity and the facilities that it can provide to its diverse workforce and job applicants.

The Enterprise East Group is committed to compliance with relevant equality legislation, the Equality Act 2010, Codes of Practice and relevant best practice guidance. This policy builds on the statutory position to ensure effective policies and practice of promoting equality.

The Enterprise East Group aims to pro-actively tackle discrimination or disadvantage and aims to ensure that no individual or group is directly or indirectly discriminated against for any reason about employment or accessing its services. However, the

Enterprise East Group is also mindful of the provision in discrimination law for the rare circumstances when an organisation may need to justify discrimination rather than have a disproportionate effect. This could be, for instance, where there is a conflict with other legislation that the Organisation must comply with or between service needs. In such circumstances the Organisation is committed to following a proper assessment and objective justification of any decision in order to demonstrate that the provision, criterion or practice is a proportionate means of achieving a legitimate aim.

Policy

Enterprise East Group is committed to ensuring that members of staff, job applicants, Volunteers and Service users are treated fairly in an environment which is free from any form of discrimination employment-related policies, practices and procedures are applied impartially and objectively. Equality of opportunity is available to all, we provide staff with the opportunity to develop and realise their full potential.

The Enterprise East Group works towards achieving a diverse workforce at all levels and all employees of Enterprise East Group can work in an atmosphere of dignity and respect. This policy outlines the responsibilities of the Board, CEO, managers and individuals to comply with the Equality Act 2010. Enterprise East Group is strongly committed to its full and active implementation.

Enterprise East Group will not tolerate processes, attitudes and behaviour that amounts to direct discrimination, associative discrimination, discrimination by perception indirect discrimination including harassment (harassment by a third party), victimisation and bullying through prejudice, ignorance, thoughtlessness and stereotyping.

Enterprise East Group recognises the importance of monitoring, reviewing and reporting on its equality and diversity policy and practice and to measure progress in meeting our policy statement.

Definitions

Equality

Can be described as breaking down barriers, eliminating discrimination and ensuring equal opportunity and access for all groups both in employment, and services.

There are nine protected characteristics outlined by the Equality Act 2010:

- Age
- disability
- Gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (includes colour, nationality and ethnic origins)
- religion and or belief
- sex
- sexual orientation

Diversity

Can be described as celebrating differences and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this everyone can feel valued for their contributions which is beneficial not only for the individual but for the Organisation.

Equality and Diversity are not inter-changeable but inter-dependent. There can be no equality of opportunity if difference is not valued and harnessed and taken account of.

Discrimination

This may take seven main forms and is defined in law along with the protective characteristics associated with each provision as listed below:

Direct Discrimination occurs when someone is treated less favourably than another person because of a protected characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage & civil partnership, pregnancy and maternity. For example, a manager does not select a pregnant woman for promotion even though they meet all of the competencies because they are pregnant. This is probably direct discrimination and cannot be justified.

Associative discrimination occurs when someone discriminates against someone because they associate with another person who possesses a protected characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation. An example of this is when a manager does not give a job applicant the role, even though they have met all the competencies for the position, just because the applicant tells the employer they have a disabled partner. This is probably associative discrimination because of disability by association.

Discrimination by perception occurs when someone discriminates against an individual because they think they possess a protected characteristic. It applies even if the person does not actually possess that characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation. An example of this is when a manager selects a person for redundancy because they incorrectly think they have a progressive condition (i.e. that they are a disabled person). This is probably discrimination by perception because they believe the individual is disabled.

Indirect discrimination occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic e.g. type of disability at a disadvantage. Indirect discrimination may be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim. An example of this is when an employer decides to apply a "no hats or headgear" rule to staff. If this rule is applied in the same way to every member of staff, then staff who may cover their heads as part of their religion or cultural background (such as Sikhs, Jews, Muslims and Rastafarians) will not be able to meet

this requirement of the dress code and may face disciplinary action as a result. Unless the employer can objectively justify using the rule, this will be indirect discrimination. Relevant protected characteristic includes age, marriage and civil partnership, race, religion or belief, sex and sexual orientation. In addition, the Act extends protection against unjustified indirect discrimination to gender reassignment and disability.

Dual Discrimination occurs when someone is treated less favourably because of a combination of two relevant protected characteristics. This means that it will be possible for an applicant to claim that they have been treated less favourably not just because of their race but also because of their gender. For example, because the individual is an Asian woman. Relevant protected characteristic include age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. (At present this new concept has not been implemented).

Detriment arising from a disability arises when you treat a disabled person unfavourably because of something connected with their disability. This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person had a disability. This type of discrimination is only lawful if the action can be justified and the employer can show that is a proportionate means of achieving a legitimate aim. An example of this when an employer imposes a “no beards” rule as a part of a dress code and tells staff they will be disciplined if they do not comply. The employee is a disabled person who has a skin condition which makes shaving very painful. They have been treated unfavourably (threat of disciplinary action) because of something arising from their disability (their inability to shave). Unless the employer can objectively justify the requirement, this may be a detriment arising from a disability. It may also be a failure to make a reasonable adjustment.

Victimisation occurs when an employee is treated unfavourably, disadvantaged or subjected to a detriment because they have made or supported a complaint of discrimination or raised a grievance under the Equality Act, this policy or the Harassment, Bullying and Discrimination policy or because they are suspected of doing so. (However, an employee is not protected from victimisation if they have maliciously made or supported an untrue complaint). An example, of this is when an employee requests to work flexibly and their manager refuses their request because they supported a colleague in a complaint of discrimination.

Third party harassment occurs when an employee is harassed by someone who does not work for the employing organisation such as a customer, visitor, client, contractor or visitor from another organisation. The employer will become legally responsible if they know an employee has been harassed on two or more occasions by someone and it may also be different individuals each time and fails to take reasonable steps to protect the employee from further harassment.

Disability

The Equality Act 2010 defines disability as: a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on a person’s ability to do normal daily

activities. Substantial: is more than minor or trivial - e.g. it takes much longer than it usually would to complete a daily task like getting dressed. Long-term: means 12 months or more - e.g. a breathing condition that develops as a result of a lung infection. Progressive condition: is a condition that gets worse over time. People with progressive conditions can be classed as disabled.

However, a person diagnosed with HIV infection, cancer, or multiple sclerosis automatically meet the disability definition under the Equality Act 2010 from the day they are diagnosed. Certain conditions are not to be regarded as impairments for the purposes of the Act. These are:

- addiction to, or dependency on, alcohol, nicotine, or any other substance (other than in consequence of the substance being medically prescribed);
- the condition known as seasonal allergic rhinitis (e.g. hay fever), except where it aggravates the effect of another condition;
- tendency to set fires;
- tendency to steal;
- tendency to physical or sexual abuse of other persons;
- exhibitionism;
- voyeurism.

For further details of the act as related to disability, please download: [Download 'Equality Act Guidance' \(PDF, 789KB\)](#)

Harassment

Harassment is unlawful under the grounds of race, ethnic or national origins, sex, marital status, disability, sexual orientation, gender reassignment status, religion or belief and age. This is behaviour of an intimidating or hostile nature. It can be directed at women and men, service users and staff.

It is uninvited, unwelcome behaviour, which causes a degree of distress to the recipient.

Actions or behaviour could be seen as harassment even if not aimed directly at the recipient and not intentionally offensive. It should be remembered that the impact of the behaviour determines harassment and not the intent.

Examples of Harassment include:

(1) Person A harasses person B if — (a) A engages in unwanted conduct related to a relevant protected characteristic, and (b) the conduct has the purpose or effect of — (i) violating B's dignity, or (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(2) A also harasses B if— (a) A engages in unwanted conduct of a sexual nature, and (b) the conduct has the purpose or effect referred to in subsection (1)(b).

(3) A also harasses B if— (a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, (b) the conduct has the purpose or effect referred to in subsection (1)(b), and (c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

Bullying

There is no legal definition, but Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through

means intended to undermine, humiliate, denigrate or injure the recipient. This is behaviour which is not necessarily based on a difference of race or gender or any other equality strand.

Bullying involves belittling or intimidation of an individual and may arise from the misuse of managerial status or as a result of certain physical and mental characteristics.

Bullying may also constitute harassment under this policy and be unlawful under employment equality regulations.

Positive action

Positive action describes measures targeted at a group that are intended to redress past discrimination or to offset the disadvantages arising from existing attitudes, behaviours and structures. e.g. the provision of training/ targeted advertising and recruitment literature for people of a racial group, or either sex, who have been under-represented in certain occupations or grades.

Positive action should not be confused with positive discrimination (i.e. choosing people solely on the grounds of their gender or racial origin, regardless of their capabilities), which is illegal in the UK.

Vicarious Liability

This occurs when one person is liable for the negligent actions of another person, even though the first person was not directly responsible for the injury. For instance, an employer can be vicariously liable for the acts of a worker.

What is covered under this policy?

Equality law does not say exactly how an organisation should tell staff how to behave to avoid unlawful discrimination, harassment and victimisation. But an organisation that does not bother to do this risks being held legally responsible by a court for unlawful discrimination, harassment or victimisation carried out by its staff.

Employees:

This policy applies to job applicants and employees of the Enterprise East Group and sets out how staff behave towards Volunteers and Service users in relation to their protected characteristics. Often what staff do (or don't do) will make a difference to whether they deliver services without unlawful discrimination, harassment or victimisation and whether they make reasonable adjustments to cater for disabled people.

Service planning

The Enterprise East Group will be mindful of Equality and Diversity when planning services and avoid decisions, rules or ways of doing things which would affect access to services.

Where a rule or processes has a worse impact on people with a protected characteristic than on people who do not share that characteristic, then it will be indirect discrimination unless they are able to objectively justify the decision, rule or way of doing things.

Volunteers, including Trustees:

When a volunteering opportunity is taken up with The Enterprise East Group, this counts as if the organisation is providing the volunteer with a service.

This means that this policy applies to Volunteers just as much as it does to other service users or clients.

Voluntary and community sector organisations must avoid unlawful discrimination in how they treat their volunteers.

Whatever their legal status, Volunteers will be acting on behalf of the organisation.

This means that if a volunteer breaks equality law by unlawfully discriminating against a client or service user, both they and the organisation could be held legally responsible for what the volunteer has done.

Service users:

When a person or organisation is providing you with goods, facilities or services, the way they deliver their services to you matters.

This is true whether you are dealing with a business, a public sector organisation, a voluntary or community sector organisation, or an association or club.

People and organisations providing services, including goods and facilities, (service providers) must make sure that they do what equality law says they must in relation to:

- the behaviour of staff who are dealing with you as a service user, or who are taking decisions about how they provide their facilities or services to the public
- the building or other place where the services are delivered, if this is open to the public or a section of the public.
 - advertisements and marketing
 - written materials, for example, information leaflets the organisation provides as part of their service
 - websites and internet services
 - telephone access and call centres.

Service delivery locations.

Often services will be delivered in a place, such as a private or public building, open air venue, mobile, or temporary structure.

If the venue is open to the public or a section of the public, The Enterprise East Group will ensure that:

- no one is unlawfully discriminated against, or
- harassed or victimised whilst using their premises, and
- reasonable adjustments are made for disabled people.

In making reasonable adjustments, Enterprise East will think in advance about what people with a range of impairments might reasonably need.

Where we have not anticipated the need, and a disabled person wants to use a service, then we will make the reasonable adjustments as quickly as possible.

Service providers must think about every aspect of their building or other premises, including:

- how people enter
- how they find their way around
- what signs they provide
- how people communicate with staff

- information they provide
- accessible toilet facilities. (Where provided)

External contractors

Where services are provided by external contractors or third parties based on a specification set by the Organisation, these contractors or third parties are responsible for adhering to current Equality and Diversity legislation whilst providing services on behalf of The Enterprise East Group.

Written information

Where a service includes providing written information, Enterprise East group will not unlawfully discriminate against, harass or victimise people because of a protected characteristic in:

- what the information itself says
- the way it is provided.

Where requested information will be made available in alternative formats, such as on CD, or electronically, for disabled people who need the information in this form, or in different language where English is not readily understood.

Website and internet services

Because Enterprise East Group provides services through a website, we are known as an Information Society Service Provider (ISSP).

As an ISSP, we will ensure that Discriminatory advertisements and information will not be permitted on the Website.

Review and monitoring

The Enterprise East Group undertakes monitoring to inform and improve our employment and Service delivery practices. If through monitoring any discrimination is identified the Organisation will take corrective action to eliminate it.

The monitoring of Enterprise East Group will specifically relate to: Our workforce, volunteers, Services and service users. Any issues arising from monitoring are discussed at Board meetings. Such monitoring would normally deal with areas such as race, disability, gender, and age and ensure compliance with legislation.

In addition, the Staff Survey and employee champion meetings are conducted regularly in order to gain the views of all employees and includes a section on diversity and the working environment.

The information from the Staff Survey will be used to measure its record on meeting our equality and diversity policy aims.

Enterprise east group may be required to report the progress on equality and human rights to the Equality and Human Rights Commission.

Training

Enterprise East Group is committed to ensuring its staff and managers are trained in equality and diversity and aims to ensure that adequate training is provided so that

managers can operate this policy. Training is recorded on the employees training record. Examples include specific training on race, gender, gender identity, disability, sexuality, age, marriage and civil partnerships, Pregnancy and Maternity and religion or belief, in accordance with the requirements of the law and good practice.

Diversity and Equality

Diversity and Equality forms an integral part of The Organisation's induction package. Managers are to ensure that all new entrants are made aware of our Equality and Diversity Policy and Harassment, Bullying and Discrimination policy.

Communication

The Equality and Diversity policy is available in all handbooks and hard copies are kept in the office. The details of this policy will be proactively communicated and promoted to all current staff and new starters.

Complaints of Discrimination

The Organisation takes all claims of discrimination very seriously and will take appropriate action against those concerned. Discrimination occurs when someone directly or indirectly treats a person or a group of people unfavourably because of a protected characteristic of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. This covers all behaviour including remarks and insinuation, both verbal and non-verbal, which cause offence. Any member of staff who is subject to harassment, bullying or discrimination is encouraged to refer to the Organisation's policy on Harassment, Bullying and Discrimination. This provides details of the steps that can be taken to deal with such an issue. In addition, staff are reminded that they can obtain external, confidential help if they so wish by contacting the CEO.

If a worker (engaged through, or by, an employment agency or bureau) considers they have been discriminated against they should raise their complaint directly with their employer.

Responsibility

All staff have a responsibility to guard against any form of discrimination and avoid any action which goes against the spirit of this policy. Thus, staff at all levels must ensure that there is no discrimination in any of their decisions or behaviour. This includes the provision that all staff must:

- report any suspected discriminatory acts or practices;
- not induce or attempt to induce others to practice unlawful discrimination;
- co-operate with any measures introduced to ensure equality of opportunity;
- not victimise anyone as a result of them having complained about, reported or provided evidence of discrimination;
- not harass, abuse or intimidate others.

However, whilst all staff have a collective responsibility to ensure this policy is successfully implemented, there are also specific responsibilities within this.

The Board and Chief Executive are responsible for:

- Providing leadership on the equality and diversity strategy and policy, acting as overall champions to ensure the policy is implemented;

- Communicating the strategy and policy, internally and externally;
- Ensuring the maintenance, regular review and updating of this policy.

Managers at all levels are responsible for:

- Implementing the policy as part of their day-to day management of staff and in applying employment policies and practices in a fair and equitable way
- Ensuring equality and diversity issues are addressed in performance.
- Ensuring all staff act in accordance with the equality and diversity policy providing necessary support and direction;
- Effectively manage and deal promptly when investigating issues relating to potential discrimination, including those matters concerning members of the general public who visit the British Organisation;
- Ensuring all policy or service decisions that will change provisions, practices or policies and affect the workforce are Equality Impact Assessed as required. For further information refer to the Equality Impact assessment policy.

Each employee is responsible for:

- Implementing the policy in their day-to-day work and their dealings with colleagues, readers and visitors;
- Ensuring their behaviour is appropriate to the policy and that they treat people with respect and dignity;
- Not discriminating against other employees or service users
- Notifying their line manager of any concerns about the conduct of other employees, service users, the public or third parties.

Breaches of this policy by staff will be treated as gross misconduct which may lead to disciplinary action.

Human Resources Committee is responsible for:

- Developing employment policy and strategy on equality and diversity;
- Providing guidance to line managers and staff;
- Supporting managers in investigating issues relating to potential discrimination, including those matters concerning members of the general public who visit the British Organisation;
- Monitoring employment policies and practices;
- Championing the issues, internally and externally;
- Facilitating training and development initiatives on equality and diversity, both at corporate and directorate level.

Appendix 1 - Sources of help for disabled employees

The Organisation can get help in employment matters from a variety of sources such as the Employment Service and voluntary organisations.

Access to Work is an Employment Service programme for disabled people that is managed by the Disability Employment Team in local Jobcentres plus offices.

Access to Work provides practical help and advice, and financial assistance to enable employers to make the most of the talents and potential of disabled recruits and employees. Financial assistance may vary, but can be up to 80% of costs above, 300 for existing employees and up to 100% for recruits. Managers and disabled employees should liaise with the Resources manager.

This programme can provide a range of assistance to disabled people:

- a communicator for people who are deaf or have impaired hearing;
- a part-time reader or assistant at work for people who are blind or have a visual impairment;
- a support worker to help the disabled person either at work or in getting to/from work;
- alterations to premises or a working environment;
- adaptations to a car, or help towards taxi fares or other transport costs if the person cannot use public transport;
- supply of equipment or alterations to existing equipment dependant on specific needs e.g. for people who are blind or partially sighted - special computer equipment, closed circuit TV, large print output devices, tape recorders, pocket memos, talking calculators, Braille measuring devices; for people who are deaf or hard of hearing - headphones, amplifiers, loud speaking telephone amplifiers, text terminals; for people with walking, standing or sitting problems - electrically powered wheelchairs with riser seats, stand-up and kerb mounting facilities; for people with other physical disabilities or communication difficulties - electronic writing systems, special computer equipment or software, page turners, special chairs.

Appendix 2 - Provisions for disabled employees.

Where an employee becomes disabled, whether through accident, illness or injury, every reasonable and practicable consideration will be given to ensuring that he/she may remain in employment.

Examples of steps the Organisation should take are:

- making reasonable adjustments to premises;
- allocating some of the disabled employee's duties to another person;
- transfer to an appropriate alternative position;
- alteration of working hours;
- transfer to a different location/place of work;
- time off during working hours for rehabilitation, assessment or treatment;
- training and/or re-skilling;
- modification or purchase of appropriate equipment;
- modification to instruction and/or reference manuals and literature;
- modification to testing and/or assessment procedures;
- provision of a reader or interpreter;
- provision of supervision and assistance.

If, after a full exploration of reasonable adjustments to the individual's current role, the adjustments have been unsuccessful, then consideration should be given to finding an alternative post.

The individual for whom redeployment is being considered will be considered provided, after any reasonable adjustments have been made, the individual has the required skills and is a suitable match for the role they will be offered a trial period in preference to other matched non-disabled staff.

Advice should be provided for the member of staff concerned. In addition, line managers should obtain guidance from the H R subcommittee and/or the Health and Safety Officer. Advice may also be sought from Occupational Health Advisors or other external specialist organisations as appropriate.

Appendix I gives guidance relating to the provisions that may be made. Further guidance on dealing with disability issues can be found on the Internet, for example on the government's website <http://odi.dwp.gov.uk/>.

Appendix 3 - Performance management for staff with a disability

Staff with disabilities should be appraised based on their performance in the job in the same way as other staff. Line managers should guard against making assumptions about the capabilities or potential of staff with disabilities. They should not assume that a person with a disability, taking into account any adjustments which could be made, will be unable to make as effective a contribution as someone without a disability, or that they will be less interested in personal development.

Setting objectives

Line managers should consider the effects of an individual's disability when agreeing objectives. For example, it might be a reasonable adjustment to allow someone slightly longer to complete a task than might otherwise be the case.

Interim reviews

Line managers should be aware that if the condition of a person with a disability is not stable, there may be a need for frequent review and revision of objectives. There are a variety of reasons why performance standards may not have been achieved.

Line managers should be aware that a change in performance may be due to an existing or newly developed disability and ascertain whether this is the case through sensitive questions during the review meeting. When staff return from a period of extended absence, objectives should be adjusted to allow them to readjust to their working environment.

Overall assessments

Line managers need to exercise judgement in taking account of external factors which are outside the individual's control. These would include making a reasonable adjustment to take account of the impact of a disability in terms of the individual meeting the objectives and demonstrating the competencies required for a post.

