

# Nechells POD Equality, Diversity and Inclusion Policy

NechellsPOD Charity is committed to encouraging equality, diversity and inclusion among our workforce, and eliminating unlawful discrimination.

The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and be able to thrive and give their best in the workplace.

As a charity, in providing goods and/or services and/or facilities – We commit to ensure no unlawful discrimination of clients or members of the public.

The Equality Act 2010 protects the following people against discrimination:

- employees and workers
- contractors and self-employed people hired to personally do the work
- job applicants
- former employees – usually around providing references

## **When less favourable treatment might not be discrimination**

Sometimes, less favourable treatment can be justified and is not unlawful discrimination for example:-

- Positive action – to help a disadvantaged or underrepresented group
- Objective justification – when an employer can prove a legitimate need for less favourable treatment
- Using protected characteristics in recruitment

## **Our policy's purpose is to:**

1. Provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time

2. Not unlawfully discriminate because 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
- sexual orientation

3. 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
- selection for employment, promotion, training or other developmental opportunities

It is important to recognise and understand the different situations which may arise.

## **Bullying:**

Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- offensive, intimidating, malicious or insulting
- an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone

Bullying might:

- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or calls
- happen at work or in other work-related situations
- not always be obvious or noticed by others

It's possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.

Examples of bullying at work could include:

- constantly criticising someone's work
- spreading malicious rumours about someone
- constantly putting someone down in meetings
- deliberately giving someone a heavier workload than everyone else
- excluding someone from team social events
- putting humiliating, offensive or threatening comments or photos on social media

### **Upward bullying**

Bullying can also happen from staff towards someone more senior, for example a manager. This is sometimes called 'upward bullying' or 'subordinate bullying'. It can be from one employee or a group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- constantly undermining someone's authority
- doing things to make someone seem unskilled or unable to do their job properly

We promote kindness, helpfulness and co-operation amongst all employees to encourage collaboration and a respectful, professional working relationships and in the workplace and with any one we interact with. NechellsPOD will not expect or tolerate bullying in the workplace. There should be mutual respect for managers, employees and clients alike. There is an expectation that employees should follow reasonable management instructions.

Any bullying issues raised will be taken seriously. A full investigation will commence as soon as possible in line with our company procedures and will follow a full and fair procedure.

### **Harassment:**

In discrimination law (Equality Act 2010) there are 3 types of harassment:

- harassment related to certain 'protected characteristics'
- sexual harassment
- less favourable treatment as a result of harassment

Harassment and bullying are often confused. Bullying behaviour can be harassment if it meets the definitions on this page.

Harassment is unwanted behaviour and must have either:

- violated the person's dignity
- created an intimidating, hostile, degrading, humiliating or offensive environment for the person

It can be harassment if the behaviour:

- has one of these effects even it was not intended
- intended to have one of these effects even if it did not have that effect

Unwanted behaviour can include:

- a serious one-off incident

- repeated behaviour
- spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person

The person being harassed might feel:

- disrespected
- frightened
- humiliated
- insulted
- intimidated
- threatened

It can still be against the law even if the person being harassed does not ask for it to stop.

### **Sexual harassment:**

Sexual harassment is unwanted behaviour of a sexual nature. This type of harassment does not need to be related to a protected characteristic.

For example, someone who thinks they've been sexually harassed does not need to show it was because of their sex or sexual orientation.

### **Less favourable treatment because of harassment**

This type of harassment is when someone experiences less favourable treatment because of how they responded to previous harassment.

It can apply whether the person rejected or 'submitted to' (accepted) the previous harassment.

Harassment happens when the person is treated less favourably than they would have been if they had not responded to the previous harassment in the way they did.

The previous harassment must have been either:

- sexual harassment
- harassment related to sex
- harassment related to gender reassignment

### **Other kinds of harassment**

Under the Protection from Harassment Act 1997 there is a type of harassment which is separate to the 3 types of harassment under the Equality Act 2010.

This is behaviour that causes alarm or distress but is not necessarily related to a protected characteristic. It includes stalking. It can be a criminal act.

If you think you've been harassed at work, please raise the issue with a trusted manager or trustee. You can raise the problem informally or formally. Any employee can report a harassment issue they've seen or heard at work, even if it's not directed at them.

We take any complaint of harassment seriously and will look into it as soon as possible. A full investigation will commence in line with our company procedures and will follow a full and fair procedure.

### **Victimisation**

Victimisation is when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint.

Ways someone could be victimised include:

- being labelled a troublemaker
- being left out
- not being allowed to do something

Victimisation is a specific type of discrimination under the law (Equality Act 2010). It's different to bullying.

The law says victimisation means 'suffering a detriment' because you've done or intend to do a 'protected act'.

A 'protected act' means taking action related to discrimination law. This includes:

- making a complaint of discrimination or harassment
- supporting someone else's complaint
- gathering information that might lead to a complaint
- acting as a witness in a complaint
- saying something or giving evidence that does not support someone else's complaint

The law also protects a person from victimisation when someone else thinks the person has done or intends to do any of the things above.

'Detriment' means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

The law only protects someone from victimisation if they've done something 'in good faith'. This means not acting maliciously.

Someone is not protected from victimisation if they:

- deliberately give false evidence
- deliberately make a false allegation of discrimination or harassment

If you think you've been victimised at work, you should raise the issue a trusted manager or trustee. You can raise the problem informally or formally.

We take any complaint of victimisation seriously and will look into it as soon as possible. A full investigation will commence in line with our company procedures and will follow a full and fair procedure.

### **Unlawful discrimination relates to:**

#### **Direct discrimination**

When someone is treated less favourably than another person because of a Protected Characteristic.

#### **Associative discrimination or discrimination by association**

Direct discrimination against someone because they associate with another person who possesses a Protected Characteristic.

#### **Discrimination by perception**

Direct discrimination against someone because it is thought that they possess a particular Protected Characteristic even if they do not actually possess it.

#### **Indirect discrimination**

Occurs where an individual's employment is subject to an unjustified provision, criterion or practice which e.g., one sex or race or nationality or age group finds more difficult to meet, although on the face of it the provision, criterion or practice is 'neutral'.

We will:

- make sure the charity does not unfairly discriminate in any aspect of work
- take steps to prevent discrimination
- do all we reasonably can to protect people from discrimination by others

- look after the wellbeing of all employees – this is called a 'duty of care'

This commitment includes training managers and all other employees about their rights and responsibilities under the equality, diversity and inclusion policy as employers can be held responsible for the actions of employees. This is known as 'vicarious liability'.

Responsibilities include staff conducting themselves to help the organisation provide equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.

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

**NechellsPOD charity is committed to:**

1. Encouraging equality, diversity and inclusion in the workplace as they are good practice and make business sense.
2. 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.
3. Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others during the organisation's work activities.

Such acts will be dealt with as misconduct under the organisation's grievance and/or disciplinary procedures, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.

Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

4. 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.
5. Make decisions concerning staff being based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).
6. 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.
7. Monitor the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in encouraging equality, diversity and inclusion, and in meeting the aims and commitments set out in the equality, diversity and inclusion policy.

Monitoring will also include assessing how the equality, diversity and inclusion policy, and any supporting action plan, are working in practice, reviewing them annually, and considering and taking action to address any issues.

8. Under our 'duty of care' we will proactively look after the wellbeing of all employees and will work with each other to promote a safe working environment for all.

**Agreement to follow this policy:**

The equality, diversity and inclusion policy is fully supported by senior management and trustees. It is regularly monitored to ensure this policy is followed.

## **Disciplinary and grievance procedures**

Details of the charity's grievance and disciplinary policies and procedures can be found in our Employee Handbook. This includes with whom an employee should raise a grievance, usually their line manager.

Use of the charity's grievance or disciplinary procedures does not affect an employee's right to make a claim to an employment tribunal within three months of the alleged discrimination.

Reviewed by:	
Date:	
Next review date:	

Reference list: ACAS website 2023