



# **Cumbria Family Support**

## **Equality and Diversity Policy**

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# 1. Policy Statement

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## 1.1 Statement of Intent

**Cumbria Family Support (CFS)** is committed to encouraging diversity and eliminating discrimination in both its role as an employer and as a provider of services. **CFS** aims to create a culture that respects and values each others' differences, that promotes dignity, equality and diversity, and that encourages individuals to develop and maximise their true potential. We are committed wherever practicable to achieving and maintaining a workforce that broadly reflects the local community in which we operate.

## 1.2 Purpose

The purpose of this policy is to provide equality and fairness for all in our employment and in the provision of services not to knowingly unlawfully discriminate or permit employees, trustees or volunteers to discriminate against any person on grounds as set out in the **Equality Act 2010**, which include: (as detailed in Section 4)

- Race, national or ethnic origin
- Gender/Sex
- Marriage and Civil Partnership
- Disability
- Sexual orientation
- Age
- Religion and/or beliefs
- Pregnancy and Maternity
- Gender Reassignment
- Economic Hardship

**CFS** opposes all forms of unlawful and unfair discrimination. Unlawful discrimination includes treating a person less favourably than others are treated or would be treated in the same or similar circumstances. All service users, employees, trustees, and volunteers, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, training, volunteering or any other benefit will be on the basis of skills and ability.

## 1.3 Principles

**CFS's** commitment to Equality and Diversity is:

- To create an environment in which individual differences and the contributions of all our service users, employees, trustees and volunteers are recognised and valued.
- To create a working environment that promotes dignity and respect for all. No form of intimidation, bullying or harassment will be tolerated.
- To ensure training, development and progression opportunities are available to all.
- To promote equality in the workplace, which it believes is good management practice and makes sound business sense.

- To regularly review all employment and volunteering practices and procedures to ensure that no job applicants, staff, trustees or volunteers are treated less favourably than others.
- To regularly review services to ensure they are accessible and appropriate to all groups within society.
- To treat breaches of the equality policy seriously and to take disciplinary action when required.
- To provide information and training to all employees, trustees and volunteers so that they are fully aware of the issues relating to Equality and Diversity and their responsibilities relating to it.
- To develop an Equality Action plan, to ensure our Equality and Diversity policy is fully implemented.
- To ensure the policy is fully supported by the Trustees.
- To monitor and review the policy annually.

#### **1.4 CFS will not permit:**

- 1.4.1 Any job applicant, employee or volunteers to receive less favourable treatment than any other on any of the grounds set out in paragraph 1.2 of this policy.
- 1.4.2 Any job applicant, employee or volunteer to be placed at a disadvantage by requirements or conditions having a disproportionately adverse effect on him or her and which cannot be shown to be relevant to job requirements.
- 1.4.3 Any service user to receive less favourable treatment than any other on the grounds set out in paragraph 1 of this policy.

#### **1.5 The only exception**

- Where the sex, race or age of a person is a genuine occupational qualification.
- Where the disability of a person prevents the function of the job being carried out.

**1.5.1** However, **CFS** is aware of the requirement to make assessments of the work premises to discover whether adjustments might be made to allow an otherwise suitable candidate who is disabled to be employed.

**1.5.2** There will be equality of opportunity in the recruitment, training, development and promotion of staff. If you have special responsibilities in this policy you will be trained accordingly.

**1.6** The Trustees have overall executive responsibility for ensuring that this policy is communicated and implemented.

**1.7** All trustees, employees and volunteers must comply with the terms of this policy, including in their dealings with service users.

**1.8 CFS** will take disciplinary action, including dismissal, against any employee, trustee or volunteer who is found to have contravened this policy. If any employee, trustee, volunteer or service user considers that he/she is suffering from unfair treatment they may either make a complaint, which will be dealt with through the organisations Grievance Procedure, or Complaints Procedure (service user) or raise the matter with any Director.

**Signed**



**Position**                    **Deb Royston- Chief Executive Officer**\_\_\_\_\_

**Date**                         **13<sup>th</sup> December 2023**

## 2. Procedures

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### 2.1 Positive Action

**All** trustees, employees and volunteers have a responsibility to accept their personal involvement in the practical application of this policy. However specific responsibilities outlined later in this document fall upon managers, supervisors and those involved in recruitment, assessment and training. Overall responsibility for the implementation of this policy rests with the Trustees.

**CFS** will act positively in using the Equality and Diversity Policy as a means of making public it's commitment to provide equal opportunities to all present and future employees, trustees and volunteers and service users.

**CFS** encourages all trustees, employees and volunteers to apply for suitable opportunities and to seek training for promotion or in particular skills.

The Equality and Diversity Policy forms part of the Staff Handbook and Contract of Employment.

Training in Equality and Diversity is provided as part of the Induction Programme.

Any form of discrimination by an employee, trustee or volunteer is treated very seriously and where appropriate will be dealt with using the Disciplinary Procedure.

### 2.2 Positive Discrimination

Positive discrimination is illegal and the recruitment of 'quotas' of particular groups is also illegal. Discrimination in selection to achieve or secure a balance of persons of different racial groups is also not allowed..

There is an exception, however, which may be appropriate for certain posts in **CFS**, i.e. when a genuine occupational qualification (GOQ) is necessary or desirable for a particular group or sex

### 2.3 Recruitment

Job descriptions and Person Specifications are prepared for all posts. The job description indicates the responsibilities and tasks to be undertaken by the job holder. The Person Specification describes the qualifications, skills and abilities required. A list of preferred criteria may also be prepared.

Volunteers receive a Role Description and Rights and Responsibilities specification.

Trustees receive an induction pack including Guidelines for their Role and Responsibility within and towards the organisation.

Care will be taken to ensure that neither the description nor the specification are discriminatory on the grounds quoted in the Policy Statement.

## 2.4 Advertising

CFS will use a range of advertising methods in order to attract the widest pool of appropriate applicants. Vacancies for new and existing jobs will normally be advertised internally and externally. All our advertising will:

- a. All adverts will include the following statement: **Cumbria Family Support** is committed to equal opportunities in employment.
- b. Ensure that we do not exclude, discriminate against, or discourage any particular group from applying nor make it difficult for any one from such a group to apply.
- c. All vacancies will normally be advertised through social media and / or recruitment sites (dedicated such as Indeed or linked to local press). Recruitment solely by word of mouth or through the recommendation of existing employees will not be allowed. Anyone who is recommended would still be required to follow a formal recruitment procedure. In addition, internal recruitment may take place if a suitable pool of potential applicants is present in paid and / or voluntary staff groups.
- d. Give clear instructions about obtaining the application pack.
- e. The name and address to which application forms and literature has been sent will be recorded in the relevant recruitment folder in the "Personnel" SharePoint.
- f. All application forms will be acknowledged promptly.

## 2.5 Applications and Short Listing

- a. All applicants will be asked to fill out an application form which contains only information essential and relevant to the appointment. Selection criteria will be objectively justifiable and non-discriminatory. Necessary steps will be taken to support any one with a second language or has a disability that could affect the use of the application form. Example would be language translation or interpreter or larger print.
- b. Short-listing will normally be undertaken by at least two persons acting independently, using a pre-determined scoring method based on the requirements of the personnel specifications. Clear tabulated records will be kept.
- c. Short listing will be performed on the basis of objective criteria and the extent to which candidates have shown, in the application form, that they meet the required Person Specification, and can carry out tasks and responsibilities required of the post-holder. Formal qualifications and standards of literacy and numeracy will only be taken into account when they are recognised as necessary for a particular job.
- d. If a candidate has not been short-listed state on the short-listing form why they have not.

Short listed candidates will be invited to an interview. Staff and members of the Management Committee responsible for short-listing, interviewing and selection of candidates will be:

- Clearly informed of selection criteria and the need for their consistent application;

- Given guidance on the effects which generalised assumptions about people from groups quoted in the Policy Statement can have on selection decisions;
- Made aware of the possible misunderstandings that can occur between persons from different cultural backgrounds

## 2.6 Interviewing

All interviews for employees and trustees will be carried out by a minimum of 2 people, the names and gender of interviewees will be made available in advance.

In the case of prospective employees, the questions asked will seek to gather objective evidence in support of the job description and person specification. The same questions will be asked of all candidates applying for the job.

Disabled candidates will be asked if they need support during the interview process or adjustments should they be offered the position.

Notes will be taken and evidence gathered against the job description and person specification.

All candidates for employment, trusteeship and volunteering will be asked about their eligibility to perform the required work. For certain positions we will request enhanced CRB DBS disclosures for employees, trustees and volunteers. This requirement will be clearly stated in the application pack.

Questions will be used to gain an insight into the applicant's personality.

## 2.7 Questioning Techniques

- a. Questions relating to the following areas should be avoided during the course of the interview:
  - Marital status
  - Occupation of spouse
  - Number of children, family intentions or domestic arrangements
  - Trade Union activities
  - Political and/or religious beliefs
  - Age
  - Medical history/health
- b. The purpose of questions posed at the interview is to provide additional information to supplement or clarify the application form.
- c. It is therefore essential that comparable questions are asked of each applicant being interviewed and that the substance of the questions should not vary according to the gender, ethnic minority, age or disabled status of the applicant. The questions should be phrased in a standard way and not make use of cultural idiom or metaphor that would put particular candidates at a disadvantage.



## 2.8 Assessment

- a. Each interviewer must immediately after the interview complete the notes and scoring form supplied by the Chair of the recruitment panel in respect of each applicant. This type of analysis will ensure objectivity and will have the benefit of providing recorded data on how the decision was reached, should such information be required, e.g. for an Employment Tribunal.
- b. After the interview all the available information on the candidate should be evaluated before a final decision is taken.
- c. All candidates should be informed of the results of the interview at the earliest possible opportunity.

## 2.9 We are an Equal Opportunity Employer

Applicants for jobs and volunteering positions will be treated equally irrespective of gender, marital status, age, disability, race, nationality, ethnic origin or religion. They shall not be disadvantaged by any conditions or requirements related to employment which cannot be shown to be justifiable. **CFS** ensures that its operational policies and procedures will be regularly reviewed, to ensure the promotion of equality of opportunity in employment and prevention of discrimination.

**CFS** will ensure that the selection criteria for all current and prospective employees and volunteers will include consideration of the relevant aptitudes, skills, abilities and qualifications of each applicant. We are an equal opportunities employer. Applicants are requested to complete the following statement. This can either be completed anonymously via a Survey Monkey link which will be sent out with the application form or printed and returned anonymously via post. Completion is voluntary. (This form will not be used as a basis of selection but will help us to determine whether our advertisements are reaching a cross section of the population).

**Equal Opportunities Monitoring (All of the following questions are Optional)**

I consider my **ethnic background** to be: White British   
Bangladeshi  Black African  Black Caribbean   
Black Other  Chinese  Indian   
Pakistani  White European (please specify)  Other (please specify)

**Sex**

I am: Male  Female  Transgender  Undeclared

**Marital Status**

I am: Married  In a Civil Partnership  Undeclared

I consider myself to have a **disability**: Yes  No

**Sexual Orientation**

Heterosexual  Gay/Lesbian  Bi-sexual  Undeclared

**My age:** \_\_\_\_\_

**My religion is:** \_\_\_\_\_ **I am non-religious**  Undeclared

## 2.10 Training

- a. **CFS** will ensure that individuals having responsibility for recruitment and selection of staff or who are involved in selection for training or promotion receive training in line with the CFS Training Policy.
- b. **CFS** will also ensure that all its employees and volunteers enjoy equal access to training and development opportunities.
- c. **CFS** will monitor the ethnic origin of those selected for training courses and other development opportunities.
- d. **CFS** will ensure that all individuals who are in contact with service users acquire the appropriate training to treat all service users equally and that services are of the highest possible standard.

## 2.11 Promotion

- a. **CFS** will promote employees strictly on the basis of merit and their ability to undertake the duties of the post.
- b. Promotion criteria will be drawn up and used to select potential candidates for promotion.
- c. Potential candidates for promotion will be interviewed prior to any decision being made.
- d. **CFS** will monitor the ethnic origin of promoted employees.

## 2.12 Review

**CFS** undertakes periodically to review all its procedures to ensure that they are having a positive influence on equal opportunities within the workforce. Responsibility - The Chief Officer.

## 2.13 Genuine Occupational Qualifications (GOQ)

There are some exceptions within statute where an employer can claim a Genuine Occupational Qualification to recruit, train, promote or transfer a person of a particular race, gender or age where one of the following applies:

- a. The employer does not have sufficient employees of a particular race or gender for the required job, e.g. acting, modelling or to work in a special setting where persons of a particular race or gender are required for authenticity. In a certain, limited, number of cases, a person's age may be a genuine occupational qualification, but these circumstances will usually be rare.

- b.** The job involves providing services to a particular race or social background to promote their welfare, and the services can most effectively be provided by a person of the same background.
- c.** A woman or man may be required to preserve decency or privacy, e.g. a lavatory attendant.
- d.** The job is within a single sex establishment, which provides special care, supervision or attention.
- e.** The employee provides people with personal services promoting their welfare or education, which can be provided more effectively by a particular person.
- f.** The job is one of two to be held by a married couple.

## 3. HARRASSMENT AND DISCRIMINATION

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### 3.1 Statement of Intent

**CFS** is committed to the application of the **Equality Act 2010** and as such, is opposed to unfair and unlawful discrimination.

It is the policy of **CFS** to make every effort to provide a working environment free of harassment and intimidation and to provide all our services to services users free from harassment and intimidation.

It is against the policies of **CFS** for any trustee, employee or volunteer to harass another trustee, employee, client or member of the public,

- Protected Characteristics
- Race, national or ethnic origin
- Gender/Sex
- Marriage and Civil Partnership
- Disability
- Sexual orientation
- Age
- Religion and/or beliefs
- Pregnancy and Maternity
- Gender Reassignment

Such conduct will not be tolerated. All trustees, employees and volunteers will be expected to take appropriate measures to ensure that such conduct does not occur. Appropriate disciplinary action, including dismissal for serious offences, will be taken against any trustee, employee or volunteer who violates this policy.

Care will always be taken during an investigation of allegations of harassment or discrimination to protect the interest of both the complainant and the trustee, employee or volunteer complained against and to establish the true nature of the problem. The conduct of an investigation and the determination of such action as may appear to be necessary to deal with harassment or discrimination is the sole responsibility of management.

### 3.2 Definitions

*Non-verbal conduct of a sexual nature is the display of pornographic or sexually explicit pictures, objects or written materials, leering or whistling or making sexually suggestive gestures.*

*Sex-based conduct: conduct that ridicules or is intimidatory or physically abusive to an employee because of her/his sex, such as derogatory or degrading abuse or insults which are gender-related and offensive comments about appearance or dress.*

*People with disabilities should have the same opportunities as any other employee with regards to staff development and training. They should be able to advance their development within the organisation without assumptions being made about their capacity to do so. Any behaviour that undermines an employee or service user with a disability will not be tolerated from CFS.*

Harassment of lesbian or gay persons and other minorities can occur in many of the forms already referred to. It is the wish of **CFS** to create a climate in which all employees can perform their duties without the unnecessary stress arising from harassment. This will enhance job performance and allow employees to achieve fulfilment in their work.

### **3.3 Duties of Supervisors**

All supervisory personnel are responsible for eliminating any harassment or intimidation of which they are aware. Failure to do so will be considered a failure to fulfil all the responsibilities of the position.

No supervisor or manager shall threaten or insinuate, either explicitly or implicitly, that an employee's rejection of sexual advances will be used as a basis for an employment decision affecting that employee. Such conduct by the supervisor or manager will be treated as gross misconduct.

### **3.4 Duties to Service Users**

All trustees, staff and volunteers are responsible for eliminating any harassment or intimidation of which they are aware. Failure to do so will be considered a failure to fulfil all the responsibilities of the position.

All trustees, staff and volunteers will conduct themselves in line with the organisation's Equality and Diversity Policy towards all Service Users.

### **3.5 Complaints and Sanctions**

**CFS** will treat seriously any complaints of unlawful discrimination and/or harassment on any of the stated grounds made by employees, volunteers, trustees, service users or other third parties and will take action where appropriate.

All complaints made by external parties will be investigated in accordance with **CFS's** Complaints Procedure and the complainant will be informed of the outcome.

In the event of an investigation concerning a complaint against an employee, trustee or volunteer, **CFS's** Grievance Policy and Procedures will be followed and any action necessary dealt with under **CFS's** Disciplinary Procedure.

### **3.6 Complaints of Harassment in the Workplace**

a. In some cases an employee may wish to approach management to request that they deal with a complaint informally. Managers should be sensitive to the fact that making a complaint of this nature is likely to be distressing for the employee concerned and should be prepared to involve the assistance of a work colleague.

b. Wherever possible, an employee who believes that he or she has been the subject of harassment should, in the first instance, ask the person responsible to stop the

harassing behaviour. If the harassment continues, or some employment consequences result, a formal complaint should be made,

- c. An employee who wishes to make a complaint of harassment or discrimination should report the alleged act to **Chief Officer** who will raise the matter with the Board of Trustees.
- d. They will give consideration to the following:
  - The suspension of the alleged harasser on full contractual pay pending the outcome of the investigation;
  - The relocation the alleged harasser for the duration of the investigation; and
  - The reorganisation and reallocation of work to avoid the need for contact between the complainant and alleged harasser. (The wishes of the complainant should be taken into consideration when making a decision in this respect)
- e. The Trustees will conduct the investigation and may, during its course seek specialist advice from external sources. The proceedings will be confidential and the complainant and the alleged harasser will be interviewed separately.
- f. Both the complainant and the alleged harasser may be accompanied at their respective interviews by a fellow employee.
- g. The investigation into the complaints, which may include the interviewing of witnesses, should be completed within five working days of the complaint being formally notified.
- h. An accurate record will be made of the investigation and at its conclusion the Trustees write to the complainant detailing his/her findings and the action to be taken. In this letter the Trustees should include an undertaking that the complainant will not be victimised or suffer any detriment in his/her employment as a result of the grievance in progress.
- i. The Trustees will advise the alleged harasser of the conclusion of the investigation and of any proposed action.
- j. If it is the view of the Trustees that disciplinary action is justified, the decision will be notified in writing to the alleged harasser together with an outline of the evidence which led to this conclusion. A disciplinary hearing will be convened within five working days, at which the alleged harasser will have the opportunity of challenging any of the evidence and/or making any submissions in mitigation.
- k. In some cases, where it is considered appropriate to issue a disciplinary warning, it may be necessary also to consider an alternative post for the harasser in order that he/she and the complainant do not continue to work in close proximity.
- l. The normal rights of appeal as provided for in **CFS** disciplinary procedure shall apply to any person against whom a formal disciplinary sanction is imposed.

## 4. EQUALITY AND DIVERSITY

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### **Cumbria Family Support has a Commitment to Equality and Diversity when working with Children, Young People and Parents.**

#### **Key Outcomes**

1. All staff and volunteers will include equality and diversity in their work with Children/Young People and Parents/ Carers where appropriate
2. All staff and volunteers have access to a range of equality and diversity resources to use with Children/Young People and Parents/ Carers.
3. The benefit of equality and diversity and working inclusively is included in the induction of all Staff and Volunteers and access to policies, good practice and latest research is made available.
4. All services have access to a range of Equality and diversity resources and activities for Children/Young People and Parents/ Carers.
5. Children/Young People and Parents/ Carers will be supported to recognise discrimination and challenge it within services.
6. We will fulfil the requirement under Article 12 of the united convention on the rights of the child and ensure that children and young people will have a voice at every level of the organisation.
7. We will ensure the culture of CFS provides opportunities for Children and Young People to have their voices listened to at every level of the organisation.
8. We will work to ensure that services are inclusive, relevant, cost effective, meet service users needs, improve outcomes and are accessible.

#### **4.1 Equal Pay**

Employees are entitled to equal pay (and other contractual terms and conditions) with an employee of the opposite sex if:

- a. they are doing work which is the same or broadly similar; or
- b. they are doing work which has been rated as equivalent by an analytical job evaluation scheme; or



- c. they are doing work of equal value in terms of the demands made on the worker (whether or not there has been a job evaluation scheme). This does not apply if the employer can prove that there is a "material difference" between the woman's case and the man's; or
- d. in the case of c. above, some other "material factor" which justifies the difference in pay, provided this is in no way directly or indirectly connected with difference in sex.

Recent rulings from Employment Tribunals have clarified "pay" as referring to total remuneration, meaning wages and all other benefits. "Pay" has also recently been defined as covering "redundancy monies".

## **4.2 Sex Discrimination**

It is unlawful to discriminate on grounds of sex between any applicants for jobs, or between existing employees in respect of promotion, training or transfer, in education, and in the provision of goods, facilities and services to members of the public.

It is unlawful to discriminate in the ways described above, in the following areas:

- in the arrangements made for deciding who is offered a job e.g. advertising, or interviews.
- in the terms on which the job is offered.
- in deciding who is offered the job.
- in the provision of opportunities for promotion, transfer or training.
- in the benefits, facilities or services an employer grants to employees.
- in dismissals, or other unfavourable treatment of employees
- in the allocation of services, benefits or facilities granted to service users by the organisation

## **4.3 Race Discrimination**

It is unlawful to discriminate in recruitment (including the arrangements made for recruitment) promotion, training or transfer, terms and conditions of employment and dismissal on grounds of race. The employer may also be liable for unlawful discriminatory acts carried out by employees in the course of their employment, unless it can be shown that the employer has taken such steps as are reasonably practicable to prevent the employees from doing such acts. A job applicant or employee who believes that they have suffered racial discrimination may take a complaint to an Employment Tribunal.

"Racial ground" includes any discrimination based on colour, race, nationality (including citizenship), or ethnic or national origins.

It is unlawful to publish, or cause to be published an advertisement which indicates an intention to perpetrate an act of discrimination whether direct or indirect. This applies, with certain exceptions, even if the act of discrimination itself is not unlawful. An employer may offer a job to a member of a particular racial group if membership of that group is a genuine occupational qualification ("GOQ") for the job.

## Service users

It is unlawful in the allocation and provision of services to service users to discriminate on the grounds of race.

**CFS** will take into account different cultures when providing services for service users from different ethnic backgrounds and will ensure that every effort is made to ensure the client has equal access to reach their full potential.

### 4.4 Disability Discrimination

**CFS** is committed to ensuring that at all its establishments and where services are provided, its practices will assess people on the basis of their skill, aptitude and abilities which are relevant to the job to be done rather than on any disability they might have.

**Service provision** will not be declined as a result of disability and where possible **CFS** will endeavour to provide the appropriate service or make a referral and assist the user to obtain the appropriate service.

With regard to employment **CFS** will make reasonable adjustments where necessary at every stage of employment

*What are "Reasonable Adjustments"?*

In order to help a disabled person to do the job, we shall examine what changes can be made to the workplace, the way the work is done and make reasonable adjustments.

Legislation, provides the examples below:

- altering premises - widening doors, changing taps
- altering lighting, allocating car parking spaces etc.
- allocation of some duties to other employees
- transfer the person to fill an existing vacancy
- alter working hours
- transfer the person to another place of work
- allow absences during working hours for rehabilitation, assessment or treatment
- supply additional training
- acquire or make changes to equipment alter instructions in reference manuals
- modify procedures for testing or assessment
- providing a reader or interpreter
- providing supervision

We shall ensure we value the contribution that disabled people have to offer.

We shall, through our disciplinary procedures, if necessary, take suitable measures to eliminate disability discrimination in the workplace.

In particular we shall treat acts of discrimination against disabled persons in the same we treat acts of sex or race discrimination: as gross misconduct.

## 4.5 Religion or Belief

It is unlawful to discriminate against any person because of religion or similar belief.

It is unlawful to:

- Discriminate directly against anyone. That is, to treat them less favourably than others because of their religion or belief.
- Discriminate indirectly against anyone. That is, to apply a criterion, provision or practice which disadvantages people of a particular religion or belief unless it can be objectively justified.
- Subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment having regard to all the circumstances and perception of the victim.
- Victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of religion or belief
- Discriminate against someone, in certain circumstances, after the working relationship or service provision has ended.

Religion or belief means, any religion, religious belief or similar philosophical belief. It does not include any philosophical or political belief unless it is similar to religious belief. Employment Tribunals or other Courts will determine whether particular circumstances are covered by the Regulations.

## 4.6 Sexual Orientation

It is unlawful to discriminate against any person because of sexual orientation.

It is unlawful to:

- Discriminate directly against anyone. That is, to treat them less favourably than others because of their Sexual Orientation.
- Discriminate indirectly against anyone. That is, to apply a criterion, provision or practice which disadvantages people of a particular Sexual Orientation unless it can be objectively justified.
- Subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment having regard to all the circumstances and perception of the victim.
- Victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of sexual orientation.
- Discriminate against someone, in certain circumstances, after the working relationship or service provision has ended.

Sexual orientation means, the orientation towards persons of the same sex (lesbians and gay men), persons of the opposite sex (heterosexual) and persons of the same sex and opposite sex (bisexual).

## 4.7 Age Discrimination

It is unlawful to discriminate against any person on the grounds of their age.

It is unlawful on the grounds of age to:

- Discriminate directly against anyone – that is, to treat them less favourably than others because of their age – unless objectively satisfied.
- Discriminate indirectly against anyone – that is, to apply a criterion, provision or practice which disadvantages people of a particular age unless it can be objectively justified.
- Subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them having regard to all the circumstances including perception of the victim.
- Victimise someone because they have made or intend to give evidence in relation to a complaint of discrimination on grounds of age.
- Discriminate against someone, in certain circumstances, after the working relationship or service provision has ended.

There are significant implications for employers and employees, in particular they mean an act of direct discrimination will occur where; on grounds of age, an employer:

- Decides not to employ someone
- Dismisses them
- Refuses to provide training
- Denies promotion
- Provides adverse terms and conditions
- Retires an employee due to their age.

As a consequence of the Regulations there will be a need to carefully review workplace policies and procedures to ensure they are not age discriminatory. These include, but are not limited to:

- Recruitment
- Retirement
- Training
- Pay, benefits and conditions
- Bullying and harassment
- Redundancy
- Absence

## 4.8 Marriage and Civil Partnerships

It is unlawful to discriminate against any person who has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner.

It is unlawful to:

- Discriminate directly against anyone. That is, to treat them less favourably than others because of their marital or status or civil partnership.

- Discriminate indirectly against anyone. That is, to apply a criterion, provision or practice which disadvantages people who are married or in a civil partnership.
- Subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment having regard to all the circumstances and perception of the victim.
- Victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of sexual orientation.
- Discriminate against someone, in certain circumstances, after the working relationship or service provision has ended.

## 4.9 Pregnancy and Maternity

It is unlawful to discriminate against any female person who is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination

This applies to all facets of employment including recruitment, terms and conditions, promotions, transfers, dismissals and training.

- Discriminate directly against anyone. That is, to treat them less favourably than others because of being pregnant.
- Discriminate indirectly against anyone. That is, to apply a criterion, provision or practice which disadvantages woman who are pregnant or on maternity leave.
- Subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment having regard to all the circumstances and perception of the victim.
- Victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of sexual orientation.
- Discriminate against someone, in certain circumstances, after the working relationship or service provision has ended.

## 4.10 Gender Reassignment

It is unlawful to discriminate against any transsexual person. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered. It is discrimination to treat transsexual people less favorably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

It is unlawful to:

- Discriminate directly against anyone. That is, to treat them less favourably than others because of their marital or status or civil partnership.

- Discriminate indirectly against anyone. That is, to apply a criterion, provision or practice which disadvantages people who are transsexual.
- Subject someone to harassment. Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment having regard to all the circumstances and perception of the victim.
- Victimise someone because they have made or intend to make a complaint or allegation or have given or intend to give evidence in relation to a complaint of discrimination on grounds of sexual orientation.
- Discriminate against someone, in certain circumstances, after the working relationship or service provision has ended.