

# The Westway

## Equal Opportunities Policy

### 1. Policy Statement

The Westway is committed to achieving a working environment which provides equality of opportunity and freedom from unlawful discrimination on the grounds of sex, race, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. This Policy aims to remove unfair and discriminatory practices within The Westway and to encourage full contribution from its diverse community. The Westway is committed to actively opposing all forms of discrimination.

The Westway also aims to provide a service that does not discriminate against its clients in the means by which they can access the services supplied by The Westway, and believes that all employees and clients are entitled to be treated with respect and dignity.

### 2. Objectives of the Policy

To prevent, reduce and stop all forms of unlawful discrimination in line with the Equality Act 2010.

To ensure that recruitment, promotion, training, development, assessment, benefits, pay, terms and conditions of employment, redundancy and dismissals are determined on the basis of capability, qualifications, experience, skills and productivity.

### 3. Definition of Discrimination

Discrimination is unequal or differential treatment which leads one person being treated more or less favourably than others are, or would be, treated in the same or similar circumstances on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation. Discrimination may be direct or indirect, and includes discrimination by perception and association.

### 4. Types of Discrimination

#### 4.1 Direct Discrimination

This occurs when a person or a policy intentionally treats a person less favourably than another on the grounds of race, sex, pregnancy and maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

#### 4.2 Indirect Discrimination

This is the application of a policy, criterion or practice which The Westway applies to all employees but which is such that:

- It is detrimental to a considerably larger proportion of people from the group that the person The Westway is applying it to represents;
- The Westway cannot justify the need for the application of the policy on a neutral basis; and
- The person to whom The Westway is applying it suffers detriment from the application of the policy.

An example of indirect discrimination: a requirement that all employees must be 6ft tall if that requirement is not justified by the position would indirectly discriminate against employees with an oriental ethnic origin, as they are less likely to be able to fulfil this requirement.

### **4.3 Harassment**

This occurs when a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

### **4.4 Victimisation**

This occurs when a person is treated less favourably because they have brought or intend to bring proceedings or they have been given or intend to give evidence.

## **5. Unlawful Reasons for Discrimination**

### **5.1 Sex**

It is not permissible to treat a person less favourably on the grounds of sex, marital status, civil partnership, pregnancy and maternity, gender reassignment or transgender status. This applies to men, women and those undergoing or intending to undergo gender reassignment. Sexual harassment of men and women can be found to constitute sex discrimination.

An example of sex discrimination would be asking a woman during an interview if she was planning to have any (more) children. This constitutes discrimination on the ground of gender.

### **5.2 Age**

It is not permissible to treat a person less favourably because of their age. This applies to people of all ages. This does not currently apply to the calculation of redundancy payments.

### **5.1 Disability**

It is not permissible to treat a disabled person less favourably than a non-disabled person. Reasonable adjustments must be made to give the disabled person as much access to any service and ability to be employed, trained, or promoted as a non-disabled person.

### **5.2 Race**

It is not permissible to treat a person less favourably because of their race, the colour of their skin, their nationality or their ethnic origin.

### **5.3 Sexual Orientation**

It is not permissible to treat a person less favourably because of their sexual orientation. For example, The Westway cannot refuse to employ a person because he/she is homosexual, heterosexual or bisexual.

### **5.4 Religion or Belief**

It is not permissible to treat a person less favourably because of their religious beliefs or their religion or their lack of any religion or belief.

## **6. Positive Action in Recruitment**

Under the Equality Act 2010, positive action in recruitment and promotion came into effect on 6 April 2011. 'Positive Action' means the steps that The Westway can take to allow participation, to apply for positions within the organisation.

If the organisation chooses to utilise positive action in recruitment, this will not be used to treat people with a protected characteristic more favourably, it will be used only in tie-break situations, when there are two candidates of equal merit applying for the same position.

## **7. Reasonable Adjustments**

The Westway has a duty to make reasonable adjustments to facilitate the employment of a disabled person. These may include:

- Making adjustments to premises;
- Re-allocating some or all of a disabled employee's duties;
- Transferring a disabled employee to a role better suited to their disability;
- Relocating a disabled employee to a more suitable office;
- Giving a disabled employee time off for medical treatment or rehabilitation;
- Provide training or mentoring for a disabled employee;
- Supplying or modifying equipment, instruction and training manuals for disabled employees; or
- Any other adjustments that the organisation considers reasonable and necessary provided such adjustments are within the financial means of the organisation.

If an employee has a disability and feels that any such adjustments could be made by the organisation, they should contact the General Manager, or if not available, the Chairman or Secretary.

## **8. Responsibility for the Implementation of the Policy**

All employees and members of the Board are required to act in a way that does not subject any other employees or clients to direct or indirect discrimination, harassment or victimisation on the grounds of their race, sex, pregnancy or maternity, marital or civil partnership status, gender reassignment, disability, religion or beliefs, age or sexual orientation.

The Westway will ensure, within current legislation:

- No employee or user of our services receives less favourable treatment than another;
- No employee or user of our services is placed at a disadvantage unjustifiably by requirements or conditions which have a disproportionate adverse effect on a particular group.

To this end the Board will ensure in particular that:

- Advertising and recruitment are not confined unjustifiably to applicants of a particular group;
- The special needs of job applicants and employees are considered constructively, creatively and in line with the spirit of disability legislation;
- Selection criteria for appointment are strictly related to the job requirements and consistently applied to all applicants;
- Terms of employment and services are afforded equally to all employees or users of our services in the same or similar circumstances, in line with current legislation;
- Employees do not discriminate against the users of their services and discrimination by users of our services is discouraged;
- The General Manager will be provided with appropriate guidance, advice and training to ensure that they are aware of the equal opportunities and diversity issues within employment practice;
- Any instances of discriminatory behaviour will be dealt with swiftly and firmly through the appropriate policy or procedure (e.g. disciplinary);
- All employees have shared and equal responsibilities for ensuring their day to day working practices and relationships with colleagues reflect the organisation's commitment to non-discrimination in line with the Code of Conduct for Staff.

## **9. Monitoring and Review Process**

In order to ensure continual progress in implementing the equal opportunities and diversity policy, The Westway will:

- Ensure that the Equal Opportunities and Diversity Policy is led by the Chairman and Board;
- Stay abreast of developments in thinking and best practice in the field of equal opportunities and to ensure that these are fed into The Westway's employment practice;
- Undertake regular equal opportunities monitoring in the following areas:

- All stages of the recruitment process;
  - Pay practice (salary levels, pay progression, etc.)
  - Provision of benefits (including access to all benefits and provision of discretionary benefits such as additional paid and unpaid leave);
  - Provision of training and development opportunities.
- Review the equal opportunities monitoring data and share the findings with the Trustees and staff;
  - Ensure that all areas of work take account of equal opportunities and diversity issues and the development of The Westway as an equal opportunities employer.

#### **10. Acting on Discriminatory Behaviour**

In the event that an employee is the subject or perpetrator of, or witness to, discriminatory behaviour, please refer to the organisation's disciplinary and grievance policies/procedures.

#### **11. Advice and Support on Discrimination**

Further advice and support is available from the Equality and Human Rights Commission 0845 604 6610; Citizens Advice Bureau [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) and Community Legal Services Direct 0845 345 4345 [www.clsdirect.org.uk](http://www.clsdirect.org.uk).

#### **12. Extent of Policy**

The Westway seeks to apply this policy in the recruitment, selection, training, appraisal, development and promotion of all employees. The Westway offers a service in a fashion that compiles with the spirit of this policy.

This policy does not form a part of any employment contract with any employee and its contents are not to be regarded by any person as implied, collateral or express terms to any contract made with The Westway.

The organisation reserves the right to amend and update this policy at any time.

Approved by:

Chair of Trustees, The Westway

Date of Approval: June 2019

Date of Review: June 2020