

## Equal Opportunities Policy

The Foundry at Victoria Hall, Sheffield, S1 2JB.

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### 1 Introduction

- 1.1 We are committed to providing equal opportunities and avoiding unlawful discrimination in employment.
- 1.2 The intention of this policy is to support putting this commitment into everyday work practices so that we can be confident to not commit unlawful acts of discrimination.
- 1.3 As a responsible employer we recognise that an equal opportunities policy that is effectively implemented and communicated to all employees enables us to make the best possible use of the entire potential workforce, avoid unlawful discrimination, improve recruitment and retention practices, and act against employees who infringe equal opportunities principles.

### 2 The law

- 2.1 It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race, which includes colour, nationality and ethnic or national origins, sexual orientation, religion, or belief, or because of marriage, or a civil partnership.
- 2.2 These are known as "protected characteristics." There are also examples where discrimination after employment can be unlawful, for example the refusal to provide a reference for a reason related to one of the above protected characteristics.

### 3 Reasonable adjustments

- 3.1 A 'reasonable adjustment' is a change that must be made to remove or reduce a disadvantage related to either an employee's disability when doing their job or a job applicant's disability when applying for a job.
- 3.2 It is unlawful for us to fail to make reasonable adjustments to support others overcome any barriers they are faced with when working with us, caused by any disability.
- 3.3 The duty to make reasonable adjustments includes the removal, adaptation, or alteration of physical features, where a physical feature, provision, criterion, or practice puts a disabled person at a substantial disadvantage in the workplace compared with someone who does not have that protected characteristic.
- 3.4 In addition, we have a continuous obligation to think ahead and address barriers that may impede disabled people from working with us.

### Types of unlawful discrimination

#### 4 Direct discrimination

- 4.1 There are three different types of direct discrimination. Direct discrimination occurs when a person is treated less favourably because of:
- 4.1.1 A protected characteristic they possess. This is ordinary direct discrimination. It is the only type of direct discrimination which may be lawful, but only if it is 'objectively justifiable'.
- 4.1.2 A protected characteristic possessed by someone who they are associated with (such as a member of their family or a colleague). This is direct discrimination by association.
- 4.1.3 A protected characteristic they are thought to possess, regardless of whether the perception is correct or not. This is direct discrimination by perception.

4.2 Although there is normally a deliberate act or exclusion, direct discrimination does not have to be intentional. This means that even if discrimination occurred unintentionally, a claim could still succeed.

4.3 In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. These are often known as occupational requirements (ORs). Such an occupational requirement must be genuine and must be crucial and proportionate to the post achieving its legitimate aims.

## **5 Indirect discrimination**

5.1 Indirect discrimination is usually less obvious than direct discrimination and is normally unintended.

5.2 Generally speaking, it occurs when a rule or plan of some sort is put into place which applies to everyone; and is not in itself discriminatory but it could put those with a certain protected characteristic at a disadvantage.

5.3 In law, it is where a 'provision, criterion or practice' (PCP) involves all of these four things:

5.3.1 The 'PCP' is applied equally to a group of people, only some of whom share the protected characteristic

5.3.2 It has, or will have, the effect of putting those who share the protected characteristic at a particular disadvantage when compared to others who do not have the characteristic

5.3.3 It puts, or would put, the person at that disadvantage

5.3.4 The employer is unable to objectively justify it.

5.4 The Equality Act does not define what a 'PCP' is.

5.5 ACAS say 'the term is most likely to include an employer's policies, procedures, requirements, rules and arrangements, even if informal, and whether written down or not.'

5.6 Although all four elements must apply for a claim to be successful, it is the responsibility of the employee to demonstrate point 5.3.2, and to demonstrate that point 5.3.3 applies to themselves personally.

## **6 Harassment**

6.1 Harassment is 'unwanted conduct' related to a protected characteristic. It must have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

6.2 Bullying, nicknames, gossip, intrusive or inappropriate questions and comments can be harassment.

6.3 Excluding someone for example by not inviting them to meetings or events may also qualify.

6.4 To say the behaviour was not meant to cause offence or was 'banter', is not a defence. With harassment, how the victim sees the conduct is more important than how the harasser sees it.

6.5 Someone who witnesses this type of conduct can claim harassment if it has had a negative impact on their dignity at work, even if they do not share the characteristic as the colleague who was harassed.

## **7 Victimisation**

7.1 Victimisation occurs when an employee suffers a 'detriment' because they have done, or because it is suspected that they have done or may do, one of the following things in good faith:

7.1.1 Make an allegation of discrimination

7.1.2 Support a complaint of discrimination

- 7.1.3 Give evidence relating to a complaint about discrimination
- 7.1.4 Raise a grievance concerning equality or discrimination
- 7.1.5 Do anything else for the purposes of (or in connection with) the Equality Act, such as bringing an employment tribunal claim of discrimination

7.2 A 'detriment' can include a loss, disadvantage, damage, or harm. For example, being labelled a 'troublemaker', being left out and ignored, being denied training or promotion, or being made redundant.

## **8 Equal opportunities in employment**

- 8.1 We will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline, and selection for redundancy.
- 8.2 Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job and candidates for employment or promotion will be assessed objectively against the requirements for the job, considering any reasonable adjustments that may be required for candidates with a disability.
- 8.3 Disability, personal or home commitments will not form the basis of employment decisions, except where necessary.
- 8.4 We will consider any possible indirect discriminatory effect of our standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering a request for a variation to these working practices including our obligations in relation to statutory requests for contract variations.
- 8.5 We will refuse such requests only if we believe we have good business reasons to do so, unrelated to any protected characteristic.
- 8.6 We commit to monitor the ethnic, gender and age composition of our existing workforce and of applicants for jobs, including promotion, and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

## **9 Communicating equal opportunities to new hires**

- 9.1 We will discuss this policy with all new employees during the onboarding process.

## **10 Communicating equal opportunities to existing staff**

- 10.1 Any changes to this policy will be discussed at line management meetings however as this policy is fluid, we recommend that from time to time you check back and refresh your understanding.

## **11 Your responsibilities**

- 11.1 You are required to assist us in meeting our commitment to equal opportunities in employment and to help us avoid any unlawful discrimination.
- 11.2 All acts of discrimination, harassment, bullying or victimisation against anybody will be treated as disciplinary offences which may constitute gross misconduct and may result in summary dismissal.
- 11.3 In law you can be held personally liable, either as well as or instead of us, for any act of unlawful discrimination. If you commit an act of harassment, you may be charged with a criminal offence.

## **12 Grievance**

- 12.1 If you feel that you have been discriminated against you should use the grievance procedure to make a complaint.

12.2 We take all complaints seriously and you will not be penalised or disadvantaged for raising a grievance via this method, even if it is not upheld, unless your complaint is discovered to be vexatious and malicious.

### **13 Codes of conduct**

13.1 You are required to adhere to our issued codes of conduct which outline and include the standards of behaviour we expect from you with regards equality, diversity, and inclusion.

13.2 Breaches of these codes by you, or by somebody towards you, will be dealt with formally and in line with our established procedures.

13.3 Internally these will be treated as disciplinary offences which may constitute gross misconduct and result in summary dismissal.

### **14 Review**

14.1 This policy may be reviewed at any time at the request of any member of staff, but it will be automatically reviewed two years after initial approval and thereafter on a biennial basis unless organisational changes, legislations, guidance, or non-compliance prompt an earlier review.

### **15 Definitions**

15.1 The Foundry ("we", "us", "our")

15.2 The Employee ("you", "your")

### **Document control box**

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