

# Thames hospice

## **Policy: EQUAL OPPORTUNITIES**

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### **Executive Summary**

#### This policy

Affirms Thames Hospice's commitment to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against volunteers, service users and customers.

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## **1. Policy Statement**

- 1.1. Thames Hospice is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against volunteers, service users and customers.
- 1.2. This policy is intended to assist the organisation to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.
- 1.3. Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The organisation has a separate dignity at work policy, which deals with these issues.

## **2. Scope**

- 2.1. This policy covers all Thames Hospice employees and volunteers.
- 2.2. Employees and volunteers are requested to report any behaviour they find offensive even if it is not directed at them

## **3. Related Hospice Policies/Procedures**

- 3.1. Bullying and Harassment Policy and Procedure.
- 3.2. Grievance Procedure.
- 3.3. Disciplinary Policy and Procedure.
- 3.4. Recruitment Policy and Procedure.
- 3.5. Dignity at Work Policy Statement.
- 3.6. Managing Challenging Service Users Policy.
- 3.7. Complaints Policy.

#### **4. Responsibility/Accountability**

- 4.1. Ultimately the Chief Executive has overall responsibility for this policy but responsibilities are delegated down as follows.
- 4.2. The Senior Management Team will:
  - Ensure that equalities considerations are made in relation to all policy decisions, including corporate objective setting, employment and volunteering practices and service delivery.
  - Review equal opportunities monitoring data and, where appropriate, take action if groups are under-represented within our customers, workforce or volunteers.
  - Deal with alleged breaches of this policy
- 4.3. All line managers must:
  - Implement Human Resources policies.
  - Ensure their employees and volunteers are aware of their responsibilities under this policy.
  - Act promptly upon any discriminatory acts on employees, job applicants and volunteers.
- 4.4. All employees must:
  - Respect and act in accordance with this policy.
  - Assist the organisation to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.
  - Note that employees can be held personally liable as well as, or instead of, the organisation for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.
  - Note that acts of discrimination, harassment, bullying or victimisation made by employees against other employees, volunteers, service users or customers are disciplinary offences and will be dealt with under the organisation's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.
- 4.5. All volunteers must:
  - Respect and act in accordance with this policy.
  - Note that acts of discrimination, harassment, bullying or victimisation made by volunteers against other volunteers, employees, service users or customers will be investigated and could lead to the organisation terminating the volunteer relationship with the individual.
- 4.6. Human Resources will:
  - Develop Human Resources policies and procedures.
  - Advise on equalities related laws and Codes of Practice and the possible discriminatory implications of management decisions including employment related reasonable adjustments for disabled employees and job applicants.
  - Facilitate bullying and harassment and grievance cases.
  - Collect, record and report on equal opportunities data for employees and job applicants.

## 5. Key Principles

### 5.1. The law

- 5.1.1. 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 someone is married or in a civil partnership. These are known as "protected characteristics".
- 5.1.2. Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
- 5.1.3. Staff and volunteers should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### 5.2. Types of unlawful discrimination

- 5.2.1. *Direct discrimination* is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

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. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

- 5.2.2. *Indirect discrimination* is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.
- 5.2.3. *Harassment* is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

- 5.2.4. *Associative discrimination* is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and Acas) pregnancy and maternity).
- 5.2.5. *Perceptive discrimination* is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).
- 5.2.6. *Victimisation* occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a disabled employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings; such behaviour could amount to victimisation.
- 5.2.7. *Failure to make reasonable adjustments* is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

## **6. Equal Opportunities in Employment**

- 6.1. Thames Hospice will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- 6.2. Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.
- 6.3. The organisation will consider any possible indirectly discriminatory effect of its 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 requests for variations to these standard working practices and will

refuse such requests only if the organisation considers it has good reasons, unrelated to any protected characteristic, for doing so. The organisation will comply with its obligations in relation to statutory requests for contract variations. The organisation will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

- 6.4. Thames Hospice will monitor the ethnic, gender and age composition of the 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.

## **7. Dignity at Work**

- 7.1. The organisation has a separate dignity at work policy statement outlining expected behaviour in the workplace.

## **8. Making a Complaint**

- 8.1. If an employee considers that they may have been unlawfully discriminated against, they may use the organisation's grievance procedure to make a complaint. If the complaint involves bullying or harassment, they should refer to the Bullying and Harassment Policy and Procedure.
- 8.2. Thames Hospice will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

## **9. Service users, customers, suppliers and other people not employed by Thames Hospice**

- 9.1. The organisation will not discriminate unlawfully against individuals using or seeking to use goods, facilities or services provided by the organisation. Complaints should be raised using the Complaints Procedure.
- 9.2. Employees and volunteers should report any bullying or harassment by service users, customers, suppliers, visitors or others to their manager who will take appropriate action. Please refer to the Managing Challenging Behaviour Policy and Procedure.
- 9.3. Job applicants should contact Human Resources.

## **10. Training**

- 10.1. Thames Hospice will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

## **11. Monitoring and Review**

- 11.1. Human Resources will monitor the ethnic, gender and age composition of the 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. Monitoring forms used in recruitment will be separated from application forms before short listing to prevent intentional or unintentional discrimination.
- 11.2. This policy will be monitored periodically by Human Resources to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the organisation will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the organisation will implement them.
- 11.3. Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 2018.