

## NDCS Equality and Diversity Policy

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## **Equality and Diversity Policy**

1. NDCS is committed to eliminating discrimination, encouraging diversity, promoting equality and recognising the value of every individual in all aspects of our work. We work towards ensuring that:
  - 1.1. We have taken all reasonable steps to not unfairly discriminate in any way for example on the grounds of age, disability, gender reassignment and gender identity, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, gender, or sexual orientation, in terms of the services people receive or in their opportunity to volunteer or work for us.
  - 1.2. We will prevent indirect discrimination by ensuring our policies and practices do not unfairly or unjustifiably limit opportunities for people for example those listed above.
  - 1.3. Under Section 158 of the Equality Act 2010 and where appropriate NDCS will promote positive action in the form of proportionate measures to encourage or train people from an under-represented group to take advantage of employment opportunities offered by NDCS.

## **The Law**

2. It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment and gender identity, 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".
3. Staff (in this policy 'staff' is used to describe both employees and volunteers i.e. paid and unpaid staff, unless specifically stated) must not discriminate against or harass a member of the public in the provision of services or goods. Please see NDCS Equality and Diversity Policy.

## **Equality of opportunity at work**

4. This policy applies to all aspects of our relationship with staff, job applicants and agency staff including recruitment and selection, training and development, opportunities for promotion and progression, conditions of service, pay and benefits, conduct at work, disciplinary, grievance and problem solving procedures, and termination of employment and volunteering opportunities.
5. NDCS recognises the value of diversity in our workforce and is committed to encouraging diversity. Our aim is that our workforce will be truly representative of all sections of society and each staff member feels respected and able to give of their best.

6. NDCS will seek to provide equality and fairness for all our existing staff, job applicants, agency staff and not to discriminate in the areas listed in section 3.1.
7. We will ensure policies and practices are in place to ensure compliance with statutory duties and prevent unfair discrimination.
8. We aim to create a working environment in which everyone is able to make best use of their skills, free from discrimination or harassment or victimisation, and in which all decisions are based on merit. All staff and applicants for job vacancies and volunteering opportunities, whether part-time, full-time, fixed-term or temporary including agency staff, will be treated fairly and with respect.
9. All staff or volunteers must act in accordance with this policy and treat colleagues with dignity at all times, and not discriminate against or harass or victimise other members of staff or volunteers, regardless of their status.
10. Employees who believe that they have been discriminated against should raise the matter through our Grievance Procedure. Volunteers who believe that they have been discriminated against or may have been subject to harassment should raise the matter through our Problem Solving Procedure. If staff, both employees or volunteers, believe that they may have been subject to harassment they should raise the matter through our Bullying and Harassment Policy.

### **Our Commitment**

11. To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
12. Every staff member or volunteer is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
13. Training, development and progression opportunities will be available to all staff.
14. Equality in the workplace is good management practice and makes sound business sense.
15. When we review all our employment and volunteering practices and procedures we will ensure fairness.
16. Breaches of our equality and diversity policy will be regarded as misconduct and could lead to disciplinary proceedings.
17. We 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.

The Equality and Diversity policy will be monitored and reviewed every 3 years.

Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the HR Manager.

This policy does not form part of any employee's contract of employment and may be amended at any time.

## **Appendix 1 - Types of unlawful discrimination**

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.
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.
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.
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. **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).
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 blind 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.

## **Appendix 1 - Types of unlawful discrimination (cont'd)**

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.