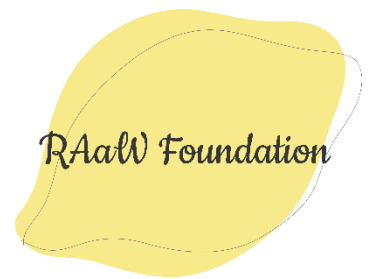


RAaW Foundation

Equality and Diversity Policy



As an organisation, RAaW Foundation does must not discriminate against members, volunteers or applicants, in respect of the nine 'protected characteristics' under the Equality Act 2010:

- Age
- Disability
- Gender
- Marital or civil partnership status
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

We take any of the above protected characteristics into account when making decisions, with limited exceptions for disability (see below). This means that you cannot, for example:

- decide that you prefer a woman (or a man) for your post
- decide not to appoint an applicant because she is pregnant
- treat a person less favourably in any way due to their sexual orientation
- Fail to appoint the best person for the job, due to their age (young or old).

There is additional legislation that prohibits discrimination against other groups:

- Part-time status (Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000)
- Fixed-term status (Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002)
- Equal Pay between men and women (Equal Pay Act 1970)

Understanding the law and discrimination The law outlines the following categories of discrimination:

- Direct discrimination
- Indirect discrimination
- Harassment
- Victimisation

These are explained in more detail below

- Direct discrimination – treating someone less favourably because of a protected characteristic, eg deciding not to promote someone due to their sexual orientation.
- Indirect discrimination – applying a provision, criterion or practice that puts those with a particular protected characteristic at a disadvantage, compared with another group and where that treatment cannot be objectively

justified. For example, requiring that an employee is available to work on a Friday afternoon when this could have been accommodated (potential discrimination against Jewish people).

- Victimisation – treating someone less favourably because they have raised a complaint or concern about discrimination.
- Harassment - unwanted conduct related to a protected characteristic, such as sexist jokes, racist banter or inappropriate comments related to disability. As well as being related to a protected characteristic, the conduct must have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. You can find further information in the Acas booklet, [Equality and discrimination – understand the basics](#)

Diversity

The concept of diversity is broader than equal opportunities as it is not just about preventing discrimination. Diversity recognises that we are all different in a variety of ways and that such differences should be respected. This creates an environment where everyone feels valued for their individual talents and where their skills and competencies are fully utilised.

Equality and diversity policy

A written policy demonstrates your commitment to equality and diversity as well as explaining to staff and volunteers what is expected.

As a voluntary sector organisation, we are working to champion the rights of people who are from a minority group or who may be marginalised. If you are to reach the whole community in your work, it makes sense that your workforce and volunteers reflect the make-up of that wider community. Developing and implementing an equality and diversity policy will help you to achieve this.

There are other good reasons for adopting and implementing a written policy:

- defending a discrimination claim can be costly, time-consuming and stressful. It is important that you are clear about your responsibilities in respect of discrimination legislation, so that you make sure you do not discriminate without realising it.
- it is likely that your funders will require you to be able to demonstrate how you promote diversity and equality in your organisation.

Situations where equality law is different

There are a small number of circumstances where equality law applies differently. Notably, if you can show that a protected characteristic is central to a job, you can stipulate that only someone who has that protected characteristic will be considered. This is known as an 'occupational requirement.' One such circumstance may be when you wish to stipulate that only women can apply to work in a women's refuge.

The Equality and Human Rights Commission has further information on [when equality law may be different](#).

If an occupational requirement is to be applied to a job, this must be stated in the recruitment advertisement.

If you are in doubt about when and whether it is appropriate to apply an occupational requirement, you are advised to seek advice.

Positive action

It is possible to take positive action to encourage people from certain groups to apply to work for you, where there is historical under-representation in an area. For example, you might state in an advertisement that you encourage disabled people or people from a certain gender, ethnic origin, sexual orientation or religion/belief to apply. All positive action must stop as soon as a vacancy is advertised. It is then up to each individual to apply for that job and to be appointed on their own merit.

Positive discrimination

‘Positive discrimination’ (eg recruiting someone because they have a protected characteristic) is unlawful in most circumstances in the UK, apart from one circumstance defined in the Equality Act 2010. If, during the recruitment process, you have two equally qualified candidates who have scored the same in the selection process, you can, if you wish, select the successful candidate on the grounds that they are from an under-represented or disadvantaged group. It should be stressed that this is a voluntary, rather than mandatory process. Anecdotal evidence indicates that it is used infrequently, as it is relatively rare that two candidates are equal.

Unconscious bias

Everyone has unconscious bias and it can influence our decisions in an unhelpful and potentially discriminatory way. If you want to develop your own awareness and appreciation of unconscious bias, you may wish to review the [Acas resources](#).

Disabled applicants and company members

Definition of disability Under the Equality Act 2010, a person has a disability (and is therefore protected by the Act) if:

- they have a physical or mental impairment
- and the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

For the purposes of the Act, these words have the following meanings:

- 'Substantial' means more than minor or trivial.
- 'Long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months.
- 'Normal day-to-day activities' include everyday things like eating, washing, walking and going shopping.

Individuals who have cancer, MS or HIV /AIDS are automatically protected under the Act.

Applicants for employment

Reasonable adjustments should be made as needed, to enable disabled applicants for employment to access the selection process. You should not ask direct questions about disability at interview stage, but you should ask all candidates questions which relate to the essential requirements of the job. For example, 'are you able to climb stairs?' is acceptable if this is required for the role. Your selection decision should be based on the individual's ability to do the job, with reasonable adjustments as needed. For example, if a candidate cannot climb stairs but is otherwise the best person for the job, you will need to consider whether you can reasonably adjust the job so that there is no requirement to climb stairs.

Employees with disabilities

As an organisation, you have certain legal obligations under the Equality Act 2010 towards an employee who has a disability or who acquires a disability during your employment. If your employee is disabled under the Equality Act, you have a duty to make 'reasonable adjustments', for example to the workplace or working arrangements, to avoid the employee being substantially disadvantaged compared to non-disabled people. Reasonable adjustments may include things like:

- providing practical aids and technical equipment
- allocating to another employee some tasks that cannot be done easily by the disabled employee
- a phased return to work after absence due to disability – perhaps working flexible hours or part time.

The law recognises that what may be 'reasonable' as an adjustment for a large employer may not be possible for a smaller employer. Nevertheless, you should implement any adjustments that are reasonable, in consultation with the employee. You should take specialist occupational health advice if needed. See www.fitforwork.org, where you can access free advice on health and work matters. Even if your employee does not fall under the legal definition of 'disabled', but would benefit from some adjustments that are reasonable to make, then it is good practice and the right thing to do, to make such adjustments.