

## 1. Introduction

### 1.1. Purpose

The purpose of this document is to set out Employ My Ability's policy on Equal Opportunities, Diversity, and Inclusion within all of the settings it operates across.

The policy and associated direction contained within it provides guidance to all staff on managing and promoting EMA's aim that all people should have equal chance and opportunity in life. This means that our policy is to ensure that no unlawful discrimination occurs, either directly or indirectly, against any person on the grounds of age, gender, gender reassignment, colour, sexual orientation, disability, marital status, race, religion, religious beliefs, ethnic or national origin, or any other protected characteristic as defined by the Equality Act.

### 1.2. Legal and/or regulatory framework

This Policy fulfils the requirements of:

- a) Equality Act 2010 (as amended)

## 2. Scope

This policy applies to all EMA directors, advisory trustees, staff (full time, part time, permanent, temporary, or sessional), students, agency staff and volunteers.

## 3. Policy statement

### 3.1. General Policy Aims and Goals

The aim of this policy is to ensure all employees receive fair treatment and equal opportunities at work and are not subjected to prejudicial practice as a result of the Company's activities. This will ensure equality of opportunity for all employees, students, service users, other stakeholders, or potential employees.

EMA will:

- a) Treat everyone reasonably, equally, and, with fairness.
- b) Take actions as a "Company" which are justified.
- c) Provide a workplace free of discrimination, bullying, harassment and victimisation.
- d) Promote positive attitudes and good relations between all stakeholders.
- e) Promote equality and opportunity by endeavouring to eliminate all forms of unlawful and unfair discrimination.
- f) Take steps and make reasonable adjustments to accommodate all.
- g) Promote different minority groups.
- h) Support equal opportunities in recruitment and employment.
- i) Work to eliminate unlawful discrimination and harassment against individuals.
- j) Provide mechanisms to enable anyone to raise an issue.
- k) Make a commitment to treat all stakeholders with dignity and respect.
- l) Use the policy is intended to assist EMA put its commitment into practice.
- m) Train, guide and enable employees to help them understand acts of discrimination.

|          |              |            |             |
|----------|--------------|------------|-------------|
| Revision | Issue Date   | Issued by  | Page 1 of 6 |
| 03       | October 2022 | D Fletcher |             |

### **3.2. Legal Context**

The Equality Act 2010 provides a structure to prevent discrimination and promote equality, fairness and uniformity in employment. It is unlawful to treat someone less favourably or discriminate directly or indirectly in recruitment or employment on grounds of a protected characteristic i.e. pregnancy and maternity, marriage and civil partnership, sexual orientation, sex, religion or belief, race gender reassignment, disability, and age.

### **3.3. Definitions and implementation**

#### **a) Equal Opportunity**

A descriptive term for an approach intended not to exclude but to ensure fairness. EMA requires all persons to be treated equally and fairly and to be provided with the same opportunities, irrespective of their sex, marital status, disability, race, colour, nationality, ethnic or national origins, age, pregnancy, sexual orientation, health, political opinion, gender assignment, religion, belief, union membership, or part-time or fixed-term status.

#### **b) Diversity**

Diversity is a concept that focuses on a broader set of qualities. Diversity refers to human qualities that are different from our own and those of groups to which we belong but that are present in other individuals and groups. Diversity in regard to employment may include but is not limited to age, ethnicity, gender, physical abilities, educational background, experience. EMA respects and includes differences, recognising the unique contributions that individuals can make, EMA aims to make sure that employees come from as diverse backgrounds as the people we provide our services/products to.

#### **c) Inclusion**

The term inclusion in regard to the work environment is a practice of ensuring that everyone in EMA feels connected. People are encouraged to feel they belong, are engaged, and associated through the common goals and objectives of the Company.

#### **d) Direct Discrimination**

Where a person is treated less favourably than another one. For example, if EMA did not employ a woman because she might have children or where EMA did not consider an Asian employee because of their nationality. It would also be direct discrimination if EMA did not give the same training to a disabled person because of the lack of wheelchair access.

#### **e) Discrimination by Association**

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

#### **f) Perception Discrimination**

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

#### **g) Indirect Discrimination**

Where the effect of a requirement or condition imposed by EMA cannot be justified and where that has an unfavourable or unreasonable impact on a group of people.

|          |              |            |             |
|----------|--------------|------------|-------------|
| Revision | Issue Date   | Issued by  | Page 2 of 6 |
| 03       | October 2023 | D Fletcher |             |

An example of indirect discrimination is where EMA might place an unnecessary condition or requirement on a particular job to prevent certain people from applying. e.g. that only people who speak fluent English should apply where the job does not clearly require great verbal skills, can be seen as indirectly placing prejudicial conditions on a job.

#### **h) Harassment**

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Harassment applies to all protected characteristics except for pregnancy, maternity, marriage, and civil partnership. Employees can complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association harassment.

Harassment can also include third party harassment of employees by people that are not employees such as students, service users or other stakeholders. It is important to note that it is not the intention of the harasser, but how the recipient perceives their behaviour which determines whether harassment has occurred

#### **i) Victimisation**

A situation, where a person or group of people are targeted with abuse or suffer disadvantage to their employment conditions.

### **3.4. Complaints**

Complaints can be dealt with in various ways, ranging from asking the person to stop their behaviour or discussing a particular problem, to informal discussions with their manager or making a formal complaint.

In respect of each and every complaint everyone:

- Shall be entitled to be treated with dignity and respect.
- Should receive equality, free from discrimination.

Every employee can be assured that throughout each stage of any complaint, those dealing with it will aim to minimise the anxiety for all those involved in the process.

If an employee feels that they have not been treated in accordance with this policy, the employee is then entitled to raise the matter through the EMA Grievance policy. Any complaints made will not be taken lightly and will be dealt with promptly and confidentially. If any employee is found to have breached policy, then they may be subject to disciplinary action under EMA Disciplinary Policy.

If an individual or organisation outside of EMA (i.e. not employed by the Company) wishes to make a complaint under this Policy, EMA will investigate and take appropriate action in line with the procedure for dealing with employee complaints.

### **3.5. Informal Complaints**

In some circumstances people are unaware that their behaviour or acts are unacceptable; often, if it is clearly pointed out to them, the problem can quickly be resolved. With this in mind, this policy

|          |              |            |             |
|----------|--------------|------------|-------------|
| Revision | Issue Date   | Issued by  | Page 3 of 6 |
| 03       | October 2023 | D Fletcher |             |

includes action to deal with complaints informally. It is recommended that any attempt to resolve a complaint informally should be recorded by the employee in case the matter has to be addressed with more formal action.

If the employee feels unable to approach the problem directly on their own, they are advised to seek the support of another staff member, an appropriate line-manager, or a Trade Union official.

An employee may speak to any manager in confidence; the manager will discuss the complaint and undertake an informal investigation into the matter. The manager will then attempt to resolve the situation informally and will highlight any breach of policy. In the case of inappropriate behaviour, it will be explained why such behaviour is unacceptable and made clear that further behaviour of a similar nature may lead to disciplinary action being taken.

### **3.6. Formal Complaints**

If informal resolution of the matter is unsuccessful, or considered inappropriate in the circumstances, the employee may make a formal complaint. Any formal complaint must be made in writing to the complainant's line manager. If the line manager is the accused, the complaint should be directed to the senior management. Any formal complaint can be raised directly with the SMT by the complainant sending an email to [compliance@employability.org.uk](mailto:compliance@employability.org.uk).

The complaint will be acknowledged and investigated promptly; the complaint will be investigated impartially and confidentially. EMA will appoint a suitable and appropriate person, of the same sex if the complainant requests this or it is felt appropriate in the circumstances.

If the allegations are of a serious nature, which may constitute gross misconduct, EMA may consider suspending the accused. Any subsequent disciplinary proceedings will be in line with EMA Disciplinary Policy. If the complainant and the accused work in close proximity to each other, it may be appropriate for EMA to consider moving them to another location or suspending the accused during the investigation. The accused, if suspended, will receive full pay.

It is important to note that suspension in this case is not intended to be, nor is it in any way, disciplinary. Suspension would purely enable a full, fair and prompt investigation of the complaint.

The complainant, the accused and any witnesses will have the right to be accompanied by a work colleague or a Trade Union representative at any interview which forms part any investigation.

The complainant and the accused will be informed of any progress of the investigation and the complainant will be consulted if a disciplinary hearing is to be arranged.

Where the evidence gathered in the investigation indicates that a disciplinary offence has been committed, a disciplinary hearing will be arranged in line with EMA's Disciplinary Policy. The accused will be given a minimum of 5 working days written notice of the hearing, details of the allegations and notification of the right to be accompanied at the hearing by a workplace colleague or a Trade Union representative.

Disciplinary action in the form of a warning or dismissal may be given following the disciplinary hearing, in line with EMA Disciplinary Policy. If disciplinary action is taken the accused has the right of appeal in accordance with EMA Grievance Policy.

Any complaints made are expected to be made responsibly and with dignity and respect. However, EMA take false accusations seriously, as they affect innocent individuals. Therefore, if an investigation

|          |              |            |             |
|----------|--------------|------------|-------------|
| Revision | Issue Date   | Issued by  | Page 4 of 6 |
| 03       | October 2023 | D Fletcher |             |

shows that a false accusation has been made maliciously or in bad faith then disciplinary action will be taken that could lead to dismissal.

Any individual, be they complainants, accused or witnesses, shall not be subjected to detrimental treatment or victimisation for being part of an ongoing investigation under this procedure.

A complainant may request to be moved to another position or location following a complaint of harassment. This will be accommodated wherever possible.

A complainant may use EMA Grievance Policy to ask to have their case reviewed, if they feel that the matter was not considered properly. Wherever possible the review will be arranged and conducted by an appropriate level of manager not previously involved in the case.

### **3.7. Third Party Complaints**

Any complaint made against an employee, by an individual not employed by the Company, will be investigated in line with the procedure for dealing with complaints outlined in this policy.

If an employee complains of harassment at work by an individual, who is not employed by the Company, the matter will be raised with the appropriate individual or employer and suitable action will be taken by the Company.

### **3.8. Non Compliance**

All employees have a role to play in enforcing the policy and are required to deal with any observed or reported breaches. Should employees feel apprehensive about their own safety in regard to addressing any breach, they should seek senior management support.

Failure to comply with this policy may lead to a lack of clarity over job role, learning needs or expected standards of performance, resulting in reduced effectiveness or efficiency, underperformance and putting service delivery at risk.

Any member of staff refusing to observe the policy will be liable to disciplinary action in accordance with EMA's Disciplinary Policy up to and including dismissal.

## **4. Roles & responsibilities**

### **4.1. Senior Management Team**

The SMT should ensure the policy is widely communicated and that appropriate resource and training is available for its successful implementation.

### **4.2. Line Managers**

Line managers are to ensure that their teams are familiar with and understand the principles and mechanisms of this policy, this can be done through a request for formal training, informal training, reviewing at one-to-one meetings and appraisals, or by any other means they see fit. Should further clarification be required for either their team or themselves this should be sought from a member of the SMT.

Be the first point of contact for a member of staff to raise a complaint.

|          |              |            |             |
|----------|--------------|------------|-------------|
| Revision | Issue Date   | Issued by  | Page 5 of 6 |
| 03       | October 2023 | D Fletcher |             |

#### **4.3. All employees, staff and service users**

It is the responsibility of all employees, staff and service users are to familiarise themselves with this policy and take actions aligned with its intent throughout their time within any EMA setting.

### **5. Implementation**

The Senior Management Team at EMA have overall responsibility for the implementation of this policy; however, all employees are required to adhere to and support its implementation.

All employees are to be made aware of any changes to this policy.

### **6. Support, advice and communications**

Requests for further advice, support or implementation guidance on this policy can be obtained from [compliance@employability.org.uk](mailto:compliance@employability.org.uk).

### **7. Review**

This policy will be reviewed annually, following which the revision number and date will be updated to ensure that staff always know that they are referencing the correct policy.

Should there be a need to change the content of the policy before its annual review date then please send a notification to [compliance@employability.org.uk](mailto:compliance@employability.org.uk).

### **8. Associated documents**

EMA Grievance Policy.

EMA Disciplinary Policy.

|          |              |            |             |
|----------|--------------|------------|-------------|
| Revision | Issue Date   | Issued by  | Page 6 of 6 |
| 03       | October 2023 | D Fletcher |             |