

# EQUALITY, DIVERSITY, AND INCLUSION

## POLICY AND PROCEDURE

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## **1 EQUAL OPPORTUNITIES STATEMENT**

YMCA Black Country Group (“**the Association**”, “**YMCA BGC**”, “**Organisation**”) is committed to promoting equal opportunities in employment. All employees, volunteers and any job applicants will receive equal treatment regardless of the following regarded as “**Protected Characteristics**” in accordance with the Equality Act 2010, namely:

- age,
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

## **2 CHRISTIAN ETHOS**

The Aims and Purposes of the YMCA Black Country Group are based on its ethos as a non-denominational Christian Movement. At the heart of our Christian values is the belief that all people are created in the image of God and that all have immeasurable value and equal significance. We value diversity, understanding it to be a demonstration of God’s creativity and design, we hold that it is in the uniting of diverse backgrounds, experiences and beliefs that we learn, grow and are most effective as a workforce. People employed or volunteering in all roles are expected to respect the Christian Ethos of the Association and to uphold its values. Most of the roles are open to people of all faiths and none. Those employed or volunteering in roles which are assessed by the Board to be central in nurturing and upholding the Association’s Christian Ethos, including enabling people to experience, explore and express the faith-based motivation of its work, are required to demonstrate a commitment to the Christian faith as an occupational requirement (“OR”). We review the OR on a case-by-case basis and only implement it where we believe the OR to be a proportionate means of achieving a legitimate aim.

This policy should be read in conjunction with the Association’s Christian Ethos Statement and its Central Post Policy.

## **3 ABOUT THIS POLICY**

- 3.1 This policy sets out our approach to equal opportunities and the avoidance of discrimination at work. It applies to all aspects of employment with us, including recruitment, pay and conditions, training, appraisals, promotion, conduct at

work, disciplinary and grievance procedures, and termination of employment.

- 3.2 This policy covers all employees, officers, consultants, contractors, volunteers, apprentices, relief workers, interns, sessional workers and agency workers.
- 3.3 This policy does not form part of any employee's contract of employment, or any other individuals' conditions of engagement and we may amend it at any time.
- 3.4 This policy applies to YMCA Black Country Group, its subsidiaries, and its associated companies.

#### **4 WHO IS RESPONSIBLE FOR THIS POLICY?**

- 4.1 The Board of YMCA BCG has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns that may be raised under this policy.
- 4.2 The Chief Officers are the nominated Board representatives for the Equality Diversity and Inclusion Policy across the Organisation, ensuring that all concerns that are raised are dealt with fairly, thoroughly and in accordance with this policy.
- 4.3 The Executive Head of Human Resources and Ethos Services has day-to-day operational responsibility for this policy, including regular reviews.
- 4.4 All managers of the Organisation must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities. Managers will be given appropriate training on equal opportunities awareness and equal opportunities recruitment and selection best practice.
- 4.5 It is the responsibility of every individual of the Organisation, both staff and volunteer, to prevent unlawful discrimination by ensuring the practical application of this policy and reporting incidents of unlawful discrimination (such as those described below) to a member of management.
- 4.6 Where staff are involved in management or recruitment, or if they have any questions about the content or application of this policy, they should contact the Executive Head of Human Resources and Ethos Services to request training or further information.

- 4.7 All allegations of unlawful discrimination will be treated seriously. Any such discrimination is totally unacceptable to the Association and may result in disciplinary action and possible dismissal.
- 4.8 The HR department will regularly monitor the effectiveness of this policy to ensure that it is working in practice and that the aims set out in the policy statement are being met. In order to monitor diversity in these areas, the Organisation will need to process personal data and special category data (formerly known as 'sensitive personal data') in accordance with its (data protection policy and data protection privacy notice).

## 5 DISCRIMINATION

- 5.1 You must not unlawfully discriminate against or harass other people including current and former employees, job applicants, clients, customers, suppliers and visitors of the Organisation. This applies in the workplace, outside the workplace (when dealing with customers, suppliers or other work-related contacts or when wearing a work uniform), and on work-related trips or events, including social events where you are affiliated to or attending on behalf of the Organisation.
- 5.2 There should be no discrimination in the workplace because of any of the protected characteristics set out in the policy statement in Section 1 above. Discrimination is prohibited under this policy and may take the forms of:
- 5.2.1 **Direct discrimination:** treating someone less favourably (or, in the case of pregnancy and maternity, unfavourably) because of a protected characteristic. An example of this would be paying someone less because of their sex or because they belong to a particular racial group. '**Because of**' is very wide and will cover behaviour that takes place, for example because of sexual orientation, even if the person is not in fact gay, and even if the perpetrator knows that they are not gay. It also includes less favourable treatment because someone is associated with another person who has a protected characteristic, treating a colleague less favourably because they are the primary carer for a disabled child.
- 5.2.2 **Indirect discrimination:** this is treating a group of people in the same way, but in a way that adversely affects people with a protected characteristic. For example, telling all employees that they have to work late at night—although applied to everyone, it will adversely affect those employees with

childcare responsibilities, and these tend to be women. Such treatment is unlawful unless it can be objectively justified.

5.2.3 **Harassment:** this is unwanted conduct related to a protected characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment may also be of a sexual nature. It may also occur when someone harasses the victim, the victim either rejects or submits to the harassment and, because of that rejection or submission, that person then treats the victim less favourably.

5.2.4 **Victimisation:** this is treating someone less favourably because they have alleged discrimination or asserted their right not to be discriminated against because of a protected characteristic. An example of this would be a disabled employee claiming that they had been discriminated against, who is then refused a reference by their manager because of that claim.

5.2.5 In the case of disability only:

5.2.5.1 **discrimination arising from disability:** this is unfavourable treatment of the disabled person because of something arising in consequence of their disability. Such treatment is unlawful unless it can be objectively justified; and

5.2.5.2 **the duty to make reasonable adjustments:** this duty comprises three requirements, each of which arises where a disabled person at a substantial disadvantage in relation to a 'relevant matter':

(a) the first is a requirement, where a provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

(b) the second is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage; and

- (c) the third is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

## **6 RECRUITMENT AND SELECTION**

- 6.1 Recruitment, promotion, and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination. Shortlisting should be done by more than one person. Our recruitment procedures should be reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities.
- 6.2 We take steps to ensure that our vacancies are advertised to a diverse labour market. Adverts should avoid stereotyping or using wording that may discourage particular groups from applying. In order to minimise unconscious bias during recruitment, all application forms and CVs are anonymised by the HR team before they are passed on to the recruiting manager for shortlisting.
- 6.3 Where possible and appropriate, we will avoid recruiting only internally or by word of mouth – in order to help increase applications from a more diverse pool of talent.
- 6.4 Job applicants should not be asked questions which might suggest an intention to discriminate on grounds of a protected characteristic.
- 6.5 Additionally, they should not be asked about health or disability before a job offer is made. However, there are limited exceptions where health and disability may be discussed, for example:
  - 6.5.1 Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
  - 6.5.2 Questions to establish if an applicant is fit to attend an assessment or to understand if any reasonable adjustments may be needed at interview or assessment to eliminate any disadvantage an individual may be placed at.
  - 6.5.3 Positive action to recruit disabled persons; and

6.5.4 Equal opportunities monitoring (which will not form part of the selection or decision-making process).

You should speak with the HR team before raising questions of this nature.

- 6.6 We are required by law to ensure that all staff are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective staff, regardless of nationality, must be able to produce original documents (such as a passport and VISA documents) before employment starts, to comply with current immigration legislation. The list of acceptable documents is available from the HR team.
- 6.7 Decisions regarding recruitment and selection will be made by a person who has read and understood this policy and undergone relevant Safe recruitment training.

## **7 TRAINING AND PROMOTION**

- 7.1 Training needs will be identified through regular appraisals. Staff will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit and the business needs of the Organisation.
- 7.2 Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the Organisation. Where appropriate, the Organisation will consider what steps can be taken to identify and, where found, remove unjustified barriers. The Organisation is also committed to understanding and taking steps to meet any identified needs of disadvantaged and/or underrepresented groups.
- 7.3 We will ensure that policies and practices regarding selection for training, day release and personal development do not result in an imbalance in training between groups of workers.

## **8 TERMS OF EMPLOYMENT, BENEFITS, FACILITIES AND SERVICES**

- 8.1 Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are appropriate for the staff that are receiving them, any criteria for entitlement are fair and objectively justified and that there are no unlawful obstacles to accessing them.



- 8.2 If any provision, criterion or practice relating to the terms of employment, benefits, facilities or services puts disabled workers at a substantial disadvantage due to a reason connected with their disability, we will ensure that reasonable adjustments are made reduce the disadvantage.
- 8.3 We will examine carefully and monitor regular pay and benefits policies and practices to monitor that no group of workers are disadvantaged because of any discrimination.

## **9 TERMINATION OF EMPLOYMENT**

- 9.1 We will ensure that redundancy criteria and procedures are fair and objective.
- 9.2 If a staff member, in good faith, brings a grievance (or assists another individual to do so) either under this policy or otherwise in relation to an equality or equal opportunities matter, they will not be disciplined, dismissed or otherwise suffer any detrimental treatment for having done so.
- 9.3 We will also ensure that disciplinary procedures and sanctions are applied fairly, objectively and without discrimination.

## **10 CONSIDERATIONS RELATING TO DISABILITY**

- 10.1 Where staff are disabled or become disabled, we encourage them to tell the Organisation, as soon as possible, about their condition so that we can support them in their employment.
- 10.2 If a staff member experiences difficulties at work because of a disability, they are encouraged to contact the Human Resources team to discuss if there were any reasonable adjustments that would help overcome or minimise the difficulty they have experienced. The Human Resources team will ask to consult with the individual and (if their consent) their medical adviser to better understanding the staff member's disability and discuss any possible reasonable adjustments that could be made. We will consider the matter carefully and try to accommodate their needs with diligence. If a particular adjustment (either requested or suggested by a medical practitioner) would not be reasonable we will explain our reasons and try to find an alternative solution, where possible.
- 10.3 We will monitor the physical features of our premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

10.4 We will take all reasonably practicable steps to ensure that disabled people are able to participate in our business and activities on an equal basis with people who are not disabled.

## **11 BREACHES OF THIS POLICY**

11.1 We take any breaches of this policy seriously, which will be dealt with in accordance with the Organisation's Disciplinary Procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.

11.2 If a staff member believes that they have suffered discrimination, they can raise the matter through the Grievance Procedure as contained in the Staff Handbook. Complaints will be treated in confidence and fully investigated.

11.3 The Organisation will not accept or condone victimisation or retaliation against staff who may complain about discrimination. However, deliberately making a false allegation in bad faith will be also treated as misconduct and dealt with under the Organisation's Disciplinary Policy and Procedure.

## **12 RELATED POLICIES**

12.1 This policy is supported by the following other policies and procedures:

12.1.1 Central Posts Policy.

12.1.2 Dress Code and Uniform Policy and Procedure.

12.1.3 Disciplinary Policy and Procedure

12.1.4 Ethos Statement

12.1.5 Flexible Working Policy and Procedure

12.1.6 Maternity, Paternity, Adoption and Shared Parental Leave Policies

12.1.7 Menopause Policy and Procedure

12.1.8 Parental Leave Policy and Procedure

12.1.9 Carer's Leave Policy and Procedure

12.1.10 Recruitment and Selection Policy and Procedure

## **SUMMARY OF MAJOR AMENDMENTS V3 TO V4**

1. Updated Section 1 "the Association", YMCA BCG", "Organisation"
2. Updated- Added Sub Section 4.8
3. Updated - Sub Section 5.2 Discrimination is prohibited under this policy and may take the forms of:
4. Updated - Sub Section 5.2.1, Direct discrimination made much clearer and referenced behaviours that may constitute direct discrimination.
5. Updated - Section 5.2.2 amended the descriptives referring to Indirect discrimination.
6. Updated- Section 5.2.4 updated the victimisation example.
7. Updated- Section 5.2.5 updated title to 'In The case of disability Only' and added subsection 5.2.5.1 explaining discrimination that arises from disability.
8. Updated - Added Subsection 5.2.5.2 on the duty to make reasonable adjustments.
9. Updated - Subsection 7.2 Comments have been made more flexible.
10. Updated- Subsection 8.1 has been reworded as it was ambiguous.
11. Updated - Subsection referring to part time workers has been deleted to reflect change in legislation relating to annual leave entitlement. Effective 1 April 2024, part-year and irregular hours workers are legally entitled up to a maximum amount of 5.6 weeks of paid statutory holiday entitlement per year.
12. Updated - Subsection 8.3 has been updated reworded to make it clearer.
13. Updated - Subsections 9.1, 9.2, and 9.3 have been slightly amended.
14. Updated - Subsection 10.2 has been updated to make it clearer.
15. Updated - Section relating to Part time and fixed term work was removed due to legislation change.