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# Social Business Wales

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Wales Co-operative Centre  
Canolfan Cydweithredol Cymru

## Bro Môn

# Equality and Diversity Policy

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<b>Responsibility for Review</b>	<b>Date of Last Review</b>	<b>Date of Next Review</b>
Director	November 2019	November 2020

## **Equality and Diversity Policy**

### **Introduction**

Bro Môn's aim is to provide an environment where everyone feels able to participate, contribute, enjoy and influence their experience; and where inclusive practices underpin everything we do.

We are committed to eliminating unlawful discrimination, promoting equality and diversity and providing equality of opportunity both in our capacity as an employer, service provider and in our wider role within the community.

Our commitment to equality and diversity underpins all aspects of our activities and applies to our staff, volunteers, sub-contractors, clients, Board Members and stakeholders.

This Policy is intended to assist Bro Môn to put this commitment into practice. Compliance with this Policy should also ensure that staff do not commit unlawful acts of discrimination.

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 equality and diversity in employment.

Bro Môn will ensure that all employees are aware of the Equality and Diversity Policy and their responsibility for implementing it, and that all staff having direct contact with the public or line manager duties will have undertaken training in equality and diversity.

### **The law**

It is unlawful to discriminate directly or indirectly in recruitment or employment on the grounds 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. We aim to identify and eradicate any practice which discriminates on the basis of any of these 'protected characteristics'.

Discrimination after employment may also be unlawful, e.g. refusing to provide a reference for a reason related to one of the protected characteristics.

Staff 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.

## **Types of unlawful discrimination**

**Direct discrimination** occurs where an individual is treated less favourably than another because of a protected characteristic they have or are thought to have (see Perceptive Discrimination below), or because they associate with someone who has a protected characteristic (see Associative Discrimination below). 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.

**Indirect discrimination** occurs when an apparently neutral condition, rule, policy or even a practice that applies to everyone, disproportionately disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is unwanted conduct, related to one of the protected characteristics 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.

**Associative discrimination** occurs where an individual is treated less favourably than another person because they are associated with a person who has a protected characteristic.

**Perceptive discrimination** occurs where an individual is treated less favourably than another person because others think they have a particular protected characteristic when they do not, in fact, have that protected characteristic.

**Victimisation** occurs where an individual is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an individual 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 their treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind staff member 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.

It is also discrimination when a disabled person is treated unfavourably because of something connected to their disability and this cannot be justified by the needs of the organisation.

Additionally, **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 fails to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

## **Equal opportunities in employment**

We are an equal opportunities employer, therefore eliminate unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for learning and development, pay and benefits, discipline and selection for redundancy. Equality and diversity training will be given to all staff.

### **Recruitment and selection**

Bro Môn will ensure that all people involved in the recruitment and selection process will receive equality and diversity training with particular reference to recruitment and selection. We will aim to ensure that the same people will be involved in the short-listing and interviewing of applicants and that there is a balance of representation on this panel.

Person specifications and job descriptions are limited to those requirements that are necessary for the effective performance of the job. Full time posts should be assessed to see whether they are suitable for job-share and, if so, should be advertised as such.

Candidates for employment or promotion are 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 do not form the basis of employment decisions except where necessary.

For some recruitment and promotion exercises, we may take Positive Action to address under-representation in our workforce by encouraging applications from candidates from certain under-represented groups. For example, we may state on advertisements that we particularly welcome applications from certain groups or we may target our advertising towards particular groups.

All job advertisements will contain a standard equal opportunities statement e.g. 'Bro Môn is an equal opportunities employer'.

When requested, a job pack consisting of a job description and person specification, an application form or CV and Covering Letter guidance, a copy of the Equality and Diversity Policy and Equal Opportunities Monitoring Form will be despatched. Short-listed candidates will

receive further information, including arrangements for interview and directions to the location, and will be asked if they require any reasonable adjustments to facilitate the interview.

## **Working conditions and terms of employment**

We ensure that our terms of employment, benefits, facilities and policies are free from discrimination. We will review our benefits and facilities regularly to ensure that they are available to all staff who should have access to them and that there are no unlawful obstacles to accessing them.

Bro Môn will consider any possible indirect 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.

We will make adjustments to accommodate disabled staff where possible and reasonable. For example, we may provide extra equipment or support, we may be able to re-arrange duties or possibly make some changes to our premises in appropriate cases. Staff are encouraged to advise the organisation about any disability where reasonable adjustments could be put in place to provide additional equipment or support.

Acceptance of the principle and practical implementation of equality and diversity employment practice and service provision will be a condition of employment.

All promotion opportunities will be advertised within Bro Môn initially and if no suitable candidate applies, the post will be advertised externally. The guidelines in this section of the Policy shall not be applicable concerning a direct promotion of an employee.

## **Monitoring**

In order to measure the effectiveness of our Equality and Diversity Policy, Bro Môn will ask job applicants and staff for information regarding some of their protected characteristics. We do this to help us:

- establish whether our Equality and Diversity Policy is effective in practice;
- analyse the effect of other policies and practices on different groups;
- highlight possible inequalities and where appropriate investigate their underlying causes; and
- take action where we believe it is needed to address problems or reduce disparities.

We collect this information anonymously and we will use it only for monitoring and not for any other purpose. We will protect the confidentiality of the information given to us. Some examples of the type of monitoring we may carry out are as follows:

- how many people with particular characteristics apply for each role, are shortlisted and recruited;
- how many people in the workforce have a particular protected characteristic and the levels within the organisation that they are employed at, their length of service and their resignation rates and patterns;
- the protected characteristics of staff using the Grievance Procedure; and
- the protected characteristics of staff who are disciplined or dismissed.

## **Welsh language**

Bro Môn recognises that under the Welsh Language (Wales) Measure 2011, the Welsh language has official status in Wales and should be treated no less favourably than the English language. We believe that it is good business practice to provide services in the language of choice to our customers. We also believe that it shows respect to our workforce to encourage and facilitate the use of their chosen language in the workplace.

We will ensure that we make constant progress towards achieving this aim and our Welsh Language Policy sets out our current commitments in relation to using Welsh within the services we provide and in the workplace.

## **Clients, suppliers and other parties not employed by Bro Môn**

Bro Môn will not discriminate unlawfully against clients using or seeking to use goods, facilities or services provided by the us.

Staff should report any bullying or harassment by clients, suppliers, visitors or others to their manager who will take appropriate action.

## **Service delivery**

Bro Môn will ensure equality and diversity in its service provision. This will involve applying the principles of equality and diversity when setting its priorities, maintaining data and initiating research which will enable services to be prioritised from primary information.

We will ensure that our services are accessible to all by taking into account the location and accessibility of venues to the community; the timing of service delivery, meetings, events and training courses so that these are family friendly; and the advertising of community services.

## **Staff responsibilities**

Staff have the right not to experience discrimination in the workplace, but also have a responsibility to understand this Policy and help us to implement it. Every staff member is required to assist Bro Môn to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

We recognise that everyone has a personal responsibility for the positive application of equality and diversity opportunities and that all staff, line managers and senior management must ensure that the Equality and Diversity Policy is applied within any area under their control.

Staff can be held personally liable as well as, or instead of, Bro Môn for any act of unlawful discrimination and those who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against staff or clients are disciplinary offences and will be dealt with under the Bro Môn's Disciplinary Procedure (a copy is provided to all staff). Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## **Grievances**

Staff whom consider that they may have been unlawfully discriminated against may use Bro Môn's Grievance Procedure to make a complaint (a copy is provided to all staff). We will take any complaint seriously and will seek to resolve any grievance that is upheld. Staff will not be penalised for raising a grievance, even if their grievance is not upheld, unless their complaint is both untrue and made in bad faith.

Using Bro Môn's Grievance Procedure does not affect any staff members' right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.