

EQUAL OPPORTUNITIES

Bluefield Care Services Ltd

Policy Statement

This organisation is committed to achieving a working environment that provides equality of opportunity and freedom from discrimination on the grounds of race, religion and belief, sex, sexual orientation, age, disability, marriage and civil partnership, pregnancy and maternity, gender reassignment. The organisation is also committed to building a workforce that is diverse and reflects the community around us.

The Policy

The aim of the organisation is to promote equal treatment for all employees and service users irrespective of race, colour, sexual orientation, nationality, ethnic origin, religion, political belief, disability, age, gender, or marital status; and that this is managed in compliance with equal opportunities legislation and accepted Codes of good Practice. These codes are regularly reviewed using the Equality and Human Rights Commission Guidance We aim to ensure that no job applicant, staff member, volunteer, organisation or individual to whom we provide services will be discriminated against by us.

Definition

We understand discrimination to mean the protected characteristics defined within The Equality Act 2010 these are:

Protected Characteristics

Definition and Explanation

Age

Means a person or persons belonging to a particular age group. An age group includes people of the same age and people of a particular range of ages. Where people fall in the same age group they share the protected characteristics of age.

Disability

Within the Act, a person has a disability 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 (there are special rules covering recurring or fluctuating conditions).

‘Normal day-to-day activities’ includes everyday things like eating, washing, walking and going shopping.

People who have had a disability in the past that meets this definition are also protected by the Act.

Progressive conditions considered to be a disability

There are additional provisions relating to people with progressive conditions. People with HIV cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled. Where people share the same disability, they share the protected characteristics of disability.

Gender Reassignment

This is defined for the purpose of the Act as where a person has proposed, started or completed a process to change his or her sex. A transsexual person has the protected characteristics of gender reassignment.

A woman making the transition to being a man and a man making the transition to being a woman both share the characteristic of gender reassignment, as does a person who has only just started out on the process of changing his or her sex and a person who has completed the process.

Marriage and Civil Partnership

This refers to people who have the common characteristics of being married or of being civil partners. A heterosexual man and a heterosexual woman who are married to each other and a man and another man who are civil partners and women and another women who are civil partners all share the protected characteristic of marriage and civil partnership.

- People who are not married or civil partners do not have this protected characteristic.
- A person who is engaged to be married is not married and therefore does not have this protected characteristic.
- A divorcee or a person whose civil partnership has been dissolved is not married or in a civil partnership and therefore does not have this protected characteristic.

Pregnancy and Maternity

A woman remains protected in her employment during the period of the pregnancy and any statutory maternity leave to which she is entitled. This is now separate from protection on grounds of sex, which is not available to a woman during her pregnancy and maternity. It is unlawful to take into account an employee's period of absence due to pregnancy related illness when taking a decision about her employment.

Race

For the purposes of the Act 'race' includes nationality and ethnic or national origins. People which have or share characteristics, of colour nationality or ethnic or national origins can be described as belonging to a particular racial group.

Examples:

- Colour includes black or white.
- Nationality includes being a British, Australian or Swiss Citizen.
- Ethnic or national origins include being from a Roma background or of Chinese heritage.
- A racial group could be 'Black Britons' which would encompass those people who are both black and who are British citizens.

Religion or Belief

This covers people with religious or philosophical beliefs. To be considered a religion within the meaning of the Act, it must have a clear structure and belief system.

The Act includes the following examples:

The Baha 'I' faith, Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Rastafarianism, Sikhism and Zoroastrianism.

To be considered a philosophical belief for the purposes of the Act, it must be:

“Genuinely held; be a belief and not an opinion or viewpoint; be a belief as to a weighty and substantial aspect of human life and behaviour; attain a certain level of cogency, seriousness, cohesion and importance; and be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others”

The Act cites as examples of philosophical beliefs: Humanism and Atheism.

A cult involved in illegal activities would not satisfy these criteria nor would achieve to a particular football team.

People who are of the same religion or belief share the protected characteristic of religion or belief.

Sex (formerly gender)

For the purposes of the Act, sex means being a man or a woman. Men share the sex characteristics with other men and women with other women.

Sexual Orientation

This is defined in the Act as a person's sexual orientation towards:

- People of the same sex as him or her (in other words the person is a gay man or a lesbian).
- People of the opposite sex from him or her (the person is heterosexual).
- People of both sexes (the person is bisexual)

People sharing a sexual orientation mean that they are of the same sexual orientation and therefore share the characteristics of sexual orientation.

Discrimination may be direct or indirect. Direct discrimination is deliberate. Discrimination is indirect: when an unnecessary condition or requirement is imposed, whether intentionally or inadvertently, such that the proportion of members of one group who can comply with it is considerably smaller than the proportion of other groups.

Equal Opportunities Policy

The organisation is committed to a policy of equal opportunities for all and requires all employees to abide by and adhere to this general principle, and to the requirements of the Code of Practice laid down by the Equality and Human Rights Commission.

In particular in this organisation:

- Discrimination on the grounds of race, colour, ethnic or national origin, religion, class, disability, special needs, on grounds of sex or marital status, or membership or non-membership of a trade union will not be practiced or tolerated

- The organisation expects all employees, of whatever grade or authority, to abide by and adhere to this general principle
- Staff will be promoted, employed and treated fairly on the basis of their ability and merits and accordingly to their suitability and no one will be disadvantaged by a condition or requirement that is not justified by the genuine needs of their job or of the proposed job
- The organisation is committed to challenging any form of discrimination it encounters
- In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the organisation will be based on merit, qualifications and abilities
- Employees or service users with questions or concerns about any type of discrimination in the organisation are encouraged to bring these issues to the attention of the organisation management or owner
- Any breach of this policy should be reported to the on-duty manager or to a senior, responsible member of organisation staff; breaches will be dealt with through the organisation's disciplinary procedures.

Procedure for Dealing with Complaints of Discrimination

Employees or contracted staff who believe that they are subject to discrimination at work, either by the organisation or by another employee, can have recourse to this organisation's grievance procedure as set out in their terms of employment. Some discriminatory acts may contravene the *Sex Discrimination Act 1975* or the *Race Relations Act 1976*. These and other forms of discrimination will be taken seriously by the organisation. Failure to comply with the Equal Opportunities Policy and proven acts of discrimination by an employee will be handled under the organisation's disciplinary procedure.

Complainants should:

- Record the details of what happened or of the specific nature of the complaint
- Record details of when and where any occurrence took place
- Record the names and contact details of witnesses if appropriate.

All complaints should be dealt with in a professional and confidential manner.

Training Statement

All new staff are encouraged to read the policy on equal opportunities as part of their induction process.

All existing staff will undergo training and/or briefing to enable them to meet the requirements of this policy, and should be offered advice and guidance to ensure they understand their responsibilities within their role and the organisation's policy.

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