

# European's Welfare Association

## Equal Opportunities Policy

### Introduction To Equal Opportunities

This policy shall set out EWA CIC aims with regard to enforcing Equal Opportunities & Diversity at work. Management and Staff codes of conduct are identified.

EWA recognises that in our business and working lives instances of discrimination can occur. Every member of staff has a role to play in promoting equal opportunities and stamping out discrimination and prejudice when it does arise. We are committed to ensuring that employees are engaged only on the basis of their relevant merits and abilities.

As an employer EWA has a legal responsibility to take into account and safeguard the wellbeing of all its employees. We want every member of staff to enjoy a safe, caring, fair and comfortable working environment. This legal responsibility extends to ensuring the environment our employees arrive into meets these standards. We believe in actively fostering a culture of equality and fairness rather than just reacting to incidents.

It is unlawful to discriminate because of someone's sex, sexual orientation, marital status, gender reassignment, race, colour, nationality, ethnic origin, religion or because of a disability (including mental illness). It is also unlawful to discriminate because of pregnancy, childbirth, or maternity leave, because a person is a member or non-member of a trade union or because they are part-time workers or on a fixed term contract.

In addition to this, since October 2006 it has been unlawful to discriminate on the grounds of age. The Employment Equality (Age) Regulations 2006 will cover the whole life of the employment relationship from recruitment, terms and conditions and promotion to termination and the provision of references. The new law will cover employees, contract workers, agency temps, casual workers, unpaid volunteers who are volunteering as part of a course, freelancers who provide their services personally, directors, non-elected office holders and partners in firms.

If EWA employees discriminate against a colleague or customer the company could be held vicariously liable for their acts, and be held responsible for paying compensation or damages to the victim of the discrimination.

## Definitions of Discrimination

**Direct Discrimination** is when you treat someone less favourably than others for unlawful means, for example not employing someone because of their gender or disability.

**Indirect Discrimination** is when an employer has a policy, practice or procedure that applies to everyone but might disadvantage a particular group, and which cannot be justified in relation to the job.

**Harassment** is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment.

**Victimisation** is when you treat someone less favourably or discriminate against them because they have pursued or intend to pursue their rights relating to alleged discrimination.

**Positive discrimination** is unlawful.

**Positive action** to address imbalances in the workforce is allowed in particular circumstances. Examples would include setting equality targets (but *not* quotas which are unlawful); encouraging people from particular groups to apply where they are under-represented; training for promotion or skill training for employees from under-represented groups who show potential.

## Relevant Legislation

### Equal Pay Act 1970

- It's unlawful to discriminate between women and men in contracts of employment, including pay and other benefits.

### Rehabilitation of Offenders Act 1974

- Ex-offenders have certain employment rights if their convictions become 'spent', including not having to declare spent convictions and protecting them against dismissal or exclusion (with certain exceptions such as for those working with children).

### Sex Discrimination Act 1975, 1986 Amendment and Employment Equality (Sex Discrimination) Regulations 2005

- It's unlawful to discriminate against someone on the grounds of sex or marital status in employment, education, housing and the provision of goods, facilities and services.
- Less favourable treatment of women on the grounds of pregnancy or maternity leave is also defined as a form of discrimination.
- Sex based harassment - i.e. harassment based purely on the victim's sex; harassment of a sexual nature - i.e. physical activity of a sexual nature or non-physical activity of a sexual nature such as offensive jokes or vulgar comments; sexual harassment on grounds of gender reassignment status; and harassment on grounds of rejection of harassment or submission to harassment are expressly prohibited.
- The penalties for sex discrimination can be high since there is no limit on compensation and there is no length of service requirement in bringing a claim.

### Race Relations Act 1976, 2000 Amendment and 2003 Amendment Regulations

- It's unlawful to discriminate against someone on the grounds of race, colour, nationality – including citizenship – or ethnic origins in employment, education, housing and the provision of goods, facilities and services.
- The 2000 Amendment placed enforceable duties on public bodies to promote equality.
- The penalties for race discrimination can be high since there is no limit on compensation and there is no length of service requirement in bringing a claim.

### Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000

- The regulations aim to ensure that part-time workers are not treated less favourably than comparable full-time workers, including having the same rates of pay and pro rata holiday entitlement.

### Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002

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- The regulations aims to ensure that employees on fixed-term contracts are treated no less favourably than comparable permanent employees, including having the same terms and conditions of employment.

### **Employment Equality (Sexual Orientation) Regulations 2003**

- It's unlawful to discriminate against someone on the grounds of their sexual orientation, whether lesbian, gay, heterosexual or bisexual in employment or vocational training.
- Discrimination relating to perceived sexual orientation is also unlawful.
- The penalties for sexual orientation discrimination can be high since there is no limit on compensation and there is no length of service requirement in bringing a claim.

### **Employment Equality (Religion or Belief) Regulations 2003**

- It's unlawful to discriminate against someone on the grounds of their religion, religious belief or similar philosophical belief in employment and vocational training.
- Religious harassment is defined as a form of discrimination.

### **Sex Discrimination (Gender Reassignment) Regulations and Gender Recognition Act 2004**

- It's unlawful to discriminate against someone on the grounds that they have undergone, are undergoing or intend to undergo gender reassignment in employment and vocational training.
- A person who has undergone gender reassignment also has the right not to be discriminated against as a person of their acquired gender.

### **Disability Discrimination Acts 1995 and 2005**

- It's unlawful for any employer or service provider, regardless of size, to discriminate against someone on the grounds of their disability.
- Employers and service providers have a duty to make reasonable adjustments to enable a disabled person to work or use a service.
- The penalties for disability discrimination can be high since there is no limit on compensation and there is no length of service requirement in bringing a claim.
- A disability is defined as a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities. Since December 2005, this will also include people with cancer, HIV and multiple sclerosis.

### **Employment Equality (Age) Regulations 2006**

- From October 2006 it will be unlawful to discriminate against someone on the grounds of age.
- Harassment and victimisation on the grounds of age are expressly prohibited.

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## 1. Summary

EWA believes that all people should be treated with respect, and positively values diversity, and therefore actively opposes all forms of discrimination. This includes discrimination on the grounds of gender, race and ethnicity, preferred language, deafness, disability, age, marital status, religion, sexuality, or immigration status.

EWA will develop and promote ways of working that ensure that employees, members and service users are not subjected to direct or indirect discrimination.

EWA aims to ensure that all services will be equally accessible to all users.

EWA aims to ensure that the policy is adhered to by all employees; members and those whom we work with directly.

## 2. Service Delivery Operational Guidelines

EWA undertakes to provide the highest quality services in ways that make them accessible, relevant and fair to all members, customers and service users. This approach extends through all our undertakings including;

- Recruitment
- Access to training
- Promotion
- Grievance procedures

All service users will be treated with respect and dignity, regardless of their circumstances. EWA will make every effort to respond to individual needs appropriately and in a way that respects cultural and linguistic diversity.

Furthermore where external events are held, EWA will endeavour to ensure fully accessible venues, suitable for those with disabilities or impairments. All events will be evaluated, with reviews taking place on a regular basis in order to ensure continued quality and accessibility.

## **2.1 Monitoring EWA**

In order to maintain effective practises, the organisation will where appropriate retain information about staff, members and service users. This information will only be used to generate statistical data and highlight any trends or areas of concern. This information is only used for internal monitoring purposes.

All staff involved with this process is required to comply with and show understanding of the Data Protection Act 1998.

Data will be managed and stored using an appropriate secure database.

## **2.2 Consultation**

Customer satisfaction survey will act as a form of consultation with members and users, where appropriate. The results will be used by staff and managers in planning, modifying and developing the services.

The Management Committee of EWA is also expected to comment on any aspect of the services, projects or events that they wish to see changed or developed in line with policy.

As appropriate, external evaluations will be commissioned to ensure that the organisation is meeting its aims and objectives, and reaching as broad a spectrum of members and service users.

## **2.3 Challenging Discriminatory Behaviour**

EWA finds all discriminatory and prejudiced behaviour unacceptable. It will not tolerate discrimination by staff, members or service users. If employees are found to act in a discriminatory way they will be challenged using the line management and disciplinary procedures.

All service users are entitled to expect the highest quality of service from EWA. However, users do not have the right to select their EWA representative or adviser on the grounds of race, culture, or any other personal attribute that is irrelevant to the ability of that individual to carry out their job. Staff and volunteers are selected using meticulous recruitment processes. They receive regular supervision and have year-round access to training and professional support.

If a customer, member or service user is dissatisfied with the service that they have received, they should complain via the complaints procedure.

## **2.4 The Right To Withdraw Services**

In extremely rare circumstances, EWA may refuse to provide formal representation to a client. There is a separate protocol for making such exceptions.

## **3. Recruitment and Selection**

EWA has a comprehensive recruitment policy which should inform all recruitment and selection activities. The procedure has been designed to assist staff involved in the recruitment and selection process to fulfil our equal opportunity aims by ensuring a fair and consistent approach to recruitment.

Job advertisements will be widely distributed. We encourage applications from suitably qualified and experienced people from all sections of the community. EWA will ensure advertisements are not restricted to areas or publications which would exclude or substantially reduce applications from a particular demographic. We will never prescribe requirements as to

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marital status, sexual orientation or age. All job advertisements on behalf of EWA will state our commitment to equal opportunities.

The selection process will be undertaken for all jobs at all levels. Selection criteria for all positions will be pre-defined and sent to applicants alongside a statement of our commitment to equal opportunities. Job qualifications or requirements which would exclude or substantially reduce applications from a particular demographic will not be requested unless they are justifiable in terms of the job to be done.

All those handling applications and conducting interviews will be familiar with the principles of the legislation mentioned in this document. Relevant policy documents are available on request.

#### **4. Conditions Of Service**

All staff contracts will state that staff are expected to agree to, implement and abide by EWA's Equal Opportunity Policy. All relevant policies concerning staff and volunteers are available upon request.

EWA recognises the importance of developing its staff through coaching, training and a structured programme of supervision and appraisal. Training needs will be assessed through supervision and during the annual setting of team and individual plans and objectives.

Where a particular group is under-represented in the staff group, positive action may be taken.

#### **5. Equal Opportunities Awareness**

All employees are expected to have or acquire a basic level of equal opportunities awareness. All staff will be provided with appropriate training to ensure that they have a level of awareness appropriate to enabling them to work effectively with diverse team members.

Staff, managers and trustees will have access to training and events that will enhance their understanding of issues affecting equality, both in terms of service delivery and employee conditions. The training we provide our employees will;

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- Examine the nature of discrimination and the ways it can occur and be prevented.
- Assist managers and employees to identify words and actions that may be deemed discriminatory.
- Explain the operation of disciplinary procedures in regard to discrimination.

## 6. Developing, Implementing, Monitoring and Reviewing Equality Of Opportunity

This policy is to be reviewed regularly and in line with any new policy / legislation changes. Where necessary the policy will be changed to reflect legislative changes.

### Further Information

- **Equality Direct Helpline**

Tel: 0845 600 3444

9.00am to 4.30pm Monday to Friday

Confidential information and advice for employers on equality issues in the workplace run by ACAS.

- **The British Council of Disabled People**

Tel 01332 295 551

The UK's national organisation of the worldwide Disabled People's Movement. Its services include training, consultancy and transcription into more accessible formats.

[www.bcodp.org.uk](http://www.bcodp.org.uk)

- **Commission for Equalities and Human Rights**

Tel 0845 604 6610

Provides confidential information relating to issues of sex discrimination and equal pay. This is a new all-embracing body for equality and human rights in the UK. Replaced CRE, DRC and EOC in October 2007.

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

- **Government Equalities Office**  
Tel 0207 944 0601

It provides information on legislation and issues around sex discrimination and equal pay.  
<http://www.equalities.gov.uk/>

- **The European Commission**  
Information on anti-discrimination.  
[www.stop-discrimination.info](http://www.stop-discrimination.info)

### **Policy Adopted on behalf of Europeans Welfare Association**

Elizabeth Kardynal

22/05/2013

**Chairperson(Print)**

**Signature**

**Date**