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1. The Meaning of Discrimination

The framework of the law describes discrimination as:

Direct Discrimination

Direct Discrimination means treating a person less favourably than another person in any aspect of employment on the grounds of their race/ethnicity, gender, disability, religion/belief, sexual orientation, age, trans status, marriage or civil partnership status or pregnancy. Here are some examples:

- Advertising for a man to do a job which could equally be well done by a woman;
- Deciding not to interview a person of a particular race although the person's qualifications and experience were equally as good as other candidates;
- Preferring to promote a single person although a married employee has better qualifications and experience

Indirect Discrimination

Indirect discrimination occurs when an unjustifiable requirement or condition is applied equally to all groups, but this has a disproportionately adverse effect on one group. For example:

- A requirement in a job advertisement to be mobile might bar more women than men;
- Specifying a requirement that all employees must not wear headgear could exclude Sikh men who wear a turban, Jewish men who wear a yarmulka or Muslim women who wear a hijab in accordance with cultural and religious practice.

Victimisation

Victimisation can occur when a person is treated less favourably because they have complained about discrimination or harassment.



2. Harassment and Bullying

What Is Harassment?

Harassment takes many forms, occurs on a variety of grounds and may be directed at one person or a number of people. Owing to its very nature, harassment is not often witnessed. Victims, afraid of not being believed, are sometimes reluctant to come forward. Harassment is often a case of one employee's word against another's and the victim may also fail to come forward because of embarrassment and/or fear of subsequent victimisation.

In general terms, harassment can be described as unwanted behaviour, which a person finds intimidating, upsetting, embarrassing, humiliating or offensive. Whilst we are all different, it is important to understand that it is the recipient's feelings that determine whether certain behaviour or comment constitutes harassment. We need to be sensitive to other people's views at all times.

The Meaning of Sexual Harassment

Sexual harassment can be defined as 'unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of men and women at work.' This can include unwelcome verbal, non-verbal or physical harassment. Here are some examples:

Verbal Harassment

- Offensive language of a sexual nature, including suggestive remarks;
- Written notes containing offensive or unwelcome sexual suggestions;
- Unwanted sexually implicit messages sent by e-mail;
- Open speculation about an individual's private sexual activities;
- Unwelcome persistent sexual advances or pestering for attention;
- Pressure for dates;
- Whistles or catcalls;
- Indicating that an individual can only keep their job by agreeing to his/her advances;
- Comments about a way someone looks;
- Threats of poor appraisal if sexual favours denied.

Non-verbal Harassment

- Making sexually suggestive gestures;
- Staring or leering in a manner which is overtly sexual;
- Displaying pin-up calendars or similar material of a sexually oriented nature which gives rise to offence;
- Unsolicited/unwanted gifts.

Physical Harassment

- Any type of unwelcome fondling or touching;
- Unwanted physical contact, such as grabbing or patting;
- Threatened or actual sexual assault;
- Intimate physical contact;
- Unsolicited/unwanted advances at the organisation's Christmas party or other event.



This list of examples is not exhaustive.

What Sexual Harassment Is Not!

- Two consenting adults having a sexual relationship;
- A person asking a colleague for a date (and respecting the individual if their decision is no.)

The Meaning of Racial Harassment

Racial harassment is defined as unwanted conduct of a racial nature, or other conduct based on race affecting the dignity of men and women at work. This mirrors the definition of sexual harassment. The term 'harassment' can of course cover a wide range of behaviour. Examples of racial harassment could include:

- Language of a racially offensive nature;
- Using racist terminology when referring to a particular person;
- Written notes containing racial insults;
- Abusive messages containing racist language sent by e-mail;
- Racist jokes and banter;
- Deliberate isolation of someone at work or lack of co-operation on the grounds of race.

The Meaning of Disability Harassment

As with sexual and racial harassment, the term 'harassment' as it relates to disability can cover a wide range of behaviour. Conduct will constitute disability harassment if it is associated with the victim's disability and if it has the effect of making them feel upset, distressed, intimidated or embarrassed, or creating an intimidating, hostile or humiliating work environment for them. Examples of disability harassment could include:

- Offensive remarks associated with the employee's type of disability;
- Jokes about people with disabilities;
- Pranks against disabled people;
- Using terminology such as the word 'cripple' when referring to a particular person;
- Written notes containing insults or drawings associated with a particular type of disability;
- Abusive messages sent by e-mail to a disabled person;
- Deliberate isolation, or refusal to co-operate with a disabled employee.

The Effect of Harassment On The Victim

It can be difficult in some circumstances to assess whether treatment of an employee amounts to harassment. Some behaviour may be obviously unacceptable; for example intimate physical touching can be seen as sexual harassment and offensive name-calling can be seen as racial discrimination. On the other hand, certain types of conduct, for example swearing, may constitute harassment for one person but not for another. The key factor always to bear in mind is that it is not just the nature of the conduct that will determine whether harassment has occurred, but also the effect of the conduct on the victim. If it can be said that a reasonable employee might feel disadvantaged by a colleague's conduct, where that conduct is of a sexual, racial or disability nature, it will amount to harassment.



3. Bullying At Work

Raising Awareness

Although it is not new, the problem of bullying in the workplace has only recently become an issue identified by name. Dealing with the effects and causes of bullying is not simple but it is vital for the well-being of employees and the organisation.

What Is Bullying?

Bullying is any unsolicited or unwelcome act directed against an employee, which is humiliating, intimidating, abusive, offensive, malicious or insulting and which undermines the self-confidence and self-esteem of the recipient. Bullying is largely identified not so much by what is actually being done, but rather by the effect that it has on its target.

Examples of bullying include:

- Verbal or physical threats and intimidation;
- Persistent negative comments;
- Humiliating someone in front of others;
- Unjustified, persistent criticism;
- Ostracism;
- Picking on one person for criticism when there is a common problem;
- Not giving credit where it is due;
- Belittling someone's opinion;
- Monitoring work unnecessarily and intrusively;
- Undervaluing work done;
- Removing areas of responsibility without justification;
- Imposing unfair sanctions.

This list of examples is not exhaustive.

What Bullying Is Not

Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying. An occasional raised voice or argument is not bullying.



4. Policy on Harassment and Bullying

The specific objective of this policy is to ensure that no employee, client, volunteer or other worker within the organisation is subjected to any form of harassment or bullying. It is a strict rule that harassment or bullying in any form will not be tolerated under any circumstances. Although the Senior Management Team has a particular duty to ensure the policy is adhered to at all times, all employees have individual responsibility to comply with both the spirit and the wording of the policy.

Harassment and bullying at work are contrary to the interests of the service because they are likely to make the victim feel distressed, embarrassed or intimidated. Such effects will lead to lower levels of motivation and job performance and may even lead to the employee, volunteer or service user becoming ill.

All employees and volunteers should be aware that sexual, racial and disability harassment are unlawful under employment law. Renaissance at Drugline could be held liable for unlawful harassment in the workplace but the individual perpetrator of harassment may also be liable and be ordered by an employment tribunal to pay compensation to their victim for unlawful discrimination. In addition, the Criminal Justice and Public Order Act 1994 and The Protection from Harassment Act 1997 also make it an offence for an individual to harass another person.

The overall responsibility for the policy lies with the Senior Management Team. All employees are, however, expected to comply with the policy at all times and to act in accordance with its objectives. Renaissance at Drugline will view any type of harassment or bullying perpetrated against another employee, volunteer or client very seriously. An employee or volunteer who acts in breach of this policy may be disciplined for gross misconduct as a disciplinary offence, which could result in their summary dismissal.

If an employee or volunteer has a complaint then there is a specific Renaissance at Drugline Lancashire complaints procedure that should be followed. Individuals have the right to complain if they are treated in a manner, which they believe constitutes harassment or bullying, or if they believe that another employee, volunteer or client is being harassed or bullied.



5. The Renaissance at Drugline Lancashire Ltd Equal Opportunities Policy

Renaissance at Drugline Lancashire is committed to ensuring equal opportunities in the workplace for all its employees, volunteers, clients and visitors.

It is Renaissance at Drugline's policy to treat all employees, volunteers, service users and visitors equally and fairly irrespective of their race, religion, nationality, pregnancy status, HIV/Hepatitis status, ethnic origin, nationality origin, gender, trans status, marital status, responsibility for dependants, age, sexual orientation or disability.

The Policy Statement is derived from Renaissance at Drugline's working philosophy of being a confidential, non-judgemental, supporting and listening service to users and/or their carers. Renaissance at Drugline recognises that there are disadvantaged groups within society and therefore a major responsibility of the agency is to reduce the causes of these disadvantages: education, training and drug awareness playing a major part.

All staff members and volunteers are responsible for ensuring that their actions are carried out in the spirit of the policy.

This policy applies to all aspects of Renaissance at Drugline's working practice. For example, the recruitment and selection of employees and volunteers, terms and conditions of employment and volunteering, training, client assessment, allocation of work, discipline and grievance procedures and termination of employment.

Everyone involved in the selection and recruitment of staff and volunteers should be knowledgeable and familiar with the Renaissance at Drugline Equal Opportunities Policy.

All of Renaissance at Drugline's printed information and material will reflect this Policy statement.

The agency will promote and ensure equal opportunities and non-discrimination and, in particular, will monitor race, gender and disability in relation to its staff profiles.

The agency will strive to achieve an appropriate representation and the promotion of the service to all those who, by tradition, have been considered as marginalized groups and communities. Renaissance at Drugline further recognises the need for specific interventions for these groups and communities, such as the gay and lesbian communities and the African Caribbean and Asian communities. This has to date, been undertaken by developing specific and appropriate materials to recognise, acknowledge and offer a more accessible service for their specific needs with regard to service use.

Persons, other than staff members and volunteers who are affected by the agency's activities, such as visitors, students on placements, etc, are expected to operate within the spirit of this policy.

Renaissance at Drugline aims to provide training opportunities for both staff and volunteers in order to facilitate and develop their personal knowledge, competence,



skills and confidence in their own ability, thereby ensuring the necessary support to carry out duties in conjunction with the service users.

Renaissance at Drugline recognises the sensitivity around why service users access the service and recognises the stigma facing service users and their families. The service is fully committed to providing equal treatment for all who use the service.

All workers, paid and voluntary, must acknowledge, adhere and be committed to the confidentiality policy together with the need for service users to be given total anonymity, especially with regard to face-to-face counselling.

The Senior Management Team have overall responsibility for this policy. All employees are, however, expected to comply with the policy at all times and to act in accordance with its objectives so as to remove any barriers to equal opportunities.

Renaissance at Drugline will view any breach of the policy, or any type of discriminatory action against any employee, volunteer, client or visitor very seriously. Any employee who breaches the principles of equal opportunity outlined in this policy will be liable to disciplinary action, which may result in dismissal for gross misconduct.

All employees and volunteers should be aware that they are subject to the requirements of the law in respect of discrimination. Individuals must comply with Renaissance at Drugline's Equal Opportunities Policy and be aware of its contents.



6. The Principles of Equal Treatment

The principles of equal treatment are:

- All employees and job applicants will be treated with dignity and respect.
- All employees and job applicants will be treated fairly and equally regardless of their race, religion, nationality, pregnancy status, HIV/Hepatitis status, ethnic origin, nationality origin, gender, trans status, marital status, responsibility for dependants, age, sexual orientation or disability.
- No requirement or condition will be imposed without justification which could disadvantage employees on any of the above grounds.
- Creating a working environment free from unlawful discrimination, victimisation or harassment on the grounds of race, religion, nationality, pregnancy status, HIV/Hepatitis status, ethnic origin, nationality origin, gender, trans status, marital status, responsibility for dependants, age, sexual orientation or disability.
- Applying the Renaissance at Drugline Equal Opportunities Policy to recruitment and selection, terms and conditions of employment including pay, promotion, allocation of work, training, and every other aspect of employment.
- Creating a workplace where all employees are confident of fair access to opportunities.
- Having a mechanism in place where any problem or complaint can be solved i.e. complaints procedure, incident guidelines.



7. The Laws on Equality

The following laws govern equal opportunities in the UK, and Renaissance at Drugline will adhere to them at all times:

The Equality Act 2010

The Equality Act 2010 is an Act of Parliament, the primary purpose of which is to collate numerous Acts and Regulations, which formed the basis of anti-discrimination law in Great Britain, namely the Equal Pay Act 1970, Sex Discrimination Act 1975, Race Relations Act 1976 and the Disability Discrimination Act 1995. It requires equal treatment in access to employment, regardless of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation. In the case of gender, there are special protections for pregnant women (see below). The Act does not guarantee transgender people access to gender-specific services where restrictions are “a proportionate means of achieving a legitimate aim” (see below). In the case of disability, employers and service providers are under a duty to make reasonable adjustments to their workplaces to overcome barriers experienced by disabled people. The Acts noted below that have been revoked by the Equality Act 2010, the relevant sections from the Acts are now included in the Equality Act 2010.

Discrimination against Pregnant Employees

Unfavourable treatment of pregnant employees on grounds related to pregnancy will contravene the Equality Act 2010. Some examples of unfavourable treatment would include: excluding a woman from training on account of her pregnancy; denying a woman a promotion on account of impending maternity leave; withholding the opportunity for a pregnant employee to earn overtime.

The Equality Act 2010 also makes it unlawful to refuse employment to a female candidate on the grounds that she is pregnant.

Discrimination on the grounds of Gender Reassignment

The Sex Discrimination Act 1975 was amended by the Sex Discrimination (Gender Reassignment) Regulations 1999, later revoked by the Equality Act 2010. The Act expressly provides that discrimination against employees on the grounds of transsexualism is unlawful. Individuals are protected by the Act if they: intend to undergo gender reassignment; are in the process of undergoing gender reassignment; or have undergone gender reassignment.

The Race Relations Act 1976

The Race Relations Act 1976 was revoked by the Equality Act 2010 and makes discrimination on the grounds of race, colour, nationality (including citizenship), ethnic or national origin unlawful. The law covers people from all racial groups.

It is unlawful to subject an individual to less favourable treatment in the field of employment on racial grounds. Less favourable treatment can include discrimination against job applications as well as employees in terms of opportunities for promotion, transfer and training. Employees and job applicants are protected against race discrimination irrespective of age, number of hours worked, or length of service.

The Disability Discrimination Act 1995

This Act came into force in December 1996 (revoked by the Equality Act 2010) and deals with discrimination against disabled people.



In terms of employment rights the Act governs that it's unlawful to discriminate against current or prospective employees with disabilities because of a reason relating to their disability. Employers should also consider reasonable adjustments to the workplace and to the employment arrangements so that a disabled person is not substantially disadvantaged.

Employment Rights Act 1996

This includes the following rights:

- The right not to be unfairly dismissed. A dismissal is automatically unfair if it is for a reason related to pregnancy, childbirth, maternity leave, parental leave or time off for dependents.
- The right to maternity leave.
- The right to paid time off for ante-natal care.
- The right to unpaid time off to care for or to arrange care for dependents where the dependent is ill, injured, assaulted, gives birth or dies; if arrangements for the care of a dependent break down; or if there is an unexpected incident involving a child at school.
- The right to be offered suitable alternative work on not substantially less favourable terms and conditions if a legislative requirement or a health and safety recommendation prohibits a woman from doing her usual job because she is pregnant, has recently given birth or is breastfeeding.
- The right to be suspended on full pay if a woman is unable to do her usual job on maternity grounds as described above and no suitable alternative work is available.
- The right to a statement of employment particulars.
- The right not to suffer unauthorised deduction from wages.
- The right to a minimum period of notice on termination of employment.
- The right to a redundancy payment.
- The right to a written statement of reasons for dismissal.

The Human Rights Act 1998

This incorporates rights under the European Convention of Human Rights into domestic law. Convention rights include a right not to be discriminated against on non-exhaustive grounds, which include that of sex.

Working Time Regulations 1998

These contain provisions regulating working time including:

- A limit of average 48 hours work per week (with exceptions)
- Daily and weekly rest entitlements and rest breaks
- A right to 4 weeks paid annual leave and to be paid for accrued but untaken leave on termination of employment
- Special provisions relating to night work.

The Employment Equality (Religion or Belief) Regulations 2003

These regulations were revoked by the Equality Act 2010 and prohibit discrimination on the grounds of religion or belief in the employment field.



The Employment Equality (Sexual Orientation) Regulations 2003

These regulations were revoked by the Equality Act 2010 and prohibit discrimination on the grounds of sexual orientation in the employment field.

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

The aim of the Regulations, which came into force on 1 July 2000, is to ensure that part-time workers are treated no less favourably in their employment conditions than comparable full-timers, unless this is justified on objective grounds.

Employment Act 2002 (Flexible working regulation) superseded by the Employment Act 2008 and the Flexible Working Regulations 2014

These Acts and Regulations introduce a new right for employees to request flexible working. The details of that right are set out in set out in the Flexible Working Regulations 2014.

Age and Employment - Equality (Age) Regulations 2006 (Now superseded by the Equality Act 2010)

The Act prohibited employers unreasonably discriminating against employees on the grounds of age.

It is unlawful because of age to:

- discriminate directly against anyone - unless it can be objectively justified
- discriminate indirectly against anyone - unless it can be objectively justified
- subject someone to harassment related to age
- victimise someone because of age
- discriminate against someone, in certain circumstances, after the working relationship has ended, unless objectively justified
- compulsorily retire an employee unless it can be objectively justified.

Note: Objective justification means that differences of treatment on the grounds of age can sometimes be justified, objective justification is a test that employer will have to use to substantiate any exemptions to the laws.

Employers should ensure they have policies in place which are designed to prevent discrimination in:

- recruitment and selection
- determining pay
- training and development
- selection for promotion
- discipline and grievances
- countering bullying and harassment.



Discrimination because of age covers four areas:

1. **direct discrimination:** treating someone less favourably because of their actual or perceived age, or because of the age of someone with whom they associate. This treatment can only be justified if it is a proportionate means of achieving a legitimate aim
2. **indirect discrimination:** can occur where there is a policy, practice or procedure which applies to all workers, but particularly disadvantages people of a particular age. For example, a requirement for job applicants to have worked in a particular industry for ten years may disadvantage younger people. Indirect discrimination can only be justified if it is a proportionate means of achieving a legitimate aim
3. **harassment:** when unwanted conduct related to age has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual
4. **victimisation:** unfair treatment of an employee who has made or supported a complaint about age discrimination

8. Monitoring Equal Opportunities

- Renaissance at Drugline Lancashire Ltd will maintain records of employees' and job applicants' ethnicity, gender, marital status, dependents, disability and age to ensure that this policy is operating effectively. This information may be used for the purpose of measuring Renaissance at Drugline's performance against national and local performance indicators. This information will be used for no reason other than those detailed above.
- Where necessary, employees will be able to check/ correct their own records of these details, otherwise access to this information will be restricted to those staff members involved with personnel matters.
- The Executive Director of Business and Governance is currently responsible for the implementation and monitoring of this policy in respect of existing Renaissance at Drugline employees and prospective employees.
- The Senior Management Team have responsibility for ensuring that Renaissance at Drugline staff members demonstrate their commitment to the provision of equal opportunities when delivering services.
- Renaissance at Drugline Lancashire Ltd staff members have a responsibility to adhere to the organisations Equal Opportunities Policies at all times.



9. Equal Opportunities and Recruitment Advertising Policy

Any job advertisement Renaissance at Drugline Lancashire Ltd issues must be worded in such a way that it does not directly discriminate against or discourage applications from any particular group. Such an advertisement would be unlawful. Particular groups include those of age, disability, colour, race, religion, gender and ethnic or national origins. Even if an advertisement does not directly discriminate against a particular group, it may indirectly discriminate if, for example:

- the job requirements are in effect discriminatory to a particular racial group;
- the proportion of employees in the disadvantaged group who can comply is considerably smaller than the proportion of employees in other groups who can comply;
- an employee suffers because they cannot comply with the implied candidate specifications.

Legal Exceptions

Renaissance at Drugline Lancashire Ltd may deliberately discriminate in advertising and recruitment as is allowed by law only if:

- The job requires a particular type of person for reasons of decency or authenticity, then the advertisement may be selective on the grounds that the job requires a 'genuine occupational qualification'. For example where the job requires a woman rather than a man to be a care assistant at a women's refuge.
- The organisation implements positive action to provide training for work to a particular gender, or minority group who are under-represented in a particular job. However, the selection of potential employees should still always be made on merit.



10. Recruitment and Promotion Procedures

Job descriptions and person specifications for each vacant post should be drawn up or reviewed to eliminate references to non-essential experience or qualifications which might directly or indirectly discriminate against some clients.

Job advertisements should mention that the organisation is an equal opportunities employer and where appropriate through positive action encourage applications from ethnic minorities or other under-represented groups.

Job advertisements should be displayed and promoted internally and externally, and be visible to all employees. They could also be placed in diverse press, for example, Asian Times.

Application forms when sent to job candidates should include a copy of the equal opportunities policy, job description and person specification.

The premises used for interview should be accessible for disabled candidates.

The timings of the interviews should be flexible to facilitate candidates with family commitments.

Interviewers should treat each candidate equally and interview them on the basis of the person specification.

Selection should be conducted solely on the basis of the candidate's relative merits and abilities.

There should be a detachable questionnaire with the application form to monitor the types of people who applied for a particular post and those who were short-listed so that future advertising can be adjusted to avoid discrimination.

The Equality and Diversity Lead for the Organisation is the Executive Director of Business and Governance

Last updated: 29/11/2017

Authors: HR Manager & Quality Officer

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Stage One – screening for equality impact assessment

| | | | |
|--|----------|---|--|
| Department/Function | | HR/Quality | |
| Person responsible | | Alison Sayer and Julia Hutchings | |
| Contact details | | 01253 311431 | |
| Name of policy/procedure to be assessed | | Equal Opportunities Policy | |
| Date of assessment | | 12/05/2015 reviewed 29/11/2017 | |
| Is this a new or existing policy/procedure? | | Existing | |
| 1. Briefly describe the aims, objectives and purpose of the policy/procedure? | | To set out the equality opportunities policy for the organization | |
| 2. Who is it intended to benefit | | Beneficiaries of the organization | |
| 3. What outcomes are wanted? | | To avoid discrimination, bullying and harassment in the workplace | |
| 4. Who are the stakeholders | | Council of management, staff, service users, volunteers, commissioners, funders | |
| 5. Who is responsible for implementation? | | Council of management, staff, volunteers | |
| 6. Are there concerns that there could be differential impact on the following groups and what existing evidence do you have for this? | | | |
| | Y | N | |
| Race/Ethnicity | | √ | |
| Gender | | √ | |
| Disability | | √ | |
| Religion/belief | | √ | |
| Sexual orientation | | √ | |
| Age | | √ | |
| Trans Status | | √ | |
| Marriage/Civil Partnership | | √ | |
| Pregnancy | | √ | |
| 7. Could any differential impact identified above be potentially adverse? | | N/A | |
| 8. Can any adverse impact be justified on the grounds of promoting equality of | | N/A | |

Renaissance at Drugline Lancashire Ltd

Equal Opportunities Policy



| | |
|---|-----|
| opportunity? | |
| 9. Have you consulted with those who are likely to be affected? | Yes |
| 10. Should the policy/procedure proceed to full impact assessment | No |