



EQUAL OPPORTUNITIES POLICY

Reviewed and Agreed by Board of Trustees

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EQUAL OPPORTUNITIES POLICY

Orchid is a committed Equal Opportunities employer and our policy is to treat all employees, volunteers, job applicants and consultants fairly and equally, regardless of sex, pregnancy, trans- gender status, sexual orientation, religion or belief, marital status, civil partnership status, age, race, colour, nationality, national or ethnic origins or disability, or other grounds (whether prohibited from legislation or otherwise) Furthermore, the organisation is committed to ensuring this policy is effective.

Through this policy and procedure and the training and development of managers and staff, the organisation takes a positive and proactive approach and will do all it can to promote good practice in this area to eliminate discrimination and harassment as far as is reasonably possible and will ensure that we are fully compliant with:

- **The Equality Act 2010**
- **Sex Discrimination Act 1975**
- **Disability Discrimination Act 1995 and 2005**
- **Employment Equality Regulations 2003**
- **Employment Equality (Age) Regulations 2006**
- **Provisions under the Rehabilitation of Offenders Act 1974**
- **The Human Rights Act 1998**

PROCEDURE

- a) The organisation is an equal opportunity employer. Equal opportunity is about good employment practices and efficient use of our most valuable asset, our employees and volunteers. All employees have a duty to act in accordance with this policy. Any instance of doubt about the application of the policy, or other questions, should be addressed to the Chief Executive as should any requests for special training.
- b) The non-discrimination principle inherent in this policy includes the prohibition of discrimination against an individual because of association with someone with any characteristic listed above.
- c) The prohibition on discrimination applies equally to situations where someone thinks or perceives (whether rightly or wrongly) that a colleague is of a particular

race, sexual orientation, religion, age, sex or that he or she has a disability, is a trans-gender person, or is pregnant.

- d) The policy applies to the process of recruitment and selection, promotion, training, conditions of work, pay and benefits and to every other aspect of employment, including general treatment at work and the processes involved in the termination of employment.
- e) Where increased pay and/or enhanced benefits are offered to employees based on length of service, these are intended to reward loyalty, maintain motivation and reflect higher levels of relevant experience.
- f) The policy applies to job applicants (both internal and external) and all employees and other workers whether full time, part time, temporary, seasonal or contract.
- g) Employees should note that the imposition of any provision, criterion or practice which has a disproportionate adverse impact on someone for a reason related to sex, transgender status, race, marital status, civil partnership status, religion or belief, sexual orientation, disability, or age will be unlawful unless it can be objectively justified. In the event of any query or doubt the Chief Executive should be consulted.
- h) When establishing criteria for recruitment and promotion into vacant posts, the organisation should consider carefully whether any minimum or maximum number of years of relevant experience is necessary for effective performance of the job. Such restrictions will not be imposed unless there is a proper job-based reason why they are necessary.
- i) Employees who are disabled or become disabled in the course of their employment should inform the organisation about their disability. Management will then arrange to discuss with the employee what reasonable adjustments to his or her job or working conditions or environment might assist him or her in the performance of his or her duties. The employee should also be encouraged to suggest any adjustments that he or she believes would be helpful. Careful consideration should be given to any proposals and, where reasonable and reasonably practicable, such adjustments will be made.
- j) Any member of staff may use the Grievance Procedure to complain about discriminatory conduct. If the matter relates to sexual or racial harassment or harassment based on disability, sexual orientation, trans-gender status, religion or belief or age, then the complaint may be raised directly with the Chief Executive

under the Dignity at Work Policy. The organisation is concerned to ensure that staff feel comfortable about raising such complaints. No individual will be penalised for raising such a complaint in good faith.

- k) Where an employee is falsely accused of discriminatory conduct, then he or she may follow the organisation's Grievance Procedure.
- l) Any employee who makes a false accusation of harassment may be subjected to disciplinary action. In serious cases, such behaviour may be deemed to constitute gross misconduct and may result in summary dismissal.

RECRUITMENT

Orchid recognises the value of and encourages the recruitment of a diverse workforce. Wherever reasonably possible the charity aims to ensure that its workforce reflects the community in which it is working.

The Orchid Management recognises that it has a duty and responsibility to ensure that its Equal Opportunities Policy is consistently engaged and applied when recruiting employees.

Orchid is committed to the regular review of its job application and recruitment procedures, to ensure that individuals are selected based on their merits and abilities, and that no person is disadvantaged, either directly or indirectly, on discriminatory grounds.

Orchid ensures that those employees who are responsible for recruitment and selection are properly trained in all aspects of the Equal Opportunities Policy, to ensure that there is no discrimination involved in the recruitment and engagement of employees.

Recruitment will be done fairly and will not take into account any of the above protected characteristics when making an appointment or employment decisions, with limited exceptions for disability. This means that no one will be unfairly prevented from accessing resources and opportunities nor that others will have an unfair advantage and will be fair and equal at all times.

There is additional legislation that prohibits discrimination against other groups:

- **PART TIME STATUS** (Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000)
- **FIXED TERM STATUS** (Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002)
- **EQUAL PAY BETWEEN MEN AND WOMEN** (Equal Pay Act 1970)

RECRUITMENT ADVERTISEMENTS

Orchid will make every effort to ensure that recruitment advertisements consistently and positively encourage applications from all suitably qualified and experienced people.

All advertisements must identify that Orchid is an equal opportunities employer and that it offers opportunities at all levels to all potential applicants, without discrimination. Employees involved in the recruitment process are responsible for ensuring that:

- A copy of Orchid Equal Opportunities Policy is provided to any recruitment and advertising agencies used by the Charity.
- This Equal Opportunities Policy is referred to in all recruitment and publicity literature and in all internal and external advertisements, and that:
 - Job titles and job content are set out without bias or discrimination.
 - Jobs are described in such a way that no suitably qualified or experienced person is deterred from applying.
 - Illustrations showing people at work should portray a wide variety of individuals from various ethnic groups, and of both genders doing any job.
 - Vacancies are advertised in a sufficient variety of media to ensure that all groups are informed (including advertising in other languages where appropriate), such as appropriate newspapers and periodicals, employment agencies that are experienced in the recruitment of minority groups, job centres and careers offices, schools, colleges and clubs.

TRAINING AND DEVELOPMENT

The Board of Trustees, staff and volunteers need to recognize and fulfil their personal role in making Orchid a genuinely inviting and inclusive organization and will continue to ensure that it has a high profile within our internal communications and training programme, featuring within our induction process. Appropriate training opportunities will be made available to Trustees and staff.

DIVERSITY AND INCLUSION

We actively promote, value and support Diversity and Inclusion within the workplace. By being conscious of and actively challenging bias or prejudice, we will ensure that no one is treated less favourably because of who they are and what makes them different from other employees. We will therefore take a proactive approach and will make reasonable adjustments that address the visible and non-visible barriers people may face. As part of this and as an example, individuals will be respected in terms of how they wish to be addressed (particularly but not exclusively in the case of trans gender language such as they/them, she/her and he/him).

Orchid positively supports having differences within the workplace and recognizes that we are all different in many ways. People with differing identities and experiences should all have equitable access to resources, opportunities and decision making, as appropriate.

We welcome, respect and continue to ensure that a culture exists where individuals can be their full selves.

INTERSECTIONALITY

We all have overlapping identities including but not limited to disability, gender, race, religion or belief, sex, class and sexual orientation.

Taking an ‘intersectional’ approach to equity, diversity and inclusion requires us to understand that the of se multiple forms of discrimination are experienced simultaneously, in different ways by people of different backgrounds.

DISABILITY

For the purposes of the Equality Act 2010, a disability is defined as a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out his or her normal day to day activities.

The Act makes it unlawful to discriminate against current or prospective workers, or volunteers, who have a disability, or who have had a disability in the past. Orchid recognises and complies with its duty under the Act to make reasonable adjustments to the workplace, workstation or working environment to help a disabled person cope with his or her disability in the working environment.

It is the policy of Orchid to treat any employee or volunteer with a disability no less favourably than it would treat non-disabled employees and volunteers, unless such treatment is “justified” under the provisions of the Act.

Orchid will seek to appoint the best, most suitable person for the job. To this end, Orchid is committed to ensuring fair and reasonable selection criteria and appointment procedures. It is committed to making reasonable adjustments to working practices and working environments to accommodate any individual with a disability.

HARASSMENT

Harassment is defined as any unsolicited and unwelcome comment or action which is found to be objectionable to a person, and which could threaten an employee’s job security, or create an intimidating, hostile or offensive working environment. Orchid will not tolerate any act from any employee which is deemed to constitute any form of harassment.

What one person may find acceptable may cause offence to another. It is a matter for the person subjected to the harassment to decide whether such behaviour or conduct causes offence.

Orchid regards the following as examples of actions that could be regarded as harassment, although this should not be regarded as an exhaustive list:

- Sexual or racial banter
- Offensive jokes
- Unnecessary touching or unwanted physical contact
- Bullying or intimidatory behaviour, such as demeaning or threatening comments
- Verbal abuse
- Racist graffiti
- Demands for sexual favours/compromising or suggestive invitations
- Physical assault or other aggressive behaviour towards any other individual
- The display of any material or communication that has sexual or racial connotations
- Verbal or non-verbal conduct or other behaviour which is directed towards an individual because of his/her sex, sexual orientation, gender reassignment, marital status, pregnancy and maternity, nationality, colour, race, national origin, religion or belief, political conviction, age or disability.

Any alleged act of harassment will be thoroughly investigated and if substantiated, will result in disciplinary action being taken against the offender, which could include the termination of his/her employment.

REHABILITATION OF OFFENDERS

Orchid and its employees will not discriminate against anyone who has a “spent” conviction under the Rehabilitation of Offenders Act 1974 (“the ROA”). Under the ROA it is unlawful to refuse to engage or to dismiss a person on the grounds of a spent conviction.

The ROA applies only in certain circumstances, and certain professions are excluded from the scope of the ROA. In addition, certain criminal offences and offences in contravention of the Companies Act and financial services legislation are excluded from the ROA. Employees should consult their manager if they are in any doubt about the applicability of this aspect of the Policy to them.

References given by Orchid for employees will not refer to spent convictions. If those obtained for new employees contain a reference to a spent conviction, such reference will be ignored. No references to spent convictions are held in any of Orchid's computerised and manual records.

MONITORING AND REVIEW

This policy will be monitored on a regular basis by senior management. Where there are issues with the way the policy is working, these will be looked at closely with a view to identifying measures to improve the effectiveness of the policy.

Orchid will continue to take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in instant dismissal.

(This policy is reviewed annually)