



**CUMBRIA**  
COMMUNITY FOUNDATION

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## Equal Opportunities and Dignity at Work Policy

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### DOCUMENT CONTROL

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## Introduction

### **A. Equal Opportunities Policy statement**

CCF is an equal opportunity employer and is fully committed to a policy of treating all of its employees and job applicants equally. CCF will avoid unlawful discrimination in all aspects of employment including recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment, discipline, selection for redundancy and dismissal.

CCF will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications without regard to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation. In this policy, these are known as the “protected characteristics”.

Employees have a duty to co-operate with CCF to make sure that this policy is effective in ensuring equal opportunities and in preventing discrimination. Action will be taken under CCF’s disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination. Serious breaches of this equal opportunities policy statement will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should bear in mind that they can be held personally liable for any act of unlawful discrimination.

You should draw the attention of your line manager to suspected discriminatory acts or practices. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or who has provided information about such discrimination. Such behaviour will be treated as potential gross misconduct in accordance with CCF’s disciplinary procedure. You should support colleagues who suffer such treatment and are making a complaint.

This policy incorporates our dignity at work policy statement which deals with harassment, bullying and intimidation and sets out how complaints of that type will be dealt with.

#### **1. Direct discrimination**

Direct discrimination occurs when, because of one of the protected characteristics, a job applicant or an employee is treated less favourably than other job applicants or employees are treated or would be treated.

The treatment will still amount to direct discrimination even if it is based on the protected characteristic of a third party with whom the job applicant or employee is associated and not on the job applicant’s or employee’s own protected characteristic. In addition, it can include cases where it is perceived that a job applicant or an employee has a particular protected characteristic when in fact they do not.

Discrimination after employment is also unlawful if it arises out of and is closely connected to the employment relationship, for example refusing to give a reference or providing an unfavourable reference for a reason related to one of the protected characteristics. CCF will take all reasonable steps to eliminate direct discrimination in all aspects of employment. It is for this reason that **ALL references** must go through the Chief Operating Officer.

## **2. Indirect discrimination**

Indirect discrimination is treatment that may be equal in the sense that it applies to all job applicants or employees but which is discriminatory in its effect on, for example, one particular sex or racial group.

Indirect discrimination occurs when there is applied to the job applicant or employee a provision, criterion or practice (PCP) which is discriminatory in relation to a protected characteristic of the job applicant or employee. A PCP is discriminatory in relation to a protected characteristic of the job applicant or employee if:

- it is applied, or would be applied, to persons with whom the job applicant or employee does not share the protected characteristic
- the PCP puts, or would put, persons with whom the job applicant or employee shares the protected characteristic at a particular disadvantage when compared with persons with whom the job applicant or employee does not share it
- it puts, or would put, the job applicant or employee at that disadvantage, and
- it cannot be shown by CCF to be a proportionate means of achieving a legitimate aim.

CCF will take all reasonable steps to eliminate indirect discrimination in all aspects of employment.

## **3. Victimisation**

Victimisation occurs when an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because they have raised or supported a grievance or complaint of unlawful discrimination, or because they have issued employment tribunal proceedings for unlawful discrimination or they have given evidence in connection with unlawful discrimination proceedings brought by another employee. However, an employee is not protected if they give false evidence or information, or make a false allegation, and they do so in bad faith.

Post-employment victimisation is also unlawful, for example refusing to give a reference or providing an unfavourable reference because the former employee has done one of the protected acts set out above.

CCF will take all reasonable steps to eliminate victimisation in all aspects of employment.

## **4. Recruitment, advertising and selection**

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant experience, abilities and qualifications. CCF is committed to applying its equal opportunities policy statement at all stages of recruitment and selection.

Advertisements will aim to positively encourage applications from all suitably qualified and experienced people. When advertising job vacancies, in order to attract applications from all sections of the community, CCF will, as far as reasonably practicable:

- Ensure advertisements are not confined to those areas or publications which would exclude or disproportionately reduce the numbers of applicants with a particular protected characteristic.

- Avoid setting any unnecessary provisions or criteria which would exclude a higher proportion of applicants with a particular protected characteristic.

Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees with a particular protected characteristic.

The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

With disabled job applicants, CCF will have regard to its duty to make reasonable adjustments to work provisions, criteria and practices or to physical features of work premises or to provide auxiliary aids or services in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about any of the protected characteristics.

### ***5. Training and promotion***

CCF will train all line managers in CCF's policy on equal opportunities and on dignity at work and in helping them identify and deal effectively with harassment, bullying, intimidation discriminatory acts or practices. Line managers will be responsible for ensuring they actively promote equality of opportunity and dignity at work within the departments for which they are responsible.

CCF will also provide training to all employees to help them understand their rights and responsibilities in relation to dignity at work and equal opportunities and what they can do to create a work environment that is free from discrimination, harassment, bullying and intimidation.

Where a promotional system is in operation, it will not be discriminatory and it will be checked from time to time to assess how it is working in practice. When a group of workers who predominantly have a particular protected characteristic appear to be excluded from access to promotion, transfer and training and to other benefits, the promotional system will be reviewed to ensure there is no unlawful discrimination.

Evaluation forms for training sessions and events will be clear and easy to use.

### ***6. Equal pay and equality of terms***

CCF is committed to equal pay and equality of terms in employment. It believes its male and female employees should receive equal pay where they are carrying out like work, work rated as equivalent or work of equal value. In order to achieve this, CCF will endeavour to

maintain a pay system that is transparent, free from bias and based on objective criteria, reviewed by the Personnel Committee.

### ***7. Reporting complaints***

All allegations of discrimination will be dealt with seriously, confidentially and speedily. CCF will not ignore or treat lightly grievances or complaints of unlawful discrimination from employees.

If you wish to make a complaint of discrimination, you should do so promptly and use CCF's grievance procedure.

If your complaint relates to bullying, harassment or intimidation, you should refer to CCF's dignity at work policy statement.

### ***8. Monitoring equal opportunity***

The work of CCF will be reviewed periodically by the Personnel Committee with a view to ascertaining its effectiveness in achieving equality of opportunity. Progress will be assessed against feedback from service provision, from the job selection process and against standards set out in this policy.

CCF will consider any possible indirectly discriminatory effects of its working practices. If changes are required, CCF will implement them. CCF will also make reasonable adjustments to its standard working practices to overcome substantial disadvantages caused by disability.

All terms of employment, benefits, facilities and services will be reviewed from time to time by the Personnel Committee, in order to ensure that there is no unlawful direct or indirect discrimination because of one or more of the protected characteristics.

## **B. Dignity at Work Policy statement**

CCF seeks to provide a work environment in which all employees are treated with respect and dignity and that is free from harassment and bullying based upon age, disability, gender reassignment, race (including colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation. In this policy, these are known as the “protected characteristics”.

Employees have a duty to co-operate with CCF to make sure that this policy is effective in preventing harassment or bullying. Action will be taken under CCF’s disciplinary procedure against any employee who is found to have committed an act of improper or unlawful harassment, bullying or intimidation. Serious breaches of this dignity at work policy statement will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should bear in mind that they can be held personally liable for any act of unlawful harassment. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

All employees are responsible for conducting themselves in accordance with this policy. CCF will not condone or tolerate any form of harassment, bullying or intimidation, whether engaged in by employees or by outside third parties who do business with CCF, such as clients, customers, contractors and suppliers.

You should draw the attention of your line manager to suspected cases of harassment, bullying or intimidation. You must not victimise or retaliate against an employee who has made allegations or complaints of harassment or who has provided information about such harassment. Such behaviour will be treated as potential gross misconduct in accordance with CCF’s disciplinary procedure. You should support colleagues who suffer such treatment and are making a complaint.

CCF will also take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment, bullying or intimidation against its employees.

This policy covers harassment, bullying and intimidation both in the workplace and in any work-related setting outside the workplace, for example during business trips, at external training events or at work-related social events.

### **1. *Bullying and harassment***

Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates an employee.

An employee unlawfully harasses another employee if they engage in unwanted conduct related to a protected characteristic, and the conduct has the purpose or effect of violating the other employee’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee.

An employee also unlawfully harasses another employee if they engage in unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating the other employee’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee.

Finally, an employee unlawfully harasses another employee if they or a third party engage in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, the conduct has the purpose or effect of violating the other employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee, and because of that other employee's rejection of or submission to the conduct, they treat that other employee less favourably than they would treat them if they had not rejected, or submitted to, the conduct.

The unwanted conduct will still amount to harassment if it is based on the protected characteristic of a third party with whom the employee is associated and not on the employee's own protected characteristic, or if it was directed at someone other than the employee, or even at nobody in particular, but they witnessed it. In addition, harassment can include cases where the unwanted conduct occurs because it is perceived that an employee has a particular protected characteristic, when in fact they do not.

Conduct may be harassment whether or not the person intended to offend. Something intended as a "joke" or as "office banter" may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.

## **2. Examples**

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:

- unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature
- subjection to obscene or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to a protected characteristic
- the offer of rewards for going along with sexual advances or threats for rejecting sexual advances
- jokes or pictures of a sexual, sexist or racial nature or which are otherwise derogatory in relation to a protected characteristic
- demeaning comments about an employee's appearance
- repeated questions about an employee's sex life
- the use of nicknames related to a protected characteristic whether made orally or by e-mail
- picking on or ridiculing an employee because of a protected characteristic
- isolating an employee or excluding him or her from social activities or relevant work-related matters because of a protected characteristic.

### **3. Reporting complaints**

All allegations of harassment, bullying or intimidation will be dealt with seriously, confidentially and speedily. CCF will not ignore or treat lightly grievances or complaints of harassment from employees.

While CCF encourages employees who believe they are being harassed or bullied to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, CCF also recognises that actual or perceived power and status disparities may make such confrontation impractical. In the event that such informal direct communication is either ineffective or impractical, or the situation is too serious to be dealt with informally, you should follow the procedure set out below.

If you wish to make a complaint of harassment, bullying or intimidation, whether against a fellow employee or a third party, such as a client, customer, contractor or supplier, you should follow the following steps:

- A. First of all, report the incident of harassment to your line manager. If you do not wish to speak to your line manager, you can instead speak to an alternative manager or to the COO.
- B. Such reports should be made promptly so that investigation may proceed and any action taken expeditiously.
- C. All allegations of harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the details of your complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order effectively to investigate an allegation, CCF must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser so that he or she is able to fairly respond to the allegations. CCF reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.
- D. Once the investigation has been completed, you will be informed in writing of the outcome and CCF's conclusions and decision as soon as possible. CCF is committed to taking appropriate action with respect to all complaints of harassment which are upheld. If appropriate, disciplinary proceedings will be brought against the alleged harasser.
- E. You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith.
- F. If your complaint is upheld and the harasser remains in CCF's employment, CCF will take all reasonable steps to ensure that you do not have to continue working alongside him or her if you do not wish to do so. CCF will discuss the options with you.
- G. If your complaint is not upheld, arrangements will be made for you and the alleged harasser to continue or resume working and to repair working relationships.

Alternatively, you may, if you wish, use CCF's grievance procedure to make a complaint of harassment.

### **C. Disciplinary action**

Any employee who is found to have harassed another employee in violation of this policy will be subject to disciplinary action under CCF's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, line managers who had knowledge that such harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under CCF's disciplinary procedure.

### **D. Equal Opportunities in Grant Making & Fundraising**

We strive to make our grant schemes available to the widest possible range of groups, and not to discriminate in employment matters, in our treatment of volunteers or in other service delivery.

CCF's grant making provides a positive contribution to addressing disadvantage in the county.

#### **1. Grant Making and Fundraising**

CCF will not discriminate against any individuals or groups of people in the provision of grants programmes. Disadvantaged individuals and groups will be encouraged to participate in activities and benefit from services, and this will be reflected in our provision of information. In particular:

- Publicity and promotion for events and services will be produced in a clear and easy-to-read format. Contact telephone numbers will be given for further verbal information. Consideration will be given to the appropriate coverage of publicity.
- Information and reports will be similarly clear. In some cases, consideration may be given to producing text on alternative types of media as appropriate
- Venues for meetings and events will be accessible to all potential participants.
- Consideration will be given to both car parking (particularly for people of different abilities) and to accessibility by public transport.
- Evaluation forms for training sessions and events will be clear and easy to use, and will yield information from simple tick-boxes.

#### **2. Board of Trustees**

Board composition should be from all geographical areas of the local community. This is achieved in part through the Articles of Association, which require trustees to be drawn from the Foundation's key stakeholders who include the voluntary sector, donors, and individual and corporate members. Training will be available for all committee members to gain a greater awareness of the roles and responsibilities as committee members.