

GROUNDWORK GREATER MANCHESTER



Equality, Diversity & Inclusion Policy



1.0 POLICY STATEMENT

Groundwork Greater Manchester is committed to encouraging equality of opportunity, diversity and inclusion in the workplace and all areas of its activities. We aim to create an environment in which personal differences and the contributions of all individuals are recognised and valued, so that they feel respected and able to give of their best. We fully support and will ensure compliance with all relevant legislation.

The aim of this policy is to ensure that no job applicant, employee or service user receives less favourable treatment on the grounds of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion and belief, sex or sexual orientation. These nine characteristics are protected in law.

In addition Groundwork expects that no individual should suffer prejudice or disadvantage as a result of any other characteristic such as employment status, fixed-term or part-time working, offending status in regard to unrelated criminal convictions, caring responsibilities, socio-economic status and so on.

2.0 SCOPE

Some provisions of this policy will by their nature apply to employees only, however Groundwork's liability as both an employer and service provider means the core principles of the right to protection from discrimination extends beyond employees to Board members, volunteers, trainees and job applications, learners, customers and visitors accessing Groundwork's facilities or services.

3.0 RESPONSIBILITIES

Our Board of Trustees has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law. Day to day operational responsibility for this policy, including regular review of this policy, has been delegated to the Executive Director.

All managers must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regards to equality of opportunity, diversity and inclusion.

The Trust has appointed an Equality, Diversity and Inclusion (EDI) Management Group formed from representatives across the staff team who have responsibility for championing diversity and sharing good practise within teams, developing and monitoring performance against an annual action plan and providing support and challenge to the Senior Leadership Team and Board in relation to EDI issues.

All employees, volunteers and trustees have a general responsibility to behave in a non-discriminatory way and to comply with this policy and promote the principles outlined within it to ensure equality for all.

4.0 POLICY APPROVAL AND COMMITMENT

This Equality, Diversity & Inclusion Policy carries a commitment to its principles at the highest level and has been agreed by the Senior Leadership Team and Trust Directors. It is approved and authorised for use by the Board of Directors.


This policy will be reviewed at least annually following consultation with our HR Advisers and the Trust Equality, Diversity and Inclusion Management Group.

Signed (Board Representative)



Dated: 11/11/2021

Signed (Executive Director)



Dated: 11/11/2021

5.0 LEGISLATION

This policy has been developed within the framework of existing legislation within the Equality Act 2010, which was brought in to combine all the previous anti-discrimination laws, and added further protected characteristics.

- Sex Discrimination Act (1975)
- Race Relations Act (1976), Race Relations (Amendment) Act 2000
- Employment Relations Act (1999)
- Disability Discrimination Act (1995)
- Equal Pay Act (1970)
- Employment Rights Act (1996)
- Harassment Act (1997)
- Data Protection Act (1998)
- Human Rights Act (1999)
- Equality of Employment (Sexual Orientation) Regulations (2003)
- Equality of Employment (Religion or Belief) Regulations (2003)
- Employment Equality (Age) Regulations (2006)

Implications of the Legislation

Both Groundwork and any individual member of staff concerned may be liable to legal proceedings if found to be in contravention of the Race Relations Act, Sex Discrimination Act, Disability Discrimination Act, and/or the Equality of Employment Regulations with regards to Sexual Orientation, Religion or Belief and Age. Groundwork will take all reasonable practicable steps to prevent acts of discrimination.

Codes of Practice

The Commission has issued codes of Practice for Racial Equality and the Equal Opportunities Commission that set out the practices, which employers should adopt in order to ensure equal opportunities at work. A Voluntary Code on Age Discrimination has been introduced. The Code does not have statutory provisions, but lay down well-defined operating practices for employers, which if not followed, may result in action through Employment Tribunals. In such a case, the Tribunal will have regard to the extent to which an employer had followed the guidelines contained in the Codes of Practice.

6.0 PROTECTED CHARACTERISTICS

Age

Age equality law relates to people of all ages. Age itself is not a genuine employment criterion, a relevant measure of performance or an indicator of mental and/or physical ability in a role. The law extends to all employment and organisational practices, including occupational pensions.

State pensions are not covered by the legislation and particular rules apply to certain group insured benefits which are also exempt once an employee reaches state retirement age.

There is no legally enforceable default retirement age, meaning older employees will leave Groundwork in the same way as any other employee, either voluntarily or via one of the standard fair reasons for dismissal.

Disability

For the right to protection from disability discrimination a person is considered to be disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The law does not define 'normal day-to-day activities' though the phrase has a wide application.

Long-term means that the condition lasts, or is likely to last, for more than 12 months, or that it is terminal. Individuals with cancer, multiple sclerosis or HIV/ AIDS are covered from the date of diagnosis regardless of the impact that the illness is having on their life at the time of diagnosis. A mental illness does not have to be clinically well-recognised. The emphasis is on the impact of the symptoms rather than the name given to them.

There is also a protection from discrimination 'arising from' disability, where it would be discriminatory to treat a disabled person less favourably because of something connected with their disability, for example a tendency to make spelling mistakes arising from dyslexia.

Groundwork has a duty to make reasonable adjustments to help people overcome disadvantage resulting from a disability. We are committed to employing, developing and retaining people with disabilities, as well as promoting disability awareness in the workplace.

Gender Reassignment

The Equality Act 2010 says that you must not be discriminated against because you are transsexual, when your gender identity is different from the gender assigned to you when you were born. For example:

- a person who was born female decides to spend the rest of his life as a man

In the Equality Act it is known as gender reassignment. All transsexual people share the common characteristic of gender reassignment.

To be protected from gender reassignment discrimination, you do not need to have undergone any specific treatment or surgery to change from your birth sex to your preferred gender. This is because changing your physiological or other gender attributes is a personal process rather than a medical one.

You can be at any stage in the transition process – from proposing to reassign your gender, to undergoing a process to reassign your gender, or having completed it.

Marriage and Civil Partnership

People who are married or in a civil partnership are protected from discrimination (direct or indirect) and victimisation. Links with other protected characteristics relating to sex, sexual orientation and gender reassignment mean individuals may be protected under more than one characteristic depending on the particular circumstances. Single people are not protected under this strand of equality law.

Pregnancy and Maternity

A woman is protected from unfavourable treatment on any grounds related to pregnancy, childbirth or maternity for the duration of her pregnancy and any statutory maternity leave to which she is entitled. Protection in these circumstances is not the same as protection from sex discrimination and so it is not necessary for the woman to show that she was treated less favourably than somebody else, rather it is a stand-alone protection. Periods of absence due to a pregnancy-related illness are not taken into account when making decisions relating to a female's employment.

Race

For the purposes of equality law the term 'race' encompasses colour, nationality, ethnic and national origins, including citizenship. It is usual to have a racial group that is made up of more than one of these characteristics, for example Black Britons, and it is important to avoid assumptions or stereotypes that one characteristic is an indicator of another.

Religion or Belief

Equality law provides protection from discrimination on the basis of a religion (defined as any religion with a clear structure and belief system) or a lack of religion. An individual could be discriminated against if there is a requirement to be of a particular religion and the individual has another faith or no religious belief at all.

A belief is any religious or philosophical belief satisfying various criteria, including that it is a weighty and substantial aspect of human life and behaviour. As with religion the protection from discrimination also applies to the lack of such a belief.

Groundwork recognises that there may be a fundamental conflict between the doctrines of some religions and the protected characteristic of sexual orientation when individuals come together in the workplace. The Trust aims to ensure that every individual is treated with equal respect and can work in a non-offensive environment. Should an individual of a particular religion feel compromised in this way consideration would be given to the core purpose of the activity and whether any adjustments to job design and delivery could be justified in the circumstances. The rights of the other individual to be protected from sexual orientation discrimination would remain.

Sex

Both men and women have protection against sex discrimination across all workplace practices, including the right to equal pay for the same work or work of an equivalent value.

Sexual Orientation

Sexual orientation is defined as having a sexual attraction to people of the same sex (homosexual), the opposite sex (heterosexual) or both sexes (bisexual). Individuals of any orientation are protected from discrimination under this characteristic. The law makes a clear distinction in terms

of the scope of its protection that sexual orientation has nothing to do with types of sexual practices.

Political Opinion or Affiliation

Under the Enterprise and Regulatory Reform Act 2013 (ERRA) employees have the right not to be dismissed because of (or where the principle reason for dismissal is) their political opinion or affiliation. Unlike other protected characteristics, the protection currently only applies to dismissal, and does not provide protection from other detriments falling short of dismissal, such as refusal to offer promotion or to deny access to training.

7.0 TYPES OF DISCRIMINATION

Direct Discrimination

This applies to all protected characteristics. Someone is treated less favourably than another person because of a protected characteristic that they have.

Example:

A female employee is not given training because she is pregnant. The course lasts 3 months and the employer says they will not get a sufficient return on their investment before the woman takes maternity leave. This is direct pregnancy and maternity discrimination.

Associative Discrimination

This is a particular type of direct discrimination where someone is treated less favourably because they have an association with an individual who has a protected characteristic.

Example:

A non-disabled employee is disciplined for taking too much time off to care for a disabled dependant. This could be direct disability discrimination by association.

Discrimination by Perception

This is a particular type of direct discrimination where someone is treated less favourably because it is perceived that they have a protected characteristic, even if they do not have that characteristic.

Example:

A male employee is not promoted because the interviewing manager believes he is gay and as some colleagues in the team are known to be homophobic the employee may struggle to gain their respect. This is direct sexual orientation discrimination by perception.

Indirect Discrimination

This can occur when a rule or policy applies to everyone, but puts a group (or individual within that group) with a protected characteristic at a disadvantage when compared with another group. It is likely to be indirect discrimination if the employer cannot show it to be a proportionate means of achieving a legitimate aim.

Example:

Part-time working is not allowed in a particular role, making it harder for individuals with caring responsibilities to apply. Statistically this has an impact on more women than men. One woman is an excellent candidate for promotion to the role but cannot work full-time hours, and the employer cannot justify why full-time working is an essential requirement. This could be indirect sex discrimination.

Harassment

Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual, or violating a person's dignity. This includes unwanted conduct of a sexual nature (sexual harassment). The perceptions of the recipient of harassment are very important and harassment can be deemed to have occurred even if that was not the intention of the other party.

An individual may experience harassment even if they don't possess the protected characteristic or the harassment is not directed at them, if the effect created is still a hostile or offensive working environment.

Example:

Colleagues of a Muslim employee are insensitive to her religion and choice to observe Sharia law in relation to fasting, dress and prayer, frequently commenting on her 'fashion sense' and complaining

behind her back about her receiving extra time off for prayer (even though they know the employee makes the time up at other times).

The employee herself brings a complaint of harassment against both her colleagues and the manager who has failed to control the situation. Another colleague works closely with her and although he is not a Muslim is horrified by the treatment of the employee and also finds the office environment uncomfortable. He has challenged the perpetrators several times but they claim it is merely office banter and continue unabated. He too brings a claim of harassment against the employer.

Third Party Harassment

This applies to sex, ages, disability, gender re-assignment, race, religion or belief and sexual orientation. The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company such as customers or clients. Groundwork can only be liable if the harassment occurred on at least two previous occasions, is aware that it has taken place, and has not taken reasonable steps to prevent it from happening again.

Victimisation

Victimisation occurs when someone is treated less favourably because they have actually made or supported a complaint, are thought to have made a complaint, or have raised a grievance under equality law. Victimisation can continue after employment (for example, refusing to give someone a reference because they had exercised their rights under equality law).

Example:

A young employee, recently graduated, is frequently given menial tasks to do because her manager believes her young age implies inexperience. She asks for more responsibility and the chance to be able to prove her ability, but is not trusted with more challenging work. Eventually the employee makes a formal complaint against her manager. The complaint is resolved through the internal grievance procedures, however the employee is subsequently ostracised by the manager and fears her future pay and promotion prospects have been damaged by the grievance. She could claim victimisation

RELATED KEY CONCEPTS

Justification for direct discrimination

In limited and specific circumstances an employer may be able to justify discrimination as a proportionate means of achieving a legitimate business aim. The employer would have to prove that the business aim could not be achieved in another way that could avoid the need for discrimination. Occasionally too equality law will not take precedence over competing laws, for example in matters of health and safety or where national security is believed to be compromised.

Positive action

The Equality Act allows employers to take positive action if they think that employees or job applicants who share a particular protected characteristic suffer a disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.

Occupational requirement

Where there is an occupational requirement to employ a person with a particular protected characteristic, certain limited exceptions from the law are permitted covering selection, promotion and training, but the employer must be able to show that there is a genuine need taking account of the type of work or the context in which the work is carried out. Examples which may be considered reasonable include:

- A priest of an organised religion being expected to hold and practice that particular religious belief. It would be unlikely that it could be justified as an occupational requirement of the cleaner or other ancillary staff however.

- A support worker for a mental health charity being required to have a mental health disability as it is necessary that the person has shared experiences and empathy with the customers.

8.0 EQUALITY IN PRACTICE

The right to equality of opportunity, fair treatment and protection from discrimination applies across all areas of Groundwork's activity in its capacity as an employer, service provider and community organisation.

Employment Practices

Groundwork aims to maintain and extend a fair working environment for all employees through the revision and development of policies to promote equal opportunities and diversity in employment at every stage. The stages include:

- Advertisement
- Recruitment and Selection
- Induction
- Training and Development
- Pay and Benefits
- Promotion, Retention and Retraining
- Terms and Conditions of Employment
- Capability/performance management
- Absence management
- Job design/ workplace adaptations
- Flexible working
- Time off
- Discipline
- Grievance
- Dismissal, Redundancy or Grading
- Providing references

In addition Groundwork will take steps to protect an individual's health, safety and wellbeing, including the right to enjoy dignity at work and protection from bullying and harassment in the workplace. Each of Groundwork's recruitment campaigns will be reviewed to ensure the process is

free from potential acts of discrimination and that all associated literature, such as job adverts, job descriptions and person specifications do not disadvantage any individual or particular group.

Volunteering

Groundwork recognises that volunteers make a significant contribution to the Trust and its communities, providing skills, expertise and additional capacity for planning and delivering a wide range of activities. Volunteers involved with Groundwork include the Board of Trustees, community volunteers, graduate volunteers, trainees and individuals. Groundwork aims to ensure that volunteers are protected from discrimination by:

- Treating volunteers with respect and dignity, enabling equal access to Trust activities and relevant communications, recognising achievements and providing opportunities for appropriate training and development.
- Understanding the barriers to volunteering faced by some groups of people and helping to overcome social disadvantage to promote participation in volunteering and social inclusion to achieve a volunteer membership that reflects the composition of the wider community.
- Working with individuals to understand and exceed their desired outcomes from volunteering, whether these are for personal development, work experience, skills and training, achievement of qualifications, social integration, community development or to break a cycle of unemployment.

Provision of Facilities and Services to the Public

Groundwork aims to ensure that no individual or group of individuals suffers discrimination on the basis of a protected characteristic as a result of services provided by the Trust. Customers accessing any such services can expect an environment free from harassment by employees of Groundwork.

To make services equally accessible to customers it may be necessary to deliver the service in a different way, recognising that equality of opportunity does not always flow from the same treatment.

This relates to any facilities or services provided by Groundwork irrespective of location, including but not limited to:

- Customers accessing community, youth, education, EnergyWorks or employment services
- Adult learning provision and apprenticeship/trainee programmes
- Sustainable business services advice and delivery of training courses
- Programmes of work relating to land and design services and contract delivery
- Marketing, IT or other expertise provided to external organisations
- Visitors to Groundwork premises attending meetings and events by invitation
- Companies or individuals using Groundwork's facilities for short or long-term rental

Activities and Events

Groundwork recognises its activities will be more effective if they promote inclusion and support can be derived from all areas of the workforce and sectors of the community. In order to achieve this Groundwork will ensure that:

- Action is taken to provide equal access for the relevant people in line with this policy in planning meetings, events, activities or training and in the delivery of other services. Consideration will need to be given for example to accessible venues, caring responsibilities, part-time working and religious and cultural observances.
- People from all areas of the community are encouraged to join events and that no individuals or groups are discriminated against. Community cohesion and development activity targeted at under-represented groups will be used to promote social inclusion and wider engagement in Groundwork's activities and volunteering opportunities.
- The range of activities undertaken will aim to reflect the diversity of the workforce and local communities and utilise the skills and experiences of the individuals within them.

Communications

The Trust recognises the importance of good internal and external communications in promoting equality and diversity, and the positive impact this has on Groundwork's reputation as an equal opportunities employer and service provider. Examples of this include:

- The use of images on the website and in printed publications showing the positive contribution made to Groundwork's activities by people from all areas of the community.
- Positive use of all types of media to challenge stereotypes and commonly held assumptions about certain individuals or groups of individuals, for example that young people don't volunteer.

- The use of project evaluation, case studies, press releases and celebration of achievements to promote the benefits of on-going engagement and participation within under-represented groups in our communities.
- Communication via social networking sites and mobile technologies to plan activities and engage and retain individuals or groups of people who may be less responsive to other methods of communication and for whom social networking is the norm.

Tendering, Procurement and Sub-contracting

Managers involved in tendering, procurement and sub-contracting activity will take reasonable steps to ensure Groundwork can protect its workforce and customers from potential discrimination which may arise as a result of these processes. This means working whenever possible with ethical organisations whose commitment to equality and diversity is in line with Groundwork's own approach.

While large organisations or entities delivering or managing contracts on behalf of government will themselves be subject to the Public Sector Equality Duty, it may be necessary to establish the equality and diversity credentials of parties not already known to Groundwork. In practice this does not need to be onerous and would involve simple steps such as:

- Looking at a company's website to establish its mission and objectives
- Asking how a commitment to equal opportunities, diversity and inclusion can be demonstrated through supplier selection questionnaire, obtaining a copy of the policy if one exists
- Performing an internet search for relevant news articles etc

Undertaking the actions above cannot guarantee protection from discrimination but are reasonable to establish an acceptable level of confidence, whereas a failure to make such enquiries can leave the employer liable for third party harassment should this arise.

9.0 TRAINING AND AWARENESS

Equality, diversity and inclusion training will be used to reiterate and embed the concepts covered in this policy. It is important that everyone understands their responsibilities and the behaviours expected of them. A copy of the policy is given to all staff and volunteers during induction and the

principles explained. At this stage people should understand why a policy is necessary and what it is intended to achieve.

All Groundwork staff and volunteers will receive general awareness training and regular refresher training. Special interest training, briefings and updates will be provided in line with priorities identified within annual EDI Action Plan, following recommendation from the EDI management Group. Individual staff may from time to time identify a training need relating to a specific area of equality or diversity, which they wish to understand in more detail in order to apply it in their role. This type of training will be provided on a needs/benefit basis.

All participants involved in training programmes will receive equality and diversity training within their training induction programme. In addition Groundwork will strive to raise awareness of equal opportunities issues and encourage individuals involved in its activities to be sensitive to the needs of others.

Line managers will receive support in operating Groundwork's employment policies and procedures in order to facilitate fair and consistent decision-making. Occasionally senior managers will be required to attend training on a specific area of equality and diversity and cascade this information to their peers.

10.0 DIVERSITY AT WORK

Diversity refers to any differences between individuals that make them unique, for example background, culture, personality, work-style, physical attributes, accent, language and so on. People also have diverse interests, hobbies, preferred music styles, ambitions and fears. Practically any characteristic makes people diverse. Unlike the nine protected characteristics covered by equality legislation designed to redress the effects of past discrimination, these other differences are not protected by law.

Groundwork recognises that certain groups or individuals in our local communities may experience prejudice arising from their socio-economic status and related social disadvantage(s) which may include:

- Lack of access to training and education, health facilities and public transport
- Housing issues, debt, poverty, addiction
- The effects of crime or a criminal record

- Caring responsibilities, lone parenting
- Language barriers; long-term unemployment and dependence on benefits, low skill/ low pay jobs, lack of job prospects
- Low self-esteem and lack of confidence

It is important to recognise differences exist in order to be able to value everyone as an individual. Using the example of social disadvantage it can be seen that treating everybody the same is unlikely to result in equality of opportunity. The social justice argument for diversity that people should have equal access to employment and services further highlights the need to be flexible in achieving this fair and consistent treatment and ensuring individuals are not 'mainstreamed' outside normal society.

People need to be treated differently in ways that are tailored to their needs but aligned to business needs and objectives.

Promoting and Managing Diversity

The business case for diversity means going beyond the minimum standards required by equality law. Managing and promoting diversity can bring about the following benefits:

- Building a workforce which is representative of the communities it serves;
- Enhancing the organisation's reputation as an ethical employer, aware of its corporate social responsibilities;
- Understanding how actions and initiatives taken to promote diversity are supporting business goals;
- Ensuring individuals can all give their best contribution and draw on their unique skills and experiences to contribute to the success of the organisation;
- Creating open and inclusive workplace cultures in which everyone feels valued;
- Having the ability to bring about cultural change;
- Engaging with employees in a way that can influence personal behaviours;
- Fostering innovation and creativity in the design and delivery of activities and events;
- Ensuring the needs of people, communities and businesses are interrelated to create healthy societies.

Groundwork is committed to managing diversity and supporting a culture of inclusion. Celebration of this diversity is already apparent throughout many of the Trust's activities.

11.0 MONITORING AND REVIEW ARRANGEMENTS

Monitoring, reviewing and setting targets for continuous improvement is an essential part of managing the effectiveness of the Trust EDI Policy in practise.

Collection and monitoring of data – employment of staff and volunteers

To facilitate the ongoing monitoring process, Groundwork will maintain records of the sex, marital status, disablement, age, gender ethnic origin, religion or belief and other socio-economic characteristics of all employees and job applicants. Such records will be used solely for the purpose of monitoring the equality of opportunity. Analysis of short-listing and selection decisions for employment, promotion, transfer and access to training as well as the composition of the workforce will be carried out. The results of monitoring will be collated and provided for review by the Trust EDI Management Group and Senior Leadership Team. The results will be used to determine the effectiveness of the implementation of the policy and to identify where any adjustments need to be made to ensure that equal opportunities are afforded to all applicants and staff.

Collection and monitoring of data – participants on Groundwork provision

Groundwork will maintain the records of the sex, marital status, disablement, age, gender, ethnic origin, religion or belief and other socio-economic characteristics of participants on youth, employment and training provision to assess participation, retention, achievement and progression rates. The results of monitoring will be reviewed to assess the effectiveness of Groundwork provision in ensuring equality of access and outcomes for participants by relevant Team Managers and the Trust EDI Management Group. Following review, any targets and actions to achieve improvement will be set.

Collection and monitoring of data – compliance with the General Data Protection Regulation

Under the General Data Protection Regulation (GDPR), it is possible to gather and analyse information about employees, applicants, learners or participants for diversity monitoring purposes, as long as the organisation has the legal basis for processing the data and, where applicable, are able to meet the rules that relate to processing Special Categories of Personal Data (e.g. race, sexual orientation). At Groundwork we will use this data to monitor the effectiveness of our diversity and inclusion policy, which would meet the legal basis for processing this data. All

personal data will be processed and managed in line with our GDPR Compliant Data Protection Policy.

Production and Review of 5 Year Vision and Action Plan

In addition to receiving and responding to regular data reports from across the Trust, the EDI Management Group will have responsibility for developing a longer-term EDI Vision for the Trust with an associated annual action plan. The plan will be developed in line with goals identified in the strategy and key priority areas for improvement determined by the group, including staff training requirements, and informed by evidence from data collected.

The progress in achieving targets and priorities set within the strategy and action plan will be regularly monitored by the group with quarterly updates and recommendations provided for the Senior Leadership Team and Board of Trustees.