

**Equal Opportunities Policy – Central Borders Citizens Advice Bureau**

1. **Introduction**

Central Borders CAB is committed to providing equal opportunities in the delivery of its services and in the recruitment, selection and employment of its workforce. Central Borders CAB committed to avoiding unlawful discrimination in any aspect of employment and against any of its clients.

This policy is intended to assist the bureau to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The organisation has a separate Bullying and Harassment policy, which deals with these issues.

1. **The law**

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, for example, refusing to give a reference for a reason related to one of the protected characteristics.

It is unlawful for an employer to fail to make reasonable adjustments to its requirements, working practices or the physical features of the workplace where these put a disabled job applicant or employee at a substantial disadvantage. It is also unlawful discrimination where a disabled employee is at a substantial disadvantage due to the employer's unreasonable failure to provide an auxiliary aid or service to the disabled employee.

Staff should not discriminate against or harass a client or any member of the public in the provision of services, goods or facilities. It is unlawful to fail to make reasonable adjustments to overcome barriers to using the bureau’s services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and make reasonable adjustments to address any barriers that may impede disabled people from accessing a service.

1. **Types of unlawful discrimination**

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant or rejecting a job applicant because of their race.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Associative discrimination** is direct discrimination against someone because they associate with another person who possesses a protected characteristic. This provision will help to provide protection for carers, amongst others.

**Perceptive discrimination** is direct discrimination against individuals because others *think* that they possess a particular protected characteristic. This applies even if the person does not actually possess the characteristic.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity which are covered by direct discrimination provisions in the Equality Act 2010) that has the purpose or effect of violating a person's dignity; or is reasonably considered by that person to create an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint in bad faith. There is no need for a complainant to compare their treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

**Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that disability and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

1. **Equal opportunities in employment**

Central Borders CAB will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

Central Borders CAB will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the organisation considers it has good reasons, unrelated to any protected characteristic, for doing so. Central Borders CAB will comply with its obligations in relation to statutory requests for contract variations. Central Borders CAB] will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Central Borders CAB will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

1. **Clients, suppliers and other people not employed by the organisation**

Central Borders CAB will not discriminate unlawfully against clients using or seeking to use facilities or services provided by the bureau.

Employees should report any bullying or harassment by clients, suppliers, visitors or others to their manager who will take appropriate action.

1. **Your responsibilities**

Every employee is required to assist the organisation to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the bureau for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or clients are disciplinary offences and will be dealt with under Central Borders CAB's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

1. **Grievances**

If you consider that you may have been unlawfully discriminated against, you may use Central Borders CAB’s grievance procedure to make a complaint. If your complaint involves bullying or harassment, please first refer to the Bullying and Harassment policy.

Central Borders CAB will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the organisation's grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

1. **Monitoring and review**

This policy will be monitored periodically by the organisation to judge its effectiveness and will be updated in accordance with changes in the law.

Central Borders CAB treats personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with its data protection policy.

Signed……………………………………………. Date …………………………………….

Designation ……………………………

April 2022