

## EQUAL OPPORTUNITIES POLICY

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# EQUAL OPPORTUNITIES POLICY

## 1. OUR COMMITMENT TO EQUAL OPPORTUNITIES

1.1 Cucumber Recruitment is committed to equal opportunities both in employment and service provision. This policy provides the foundation for a fair and just working environment for our employees and a respectful service for our service users, free of any form of discrimination (see *Appendix 1* for definitions of the different types of discrimination). This policy is supported by our *Anti Discriminatory Practice* policy, *Race Relations* policy, *Harassment at Work* policy, *Bullying at Work* policy, *Anti-Social Behaviour, Hate Crime, Racial and Other Harassment* policy, *Recruitment and Selection* policy, *Code of Conduct and Professional Boundaries* policy for employees, and the *Employee Handbook*.

Cucumber Recruitment values the diversity of the cultural, ethnic and religious backgrounds of the communities in which we work. We aim to reflect this diversity in our workforce. We seek to promote an understanding of different cultures, religions, age groups, genders and sexual orientation within our workforce and to respond creatively to the specific needs of our service users. We believe that the active promotion of equal opportunities is essential to the provision of a high-quality service.

## 2. EMPLOYMENT

2.1 Cucumber Recruitment is an Equal Opportunities Employer. Appendix 2 details the list of protected characteristics as defined in the *Equality Act 2010*: however, Cucumber Recruitment recognises that other groups may be at increased risk of discrimination, including those with mental health needs, the currently unemployed and those with unrelated criminal convictions, and individuals who participate in Trade Union activities.

Our aim is to ensure that no applicant or employee receives less favourable treatment on the grounds of their race (which includes colour, ethnic origin, caste and nationality) religion or belief, class, mental health, employment status, unrelated criminal convictions, nationality, disability (including certain medical conditions such as HIV, multiple sclerosis and cancer for example), gender, age, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity or responsibility for dependants. This commitment is reflected in recruitment and selection procedures, training policies and supervisory and appraisal processes. Cucumber Recruitment takes a zero-tolerance approach to any form of discrimination, bullying and harassment based on any of the protected characteristics as defined above.

Cucumber Recruitment and equality law recognise that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker or job applicant. Cucumber Recruitment is committed to making reasonable adjustments to ensure that all applicants and employees have the same access to everything that is involved in getting and doing a job. Where the need arises, we will take appropriate

reasonable action to remove or reduce any obstacles faced by disabled workers or job applicants.

2.2 Cucumber Recruitment complies with the provisions of the:

*Employment Rights Act 1996*

*Protection from Harassment Act 1997*

*Human Rights Act 1998*

*Crime and Disorder Act 1998*

*Gender Recognition Act 2004*

*Employment Equality (Sex Discrimination) Regulations 2005*

*Racial & Religious Hatred Act 2006*

*Equality Act 2010*

*Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010*

*The Trade Union and Labour Relations (Consolidation) Act 1992 Offender*

*Rehabilitation Act 2014*

*The Agency Workers Regulations 2010*

We observe as far as possible the relevant EHRC (Equality and Human Rights Commission, formerly CRE and EOC) Codes of Practice:

- Code of Practice on Racial Equality in Employment
- Code of Practice on Sex Discrimination
- Gender Equality Duty Code of Practice
- Disability Equality Duty Code of Practice

Our aim is to ensure that no service user, applicant or employee receives less favourable treatment on the grounds of their race, ethnic origin, religion or belief, nationality, disability, gender, age, sexual orientation, gender reassignment, identity or expression, marriage and civil partnership, pregnancy and maternity or responsibility for dependants.

2.3 In order to facilitate the inclusion of people with parental or caring responsibilities within our workforce consideration is given to flexible working patterns and requests for job share. In appropriate circumstances paid carers leave is given.

2.4 Cucumber Recruitment regards harassment in the workplace on the grounds of any protected characteristic (see *Appendix 2* for the list of protected characteristics as defined in the *Equality Act 2010*) as a serious offence under its disciplinary procedure and will deal with such matters accordingly. Cucumber Recruitment's *Harassment at Work* policy gives detailed guidelines to staff in this situation.

### **3. SERVICE DEVELOPMENT**

- 3.1 Cucumber Recruitment aims to develop appropriate provision for people with a learning disability or mental health needs who may experience additional discrimination because of their race, religion, age, gender, sexual orientation or disability. We recognise and act upon the essential need for consultation and representation to achieve this.

### **4. ANTI-DISCRIMINATORY PRACTICE**

- 4.1 We identify and address issues of race, ethnic origin, religion or belief, nationality, disability, gender, age, sexual orientation, gender reassignment, identity or expression, marriage and civil partnership, pregnancy and maternity and responsibility for dependants when assessing the needs of individual service users and planning their care and support.
- 4.2 Employees are given appropriate training and guidance to enable them to practice in a manner that is anti-discriminatory and which promotes the rights and wellbeing of all service users. Job descriptions clearly identify the responsibilities of employees for promoting equal opportunities.

### **5. COMPLAINTS OF DISCRIMINATION**

- 5.1 All stakeholders are fully informed as to how to make complaints about racial, sexual or other discrimination and to give critical feedback in relation to equal opportunities issues. All complaints of discrimination and harassment are taken extremely seriously.
- 5.2 Staff who engage in discriminatory practices are subject to the internal disciplinary procedure, which explicitly states that a serious breach of Cucumber Recruitment's *Equal Opportunities* policy constitutes gross misconduct.
- 5.3 Complaints of discrimination involving volunteers, students on placement, consultants, sub-contractors, suppliers or partner agencies are fully investigated and addressed as part of our agreed procedures.

### **6. IMPLEMENTATION, MONITORING AND EVALUATION**

- 6.1 The person responsible for the implementation, monitoring and evaluation of our equal opportunities processes and procedures is Jonathan Matthews, Director.
- 6.2 Cucumber Recruitment monitors the implementation of our *Equal Opportunities* policy. We routinely collect and analyse information relating to the breakdown of gender, ethnic origin and disability within our workforce and our service user base.

- 6.3 Cucumber Recruitment is committed to the on-going development of a corporate Equality and Diversity Action Plan, integral to our strategic business planning and the services we provide. Additionally, each region should look to develop its own Equality and Diversity Action Plan that takes into account the particular needs and diversity of the communities within which it works and how it aims to promote understanding and awareness of equal opportunities and anti-discriminatory practice.
- 6.4 We evaluate the effectiveness of Cucumber Recruitment's *Equal Opportunities* policy and working practices through the organisation's quality assurance system, by reviewing all incidents and complaints and by monitoring relevant information. (Please see the corporate *Quality Assurance* policy for more information).
- 6.5 This policy and all related equal opportunities policies are reviewed regularly to ensure that they continue to reflect new equal opportunities legislation and best practice.

## APPENDIX 1

### TYPES OF DISCRIMINATION:

- **Direct discrimination** – direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic (see *Appendix 2*) they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).
- **Discrimination by association** – already applied to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment/transgender and sex. This is direct discrimination against someone because they association with another person who possesses a protected characteristic.
- **Perception discrimination** – already applied to age, race, religion or belief and sexual orientation. Now extended to cover disability, gender reassignment/transgender and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.
- **Indirect discrimination** – already applied to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Now extended to cover disability and gender reassignment/transgender. Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic.
- **Harassment** – harassment is ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’. Harassment applied to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees are now able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment based on perception and association.
- **Victimisation** – victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimization if they have maliciously made or supported an untrue complaint.

## APPENDIX 2

## PROTECTED CHARACTERISTICS

The Equality Act 2010 protects people who have a 'protected characteristic' (these used to be called 'grounds').

The relevant characteristics are:

- **Age** - protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.
- **Disability** – the protected characteristic of disability applies to a person who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, such as using a telephone, reading a book or using public transport.
- **Gender reassignment**– the protected characteristic of gender reassignment will apply to a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. *Note gender reassignment is now more commonly referred to as transgender although the Equality Act 2010 refers to gender reassignment.*
- **Marriage and civil partnership** - protects employees who are married or in a civil partnership against discrimination.
- **Pregnancy and maternity** - a woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination. You must not take into account an employee's period of absence due to pregnancy-related illness when making a decision about her employment.
- **Race** - this includes ethnic or national origin, colour and nationality
- **Religion or belief** - religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.
- **Sex** - both men and women are protected under the Act, and
- **Sexual orientation** - protects bisexual, gay, heterosexual and lesbian people (*note although not specifically referred to in the Equality Act 2010 Cucumber Recruitment include transgender within this category also*)

## Equality Impact Assessment for this Policy

Is it likely that the policy <b>could</b> have a positive or negative impact on minority ethnic groups? What evidence (either presumed or otherwise) do you have for this?	Y	N	This policy details Cucumber Recruitment's commitment to ensuring people of all ethnic minority groups are treated fairly and with equal opportunity. Furthermore, this policy states Cucumber Recruitment's commitment to provide a fair and just working environment for our employees and a respectful and sensitive service for our clients, free of any form of discrimination. This policy has a positive impact on not only all the 'protected characteristics' identified in the <i>Equality Act 2010</i> but also seeks to protect other groups such as individuals with unrelated criminal convictions and those involved in union activities.
Is it likely that the policy <b>could</b> have a positive or negative impact due to gender (including pregnancy and maternity)? What evidence (either presumed or otherwise) do you have for this?	Y	N	Cucumber Recruitment is a Workplace Diversity Champion, assessed under Stonewall's Workplace Equality Index.
Is it likely that the policy <b>could</b> have a positive or negative impact due to disability? What evidence (either presumed or otherwise) do you have for this?	Y	N	See above
Is it likely that the policy <b>could</b> have a positive or negative impact on people due to sexual orientation? What evidence (either presumed or otherwise) do you have for this?	Y	N	See above
Is it likely that the policy <b>could</b> have a positive or negative impact on people due to their age? What evidence (either presumed or otherwise) do you have for this?	Y	N	See above
Is it likely that the policy <b>could</b> have a positive or negative impact on people due to their religious belief (or none)? What evidence (either presumed or otherwise) do you have for this?	Y	N	See above



Is it likely that the policy <b>could</b> have a positive or negative impact on people with dependants/caring responsibilities? What evidence (either presumed or otherwise) do you have for this?	Y	N	See above
Is it likely that the policy <b>could</b> have a positive or negative impact on people due to them being	Y	N	See above

transgender or transsexual? What evidence (either presumed or otherwise) do you have for this?			
Is it likely that the policy <b>could</b> have a positive or negative impact on people due to their marital or civil partnership status? What evidence (either presumed or otherwise) do you have for this?	<b>Y</b>	<b>N</b>	See above
Can any adverse impact be justified on the grounds of promoting equality of opportunity for a particular group? (For example, the policy may be deliberately designed to promote equality for disabled people but may run the risk of this being at the expense of non-disabled people which is permissible under law).	<b>Y</b>	<b>N</b>	This policy is intended to promote equal opportunity so at times if special attention is required to promote equality of opportunity then this could be justified.
Has this policy been amended or developed in the last review in order to promote equality of opportunity for any particular group? (please note any changes made)	<b>Y</b>	<b>N</b>	

**Amendments made in accordance with changes in legislation.**

<p>Has the policy been amended or developed to take account of changes in legislation, statutory guidance or accepted good practice?</p>	<p><b>Y</b></p>	<p><b>N</b></p>	<p>A “zero tolerance” statement has been added (section 2.1) to make more explicit Cucumber Recruitment’s commitment to non-discriminatory practice with respect to recruitment, employment and treatment of all service users, staff and others. On the recommendations of Stonewall, amendments have been made to ensure language is inclusive of all LBGT individuals, to emphasise our continued commitment to equal opportunities and respect for all.</p>
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