

SECTION NINE: Equal Opportunity & Anti-Bullying & Harassment Policy

Equal Opportunities Statement

WRAS is committed to promoting equal opportunities in employment. You and any job applicants will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (**Protected Characteristics**).

This policy sets out WRAS' approach to equal opportunities and the avoidance of discrimination at work. It applies to all aspects of employment with WRAS including recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures and termination of employment. The Operations Director is responsible for this policy and any necessary training on equal opportunities.

This policy does not form part of your Contract of Employment and may be amended at any time.

This policy is underpinned by the following further commitments and aims:

- A working environment free from all forms of unlawful discrimination, including victimisation and harassment.
- A workforce that is confident of being treated fairly and equally throughout the employment relationship.
- A workplace capable of allowing everyone to achieve their highest potential.
- A charity-wide understanding of the message promoted by this policy.
- A commitment to ensuring all staff understand their rights and responsibilities under their policy (if you are not sure what WRAS considers acceptable and unacceptable, you should seek clarification from the Operations Director).
- A policy of ensuring employment opportunities are open to all qualified candidates so that WRAS recruits from the largest possible pool of available talent and recruits the best-qualified staff.
- A commitment to creating a workforce based on ability that also mirrors the multicultural composition of WRAS' local community.
- A commitment to regularly review this policy and WRAS' workplace practices to identify issues and eliminate any unlawful discrimination or other unacceptable behaviour it may find.
- A commitment to protecting staff from being victimised or treated less fairly if they make a complaint in good faith under this policy.

Discrimination

You must not unlawfully discriminate against or harass other people including current and former members of staff, job applicants, customers or suppliers. This applies inside and outside the workplace and on work-related trips or events including social events.

The following forms of discrimination are prohibited under this policy and are unlawful:

- **Direct discrimination:** treating someone less favourably because of a Protected Characteristic such as rejecting a job applicant because of their religious views.
- **Indirect discrimination:** a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.

- **Harassment:** this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- **Victimisation:** retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.
- **Disability discrimination:** this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

There are practices which, although they appear to breach the aims of this policy, are in fact justifiable on objective and operational grounds. These are called **lawful practices**. If you are not sure whether some aspect of workplace behaviour you have experienced or witnessed is discriminatory or a lawful practice, please ask the Operations Director for clarification.

Responsibility

Both management and staff are essential for ensuring the success of this policy and each has their own duties and responsibilities. Everyone has a legal responsibility to comply and anyone may be found personally liable for unlawful discrimination if they breach the terms of this policy.

Overall responsibility for the effective implementation and operation of the policy lies with the Operations Director. Managers are expected to act in full accordance with this policy, lead by example and attain and maintain appropriate standards of behaviour within the teams they manage.

The ethos and standards covered by this policy can only be achieved and maintained if all staff also co-operate fully and it is important to understand that you also have a legal responsibility to comply. If you breach this policy, you may also make WRAS liable for your actions and both you and WRAS may have to pay compensation to anyone who lodges a claim. Accordingly, WRAS expects you to take personal responsibility for adhering to the aims and commitments of this policy and for drawing any breaches to its attention.

WRAS also encourages all staff to take part in promoting equal opportunities. Please contact the Operations Director if you have any ideas about how WRAS could do this better or you would like to play a bigger role.

Recruitment & Selection

Recruitment, promotion and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination. Shortlisting should be done by more than one person if possible.

Vacancies should generally be advertised to a diverse section of the labour market. Advertisements should avoid stereotyping or using wording that may discourage particular groups from applying.

Job applicants should not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.

Job applicants should not be asked about health or disability before a job offer is made, except in the very limited circumstances allowed by law: for example, to check that the applicant could perform an intrinsic part of the job (taking account of any reasonable adjustments), or to see if any adjustments might be needed at interview because of a disability. Where necessary, job offers can be made conditional on a satisfactory medical check. Health or disability questions may be included in equal opportunities monitoring forms, which must not be used for selection or decision-making purposes.

Disabilities

If you are disabled or become disabled, WRAS encourages you to tell the Operations Director about your condition so that WRAS can consider what reasonable adjustments or support may be appropriate.

Part Time & Fixed Term Work

Part-time and fixed-term employees should be treated the same as comparable full-time or permanent employees and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

Breaches of this Policy

WRAS takes a strict approach to breaches of this policy, which will be dealt with in accordance with its Disciplinary Procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.

If you believe that you have suffered discrimination you can raise the matter through the Grievance Procedure. Complaints will be treated in confidence and investigated as appropriate.

You must not be victimised or retaliated against for complaining about discrimination. Making a false allegation deliberately and in bad faith will however, be treated as misconduct and dealt with under the Disciplinary Procedure.

Anti-Bullying & Harassment Statement

WRAS is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.

This policy covers harassment or bullying which occurs at work and outside the workplace, such as at work-related events or social functions. It covers bullying and harassment by staff (which may include volunteers, consultants, contractors and agency workers) and also by third parties such as donors, supporters, suppliers or visitors to WRAS' premises.

This policy does not form part of your Contract of Employment and WRAS may amend it at any time.

This policy applies in the following contexts:

- anywhere on WRAS premises;
- anywhere away from WRAS premises during work-related business events;
- anywhere away from WRAS premises during work-related social events; and
- anywhere away from WRAS premises during work-related trips.

Taking part in any of the following behaviour will lead to disciplinary action under the Disciplinary Procedure which may include your dismissal for misconduct or gross misconduct:

- Harassing or bullying anyone else;
- Threatening anyone who raises a harassment or bullying complaint;
- Retaliating against anyone who raises a harassment or bullying complaint;
- Making allegations maliciously or in bad faith; and
- Giving false or intentionally misleading information during any investigation.

Before you raise a complaint, you need to remember that WRAS has a duty to protect all workers. That means that if you change your mind after complaining, even informally or in confidence, WRAS may choose to investigate anyway, particularly if your allegation is serious. The will however, not do so without talking to you first.

You should never be victimised or treated less favourably if you raise a harassment or bullying complaint and you must inform the Operations Director as soon as possible if you believe you have been subjected to this type of treatment.

What is Harassment

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- (a) unwanted physical conduct or “horseplay”, including touching, pinching, pushing and grabbing;
- (b) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- (c) offensive e-mails, text or Whatsapp messages or social media content; and
- (d) mocking, mimicking or belittling a person's disability.

A person may be harassed even if they were not the intended “target”. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

What is Bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- (a) physical or psychological threats;
- (b) overbearing and intimidating levels of supervision; and
- (c) inappropriate derogatory remarks about someone's performance;

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

What if you are being harassment or bullied?

If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to the Operations Director who can provide confidential advice and assistance in resolving the issue formally or informally.

If informal steps are not appropriate, or have not been successful, you should raise the matter formally under the Grievance Procedure.

WRAS will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible which may include an external third party. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a “need to know” basis. WRAS will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation.

Once the investigation is complete, WRAS will inform you of its decision. If WRAS considers you have been harassed or bullied by an employee the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party, WRAS will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, WRAS will consider how best to manage any ongoing working relationship between you and the person concerned.

Protection & Support

Staff who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under the Disciplinary Procedure.

Confidentiality

Harassment and bullying allegations can raise strong feelings and are always serious, which is why both WRAS and the accuser have an obligation to maintain confidentiality as far as possible. This applies at every stage, including the investigation and the result.

If you make a complaint and fail to maintain proper confidentiality at any time during the process, or you are interviewed in connection with someone else's complaint and likewise fail to maintain confidentiality, you may face action under the Disciplinary Procedure and this could lead to dismissal for misconduct or even gross misconduct.

Record Keeping

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.