



WE REMEMEBER SUBMARINERS

Equality, Diversity & Inclusion Policy

WE REMEMBER SUBMARINERS – OUR COMMITMENT

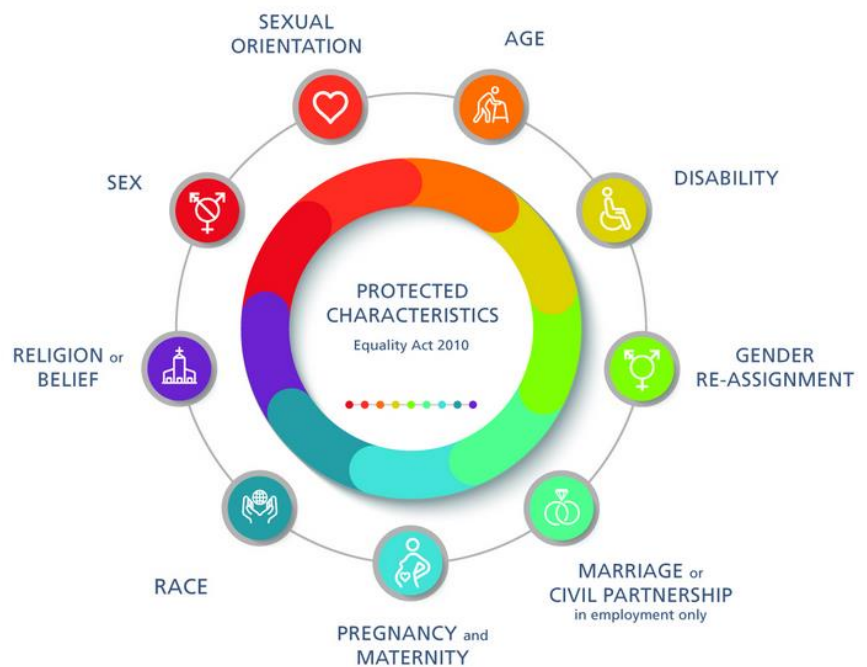
We Remember Submariners is committed to ensuring that everyone who engages with the charity is treated with dignity, fairness and respect. We define Equality, Diversity and Inclusion as follows:

EQUALITY

Equality enables us to create a fairer society where everyone can participate and has the opportunity to fulfil their potential. Equality is backed by legislation (Equality Act 2010) which is designed to address unfair discrimination, harassment and victimisation, to advance the equality of opportunity, and to foster good relations between people who share a protected characteristic and those who do not. However, this is everyone's responsibility as well.

The characteristics protected by the Equality Act 2010 are:

- **Age**
- **Disability**
- **Gender Assignment**
- **Marriage and Civil Partnership**
- **Pregnancy and Maternity**
- **Race**
- **Religion and Belief**
- **Sex**
- **Sexual Orientation**



Diversity is when we recognise and value difference in its broadest sense. It is about creating a culture and practises that recognise, respect, values and embrace difference for everyone's benefit.

Inclusion refers to an individual's experience within the workplace and in wider society, and the extent to which the feel valued and included.

Equality, Diversity and Inclusion are different things and they need to be progressed together. Equality of opportunity will only exist when we recognise and value difference and work together for inclusion.

THE EQUALITY ACT 2010



A new Equality Act came into force on 1st October 2010. The Equality Act brings together over 116 separate pieces of legislation into one single Act. Combined, they make up a new Act that provides a legal framework to protect the rights of individuals and advance equality for all.

The Act simplifies, strengthens and harmonises the current legislation to provide Britain with a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The nine main pieces of legislation that have merged are:

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- The Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2006, Part 2
- The Equality Act (Sexual Orientation) 2007

What behaviour is unlawful?

Under the Act, it is unlawful to discriminate, harass or victimise someone because they have or are perceived to have a “protected characteristic” or are associated with someone who has a “protected characteristic”

DISCRIMINATION

Under the Equality Act, there are four main types of discrimination:

- Direct Discrimination
- Indirect Discrimination
- Harassment
- Victimisation
- Perceptive discrimination
- Third-party harassment
- Failure to make reasonable adjustments

Direct Discrimination

This means treating someone less favourably than someone else because of a protected characteristic. Direct discrimination in all its forms could involve a decision not to employ someone, to dismiss them, withhold promotion or training, offer poorer terms and conditions or deny contractual benefits because of a protected characteristic.

Example

Paul, a senior manager, turns down Angela's application for promotion to supervisor. Angela, a lesbian, learns that Paul did this because he believes the team, she applied to manage are homophobic. He thought that her sexual orientation would prevent her from gaining the team's respect and managing the team effectively.

Indirect Discrimination

This type of Discrimination is usually less obvious than direct discrimination and can often be unintended. In Law, it is where a provision, criterion or practise is applied equally to a group of employees/ job applicants, but has (or will have) the effect of putting those who share certain protected characteristics at a particular disadvantage when compared to others without the characteristics in the group, and the employer is unable to justify it.

Example

Abu is in his late twenties and working as a surveyor in a property investment company. He is fully qualified, doing well in his current role and is ambitious. He spots a post advertised with another employer for what he sees as the next step in his career.

However, the advertisement specifies that candidates must have ten years' experience in the profession. Abu has six.

Unless the employer can lawfully justify why candidates need ten years' experience, this is likely to be indirect discrimination against young candidates such as Abu who can demonstrate that they are qualified and capable, but don't have ten years' experience because of their age.

Harassment

Harassment is defined as “unwanted conduct” and must be related to a relevant protected characteristic or be ‘of a sexual nature’. It must also have the purpose of violating a person’s dignity or creating an intimidating, hostile, degrading humiliating or offensive environment for the individual.

Example

Peter has a severe stammer and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. Richard, who shares an office with Peter, is also claiming harassment, even though he is not disabled, as the manager’s behaviour has created an offensive environment for him too.

Both have lodged separate grievances against the manager, who, at the grievance hearings, was found to be at fault. She apologised to both Peter and Richard, and welcomed a senior management decision that she should undergo full refresher training in the manager’s role in fostering equality and diversity within the organisation.

Victimisation

Victimisation is treating someone unfavourably because they have taken some form of action relating to the Equality Act. For example, because they have 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.

Victimisation is also when an employee suffers what the Law terms a ‘detriment’ – something that causes disadvantage, damage, harm or loss because of:

- Making an allegation of discrimination, and/or
- Supporting a complaint of discrimination, and/or
- Giving evidence relating to a complaint about discrimination, and/or
- Raising a grievance concerning equality or discrimination, and/or
- Doing anything else for the purpose of (or in connection with) the Equality Act 2010

Victimisation may also occur because an employee is suspected of doing one or more of these things.

Example

Halina makes a formal complaint against her manager because she feels she has been discriminated against because she is married. Although the complaint is resolved through the organisation’s grievance procedures, Halina is subsequently ignored and excluded from work related social events by her colleagues after they realised, she had named them in her complaint. She could claim victimisation.

Perceptive discrimination

Perceptive discrimination is where the individual discriminated against or harassed does not have a protected characteristic, but they are perceived to have a protected characteristic.

Third-party harassment

Third-party harassment occurs where an employee is harassed by third parties such as service users, due to a protected characteristic.

Failure to make reasonable adjustments

Failure to make reasonable adjustments is where a rule or policy or way of doing things has a worse impact on someone with a protected characteristic compared with someone who does not have that protected characteristic and the employer has failed to make a reasonable adjustment. Whilst the Equality Act refers to reasonable adjustments with regards to disability, it may also be discriminatory to ignore making reasonable adjustments for people with other protected characteristics (for example, to enable someone to respect a religious belief, providing gender neutral toilets, making adjustments for a woman experiencing severe menopausal symptoms etc).

REASONABLE ADJUSTMENTS

A 'reasonable adjustment' is a change to remove or reduce the effect of:

- An employee's disability so they can do their job
- A job applicant's disability when applying for a job

What is reasonable will depend on the circumstances of each case, but adjustments could be to:

- The workplace (making changes to overcome barriers created by the physical workplace)
- The ways things are done (where the disabled job worker is put at a substantial disadvantage by a provision, criterion or practice).
- Providing extra equipment or getting someone to assist the employee or job applicant

When deciding whether an adjustment is reasonable, we will consider:

- How effective the change will be in avoiding the disadvantage the employee would otherwise experience
- Its practicality
- The cost
- Our resources and size
- The availability of financial support.

The overall aim will be, as far as possible, to remove or reduce any substantial disadvantage faced by a staff member or job applicant which would not be faced by a non-disabled person.

REPORTING CONCERNS

What you should do if you witness an incident you believe to be an infringement of the Equality Act

If you witness such behaviour, you should report the incident in confidence to your manager. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you feel you are being bullied or harassed by a stakeholder or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your manager in the first instance or, with the chief executive. We will then decide how best to deal with the situation, in consultation with you.

What you should do if you are being bullied or harassed by a colleague

If you are being bullied or harassed by another employee or contractor, there are two possible avenues for you, informal or formal.

Informal resolution

If you are being bullied or harassed by another employee or contractor, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask your manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own manager, you should raise the issue with the Chairmen or Trustee Coordinator. The Chairmen or Trustee Coordinator will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator(s), without prejudging the matter, that:

- There has been a complaint that their behaviour is having an adverse effect on a fellow employee.
- Such behaviour is contrary to our policy.
- The continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible for the Chairmen or Trustee Coordinator to have this conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The Chairmen or Trustee Coordinator will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of sexual or racial harassment or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

RAISING A FORMAL COMPLAINT

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint to your manager or the chief executive. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s).

We will first investigate the complaint. You will need to co-operate with the investigation and provide the following details (if not already provided).

- The name of the alleged perpetrator(s).
- The nature of the incident.
- The dates and times the incident occurred.
- The names of any witnesses.
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would need to be told your name and the details of your complaint in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.

After the investigation, we will meet with you to consider the complaint and the findings of the investigation. At the meeting, you may be accompanied by a fellow worker or a trade union official.

After the meeting (and normally within five working days), we will write to you to inform you of our decision and to notify you of your right to appeal to a more senior manager if you are dissatisfied with the outcome.

You should put your appeal in writing explaining the reasons why you are dissatisfied with our decision.

You should submit your appeal within five working days of receiving written confirmation of our decision. If you submit an appeal, you will be invited to attend a meeting to consider it. Once again you may be accompanied by a fellow worker or a trade union official. We will write to you afterwards to confirm our final decision.

DISCLOSURE AND CONFIDENTIALITY

We will treat personal data collected during this process in accordance with the data protection policy. Information about how employees' data is used and the basis for processing data is provided in the employee privacy notice.

USE OF THE DISCIPLINARY PROCEDURE

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. Any employee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary dismissal.

EQUAL OPPORTUNITIES IN EMPLOYMENT

We will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. Person specifications will avoid any unnecessary requirements (those unrelated to effective performance) that may otherwise have deterred applicants.

We will base decisions on objective criteria. We will make reasonable adjustments in recruitment as well as in day-to-day employment.

SERVICE USERS, SUPPLIERS AND OTHERS

We will not discriminate unlawfully against service users using or seeking to use the services we provide.

If you are bullied or harassed by a service user, suppliers, contractor, visitor or others, or if you witness someone else being bullied or harassed, you are asked to report this to your manager who will take appropriate action.

TRAINING

We will provide information and guidance to those involved in recruitment or other decision making where equal opportunities issues are likely to arise to help them understand their responsibilities and to avoid the risk of discrimination.

YOUR RESPONSIBILITIES

All staff are responsible for supporting the organisation in meeting its commitment and avoiding unlawful discrimination. If you experience a level of discomfort or disagreement with something that happens when you are at work, you are encouraged to bring it to the attention of a manager or someone in authority.

It is possible that others are not aware or have not considered the impact of their actions, have not understood our policy, or possibly our practices need to be updated.

If you believe that you have been discriminated against you should report this to your line manager or the chief executive under the grievance procedure. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

We take any complaint seriously and 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.

If you witness what you believe to be discrimination you should report this to your line manager or the chief executive as soon as possible.

Employees can be held personally liable as well as, or instead of, the organisation 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 customers are disciplinary offences and will be dealt with under our disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

MONITORING AND REVIEW

This policy will be monitored periodically to judge its effectiveness and will be updated in accordance with changes in the law. We will report to the board of trustees on any actions or activities undertaken to improve equality of opportunity.

Any information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the data protection legislation.