Equal Opportunities Policy

1. Statement

Skills for Care is committed to a policy of equal opportunities for all and shall adhere to such a policy at all times and will review on an ongoing basis on all aspects of the business to avoid unlawful or undesirable discrimination.

Skills for Care will treat everyone equally irrespective of:

- Sex (including Gender Reassignment)
- Sexual Orientation
- Marital Status
- Age
- Disability
- Race
- Religion
- Belief
- Ethnic or National Origin
- Nationality
- Social Class
- Responsibility for Dependents
- Trade Union or Political Activity

Skills for Care is committed to providing training for its entire staff in Equal Opportunities practice.

2. Legislation which underpins this policy

- Disability Discrimination Act 1995
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Equal Pay Act 1970
- Fixed Term Employee Regulations 2002
- Race Relations Act 1976
- Race Relations (Amendment) Regulations 2003
- Sex Discrimination Act 1975
- Part- Time Workers (Prevention of less favourable treatment) Regulations 2003
- Age Discrimination Act 2006
3. Responsibility

The Chief Executive Officer has ultimate executive responsibility for the effectiveness of this policy. Employees, visitors, managers, board members and others associated with Skills for Care have responsibility to ensure that their actions comply with this policy.

4. Objectives of this Policy

- To ensure that the company has access to the widest labour market and secures the best contractors for its needs.
- Ensure no contractor receives less favourable treatment.
- To ensure the equality of opportunity in Tendering and Contracting, terms and conditions.
- Ensure that all contractors work in a climate of respect, free from intimidating, hostile or humiliating treatment regardless of disability, race, religion, social class etc etc (see page one for full list)
- Ensure all contractors understand the responsibility for appropriate behaviour, to ensure we uphold the policy.
- Ensure that all contractors are aware that any allegation of discrimination or harassment is unlawful and will not be tolerated or condoned and if evidenced could ultimately lead to termination of contract.

5. Definitions

There are two forms of discrimination, direct and indirect discrimination.

5.1 Direct Discrimination

Direct discrimination occurs when a person discriminates against another person on the grounds of race, age, disability, gender etc. etc (see page one for full list) by treating them less favourably than he or she treats or would treat other persons.

5.2 Indirect Discrimination

Indirect discrimination occurs when a person discriminates against another person by applying a provision, criterion or practice which he/she or would apply equally to persons not of the same race, gender, disability etc (see page one for full list) but, which would put persons of the same race, gender, disability etc at a particular disadvantage when compared to others or which
puts the individual at that disadvantage and it cannot be shown to be a proportionate means of achieving a legitimate aim.

5.3 Victimisation

Victimisation occurs if an employer treats a person less favourable because they have brought proceedings, or made a complaint or intend to make a complaint about harassment or discrimination or have supported another person alleging proceeding for discrimination or harassment.

5.4 Post Employment Victimisation

It is unlawful for an employer to discriminate against a former employee by subjecting them to a detriment or to harassment. The main areas affected are the provision of references given to former employees and access to facilities offered to ex employees. The most likely kind of case to arise in this area is the employer who refuses to provide a reference or provide an adverse one because of the employee's race or religion, or disability or sexual orientation, or because they brought discrimination proceedings against the employer.

5.5 Harassment

Harassment includes unwelcome physical, verbal or non-verbal conduct or behaviour. It includes demeaning comments about a person's appearance; indecent remarks; name calling with a demeaning terminology, teasing or behaviour, which is malicious. It can be intentional or unintentional and can be targeted at individuals or groups of people.

Harassment can be defined in summary as unwanted conduct that has the purpose or the effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

6. Exclusions

6.1 General Occupational Requirement/Qualifications

Genuine Occupational Requirement/Qualifications allow employers to treat individuals differently if there is a genuine and determining occupational requirement (GOR).

Skills for Care will identify the GOR/Q at the beginning of the recruitment training or promotional process before the opportunity is advertised. The opportunity sent to individuals will clearly state when a GOR/Q applies.

7. Other definitions

Under the relevant acts and regulations discrimination and harassment can be defined further specific to the act or regulations it applies to. For the purpose of this policy Skills for Care will use the overarching definitions of direct and
indirect discrimination. However it is felt appropriate to exemplify some specific forms of discrimination but this is just for reference and the list is not exhaustive.

7.1 Transgender

Under the Sex Discrimination (Gender Reassignment) Regulations of 1999, it is unlawful to discriminate on the grounds of gender reassignment, this includes:

- An individual who intends to undergo gender reassignment
- In the process of or have undergone gender reassignment

7.2 Marital Status

Under the Sex Discrimination Act 1975 it is unlawful to discriminate on the grounds of marital status. Married employees must not be treated less favourably than unmarried employees on the grounds of their marital status.

7.3 Discrimination

Under the Disability Discrimination Act 1995;

Employers should not discriminate for a reason that relates to the individuals disability, treat that person less favourably than they treat others to whom the reason does not or would not apply, unless it can be shown that the treatment in question is justified.

Employers should make reasonable adjustments to working arrangements, working practices and premises in or to accommodate individual needs of the disabled workers.

7.4 Sexual Orientation

Under the Employment Equality (Sexual Orientation) Regulations 2003 it is unlawful to discriminate on the grounds of sexual orientation. Sexual orientation is defined as sexual orientation towards:

- Persons of the same sex (this covers gay men and lesbian women)
- Persons of the opposite sex (this covers heterosexual men and women)
- Persons of the same sex and opposite sex (this covers people who are bisexual)

7.5 Religion or Belief

Under the Employment Equality (Religion or Belief) Regulations 2003, it is unlawful to discriminate on the grounds of religion or belief.

Religion or belief is defined as
Any religion, religious belief or similar philosophical belief

7.6 Equal Pay

The Equal Pay Act 1970, provides that a woman has the right to treatment equal to that given to a man, where the woman is employed:

- On work of the same or broadly similar nature to that of a man, or
- In a job which, although different from that of a man, has been given an equal value to the man’s job under a job evaluation scheme.

The Act also gives a man the same rights to equal treatment with a woman.

Differences in pay can only be justified where the variation between the woman’s contract and the man’s contract is genuinely due to a material factor, which is not the difference of sex.

7.7 Age

The legislation helps to ensure that people are no longer denied jobs or harassed because of their age, and in most cases, workers of all ages will have an equal chance of training and promotion.

Regulations were introduced in October 2006 to combat age discrimination in employment and vocational training. The regulations apply to all employers in the private and public sectors, vocational training providers, trade unions, professional organisations, employer organisations and trustees and managers of occupational pension schemes. They cover employees of any age and other workers, office holders, partners of firms and others.

The regulations affect all areas of employment including:

- recruitment, terms and conditions, promotion and transfers
- the provision of training
- provision of benefits
- dismissal
- retirement
- occupational pensions

The new legislation provides for a default retirement age of 65. Compulsory retirement ages below 65 are unlawful unless objectively justified. In addition, employees have the right to request to work beyond that age. Employers have a duty to consider such requests.
9. **Complaints procedures**

Anyone who believes that they have been treated unfairly or discriminated against may complain informally or formally.

9.1 **External**

Skills for Care has in place procedures for dealing with complaints of discrimination and harassment. These are available from the Feedback Manager and will be made available upon request.

10. **Equal opportunities in action**

Skills for Care will ensure all staff and colleagues, so far as practicable, others associated with Skills for Care are informed of the policy, and their responsibility.

The cooperation of all contractors is essential for the success of this policy. However, the ultimate responsibility for achieving the policies objectives, and ensuring compliance with the relevant Acts of Parliament as well as various codes of practice, lies with the CEO.

Behaviour or actions against the spirit of this policy will be considered a serious matter, and may in some cases lead to contract termination.