

# Equality and Diversity Policy

## CAG Consultants

*Last reviewed: February 2019*

*Next review: February 2020*

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### Purpose

The LLP wholeheartedly supports the principles of equal opportunities and is opposed to all forms of unfair discrimination and will treat all job applicants, members, partners, employees, associates, clients, contractors and suppliers in the same way, regardless of their sex, trans-gender status, sexual orientation, age, race, nationality, ethnic or national origin, marital or civil partnership status, any particular religion, religious belief or philosophical belief, political stance, or disability that includes providing protection for people diagnosed with progressive conditions, such as HIV, MS and cancer.

This Equal Opportunities policy will apply in respect to all conditions of work including pay, hours of work, holiday entitlement, sick pay, maternity/ paternity entitlement, pensions, recruitment, selection, training, redundancy and work allocation.

The LLP believes that everyone has the right to be treated fairly and with dignity and respect at work, and to work without fear of discrimination, bullying or harassment. The LLP welcomes diversity amongst our members, partners, staff, sub-contractors and visitors, recognising that all individuals from a wide range of backgrounds and experience can make contributions to achieving the LLP's objectives.

The LLP will regularly review the Procedure below to ensure its continuing compliance with relevant legislation and to ensure the continuing success of the implementation of the Procedure by:

- Refraining from harassment and discrimination
- Ensuring there are no suspected practices in breach of this Procedure
- Ensuring that selection for promotion, training, work allocation etc. is carried out in a non-discriminatory manner
- Promoting a harmonious working environment and eliminating discrimination and harassment

### Scope

All members, partners and employees have a responsibility for the application of good equal opportunities practices within the LLP and for the avoidance of unfair treatment.

The LLP will also obtain commitments from other persons or organisations such as consultants, subcontractors or agencies that they will also comply with this policy in their dealings with our LLP and employees.

### Definition of Discrimination

Discrimination is unequal or differential treatment which leads to one person being treated more or less favourably than others are, or would be, treated in the same or similar circumstances on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

## Type of discrimination

**Direct Discrimination** - this occurs when a person or a policy intentionally treats a person less favourably, on the grounds of their colour, nationality, ethnic origin, gender, marital status, disability, religion, age, or sexual orientation.

**Indirect Discrimination** - is where the application of a policy, criterion or practice to a person which the employer would apply to others but which is such that:

- it is detrimental to a considerably larger proportion of people from the group that the person the employer is applying it to represents
- the employer cannot justify the need for the application of the policy on a neutral basis
- the person to whom the employer is applying it suffers detriment from the application of the policy.

**Associative Discrimination** – is discrimination against a person because they have an association with someone with a particular protected characteristic.

**Perceptive Discrimination** – is discrimination against a person because the discriminator thinks the person possesses that characteristic, even if they do not in fact do so.

**Harassment** - this occurs when a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Harassment can be regarded as behaviour that is offensive, frightening or in any way distressing and it is the impact on the individual that is important. It may be intentional bullying, which is obvious or violent, but it can also be unintentional or subtle and insidious.

Examples of behaviour that may constitute harassment or bullying include (but are not limited to):

- Physical conduct ranging from touching to assault, that includes unwelcome sexual advances
- Jokes, racist remarks, offensive/malicious gossip and/or rumours, threats, sectarian songs, whether written (which includes emails or text messages) or verbal
- Displays of graffiti/insignia, posters, flags, emblems or other material that is perceived to cause offence
- Coercion, including pressure for sexual favours or to participate in group activities
- Intrusion by pestering, following, spying, etc.
- Sexually suggestive pictures
- Non-verbal conduct of a sexual nature or relating to sexual orientation
- Professional or social exclusion (“sending to Coventry”)
- Unfounded threats relating to job security
- Calculated undermining of an employee’s competence, for example through a consistently unreasonable or unfair workload or setting inappropriate tasks, setting impossible deadlines, unnecessary circulation of critical memoranda
- Physical or verbal threats or abuse, derogatory name-calling, ridicule, intimidation or insults
- Derogatory, or degrading comments
- Turning down reasonable requests for leave, etc
- Inciting others to commit any of the above

**Sexual Harassment** – is where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs. The importance of this is that no matter that another individual may not consider the conduct to be

offensive it is the recipient's own response which is relevant. Therefore, all employees must be sensitive to the way in which words and actions are perceived by others.

**Victimisation** - occurs when a person is treated less favourably because they have brought, or intend to bring proceedings or they have given or intend to give evidence.

## 1.0. Unlawful Reasons for Discrimination

1.1. **Sex** – it is unlawful to treat a person less favourably on the grounds of sex, marital status, civil partnership, pregnancy or maternity, gender reassignment or transgender status. This applies to men, women and those undergoing or intending to undergo gender reassignment. Sexual harassment of men and women can be found to constitute sex discrimination. However, in the field of employment, a Genuine Occupational Requirement (GOQ) can be lawful if a person's sex is specifically required for a job.

1.2. **Age** - it is unlawful to treat a person less favourably because of their age (or perceived age). Thus direct or indirect discrimination, victimisation and harassment on the grounds of a person's age are all unlawful if they occur in the course of an individual's employment. Job applicants are also protected throughout the process of recruitment and selection.

This does not currently apply to redundancy payment calculations.

1.3. **Disability** - it is unlawful to treat a disabled person less favourably than a non-disabled person. Reasonable adjustments must be made to give the disabled person as much access to any services and ability to be employed, trained, or promoted as a non-disabled person.

1.4. The Equality Act defines a disabled person as:

*“someone 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”.*

1.5. The Act also sets out the following:

- substantial means neither minor nor trivial
- long term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions)
- normal day-to-day activities include everyday things like eating, washing, walking and going shopping
- a normal day-to-day activity must affect one of the 'capacities' listed in the Act which include mobility, manual dexterity, speech, hearing, seeing and memory.

1.6. People who have had a disability in the past that meets this definition are also covered by the scope of the Act. There are additional provisions relating to people with progressive conditions, such as cancer and multiple sclerosis, but the condition is covered from the point of diagnosis rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

1.7. The LLP has a duty to make reasonable adjustments.

1.8. **Race, Colour, Nationality and Ethnic Origin** – it is unlawful to treat a person less favourably because of their race, the colour of their skin, their nationality or their ethnic origin.

- 1.9. **Sexual Orientation** – it is unlawful to treat a person less favourably because of their sexual orientation. For example, an employer cannot refuse to employ a person because they are homosexual, heterosexual or bisexual. It is also unacceptable to harass another person on the grounds of sexual orientation. Harassment is unwanted behaviour, which has the purpose or effect of violating another’s dignity, and creates an intimidating, hostile, degrading, humiliating or offensive environment.
- 1.10. **Religion or Belief** – it is unlawful to treat a person less favourably because of their religious beliefs or their religion or their lack of any religion or belief. This includes victimisation or harassment of an employee because of their religion or similar beliefs. A Religion or Belief is defined as being any religion, religious belief or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to religious belief.
- 1.11. **Part-time Workers** – a part-time worker is defined as someone who is ‘not identifiable as a full-time worker’. A full-time worker is defined as someone who ‘having regard to the custom and practice of the employer is identifiable as a full-time worker’. It is unlawful to treat part time employees less favourably than other workers in all aspects of employment. Part-time workers are entitled to be treated on the same basis and are entitled to the same benefits, pro-rata, as their full-time colleagues.
- 1.12. **Fixed Term Employees** - a ‘Fixed-term employee’ is defined as a person with a contract of employment, which is due to end when a specified date is reached, a specified event does or does not happen or a specified task has been completed. It is unlawful to treat a fixed term employee less favourably than other workers in all areas of employment when they are compared to a comparable permanent employee, unless objectively justifiable. Employers are not permitted to use this means of employment for more than 4 years. We would rarely use fixed term contracts of this nature but members should be aware of this area of discrimination.
- 1.13. **Equal Pay** - it is unlawful to discriminate between men and women and men and women should receive equal pay for work of equal value where work is the same or rated as equivalent regardless of the hours worked.
- 2.0. Occupational Requirement (OR)** - in very limited circumstances it will be lawful for the LLP to treat people differently if it is a genuine occupational requirement that the job holder must be of a particular religion, belief or sex. When deciding if this applies, the LLP will consider the nature of the work and the context in which it is carried out.
- 3.0. Reasonable Adjustments**
- 3.1. The LLP has a duty to consider and make reasonable adjustments to facilitate the employment or contracting of a disabled person. These may include:
- Making adjustments to premises such as ensuring disabled access at venues for meetings
  - Re-allocating some or all of a disabled employee’s duties
  - Transferring a disabled employee to a role better suited to their disability
  - Relocating a disabled employee to a more suitable office
  - Giving a disabled employee time off work for medical treatment or rehabilitation
  - Providing training or mentoring for a disabled employee
  - Supplying or modifying equipment, instruction and training manuals for disabled employees.
- 3.2. The LLP will consider and make any other reasonable adjustment to the employment or contractual arrangements of its premises or venues if they substantially disadvantage a disabled person. However, a number of factors will be taken into account in deciding if it is reasonable for the LLP to make any changes. In particular these include:
- How much an alteration will improve the situation for the disabled person

- How easy it is to make the change
- The cost of the measure, both financially and in terms of the disruption it will cause
- The LLP's resources
- Financial help, or other help, that may be available

If an employee or member has a disability, or becomes disabled during the course of their relationship with CAG, and feels that any such adjustments could be made by the LLP, they should raise this at a Partnership Meeting.

#### **4.0. Third Party Harassment and Discrimination**

4.1. Third party harassment and discrimination refers to harassment and/or discrimination of any person who is not an employee or member of the LLP. Third party harassers and discriminators may include:

- customers or clients of the LLP
- suppliers of the LLP; and
- independent contractors and consultants

4.2. Any person or employee who believes that they have been the victim of third party harassment and/or discrimination should immediately inform a Partner of the incident.

4.3. Where a person or employee has been harassed and/or discriminated on more than one occasion, the LLP will take such steps as are reasonably practicable to prevent any recurrence. For the purposes of third party harassment or discrimination, it is immaterial whether the third party harasser and/or discriminator is a different person in each instance of harassment and/or discrimination.

4.4. If a member, partners or employee harasses and/or discriminates against a customer, client, supplier or an independent contractor or consultant the employee will be subject to disciplinary action or removal from the LLP, as outlined in the Unsatisfactory Standards of Performance procedure.

#### **5.0. Procedure**

##### **5.1. Recruitment**

5.1.1. The recruitment process must result in the selection of the most suitable person for the work whether this on a full time, part time, casual, temporary, seasonal or contract basis.

5.1.2. The LLP will ensure that all advertisements will encourage applications from all suitably qualified and experienced people, through either internal and/or external advertising.

5.1.3. All advertisements will be carefully worded to ensure that no intent of either direct or indirect discrimination is interpreted nor is there indication of stereotyping of roles.

5.1.4. All job descriptions for positions will include only requirements that are necessary and justifiable for the effective performance of the job.

5.1.5. Selection criteria and procedures are intended to ensure that individuals are selected, promoted and treated on the basis of their individual relevant merits, abilities and suitability for the post and membership of an under-represented group will not influence the appointment.

5.1.6. The selection process will be carried out consistently for all jobs at all levels within the LLP and will be fair and non-discriminatory and all interviews will be undertaken with an unbiased approach towards candidates and only questions which relate to the job and which are non-discriminatory will be asked.

5.1.7. All information provided by applicants will be treated as confidential and if successful, their details will be stored and controlled in line with the requirements of the Data Protection Act 1998.

5.2. Training and Development

5.2.1. The LLP is committed to ensuring equality of opportunity in terms of access to training in order to increase employees' or Partner's knowledge and skills and to provide opportunities to develop their potential. It is the policy of The LLP that it will not discriminate in the provision of training.

5.2.2. The LLP will ensure that this is implemented through:

- Continuous review and updating of training courses and literature
- Ensuring training materials are free from bias and do not discriminate, e.g. by showing minority groups or disabled people etc. in inferior roles
- Ensuring promotions and transfers criteria are justifiable
- Ensuring assessment criteria are clear and unbiased
- Ensuring staff conducting appraisal interviews, salary reviews and bonus reviews are aware of their obligations to carry this out fairly and consistently in line with this Procedure.

5.2.3. Appropriate training will be provided to enable Partners and employees to perform their work effectively. Partners will generally be expected to meet the costs of any agreed training, unless agreed otherwise at a management meeting.

5.3. Internal Complaints Procedure

5.3.1. Harassment, discrimination and bullying will not be tolerated. The LLP recognises that making a complaint can be embarrassing and stressful. Sometimes the complainant simply wants the conduct or behaviour to stop and sometimes they want stronger action to be taken and therefore to take account of this the Procedure has various options of action that you can take.

If you think you are being harassed or discriminated against on any of the grounds contained in this Policy and wish to make a formal complaint you should follow the process laid out in the Partnership's Complaints Procedure.

5.4. Outcome

5.4.1. Any member, partner or employee, who harasses, bullies, victimises or discriminates against any other employee, third party, client, sub-contractor or member of the public on the grounds contained in this Policy will be subject to either the LLP's Disciplinary Procedure (for employees) or the Procedure for dealing with unsatisfactory standards of service from Partners or members, as appropriate

6.0. The LLP will be responsible for taking all necessary steps to safeguard against recurrence of similar breaches in future, including revision of this policy and the associated procedures.

Signed



Name

Tim Maiden

Position

Partner