

# **RMF Equal Opportunities and Discrimination Policy**

**Last version date: June 2024**

**This version date: November 2025**

**Review: November 2026**

## **RMF Equal Opportunities and Discrimination Policy**

### **A) INTRODUCTION**

#### **1) Purpose**

- a) Russell Martin Foundation is committed to providing Equal Opportunities to its employees and to the participants on its programmes.
- b) This policy, previously known as RMF Equal Opportunities and Dignity at Work Policy, is designed to ensure that all Russell Martin Foundation employees, clients and partners are made aware that the Russell Martin Foundation will act in accordance with all statutory requirements regarding Equal Opportunities and Discrimination, and it will also take into account any relevant codes of practice.
- c) Russell Martin Foundation is also referred to as 'RMF' and 'the foundation'.
- d) The aim of this policy is to be helpful, and to set guidelines on how to put into practice and uphold the key principles of Equal Opportunities and Dignity at Work for the smooth and efficient running of RMF's activities and business.
- e) If there is anything in this policy that employees do not understand, they should speak to their Line Manager.

#### **2) Scope**

- a) This policy applies to the following: all RMF staff, including all employees, volunteers and trustees, and also clients, participants or services users.
- b) It outlines the responsibilities of all RMF staff in relation to equal opportunities, unlawful discrimination and harassment.
- c) The policy section of this document describes the standards, laws and guidelines whilst the procedure section describes the tasks and actions required.
- d) This document covers:
  - 1. General Principles of the Policy
  - 2. Legislation
  - 3. Types of Discrimination
  - 4. Equality of Opportunity
  - 5. Customers, Suppliers and Others Not Employed by RMF
  - 6. Mental Health
  - 7. Responsibilities
  - 8. Training
  - 9. Staff Grievance Procedure
  - 10. Reporting Harassment or Bullying
  - 11. Policy Review and Related RMF Policies

## **B) POLICY AND PROCEDURE**

### **1) General Principals of this Policy**

- a) RMF recognises that discrimination is not only unacceptable, but also unlawful.
- b) RMF values the differences that a diverse workforce and client or participant group brings to the foundation.
- c) RMF will not tolerate or engage in any practices that may be found to be treating employees, customers or visitors unfairly.
- d) RMF is committed to providing equal opportunities in employment and will work towards the elimination of unlawful and unfair discrimination.
- e) RMF's aim is that no job applicant, employee, client, participant or partner is discriminated against, directly or indirectly, on any unlawful grounds.
- f) It is RMF's approach is that all employees should have a working environment that promotes dignity and respect, and where individual differences and the contributions made are recognised and valued.
- g) All job applicants will be considered solely on their ability to do the job. Interview questions will not be of a discriminatory nature.
- h) All promotions will be made on merit in line with the principles of the policy.
- i) Employees who have a disability will receive the necessary help, within reason, to enable them to carry out their normal duties effectively.
- j) Programme participants who have a disability will receive the necessary help, within reason, to enable them to carry take part in RMF programmes safely and effectively.
- k) RMF will deal with discrimination or actions that affect equality in a robust manner, viewing such issues as gross misconduct where appropriate.
- l) This policy will be assessed at regular intervals to ensure that equality of opportunity is afforded to all employees.

### **2) Legislation**

- a) It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".
- b) Discrimination after employment may also be unlawful, e.g., refusing to give a reference for a reason related to one of the protected characteristics.
- c) Legislation also exists to prevent less favourable treatment of workers such as staff on fixed term contracts or those employed as Agency Workers within the foundation.
- d) Employees should not discriminate against or harass a member of the public in the provision of services or goods. I
- e) t is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability.

### 3) Types of Discrimination

#### a) Direct Discrimination

- i. This is where a person is treated less favourably than another because of one or more of the protected characteristics. An example of direct discrimination would be refusing to employ a woman because she is pregnant.
- ii. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement.

#### b) Indirect Discrimination

This is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic when compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

#### c) Harassment

This is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

#### d) Associative Discrimination

This is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity).

#### e) Perceptive Discrimination

This is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic.

#### f) Third-Party Harassment

This occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers.

g) Victimization

This occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or 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 he/she acted maliciously or made or supported an untrue complaint.

h) Failure to Make Reasonable Adjustments

A potential discrimination occurs when an employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage. For example:

- i. A provision, criterion or practice puts a disabled person at a substantial disadvantage in comparison with individuals who are not disabled, for example corresponding only by email and phone with a person who is deaf instead of face to face
- ii. A physical feature puts a disabled person at a substantial disadvantage in comparison with individuals who are not disabled, for example a design or building feature or equipment in the premises such as only having stairs and no lifts
- iii. A disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with individuals who are not disabled, for example providing assistive technologies to help visually impaired staff use computers.

#### **4) Equality of Opportunity**

- a) RMF will avoid unlawful discrimination and unjustified less favourable treatment in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- b) Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job.
- c) Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.
- d) RMF will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be

done, when considering requests for variations to these standard working practices and will refuse such requests only if the foundation considers it has good reasons, unrelated to any protected characteristic, for doing so.

- e) RMF will comply with its obligations in relation to statutory requests for contract variations.
- f) RMF will make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- g) RMF may monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups. Where monitoring takes place, it will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.
- h) RMF cannot lawfully discriminate in the selection of employees for recruitment or promotion, but RMF may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that it identifies as being under-represented in particular types of job.

## **5) Customers, Suppliers and Other People Not Employed by RMF**

- a) RMF will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the foundation.
- b) Employees should report any bullying or harassment by clients, suppliers, visitors or others to their Line Manager who will take appropriate action.
- c) Agency workers will not be treated less favourably in regard to pay and rights than permanent employees following completion of any qualifying criteria specified from time to time by the government.

## **6) Mental Health**

- a) RMF recognises the need to promote a climate of positive mental wellbeing
- b) RMF will not discriminate against a member of staff or client who has had past mental health issues.
- c) Mental ill health will be treated in the same manner as physical ill health.
- d) RMF will promote a climate where any member of staff or programme participant who is feeling unwell feels able to report these issues to an appropriate person.

- e) Reasonable adjustments will be made to allow RMF staff who have suffered mental ill health to return to work such as re-starting on a part time basis or re-defining some of their responsibilities.
- f) During the period of mental ill health, RMF will endeavour to keep in contact with the employee.
- g) RMF will endeavour to provide its staff with links to counselling and support services as required.
- h) Staff development is a key aspect RMF's contract with its employees and this will include practices to reduce stress levels and implement better working practices when required.

## 7) Responsibilities

### *a) All RMF Employees*

- i. Every employee is required to assist RMF to meet its commitment to provide equal opportunities in employment and to avoid unlawful discrimination in any of its activities.
- ii. Employees can be held personally liable as well as, or instead of, the foundation for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.
- iii. Acts of discrimination, harassment, bullying or victimisation against employees, customers or participants are disciplinary offences and will be dealt with under RMF's Disciplinary Policy and Procedure (see RMF Staff Handbook).
- iv. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

### *b) RMF Managers*

- i. Managers who receive a complaint have a duty to investigate the matter thoroughly and objectively and to take corrective action in order to ensure that RMF policy is complied with.
- ii. Line Managers should be responsive and supportive towards any worker who raises a genuine complaint of discrimination, harassment or bullying.
- iii. RMF reserves the right, at its discretion, to suspend any employee who is under investigation for alleged acts of discrimination, harassment or bullying for a temporary period whilst an investigation is carried out. Such suspension will be for as short a time as possible and will be on full pay.
- iv. Any RMF employee accused of such offences will be informed of the exact nature of the complaint against them and afforded a full opportunity to challenge the allegations and put forward an explanation

for their behaviour in a confidential interview, with a companion present if they wish.

- v. No employee will be presumed guilty following such an allegation.
- vi. RMF will maintain records of investigations into alleged incidents of this nature, the outcome of the investigations and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with current provisions of the Data Protection Act

## **8) Training for Staff**

- a) RMF will aim, wherever possible, to provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.
- b) RMF will aim, wherever possible, to provide training to employees to help them understand their rights and responsibilities, and what they can do to help create a working environment free of bullying and harassment.

RMF will aim to provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

## **9) Staff Grievance Procedure**

- a) If an RMF employee considers they may have been unlawfully discriminated against or if they feel they have been subject to harassment of any kind, they may use the Grievance Policy and Procedure as outlined in the RMF Staff Manual to make a complaint.
- b) However, before raising a formal complaint, employees are encouraged in the first instance to talk directly and informally to the person whom they believe is harassing them/causing offence and explain clearly what aspect of the person's behaviour is unacceptable and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action. Where an employee would like support to make such an approach, they should contact a Manager.
- c) If, however, an employee feels unable to take this course of action, or if they have already approached the person to no avail, or if the harassment is of a very serious nature, they may elect to raise a formal complaint as in the RMF Grievance Policy and Procedure above.
- d) RMF will take any complaint seriously and will seek to resolve any grievance which it upholds. Staff will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is found to be both untrue and made in bad faith.

## 10) Right to Report Harassment or Bullying

- a) Employees have a right to complain if they are treated in a manner that they believe constitutes harassment or bullying. This will include behaviour that has caused offence, intimidation, humiliation, embarrassment or distress.
- b) Apart from complaints about the behaviour of colleagues, employees have the right to complain if they believe that they have been bullied or harassed by a third party, for example a customer, client or supplier. Employees who raise a genuine complaint under this policy will under no circumstances be subjected to any unfavourable treatment or victimisation as a result of making a complaint.
- c) Examples of harassment or bullying would include:
  - i. Over demanding requirements
  - ii. Sarcastic personal remarks about colleagues
  - iii. Sexual, ageist, racial or disability related banter
  - iv. The display of material with sexual or racial overtones (even if not directed at the complainant) or which is derogatory about any type of unlawful discrimination
  - v. Unwelcome touching
  - vi. Jostling, shoving or other forms of unwanted contact and/or intimidating or threatening postures
  - vii. Practical jokes, horseplay, personal insults and name calling, public or private humiliation
  - viii. Interference with personal property and/or equipment
  - ix. Freezing out or excluding, intimidation and threats in general
- d) However, if it is established that an RMF employee has made a deliberately false or malicious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.
- e) Any RMF employee who witnesses an incident that they believe to be the harassment or bullying of another member of staff, client or participant should report the incident in confidence to their Line Manager or another member of the management team.
- f) RMF will take all such reports seriously and will treat the information in strict confidence as far as it is possible to do so.
- g) RMF has a separate policy - Harassment and Bullying Policy (see RMF Staff Handbook) - concerning issues of staff bullying and harassment on any ground, which details how complaints of this type will be dealt with.

- h) RMF has a separate policy Child Protection and Safeguarding Policy and Procedure which explains all RMF employees' duty to protect and safeguard children who are participating in RMF programmes from all forms of abuse including harassment and bullying. It also outlines what procedures staff should follow if any concerns of any abuse of children, including harassment and bullying, be raised.

## **11) Policy Review and Related RMF Policies**

- a) RMF regularly reviews policies or procedures to reflect changes in legislation or practice.
- b) Policies related to RMF's Equality and Discrimination Policy include:
- RMF Child Protection and Safeguarding Policy and Procedure
  - RMF Safeguarding Adults at Risk Policy and Procedure
  - RMF Grievance Policy and Procedure (RMF Staff Manual)
  - RMF Disciplinary Policy and Procedure (RMF Staff Handbook)
  - RMF Harassment and Bullying Policy (RMF Staff Handbook)