

## Anti-Discrimination Policy

### 1 Introduction

- 1.1 Mind Monmouthshire value diversity, and are determined to provide equality of opportunity in all of its activities, both as an employer and a service provider and recognizes that in order to achieve this it may be necessary to treat people differently according to their individual circumstances. This applies to Mind Monmouthshire dealings with staff and service users, volunteers and third parties organisations.
- 1.2 Mind Monmouthshire is committed to providing a working environment free from intimidating or humiliating behaviour, eliminating discrimination and promoting equality and diversity in its own policies, practices and procedures and in those areas in which it has influence.
- 1.3 Mind Monmouthshire seeks to ensure that:
  - All individuals are treated fairly, with dignity and respect.
  - That the opportunities and services provided are open to all.
  - That there is a safe, supportive and welcoming environment for staff, volunteers and service users.
  - That every person and every employee who receives, or is affected by Mind Monmouthshire activities and services should perceive their experience to be fair and equitable.
- 1.4 This policy should be read in conjunction with the equal opportunities and harassment and bullying policies.

## 2 Regulation and legislation

2.1 In developing and implementing its anti-discrimination policy, Mind Monmouthshire is committed to complying with all current and any future anti-discrimination legislation and associated codes of practice including, but not limited to:

- The Equal Pay Act 1970
- The Sex Discrimination Act 1975
- The Race Relations Act 1976
- The Disability Discrimination Act 1995
- The Employment Rights Act 1996
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Religion or Belief) Regulations 2003

And any relevant amendments or re-enactments of such legislation

- The Commission for Racial Equality code of practice for the elimination of racial discrimination and the promotion of equality of opportunity in employment (1983)
- The Equal Opportunities Commission code of practice on sex discrimination; equal opportunities policies, procedures and practices in employment (1985)
- The Equal Opportunities Commission code of practice on Equal Pay (2003)
- The Disability Discrimination Act 1995 codes of practice in relation to rights of access to facilities, services and premises in employment
- The European Community code of practice on the protection of the dignity of men and women at work

And any relevant amendments to such codes or further codes of practice

### 3 Definition

- 3.1 To discriminate is to treat a person more or less favourably on the basis of race, nationality or ethnic origin, religion, culture, gender, marital, parental or property status, disability, age, sexuality, or other such category that is irrelevant to the individual's right to receive fair and equal treatment. It is generally recognised that discrimination can occur in many ways.
- 3.2 **Direct discrimination**; where a person is treated less favourably on the grounds of race, racial group, colour, ethnic or national origins, sex, pregnancy, marital status, disability, sexual orientation or religion or belief.
- 3.3 **Indirect discrimination**; where an apparently neutral provision or practice would put a substantially higher proportion of the members a particular groups (such as sex, racial or ethnic origin, disability etc) at a particular disadvantage compared with other persons unless that provision, or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary
- 3.4 **Victimisation**; where someone is treated less favourably than others because he or she has taken action against the organisation.
- 3.5 **Harassment**; when unwanted conduct related to any of the grounds referred to above takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may involve physical acts or verbal and non-verbal communications and gestures.

### 4 Employment and Training

#### 4.1 Positive Action

- 4.2 Although it is unlawful positively to discriminate in favour of certain groups on the grounds of race or sex, positive action to enable greater representation of under represented groups is permitted by law and will be considered as appropriate by Mind Monmouthshire.

#### 4.3 General Statement

- 4.4 As an employer, Mind Monmouthshire will treat all employees and job applicants equally and fairly and not discriminate unjustifiably against them. This will include arrangements for recruitment and selection, terms and conditions of employment, access to training opportunities, and access to promotion and transfers, grievance and disciplinary processes, demotions, selection for redundancies, dress code, references, work allocation and any other employment related activities.

## **4.5 Recruitment and selection**

4.6 Mind Monmouthshire recognises the benefits of having a diverse workforce and will positive action to ensure that:

- It recruits from the widest pool of appropriate candidates.
- Employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit.
- Positive action measures are taken to attract applications from all sections of society and especially from those groups which are underrepresented in the workforce.
- Selection criteria and processes do not discriminate; other than in those instances where the firm is exercising permitted positive action.
- Wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups.
- We will use eligibility criteria which are fair to everyone whilst being supportive of our business goals. We will do this by regularly reviewing company procedures and documents including job descriptions, job advertisements, employment agency instructions and application forms.

## **4.7 Condition of Service**

4.8 Mind Monmouthshire will treat all employees fairly and create a working environment which is free from discrimination and harassment and which respects, where appropriate, the diverse backgrounds and beliefs of employees.

4.9 Terms and conditions of service for employees will comply with antidiscrimination legislation. The provision of benefits such as working hours, maternity and other leave arrangements, performance appraisal systems, dress code, bonus schemes and any other conditions of employment will not discriminate against any employee on the grounds of their gender; marital status; race; racial group; colour; ethnic or national origin; nationality; religion or belief; or sexual orientation; or unreasonably on the grounds of their disability.

4.10 Where appropriate and necessary, Mind Monmouthshire will provide appropriate facilities and conditions of service which take into account the specific needs of employees which arise from their ethnic or cultural background; gender; responsibilities as carers; disability; religion or belief; or sexual orientation.

## 4.11 Training and Development

4.12 We will support the training and development of employees to fulfil our organisational need and to help realise their full potential. We will ensure opportunities for training and development are made equally available to all employees, basing decisions of qualification, experience and potential of the employee.

## 5 Implementing the Policy

### 5.1 Responsibility

5.2 The ultimate responsibility for implementing this policy rests with *trustees* of Mind Monmouthshire. They will appoint a senior member of staff to be responsible for the operation of the policy.

5.3 During their induction all employees and volunteers will be notified of this policy and expected to adhere to it and are responsible for ensuring compliance with it when undertaking their jobs or representing the organisation.

5.4 Acts of discrimination or harassment on any grounds by employees or volunteers may result in disciplinary action. Failure to comply with this policy will be treated in a similar fashion. The policy applies to all employees, volunteers and trustees.

### 5.5 Complaints of discrimination

5.6 Mind Monmouthshire will treat seriously all complaints of discrimination and can be grounds for disciplinary action that may include dismissal.

5.7 All complaints will be investigated in accordance with the Mind Monmouthshire grievance or complaints procedure

## 6 Monitoring and review

6.1 The monitoring and reviewing of this policy are consistent with the equal opportunities policy.

<b>Anti Discrimination Policy</b>	Written and circulated for staff consultation September 2010
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<b>Location of file</b>	P:Policies/Anti discrimination.doc
<b>Approved Date:</b>	
<b>Trustee signature:</b>	
<b>Review Date:</b>	September 2011

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