



## **EQUAL OPPORTUNITIES POLICY**

### **1. INTRODUCTION**

The Soil Association is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment or to our partner organisations, service and support beneficiaries, licensees and customers.

This policy is intended to assist the Soil Association to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The Soil Association has a separate Bullying & Harassment Policy which deals with these issues.

### **2. SCOPE**

This policy applies throughout the Soil Association and covers all job applicants and employees, be they full or part time, job-sharing, temporary or casual, paid or volunteer/unpaid intern, members of committees or beneficiaries of its work

### **3. EQUAL OPPORTUNITIES AND THE LAW**

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".

Discrimination after employment may be unlawful, e.g. in refusing to give a reference or in the form of reference given.

It is unlawful for an employer to fail to make reasonable adjustments to its requirements, working practices or the physical features of the workplace where these put a disabled job applicant or employee at a substantial disadvantage. It is also unlawful discrimination where a disabled employee is at a substantial disadvantage due to the employer's unreasonable failure to provide an auxiliary aid or service to the disabled employee.

### **4. TYPES OF UNLAWFUL DISCRIMINATION**

- Protected Characteristics - as listed in the Equality Act 2010 are sex, sexual orientation, marriage or civil partnership, gender reassignment, race, religion or belief, age, disability, pregnancy and maternity.
- Direct Discrimination - where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

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. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

- Indirect Discrimination - where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.
- Associative discrimination - 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 (according to guidance from the Government and ACAS) pregnancy and maternity).
- Perceptive discrimination - 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 (other than marriage and civil partnership, and pregnancy and maternity).
- Harassment - where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity which are covered by direct discrimination provisions in the Equality Act 2010) that has the purpose or effect of violating a person's dignity; or is reasonably considered by that person to create 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.
- Duty to make reasonable adjustments - where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that disability and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.
- Third-party harassment – an employer is potentially liable for harassment of its employees by people who are not employees of the company, such as customers or clients. An employer will only be liable when harassment has occurred on at least two previous occasions, the employer is aware that it has taken place, and has not taken reasonable steps to prevent it from happening again.

- Victimisation - 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 they acted maliciously or made or supported an untrue complaint in bad faith. There is no need for a complainant to compare their treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.
- Positive discrimination - is unlawful.
- Positive action - is proportionate steps taken to enable or encourage people who share a protected characteristic to overcome or minimise a disadvantage, to meet their needs or to participate, when the organisation reasonably thinks that people who share the protected characteristic suffer the disadvantage, or have needs that are different, or a disproportionately low number of such people participate in an activity.
- Occupational requirement - if an employer can show that possessing a particular protected characteristic is a crucial requirement for a job and is a proportionate means of achieving a legitimate aim, then the employer will not be acting unlawfully to refuse to employ someone who does not possess that characteristic. The exception applies where being of a particular sex, race, disability, religion or belief, sexual orientation or age – or not being a transsexual person, married or a civil partner – is an occupational requirement.

## 5. EQUAL OPPORTUNITIES IN EMPLOYMENT

The Soil Association will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

### Recruitment

Job descriptions and person specifications will be limited to those requirements that are necessary for the effective performance of the job.

Selection criteria for employment and promotion will be clearly defined and reflected in the job description. Shortlisting and interviewing processes will be thorough, carried out objectively and without illegal discrimination. All staff involved in these processes will be appropriately trained in recruitment and selection and be aware of relevant employment legislation.

In some roles it may be required to complete a self-disclosure and eligibility check via the appropriate disclosure and barring service. The Soil Association applies this requirement after assessment and in line with the procedures outlined in the Disclosing and Barring (DBS) Policy. This Policy includes a link to specific guidance for supporting transgender individuals who wish to protect their previous identity when going through this process.

### **Working Practices**

The Soil Association 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 Soil Association considers it has good reasons, unrelated to any prohibited ground of discrimination, for doing so. The Soil Association will comply with its obligations in relation to statutory requests for contract variations. The Soil Association will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

### **Monitoring**

The Soil Association may, where data is made available to us by employees and job applicants, 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, and will consider and take any appropriate action to address any problems which may be identified as a result of the monitoring process.

The Soil Association cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the Soil Association may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group which the Soil Association identifies as being underrepresented in particular types of job.

### **Employee Development**

The policy of the Soil Association is to develop and use the talent, skills and ability of its employees. Where training is available to employees, a fair and transparent process will be applied to ensure that there is equal access to the support of personal and professional development.

### **Bullying and Harassment**

The Soil Association has a separate Bullying and Harassment Policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with. A copy of this can be found on the PeopleHR system. Employees should report any bullying or harassment by customers, suppliers, visitors or others to their line manager who will take appropriate action.

## **6. PARTNER ORGANISATIONS, SERVICE AND SUPPORT BENEFICIARIES, LICENSEES AND CUSTOMERS NOT EMPLOYED BY THE SOIL ASSOCIATION**

The Soil Association will not discriminate unlawfully against partner organisations, project beneficiaries, licensees and customers using or seeking to use goods, facilities or services provided by the Soil Association.

## **7. EMPLOYEE RESPONSIBILITIES**

Every employee is required to assist the Soil Association to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Soil Association 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 the Soil Association's Disciplinary Procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

A copy of the Disciplinary Procedure can be found on the PeopleHR system.

## **8. GRIEVANCES**

If an employee considers that they may have been unlawfully discriminated against, they may use the Soil Association's Grievance Procedure to make a complaint. If their complaint involves bullying or harassment, the grievance procedure is modified as set out in the Bullying and Harassment Policy.

The Soil Association will take any complaint seriously and will seek to resolve any grievance which it upholds. An employee will not be penalised for raising a grievance, even if their grievance is not upheld, unless their complaint is both untrue and made in bad faith.

A copy of the Grievance Procedure can be found on the PeopleHR system.

## **9. MONITORING AND REVIEW**

This policy will be monitored periodically by the Soil Association in accordance with the results shown by the monitoring. If changes are required, the Soil Association will implement them.

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 Act 2018 (GDPR).

## **10. RELATED SOIL ASSOCIATION POLICIES AND PROCEDURES**

- Recruitment Policy
- Disciplinary Procedure
- Bullying and Harassment Policy
- Grievance Policy
- Disclosure and Barring (DBS) Policy
- Recruitment of Ex-Offenders

### **Document control**

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