

## 26. Equal Opportunities Policy

**Policy statement:** MFC is an equal opportunity employer and is fully committed to a policy of treating all of its staff - as well as applicants for employment or volunteering - equally. MFC will avoid unlawful discrimination in all aspects of recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment or volunteering arrangements - as well as discipline, selection for redundancy and dismissal or termination of employment.

**Protected characteristics:** MFC will take all reasonable steps to engage, train and promote staff on the basis of their experience, abilities and qualifications - without regard to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation. In this policy, these are known as the **protected characteristics**.

Staff have a duty to co-operate with MFC to make sure that this policy is effective in ensuring equal opportunities and in preventing discrimination. Action will be taken under the organisation's disciplinary procedure against any staff who are found to have committed an act of improper or unlawful discrimination. Serious breaches of this equal opportunities policy statement will be treated as potential gross misconduct and could render a staff member liable to summary dismissal - or a volunteer to have their agreement terminated.

**All MFC staff must always bear in mind that they can be held personally liable for any act of unlawful discrimination.**

**Duty to report and not victimise:** All MFC staff must draw the attention of their line manager to suspected discriminatory acts or practices. No MFC staff member is to victimise or retaliate against another member of staff who has made allegations or complaints of discrimination; or who has provided information about such discrimination. Such behaviour will be treated as potential gross misconduct and could render the staff member liable to summary dismissal - or a volunteer to have their agreement terminated. All MFC staff are expected to support colleagues who suffer such treatment and are making such a complaint.

**Direct discrimination:** Direct discrimination occurs when, because of one of the protected characteristics, an applicant or a staff member is treated less favourably than other applicants or staff members are treated, or would be treated.

The treatment will still amount to direct discrimination even if it is based on the protected characteristic of a third party with whom the applicant or staff member is associated - and not on the applicant's staff member's own protected characteristic. In addition, it can include cases where it is perceived that an applicant or a staff member has a particular protected characteristic, when in fact they do not.

Discrimination after employment/volunteering is also unlawful if it arises out of and is closely connected to the employment/volunteering relationship, for example refusing to give a reference, or providing an unfavourable reference for a reason related to one of the protected characteristics.

**MFC will take all reasonable steps to eliminate direct discrimination in all aspects of employment and volunteering.**

**Indirect discrimination:** Indirect discrimination is treatment that may be equal in the sense that it applies to all applicants or staff members, but which is discriminatory in its effect on, for example, one particular sex or particular racial group. Indirect discrimination occurs when there is applied to the applicant or staff member, a provision, criterion or practice (PCP) which is discriminatory in relation to a protected characteristic of the applicants or staff members. **A PCP is discriminatory in relation to a protected characteristic of the applicants or staff member if:**

- It is applied, or would be applied, to persons with whom the applicant or staff member does not share the protected characteristic
- The PCP puts, or would put, persons with whom the applicant or staff member shares the protected characteristic at a particular disadvantage when compared with persons with whom the applicant or staff member does not share it
- It puts, or would put, the applicant or staff member at that disadvantage, **and**...
- It cannot be shown by MFC to be a proportionate means of achieving a legitimate aim.

**MFC will take all reasonable steps to eliminate indirect discrimination in all aspects of employment and volunteering.**

## Equal Opportunities Policy continued...

**Victimisation:** Victimisation occurs when a staff member is subjected to a detriment - such as being denied a training opportunity or a promotion - because they have raised or supported a grievance or complaint of unlawful discrimination; or because they have issued employment tribunal proceedings for unlawful discrimination; or they have given evidence in connection with unlawful discrimination proceedings brought by another staff member. However, a staff member is not protected if they give false evidence or information; or make a false allegation - and they do so in bad faith.

Post-employment victimisation is also unlawful **e.g.** refusing to give a reference, or providing an unfavourable reference because the former staff member has done one of the protected acts set out above.

**MFC will take all reasonable steps to eliminate victimisation in all aspects of employment and volunteering.**

**Recruitment, advertising and selection:** The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the post in terms of relevant experience, abilities and qualifications. MFC is committed to applying its equal opportunities policy statement at all stages of recruitment and selection.

Advertisements will aim to positively encourage applications from all suitably qualified and experienced people. When advertising vacancies - and in order to attract applications from all sections of the community - MFC will, as far as reasonably practicable:

1. Ensure advertisements are not confined to those areas or publications which would exclude or disproportionately reduce the numbers of applicants with a particular protected characteristic.
2. Avoid setting any unnecessary provisions or criteria which would exclude a higher proportion of applicants with a particular protected characteristic.

Where vacancies may be filled by promotion or transfer, they will be published to all eligible staff in such a way that they do not restrict applications from any staff with a particular protected characteristic. However where - having regard to the nature and context of the work - having a particular protected characteristic is an occupational requirement (and that occupational requirement is a proportionate means of achieving a legitimate aim) MFC will apply that requirement to the role and this may therefore be specified in the advertisement.

The selection process will be carried out consistently for all jobs at all levels; and all applications will be processed in the same way. All MFC line managers will strictly follow the organisations **Safer Recruitment Policies, Procedures and Processes** detailed in this safeguarding handbook.

MFC will have regard to its duty to make reasonable adjustments to work/volunteering provisions, criteria and practices, or to physical features of its premises, or to provide auxiliary aids or services in order to ensure that a disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

If it is necessary to assess whether personal circumstances will affect the performance of the role **e.g.** if the role involves unsociable hours or extensive travel, this will be discussed objectively without detailed questions based on assumptions about any of the protected characteristics.

**Training and promotion:** MFC will train all line managers in its policy on equal opportunities and in helping them identify and deal effectively with discriminatory acts or practices. Line managers will be responsible for ensuring they actively promote equality of opportunity within the areas for which they are responsible. MFC will also train all line managers in its policy relating to safer recruitment of staff.

MFC will provide training to all staff to help them understand their rights and responsibilities in relation to equal opportunities; and to help them understand and contribute to creating a working environment that is free from discrimination in all its forms.

Where a promotional system is in operation, it will not be discriminatory and it will be checked from time to time to assess how it is working in practice. When a group of staff - who predominantly have a particular protected characteristic - appear to be excluded from access to promotion, transfer and training and to other benefits, the promotional system will be reviewed to ensure there is no unlawful discrimination.

**Terms of employment/volunteering, benefits, facilities and services:** All terms of employment/ volunteering, benefits, facilities and services will be reviewed from time to time, in order to ensure that there is no unlawful direct or indirect discrimination because of one or more of the protected characteristics.

## Equal Opportunities Policy continued...

**Equal pay and equality of terms:** MFC is committed to equal pay and equality of terms in employment. It believes its male and female employees should receive equal pay where they are carrying out like work, work rated as equivalent, or work of equal value. In order to achieve this, MFC will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

**Reporting complaints:** All allegations of discrimination will be dealt with seriously, confidentially and speedily. MFC will not ignore or treat lightly grievances or complaints of unlawful discrimination from employees and volunteers.

If any employee or volunteer wishes to make a complaint of discrimination, they should do so promptly by bringing the matter to the attention of either their line manager - or where the line manager may be the subject of the complaint - to another more senior MFC manager or MFC's Designated Safeguarding Officer.

**Monitoring equal opportunity:** MFC will regularly monitor the effects of its selection decisions, personnel structure, pay practices and other procedures in order to assess whether equal opportunity is being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, MFC will implement them. MFC will also make reasonable adjustments to its standard working practices to overcome substantial disadvantages caused by disability.

**Reviewed & Updated: September 2018**

MFC will review this **Equal Opportunities Policy** and best practice at least annually. In addition, more frequent reviews will be undertaken following any major safeguarding incident, incident learning outcomes, organisational changes, as well as changes to legislation.