

Equality and Diversity Policy

Equal opportunity and diversity is about treating people fairly and celebrating difference. Welsh Athletics is totally committed to the principles and practices of equal opportunities and diversity, both as an employer, and as a service provider.

Purpose

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect, is very important to Welsh Athletics.

In order to achieve equality and diversity, Welsh Athletics recognises that, in some instances, unequal distribution of effort and resources may be required. This may be necessary when sections of society are faced with particular barriers. Welsh Athletics supports the need for additional effort to identify and alleviate any barriers to equality and diversity, with regard to: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation ('the Protected Characteristics'). Additionally, protection will be provided to individuals from lower socio-economic groups, those facing poverty and in the use of the Welsh Language.

Scope

Employees, workers, consultants/freelance staff, and other stakeholders.

This policy covers how we treat everyone; colleagues, customers and other stakeholders and should be used when policies are being planned and services are commissioned.

Policy

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Last reviewed:	April 2021	Policy owner:	Head of Corporate Services
Approved by:	SMT	Audience:	Staff

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

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

Welsh Athletics endeavours to promote the highest standards and will respond to issues by:

- Taking positive action to increase the involvement from under-represented groups in all aspects of our organisation.
- Committing to the ongoing development of the Equality and Diversity Policy
- Taking action against anyone not adhering to Welsh Athletics' policies, including Equality and Diversity, Harassment, Anti-Bullying, Flexible Working and the Grievance procedure
- Ensuring that the Equality and Diversity Policy is read and understood by all staff members
- Adopting good practice in recruitment, training and the supervision of all employees
- Responding to all concerns, and by implementing the appropriate disciplinary and appeals procedures.

Lines of responsibility

Welsh Athletics will strive to become an organisation that values diversity and, in order to achieve this, we recognise that there must be clear lines of responsibility between all segments of the organisation. The CEO and Board of Welsh Athletics have overall accountability for ensuring the implementation of the Equality and Diversity Policy.

As an employer, Welsh Athletics aspires to provide a diverse workforce, the composition of which reflects that of the broader community in terms of gender,

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ethnicity, sexual orientation, religious belief or disability. In order to bring about this diversity, we undertake to:

- Provide full and fair consideration for all jobs/roles and applications.
- Assist all our employees to realise their full potential by ensuring that they receive fair consideration of their training and career development needs and promotion opportunities.
- Wherever possible, modify employment practices and procedures to reduce barriers experienced by members of disadvantaged social groups in seeking, and during, employment with the organisation.
- Maintain records in recruitment, training and employment and use this information as a means of identifying areas of inequality.
- Require all our employees to undergo relevant training before taking part in recruitment and selection.
- Regularly review our recruitment, selection, training and promotion procedures to ensure that they are fair and reflect current best practice.

Equal opportunities for other groups

Welsh Athletics will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the organisation.

Employees should report any bullying or harassment by customers, suppliers, visitors, or others, to their manager, who will take appropriate action.

Training

Welsh Athletics will 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.

Welsh Athletics will also provide training to all existing and new employees to help them understand their responsibilities and rights under this Policy, the Grievance Policy and Anti-Bullying Policy, and what they can do to help create a working environment free of bullying and harassment.

Employee responsibilities

Every employee is required to assist Welsh Athletics to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

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Employees can be held personally liable as well as, or instead of, Welsh Athletics, 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 Welsh Athletics' Disciplinary Policy. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

Where an employee considers that they have been unlawfully discriminated against, or if the complaint involves alleged bullying or harassment, they may use Welsh Athletics' Grievance Policy and Anti-Bullying Policy to make a complaint.

Welsh Athletics will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees will not normally be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is made in bad faith or for some other malicious or inappropriate reason.

Legal Requirements

Welsh Athletics is required by law not to discriminate against our employees and to recognise our legal obligations under, and to abide by, the requirements of the Equality Act 2010 and any subsequent amendments to this act, or indeed any other relevant acts and regulations which may become law.

Protected characteristics

Age

The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if it can be justified, i.e. if the employer can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

An age group includes people of the same age and people of a particular range of ages. Where people fall in the same age group, they share the protected characteristic of age.

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An age group would include “over fifties” or twenty-one-year-olds. A person aged twenty-one does not share the same characteristic of age with “people in their forties”. However, a person aged twenty-one and people in their forties can share the characteristic of being in the “under fifty” age range.

Where it is necessary to compare the situation of a person belonging to a particular age group with others, the Act does not specify the age group with which comparison should be made. It could be everyone outside the person's age group, but in many cases the choice of comparator age group will be more specific; this will often be led by the context and circumstances.

Disability

A person has a disability if they have a physical or mental impairment, and the impairment has a **substantial** and **long-term** adverse effect on their ability to perform **normal day-to-day activities**.

For the purposes of the Equality Act, these words have the following meanings:

- '**substantial**' means more than minor or trivial
- '**long-term**' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- '**normal day-to-day activities**' includes everyday things like eating, washing, walking and going shopping, using a telephone, reading a book or using public transport.

Where people have the same disability, they share the protected characteristic of disability.

The Act puts a duty on employers to make reasonable adjustments for their employees to help them overcome disadvantage resulting from impairment, for example, by providing assistive technologies to help visually impaired staff use computers effectively.

The Act includes protection from discrimination arising from a disability. This states that it is discriminatory to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to

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know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.

Additionally, indirect discrimination covers disabled people. This means that a job applicant or employee could claim that a particular rule or requirement you have in place disadvantages people with the same disability. Unless the employer can justify this, it would be unlawful.

The Act also includes a provision which makes it unlawful, except in certain circumstances, for employers to ask about a candidate's health before offering them work.

Progressive conditions considered to be a disability and reasonable adjustments

The Act requires employers to make reasonable adjustments for their employees 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 protected characteristic.

There are additional provisions relating to people with progressive conditions. People with HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairments are automatically deemed to be disabled.

Failure to make reasonable adjustments

This is 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 protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Employees should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Gender reassignment

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This is defined for the purpose of the Act as where a person has proposed, started or completed a process to change their sex. A trans person has the protected characteristic of gender reassignment and it is unlawful to discriminate against such a person in work and in the provision of goods, facilities, services and public functions.

A woman making the transition to being a man and a man making the transition to being a woman both share the characteristic of gender reassignment, as does a person who has only just started out on the process of changing their sex and a person who has completed the process.

The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered.

It is discriminatory to treat trans people less favourably for being absent from work because they propose to undergo, are undergoing, or have undergone, gender reassignment than they would be treated if they were absent because they were ill or injured.

Marriage and civil partnership

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

- People who are not married or civil partners do not have this protected characteristic
- A person who is engaged to be married is not married and therefore does not have this protected characteristic
- A divorcee or a person whose civil partnership has been dissolved is not married or in a civil partnership and therefore does not have this protected characteristic

It is unlawful to:

- Dismiss a worker after they get married or enter into a civil partnership
- Not offer a job to an applicant who has all the relevant experience and skills because they have just got married and the employer thinks they will be focused on starting a family, not on their career
- As a manager and colleagues, ignore a worker and leave them out of work-related social activities because they are married.

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A heterosexual man and a heterosexual woman who are married to each other and a man and another man who are married to each other/civil partners and a woman and another woman who are married to each other/civil partners all share the protected characteristic of marriage and civil partnership.

Pregnancy and maternity

A woman is protected against discrimination on the grounds of pregnancy and maternity in her employment during the period of her pregnancy and any statutory maternity leave to which she is entitled. This is now separate from protection on the grounds of sex, which is not available to a woman during pregnancy and maternity.

It is unlawful to take into account an employee's period of absence due to pregnancy related illness when taking a decision about her employment.

Race

For the purposes of the Act, 'race' is defined as:

- **Colour:** includes being black or white
- **Nationality:** includes being a British, Australian or a Swiss citizen
- **Ethnic or national origins:** include being from a Roma background or of Chinese heritage.

A racial group could be 'black Britons' which would encompass those people who are both black and who are British citizens.

Religion or belief

Religion means any religion, and a reference to religion also includes a reference to a lack of religion.

- **A religion** must have a clear structure and belief system. Denominations or sects within a religion can be considered to be a religion or belief, such as Protestants and Catholics within Christianity.
- **A belief** means any religious or philosophical belief, and a reference to belief includes a reference to a lack of belief
- **A "philosophical belief"** must:
 - Be genuinely held;
 - Be a belief and not an opinion or viewpoint based on the present state of information available.

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- Be a weighty and substantial aspect of human life and behaviour.
- Attain a certain level of cogency, seriousness, cohesion and importance.
- Be worthy of respect in a democratic society, compatible with human dignity and not conflict with the fundamental rights of others.

Any cult involved in illegal activities is not covered. Beliefs such as humanism and atheism would be covered.

Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.

People who are of the same religion or belief share the protected characteristic of religion or belief.

Sex

Formally defined as Gender, both men and women are protected under the Act.

- A reference to a person who has a particular protected characteristic is a reference to a man or to a woman
- A reference to persons who share a protected characteristic is a reference to persons of the same sex
- Men share the sex characteristic with other men, and women with other women.

Sexual orientation

The Act protects bisexual, gay, heterosexual and lesbian people, and is defined as a person's sexual orientation towards:

- people of the same sex as him or her (in other words the person is a gay man or a lesbian)
- people of the opposite sex from him or her (the person is heterosexual)
- people of both sexes (the person is bisexual).

People sharing a sexual orientation mean that they are of the same sexual orientation and therefore share the characteristic of sexual orientation.

Types of discrimination

Direct discrimination

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This is where a person is treated less favourably than another because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

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

This is 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.

Being proportionate, means being fair and reasonable, including showing that 'less discriminatory' alternatives have been looked at prior to any decision made.

Indirect discrimination can be justified if the employer can show that they acted reasonably, i.e. that it is 'a proportionate means of achieving a legitimate aim'.

A legitimate aim might be any lawful decision the employer makes in running the business, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

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.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will be able to complain of

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behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

Further, sexual harassment may amount to both an employment rights matter and a criminal matter, such as in sexual assault allegations. In addition, harassment under the Protection from Harassment Act 1997 – which is not limited to circumstances where harassment relates to a protected characteristic – is a criminal offence.

Employees are also protected from harassment because of perception and association.

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).

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 (other than marriage and civil partnership, and pregnancy and maternity).

Victimisation

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, or because they are suspected by the employer of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.

Policy into Practice

Welsh Athletics recognises that the successful implementation of the Equality and Diversity Policy will require the commitment of everyone involved in Welsh Athletics. People's attitudes, views and working practices may have to change, or be adapted, to ensure that an inclusive agenda is accepted by all.

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Monitoring and Review

The Welsh Athletics' Equality and Diversity Policy will be regularly monitored and a full policy review will be undertaken every two years. The following situations may also evoke a review of the policy:

- A change in legislation
- Following a procedural review as the result of a case

Important information



ACAS

[Equality](#)

<http://www.acas.org.uk/index.aspx?articleid=3461>

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