

## Equal Opportunities Policy

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<b>POLICY OWNER</b>	KATHIE ALBAN, PEOPLE DIRECTOR	<b>AUTHORISED BY</b>	SLT

### PURPOSE

- To set out Fauna & Flora’s commitment to equality of opportunity and a working environment that is underpinned by fairness to all individuals
- To ensure a safe, welcoming and inclusive working environment, which is free from intimidation, threats, discrimination, bullying or harassment
- To ensure that Fauna & Flora recruits, rewards and develops its people on the basis of merit, skills, qualifications, competencies and Fauna & Flora’s business need and available resources alone
- To communicate clearly Fauna & Flora’s zero-tolerance of any form of discrimination
- To communicate clearly Fauna & Flora responsibilities under the Equality Act 2010, including the responsibility to make reasonable adjustments
- To define the terms ‘discrimination’, ‘harassment’ and ‘victimisation’ and provide examples, so that there is a clear understanding of the types of conduct that are prohibited
- To communicate the importance of reporting incidents of discrimination
- To communicate the procedures in place to manage incidents of discrimination

### SCOPE – THIS POLICY APPLIES TO:

**Members of Council and its sub-committees, Fauna & Flora employees, temporary staff provided through agencies, volunteers and interns, contractors, consultants and any other third parties who carry out work on Fauna & Flora’s behalf.**

This policy applies in and outside the workplace, in relation to all Fauna & Flora-related activity including social events and business travel.

While the Equality Act 2010 applies to Fauna & Flora in the United Kingdom, the general principles of this policy apply to Fauna & Flora worldwide, although practice may vary to take account of local laws.



## **EQUAL OPPORTUNITIES STATEMENT**

Fauna & Flora values diversity and is committed to equality of opportunity and a working environment that is underpinned by fairness to all individuals.

Our policy is to treat all individuals fairly, in a way free of discrimination, and regardless of the 'protected characteristics' defined in the Equality Act 2010 of: age, disability, gender reassignment, race (including colour, nationality, ethnic or national origin), religion or belief, sex, sexual orientation, marriage or civil partnership, or pregnancy and maternity. For details on protected characteristics, please see Appendix 1.

We will recruit, reward and develop on the basis of merit, skills, qualifications, competencies and Fauna & Flora's business need and available resources alone.

## **RESPONSIBILITIES**

The Senior Leadership Team (SLT) is responsible for the implementation of and compliance with this policy and for Fauna & Flora's compliance with discrimination law.

The People Team are responsible for the communication, review and updating of this policy.

The Management Team and Line Managers have a particular responsibility for ensuring compliance with the policy and for leading by example.

All individuals are responsible for complying with and upholding this policy and its principles. Individuals can be held legally liable personally for discriminatory acts as well as be subject to Fauna & Flora's Disciplinary Procedure.

## **BREACH OF POLICY**

Any breach of this policy or acts of discrimination will be taken seriously by Fauna & Flora and will be dealt with in accordance with Fauna & Flora's [Disciplinary Procedure](#). Certain breaches of this policy and/or acts of discrimination, whether one-off or sustained, may be regarded as gross misconduct resulting in immediate dismissal.

## **DEFINITIONS**

The following definitions and examples are given to ensure that you have a clear understanding of the types of conduct that could constitute 'discrimination', which include 'harassment' and 'victimisation'. Such types of conduct will not be tolerated by Fauna & Flora under any circumstances.



## **DISCRIMINATION**

Discrimination can manifest in many ways. It does not always represent a physical or conscious act. It can be, for example, a working practice that is detrimental to one group or person over another.

The following forms of discrimination are unlawful under the Equality Act 2010 and are prohibited under this policy.

### **Direct discrimination**

Direct discrimination is treating one individual less favorably than another individual:

- Because of a protected characteristic they have;
- Because of a protected characteristic they are thought to have (perceptive discrimination); or
- Because they associate with someone who has a protected characteristic (associative discrimination).

Direct discrimination applies to all protected characteristics.

Example: An employer does not employ a woman because she is pregnant.

### **Perceptive Discrimination**

Perceptive discrimination is direct discrimination against an individual because someone thinks the individual possesses a particular protected characteristic. Perceptive discrimination applies to the protected characteristics of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. It applies even if the individual does not actually possess that characteristic.

Example: An employer does not allow an employee to represent the organisation at an event as the Line Manager thinks the employee is too young. In fact, the employee is much older than they look. This may be perceptive discrimination against the employee based on their age.

### **Associative Discrimination**

Associative discrimination is direct discrimination against an individual because the individual associates with another individual who possesses a protected characteristic. Associative discrimination applies to the protected characteristics of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

Example: An employer refuses to promote an employee who it knows has a disabled parent living with them, despite the fact that the employee has met all requirements for the promotion. The employer may believe that the employee will be unable to carry out the new role effectively due to caring responsibilities for the parent. This may be associative discrimination against the employee because of their association with a disabled person.



## **Indirect Discrimination**

Indirect discrimination may occur when a condition, rule, policy or practice applies to everyone in an organisation but particularly disadvantages individuals who share a protected characteristic. Indirect discrimination can be justified if an employer can show that it is using proportional means to achieve a legitimate aim.

Indirect discrimination applies to the protected characteristics of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership.

Example: An employer enforces a dress code that bans headwear. The dress code is applied to all employees. However, employees who may cover their heads as part of their religion or cultural background will be particularly disadvantaged by this rule. If the rule cannot be objectively justified as a proportional means of achieving a legitimate aim, the policy will be discriminatory and therefore unlawful.

## **REASONABLE ADJUSTMENTS**

Where arrangements disadvantage an individual because of a disability, the employer has a duty to make reasonable adjustments to overcome the disadvantage. Where the employer does not make such reasonable adjustments, this could constitute discrimination on the grounds of disability. The employer's duty to make reasonable adjustments applies to job applicants as well as to employees. Reasonable adjustments can encompass a wide range of measures and can relate to the role itself, the working environment or the working hours. For example, reasonable adjustment could include the installation of access ramps, provision of additional time for interview assessments, provision of ergonomic equipment, or adjustment of working hours.

If you are disabled or become disabled, we encourage you to speak with your Line Manager or a member of the People Team, so that Fauna & Flora can support you as appropriate and make any reasonable adjustments required.

## **HARASSMENT**

Harassment occurs when an individual engages in unwanted conduct that relates to a protected characteristic, which has the effect of violating another individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual. The conduct does not have to be directed at the individual who finds it offensive and the individual who is harassed does not need to possess the relevant protected characteristic. Harassment applies to the protected characteristics of age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Fauna & Flora has a duty to protect its employees from harassment from third parties (e.g. partner, member, consultant) as well as from other employees.

Protection from harassment extends to harassment because of perception and association (see above).



Example: A 19-year old employee is frequently humiliated by her predominantly middle aged female work colleagues making references to her youth and lack of experience. The 19-year old complains to her Line Manager, who does not take the complaint seriously and allows the hostile banter to continue. This would constitute harassment relating to age.

For more detailed guidance, please see Fauna & Flora's [Anti-Bullying and Anti-Harassment Policy](#).

## VICTIMISATION

Victimisation occurs when an individual is subjected to a detriment because the individual has made or supported a complaint or raised a grievance under the Equality Act, or because the individual is suspected of doing so (even if, in fact, they have not).

Example: An employee raises a grievance against his Line Manager because he feels he has been discriminated against because he is gay. A colleague supports the employee in his grievance. The grievance is resolved. However, both the employee who raised the grievance and the colleague that supported him are excluded from attending a key training event. This would constitute victimisation of both employees, where they received less favourable treatment for raising/supporting a complaint of discrimination on the grounds of sexual orientation.

## REPORTING DISCRIMINATION

If you believe that you or someone else has been affected by discrimination, you should raise this in accordance with Fauna & Flora's [Grievance Procedure](#). The Grievance Procedure allows concerns, problems or complaints to be raised and addressed as quickly and fairly as possible. It provides a formal mechanism for these to be investigated and dealt with if they are unable to be dealt with informally. Any concern raised will be taken seriously and will be dealt with sensitively. Confidentiality will be maintained as far as is reasonably possible.

If you believe that you or someone else has been affected by discrimination by a third party (e.g. partner, funder, contractor), you should raise this so that Fauna & Flora has the opportunity to investigate and address this. You should raise this with your Line Manager in the first instance.

You will not be victimised or suffer a detriment for making or supporting a claim of discrimination in good faith. However, if you deliberately make a false claim, or make or support a claim in bad faith, this will be regarded as misconduct and will be dealt with under Fauna & Flora's [Disciplinary Procedure](#).

## REVIEW

This policy forms part of the terms and conditions of service that govern your employment with Fauna & Flora. However, it does not form part of your Contract of Employment and we may review and amend it at any time.



## APPENDIX 1: PROTECTED CHARACTERISTICS

The Equality Act 2010 provides statutory protection from discrimination based on one (or more) of the following protected characteristics.

PROTECTED CHARACTERISTIC	APPLIES TO	
<b>Age</b>	All ages	Age is the only protected characteristic where direct discrimination can be justified if the discrimination is a proportionate means of achieving a legitimate aim.
<b>Disability</b>	Individuals who have a disability	An individual is disabled for the purposes of the Equality Act if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This could include activities such as using the telephone, reading or using public transport. Certain conditions (HIV, multiple sclerosis and cancer) are classified as disabilities from the date of diagnosis. It is unlawful to discriminate against a disabled individual because of their disability. Furthermore, a disabled individual must not be treated unfavourably because of something arising from their disability.
<b>Gender reassignment</b>	Transgender individuals	A transgender individual is someone who proposes to, starts or has completed a process to change his or her gender. The individual does not need to be under medical supervision or undergo any medical procedure to be protected.
<b>Race</b>	An individual's colour, nationality and ethnic or national origin	
<b>Religion or belief</b>	Individuals of any religion or belief, including philosophical beliefs	It also covers a lack of religion or belief, e.g. an individual who does not follow a particular religion, or has no religion.
<b>Sex</b>	Men and women	
<b>Sexual orientation</b>	Individuals who are bisexual, gay, heterosexual and lesbian	
<b>Marriage and civil partnership</b>	Individuals who are married or in a civil partnership	
<b>Pregnancy and maternity</b>	Women during pregnancy and statutory maternity leave	