



Equality and Diversity Policy

1. Oasis' commitment to equality of opportunity

Oasis is committed to outworking the principles of justice in all its staff and volunteer policies. In accordance with our ethos, Oasis has:

- a passion to include everyone
- a desire to treat everyone equally, respecting differences
- a commitment to healthy and open relationships
- a deep sense of hope that things can change and be transformed
- a sense of perseverance to keep going for the long haul

We willingly accept not only our legal responsibilities but also wish to embrace best practice in all areas of our work in order to secure equality and fairness of both treatment and outcome for all.

We are therefore committed to ensuring that no-one is treated in any way less favourably on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race, colour, nationality and ethnic or national origins; religion or belief; sex; and sexual orientation. These are referred to in this document as Protected Characteristics. Further information is provided in Annex A. Discriminatory behaviour, homophobic and other discriminatory bullying and hate crime are unacceptable.

2. Scope

This policy applies to all staff who are:

- Current employees
- Former employees
- Staff who are on atypical contracts, such as agency workers, staff on casual contracts and those on fixed term contracts
- Self-employed staff working personally for Oasis
- Job applicants
- Volunteers
- Trainees on placement

These groups are protected against discrimination as follows:

- *Employees*- including the terms and conditions on which they are employed, any benefits offered, opportunities for promotion and training, termination of employment and the right not to be subjected to any detriment.
- *Ex-employees*- it is unlawful to discriminate against an ex-employee by, for example, the provision of a discriminatory reference.
- *Contract, casual and agency workers*- including the terms on which the work is offered, general treatment, access to facilities or benefits, termination and the right not to be subjected to any detriment.
- *Self-employed people where the contract requires them to carry out the work personally*- including the terms on which the work is offered, general

treatment, access to facilities or benefits, termination of their employment contract and the right not to be subjected to any detriment.

- *Job applicants* - throughout the process of recruitment. This includes the arrangements for determining who is appointed, the terms of the job description and the person specification, advertising, short-listing, interviewing, selection and the terms and conditions of employment offered.

Protection from discrimination applies to workers' behaviour in the course of their employment for Oasis. This therefore includes all behaviour while at work, at any work-related social functions or gatherings and on business trips either in the UK or abroad.

3. Unacceptable behaviour

Oasis will not accept any behaviour by its staff which:

- Is directly discriminatory
- Is indirectly discriminatory
- Discriminates against a worker, ex-worker or job applicant because of his or her disability
- Fails to make reasonable adjustments to help the worker, ex-worker or job applicant, where s/he has a disability
- Is harassment
- Is victimization
- Is an attempt to get someone to discriminate against, harass or victimize another on the above protected grounds, or
- Is harassment by a third party, which we have not tried to prevent

These types of unacceptable actions are explained more fully below.

Direct discrimination is treating a person less favourably than another because of any of the protected characteristics. It can also occur where someone is subjected to discriminatory treatment because of another person's protected characteristic, e.g. where an employee is penalised for taking time off work to care for a disabled child. Further, a complaint of direct discrimination can be made where the discriminatory treatment is due to a *mistaken perception* that the victim possesses a particular characteristic.

Indirect discrimination occurs where a provision, criterion or practice is applied equally to everyone, but where the application of the provision results in a disadvantage to people with a particular protected characteristic (e.g. people of a minority ethnic origin or younger people) and where an individual is put at a disadvantage as a result. Examples can be requiring all job applicants to work full-time when this is not really necessary – such a requirement will have a disproportionate effect on women (who tend to have more childcare responsibilities than men) and disabled people, and so indirectly discriminate against this group of people.

Discrimination '**arising from disability**' will be unlawful unless justified. Additionally, a **failure to make adjustments** in respect of a disabled employee or job applicant will be unlawful unless it can be demonstrated either that there were no adjustments that it could have made that would have helped the employee or applicant, or that any adjustments that could have been made would not have been reasonable.

Harassment is where unwanted conduct related to a protected characteristic occurs which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The wording makes it clear that the question of whether or not behaviour constitutes harassment depends largely on the perception of the person on the receiving end. Thus it does not matter what the harasser thinks or intended by their behaviour, or even what colleagues think. Nor is it necessary for the particular behaviour to be targeted at the individual who finds it offensive. A common excuse for harassment is that it was just 'banter', but one person's idea of a joke may be seen as offensive and intimidating by others. Complaints of harassment may be based on a single, serious incident or (as is more common) a series of incidents of unacceptable behaviour, particularly if they continue after the employee has made it clear that the behaviour is unwanted or offensive.

There is also a duty to prevent harassment by third parties where there have been at least two previous occasions. The harassment does not have to be by the same third party. Examples can be harassment by parents, students, suppliers or contractors, in or outside the workplace.

Victimisation occurs where a person is treated less favourably or suffers a detriment because they have brought discrimination proceedings, given evidence in a tribunal, complained internally of discrimination or assisted someone else in their complaint. An example could be a refusal to consider someone for promotion because they had previously made an allegation of sex discrimination.

4. Rights and responsibilities

All Oasis staff have a duty to treat each other with dignity and respect and in accordance with our ethos and this policy. It is a requirement of our person specification that job applicants have knowledge and understanding of our Equality and Diversity policy.

Oasis will offer training and support to ensure that workers are aware of their rights and responsibilities under this policy, focusing in particular on staff who serve on selection panels, line managers and senior management. All staff will be encouraged to receive training offered on the policy generally and it will be a focus for induction of new employees.

Oasis will also provide procedures for dealing with any concerns or complaints that may arise about equality issues, under our grievance policy and procedure.

The Executive of Oasis is responsible for implementation of the policy and for its regular review and monitoring.

5. Breaches of the policy

Any breaches of this policy will be dealt with under Oasis' grievance policy and procedure or, where appropriate, under Oasis' whistleblowing procedure. The grievance procedure has three stages. The first is informal; stages two and three are formal, with the third stage being a right of appeal. Staff with a concern or complaint are encouraged wherever possible to deal with the issue informally first, directly with the individual concerned. If this is not possible or has not resolved the issue to the complainant's satisfaction, action can be taken at the formal stage. Employees have the right to be accompanied by his/her trade union representative, workplace representative or work colleague at formal meetings under the policy.

Action may also be taken under Oasis' Disciplinary Policy where breaches of the policy are found to have taken place.

Staff are referred to relevant policies for full details. Copies can be downloaded from the Oasis Zone.

6. Relationship to other policies

This policy affects all aspects of employment with Oasis, from recruitment, terms and conditions of work, training and development, promotion, performance, grievance, discipline, and treatment of workers when their contract or involvement with Oasis has come to an end.

This policy should be read in conjunction with the following policies, where full details of each specific area are given: Pay Policy, Recruitment and Selection, Absence Management, Capability Procedure, Family Leave and Maternity, Disciplinary, Grievance, Redundancy, Health and Safety, Performance Management and Bullying and Harassment Policy.

7. Responsibility for the policy

The Oasis Executive Board is responsible for the policy and for its implementation and regular review.

8. Implementation and monitoring and review

Oasis will undertake the following actions in the next twelve months of the life of this policy to ensure that we embed this policy at the heart of the organisation. We will:

- Consult with staff and union colleagues to implement a standard monitoring framework, as set out in Annex B.

- Collecting standard information on an annual basis about our workforce will enable us to assess whether this policy is effective in practice, in providing equal opportunity for all.

It will enable us to analyse the effect of other policies and practices on different groups; highlight possible inequalities and investigate their underlying causes; and set clear targets and timetables for reducing disparities

- Devise and implement a training plan for all staff, new staff on induction, those who serve on selection panels, line managers and senior management.
- Communicate this policy to staff across the organisation, through the intranet, email, bulletin boards and staff meetings.
- Review the main people policies which have a bearing on equalities issues, to ensure that action is consistent in reinforcing our commitment to equality in these areas. In particular, we will review the following key policies within the next twelve months as a priority, given their impact on equality and diversity issues:
 - Pay
 - Recruitment and Selection
 - Absence Management
 - Capability
 - Family Leave
 - Maternity/Paternity/Adoption/Family Leave
 - Disciplinary
 - Grievance
 - Redundancy
 - Health and Safety
 - Performance Management, and
 - Bullying and Harassment.
- Review as a priority our procedures for becoming aware of and responding to harassment of our staff by third parties
- Undertake an Equal Pay Review by April 2012.
- Undertake periodic Equality Impact Assessments on key changes, so that we consider the equality consequences as part of our decision-making. This will be much easier to do once we have consistent data on current staff, so we can assess our current profile and whether it is reflective of the local communities we serve.
- Invite existing staff representatives from the recognized trade unions and staff from across the organisation to volunteer to act as equality champions, to serve as advisers to the HR department in keeping equality updating policies to ensure compliance with this policy

- Review this policy on an annual basis or sooner if legislation changes, setting specific targets for action in the next version when benchmark data has been obtained.

9. Annexes

A – Definition of protected characteristics

B – Monitoring form

Annex A – Definition of protected characteristics

Age

This refers to a person having a particular age (for example, 32-year olds) or being within an age group (for example, 18-30 year-olds).

Disability

1. A person has a disability if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities
2. Some people are automatically treated as disabled:
 - from the point of diagnosis in the case of those suffering from cancer, HIV and MS
 - or if they are certified blind, severely sight impaired, sight impaired or partially sighted by a consultant ophthalmologist
 - or if they have a severe disfigurement, provided they meet the long-term requirement and depending on where it is
3. For other progressive conditions (e.g. systemic lupus erythematosus (SLE), various types of dementia, rheumatoid arthritis, and motor neurone disease) the person will meet most of the definition when the impairment starts to adversely affect her/his ability to undertake day to day activities – provided that s/he meets the long-term aspect of the definition
4. A person can also qualify if s/he had a disability in the past and/or if s/he was on the register of disabled persons under provisions in the Disabled Persons (Employment) Act 1944 on both 12 January 1995 and 2 December 1996.

The key issue is the effect of a condition, not its cause. If a person avoids doing things due to their impairment, this can count towards the definition.

“Long term” means:

- has lasted at least 12 months, or
- the total period for which it lasts, from the time of the first onset, is likely to be at least 12 months, or
- is likely to last for the rest of the affected person’s life

If treatment permanently cures a condition, the likelihood of recurrence must be assessed. However, if the treatment simply delays or prevents a recurrence, and a recurrence would be likely if the treatment stopped, as is the case with most medication, then the treatment is to be ignored and the effect is to be regarded as likely to recur.

Gender reassignment

This characteristic applies to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex.

Gender reassignment is a personal process, that is, moving away from one's birth sex to the preferred gender, rather than a medical process.

Someone does not have to undergo medical treatment in order to be protected. The Equality Act requires that a person should have at least proposed to undergo gender reassignment. It does not require such a proposal to be irrevocable.

The worker/applicant may also be protected under disability discrimination provisions if has been diagnosed with gender dysphoria or gender identity disorder.

Gender reassignment is a separate protected characteristic and unrelated to sexual orientation.

There are a number of related terms: "Trans", "Transgender" and "Transsexual":

- **Trans:** the term "trans people" and "transgender people" are both often used as umbrella terms for people whose gender identity and/or gender expression differs from their birth sex, including transsexual people (those who propose to undergo, are undergoing or have undergone a process of gender reassignment to live permanently in their acquired gender), transvestite/cross-dressing people (those who wear clothing traditionally associated with the other gender either occasionally or more regularly), androgyne/polygender people (those who have non-binary gender identities and do not identify as male or female), and others who define as gender variant
- **Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from their birth sex. They may or may not seek to undergo gender reassignment hormonal treatment/surgery. Often used interchangeably with "trans".
- **Transsexual:** a person who intends to undergo, is undergoing or has undergone gender reassignment (which may or may not involve hormone therapy or surgery).

Marriage and civil partnership

Legal protection is not applied to those who are unmarried/single or those who have divorced or whose civil partnership has been dissolved. However, Oasis takes all forms of unjustified discriminatory treatment seriously, whether or not it is prohibited by law.

Pregnancy and maternity

The protected period starts when the worker becomes pregnant and continues until the end of the maternity leave or until she returns to work if that is earlier.

A woman undergoing IVF is legally pregnant after a fertilised embryo has been implanted and from that point is protected from unfavourable treatment because of her pregnancy, including pregnancy related sickness.

Race

Race includes colour, nationality and ethnic or national origins.

Nationality is distinct from national origins.

“Ethnic group” is defined by the courts as having “a long shared history and a cultural tradition of its own. In addition, an ethnic group may have one or more of the following characteristics: a common language; a common literature; a common religion; a common geographical origin; or being an oppressed group.” The courts have confirmed that the following are protected ethnic groups: Sikhs, Jews, Romany Gypsies, Irish Travellers, Scottish Gypsies and Scottish Travellers.

Religion or belief

This includes any religion and any religious or philosophical belief. It also includes a lack of any such religion or belief.

Sex

Does not include gender reassignment or sexual orientation.

Sexual orientation

This means a person’s sexual orientation towards:

- Persons of the same sex (that is, the person is a gay man or a lesbian)
- Persons of the opposite sex (that is, the person is heterosexual); or
- Persons of either sex (that is, the person is bisexual)

Sexual orientation relates to how people feel as well as their actions.

Annex B - Equal opportunities monitoring form

You are not obliged to fill out this form, but, if you do so, it will enable us to monitor our policies and practices and ensure that we provide equality of opportunity to all. The information you give here will be treated in strict confidence and will not form part of your records. It will be used by your employer only for monitoring and research purposes, without identifying you, and will be destroyed as soon as possible and, in any event, within three months of receipt. Monitoring data may be published or copied to staff trade unions for their information. However, monitoring data will not be published in a manner which could lead to your identification. Further, due to the highly sensitive nature of information relating to sexual orientation, transgender status, religion or belief and some forms of mental and physical impairment, such information will not be published, although any information you provide will help inform Oasis' work on promoting equality of opportunity and eliminating discrimination.

1. Please indicate your gender: Male Female

2. Please indicate your age:

16 – 17 <input type="checkbox"/>	18 – 21 <input type="checkbox"/>	22 – 30 <input type="checkbox"/>
31 – 40 <input type="checkbox"/>	41 – 50 <input type="checkbox"/>	51 – 60 <input type="checkbox"/>
61 – 65 <input type="checkbox"/>	66 – 70 <input type="checkbox"/>	71+ <input type="checkbox"/>

3. Ethnic origin is not about nationality, place of birth or citizenship. It is to do with colour and broad ethnic group. UK citizens can belong to any of the groups indicated below. Would you describe yourself as:

White

English/Welsh/Scottish/Northern Irish/British	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Gypsy or Irish Traveller	<input type="checkbox"/>
Any Other White Background	<input type="checkbox"/>
Please state:	

Mixed/multiple ethnic groups

White & Black Caribbean	<input type="checkbox"/>
White & Black African	<input type="checkbox"/>
White & Asian	<input type="checkbox"/>
Any other Mixed/multiple ethnic background	<input type="checkbox"/>
Please state:	

Asian/Asian British

Indian	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>
Bangladeshi	<input type="checkbox"/>
Chinese	<input type="checkbox"/>
Any other Asian background	<input type="checkbox"/>

Please state:

Black/African/Caribbean/Black British

African

Caribbean

Any Other Black/African/Caribbean background

Please state:

Other ethnic group

Arab

Any other ethnic group

Please state:

4. Do you consider yourself to have a disability within the meaning of the Equality Act 2010 (see end of this part of form for definition)?

Yes

No

We fully support the social model of disability and we recognise that people with different impairments or medical conditions can experience different barriers. If you have selected yes, please select the nature of your disability:

Physical/sensory impairments

Learning difficulty & specific learning difficulties

Mental health difficulties

Medical conditions

5. What is your Religion, even if you are not currently practising?

Christian inc. Church of England, Catholic, Protestant and all other Christian denominations)

Buddhist

Hindu

Jewish

Muslim

Sikh

Any other religion

Please describe:

No religion

6. What is your sexual orientation?

Bisexual

Gay man

Gay woman/lesbian

Heterosexual/straight

Other

Prefer not to say

7. Is your gender identity the same as the gender you were assigned at birth?

Yes

No

Thank you for your assistance

Disability Definition

The Equality Act 2010 states “A person has a disability if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.”

The Act goes on to state “A person can also qualify if s/he had a disability in the past and/or if s/he was on the register of disabled persons under provisions in the Disabled Persons (Employment) Act 1944 on both 12 January 1995 and 2 December 1996”.