**Diversity Policy**

**1. INTRODUCTION**

**BRIXTON SOUP KITCHEN recognises the value of having a diverse workforce, and aims to ensure our people processes are fair, equitable and free from any form of discrimination.**

BRIXTON SOUP KITCHEN values the positive aspects of individual differences of all people and the beneficial effects that this can have on the organisation. We aim to:

* Enrich diversity at all levels of the organisation to deliver the work
* Improve the diversity mix at senior level so that it reflects a more consistent diversity mix throughout the whole organisation.
* Ensure equality of opportunity for all in all employment practices (e.g. recruitment, development, progression, etc.)

Benefits of building a diverse workforce include:

* Having a larger pool of potential candidates for job positions
* Having a wider range of resources, skills and ideas among employees
* Improving staff retention, leading to lower recruitment and training costs
* Avoiding claims of unfair treatment or discrimination
* Building a reputation as a diverse organisation

**Purpose:**

**The purpose of this policy is to promote diversity and equality in the workplace and aims to ensure that:**

* The policies and practices promoted by BRIXTON SOUP KITCHEN is not discriminatory
* As an employer BRIXTON SOUP KITCHEN does not discriminate directly or indirectly
* BRIXTON SOUP KITCHEN adheres to equal opportunities legislation and codes of practice
* All employees understand the responsibilities they as individuals have and the responsibilities BRIXTON SOUP KITCHEN has as an employer

###### Scope

This policy applies equally to management, employees both full time, sessional and volunteers and prospective employees within BRIXTON SOUP KITCHEN. For the purposes of this document, the term ‘employees’ covers full time, part time sessional and volunteers.

**Principles**

|  |
| --- |
| **BRIXTON SOUP KITCHEN** **is committed to promoting diversity in employment.** Our aim is to ensure that no job applicant, worker or employee receives less favourable treatment on the grounds of: |
| * Sex (including gender reassignment)
* Race
* Marital status
* Sexual orientation
* Age
 | * Religion or belief
* Disability
* Part time or Fixed Term status
* Spent criminal convictions
 |
| We have obligations, both legal and ethical, not to discriminate against anyone on the above grounds and to ensure that we best utilise the talents and abilities of each individual. |

* We aim to ensure that conditions of work, or the attitudes, behaviours or requirements of management do not lead to employees being disadvantaged, whether directly or indirectly. Any differences in the treatment of individuals must relate to New Beginnings organisations requirements and priorities.
* BRIXTON SOUP KITCHEN employees will be selected, promoted, and treated on the basis of their relative merits and abilities, according to the requirements of the specific job. We have a number of procedures and policies in place to safeguard equality of opportunity which cover the following areas:

|  |  |
| --- | --- |
| * Recruitment and Selection
* Disciplinary and Grievance
* Learning and Development
* Performance Management
* Code of Conduct
 | * Maternity, Paternity, and Adoption leave
* Parental leave, Flexible working and Time off for Dependants
* Dress Code
 |

BRIXTON SOUP KITCHEN undertakes regular reviews of practices in these areas to ensure they provide equality of opportunity. Any allegations or complaints relating to equal opportunities will be treated seriously and in confidence. The matter will be thoroughly, promptly, sensitively and objectively investigated, and a decision made on what action to take.

**RESPONSIBILITIES**

|  |  |
| --- | --- |
| Managers | Managers should ensure that:* Discriminatory practices do not take place within the organisation.
* Their staff are aware of this equal opportunities policy (and other related policies, e.g. recruitment)
* Any breaches and complaints are dealt with quickly and effectively (in all such cases please contact the management committee)
 |
| **All employees**  | All employees are responsible for ensuring that they contribute to providing a workplace free of discrimination by:* Helping to create and maintain a climate which supports equality of opportunity by treating colleagues fairly
* Ensuring that their behaviour is positive, judging people on their own merits rather than acting on assumptions
* Working together to develop the different skills and abilities to make the most of our diversity
* Ensuring Soli’s Soup Kitchen is presented internally and externally with a firm commitment to equality
* Thinking about their behaviour and language - it is important to note that comments, remarks or jokes of a racist / sexist / etc. nature may give offence to others, and could constitute unlawful harassment (please refer to the Bullying and Harassment policy for further information)
 |
| **Management** **Committee**  | Management committee are responsible for:* Providing advice and guidance to line managers on equal opportunities issues
* Providing support to any individual who has a concern / complaint relating to equal opportunities
 |

**3. MONITORING**

* BRIXTON SOUP KITCHEN monitors the composition of the workforce, and its policies and procedures to ensure the Equal Opportunities Policy is being properly implemented.
* Analysis of ethnic origin and sex is conducted annually and published in the organisations reports. The analysis covers:
* Analysis of the ethnic origin of BRIXTON SOUP KITCHEN’s working population
* Age analysis
* Ethnic origins and Bands – Male
* Ethnic origins and Bands – Female
* Male to Female staff ratio – Bands 5 and above
* Male to Female staff ratio – Bands 1 - 4
* The analysis aims to determine whether the percentage of each sexual and racial group within the organisation employment population is consistent with the percentage levels of each group in the surrounding population from which the workforce is drawn.

**4. COMPLAI****NTS PROCEDURE**

**Please refer to the Complaints Procedure’ available from the management committee.**

**APPENDIX 1 – EQUALITY LEGISLATION GUIDE**

**Discrimination on the grounds of the following is illegal in the UK:**

|  |  |
| --- | --- |
| * Race
* Religion or Belief
* Sexual Orientation
* Sex (including gender reassignment and marital status)
* Age discrimination legislation
 | * Disability
* Part time employment status
* Fixed Term employment status
* Spent criminal convictions
* Positive discrimination is illegal (but positive action is not).
 |

**Forms of Discrimination**

Broadly speaking, the following categories of unlawful discrimination exist:

|  |  |
| --- | --- |
| **Direct Discrimination:**  | * Treating a person less favourably because of their race, gender, religion, etc.
 |
| **Indirect Discrimination:**  | * Consists of applying an unjustifiable requirement or qualification for employment which disadvantages an individual because of their race, gender, religion, etc.
 |
| **Harassment:** | * Occurs when an individual’s dignity has been violated, or they have been subject to an intimidating, hostile, degrading or offensive environment. **Harassment is not determined by the intention of the person who has caused the offence, but by whether it should ‘reasonably’ be considered as having that effect on the recipient.**
 |
| **Victimisation:** | * When an individual suffers a detriment because they have made a complaint or allegation (or have given evidence against someone else) in relation to a complaint of discrimination.
 |

*NB. There are slight differences in the way these forms of discrimination are applied to race, sex, disability, sexual orientation, etc. See sections A – C for further information.*

**Additional Points**

* It is unlawful to instruct or (attempt to instruct) any other person to discriminate (e.g. telling a recruitment agency to only send men for the job).
* It is unlawful to ask, persuade or pressurise another person to discriminate by bribery, threat or placing that person at a disadvantage, for example, "well, if you send any black people along for this job, you won't get any more of my business".
* Individuals are protected against discrimination before, during and after employment. This means that you don’t have to be an employee to bring a claim of discrimination – you could be either a job applicant, or an ex-employee who has asked for a reference.
1. **Race, Religion or Belief, and Sexual Orientation**

**Definitions:**

* The term ‘**race’** incorporates colour, nationality, citizenship, and ethnic / national origin.
* **Religion or belief** is defined as being any religion, religious belief or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to religious belief.
* **Sexual orientation** is defined as (i) orientation towards persons of the same sex (ii) orientation towards persons of the opposite sex (iii) orientation towards persons of the same sex and the opposite sex

|  |  |
| --- | --- |
| **Direct Discrimination:** | * This is treating a person less favourably than others because of their race / religion or belief / sexual orientation.
* Direct discrimination is unlawful and cannot be justified.
* It is not necessary to prove that someone intended to discriminate against you - it is sufficient to show that the outcome of their action was that you received less favourable treatment.
* The only exception is in very rare cases where a genuine occupational requirement exists for the individual to be of a particular race in order to do the job *(for example, an Asian women’s refuge wants an Asian woman for the post of staff manager).*
 |
| **Indirect Discrimination:** | * This consists of applying an unjustifiable requirement or qualification for employment which disadvantages an individual because of their race / religion or belief / sexual orientation.
* Indirect discrimination is unlawful if it cannot be justified as a real requirement of the job.
* Indirect discrimination is less well understood, less obvious and more difficult to recognise as it is often embedded in ‘the way we do things here’.
 |
| **Harassment:** | * Harassment relating to race / religion or belief / sexual orientation is unlawful.
* Harassment occurs when an individual’s dignity has been violated or they have been subject to an intimidating, hostile, degrading, humiliating or offensive environment.
* **Harassment is not determined by the intention of the person who has caused the offence, but by whether it should ‘reasonably’ be considered as having that effect on the recipient**
 |
| **Victimisation:** | * This occurs when an individual is treated in a way that is detrimental because they have made a complaint or allegation (or have given evidence against someone else) in relation to a complaint of discrimination. Victimisation relating to race / religion or belief / sexual orientation is unlawful.
 |

**Right to Work in the UK**

* Refusing employment because an individual does not have the right to work in the UK is not discriminatory. The Asylum and Immigration Act makes it a criminal offence to employ a person who does not have permission to live or work in the UK. Employers can be fined up to £5000 for non-compliance.

**Examples of racial discrimination:**

* A university was held to have discriminated against an Asian applicant by asking her to provide documentary evidence of her right to work in the UK. Whilst not unlawful in itself, discrimination occurred because they did not ask every applicant for such proof, hence the tribunal held that direct discrimination had occurred.
* An applicant was asked at interview whether he had worked with white technicians before and whether he had trouble supervising them. This questioning showed that colour was an issue and a decision was held that discrimination had occurred in the arrangements made for employment.
* A West Indian applied for a job in person at a hotel. She was told by the owner’s wife that there may be difficulties in employing someone from abroad and, anyway, that the job had already been taken. The woman telephoned the hotel later to enquire if the job was still available. The answer to this question was ‘yes’, from which the tribunal drew an inference of unlawful discrimination.

**(B) Sex**

As with race, religion or belief, and sexual orientation, the following are unlawful in relation to sex:

|  |  |  |
| --- | --- | --- |
| * **Direct discrimination**
 | * **Indirect discrimination**
 | * **Victimisation**
 |

The explanations of these forms of discrimination are broadly parallel to the details given for race etc.

**Sexual Harassment**

* Currently there is no free-standing right to claim sexual harassment. Instead, sexual harassment is treated as amounting to direct sexual discrimination. This is due to change in Oct 2005 when a distinct definition of sexual and sex-related harassment comes into effect.

**Maternity leave**

* This is an area where indirect sexual discrimination may be particularly difficult to recognise, and therefore may be considered an area of risk. Managers should ensure that they discuss all maternity-related issues with their HR team .

### Discrimination on the grounds of Gender Reassignment

* Discrimination on grounds of gender reassignment constitutes sexual discrimination and is therefore unlawful. This applies whether the person intends to undergo gender reassignment, is undergoing gender reassignment, has at some time in the past undergone gender reassignment.

###

### Discrimination on the grounds of Marital Status

* It is unlawful to discriminate because of an individual’s marital status.

**Equal Pay**

The Equal Pay Act 1970 provides for equal pay for men and women who are on:

* The same or broadly similar work
* Work which has been given an equal value under an analytical job evaluation scheme
* Work which is of equal value.

The Act covers not only pay itself, but all contractual terms and conditions. This includes sickness benefits, pension rights, holiday entitlement.

The woman can compare any term in her contract with the equivalent term in her comparator’s contract. The comparison is made on a term-by-term basis and not on the basis of the contract as a whole.

An employer can pay a man more than a woman for doing equal work, but only if the reason is due to a genuine material factor other than sex.

**Examples of sex discrimination:**

* A male employee who was told that he cannot put his child in his company crèche because it was for children of female employees only, succeeded in a complaint of unlawful sex discrimination.
* The British Judo Association was held to have discriminated on the grounds of sex in granting a woman a National Referee’s Certificate, but not allowing her to referee national men’s judo events.
* In a company which normally operated a “last in - first out” rule for redundancies, the employer’s decision to retain a man for a certain job in preference to a woman (who had four years more service) was held to be unlawful sex discrimination.

### (C) Disability

**Definition:**

* Disability is defined as “A physical or mental impairment which has a substantial and long term adverse effect on normal day-to-day activities”
* ‘Normal day to day activities’ means that the impairment must affect one of the following:
	+ Ability to lift, carry, or otherwise move every day objects
	+ Speech, hearing or eyesight
	+ Memory or ability to concentrate, learn or understand
	+ Manual dexterity
	+ Physical co-ordination
	+ Perception of the risk of physical danger Mobility
	+ Continence

The effects of the impairment must have lasted or be likely to last for at least 12 months and must be ‘substantial’. Mental impairment covers those illnesses recognised in the World Health Organisation International Classification of Diseases

**The concept of discrimination in relation to disability is different than for sex / race / etc. discrimination:**

|  |  |
| --- | --- |
| **Direct discrimination:** | * This is treating a person less favourably than others because of their disability. Direct discrimination is unlawful and cannot be justified.
* An example of direct discrimination is where a blind woman is not short-listed for a job involving computers because the employer wrongly assumes that blind people cannot use them. The employer would not have made this assumption about someone who was not blind and therefore has treated her less favourably because of her disability.
 |
| **Disability-related discrimination:** | * **Refers to discrimination for reasons related to a person’s disability (though not the disability itself) and where the treatment of the disabled person is less favourable than the way in which a person without the disability would have been treated.**
* For example, a disabled man is dismissed for taking six months sick leave that is disability-related. Company policy is to dismiss all employees who take six months sick leave. The disabled man is therefore likely to have been discriminated against because if it wasn’t for his disability he would not have been off sick for six months. An employer’s conduct towards a disabled person does not amount to disability-related discrimination if it can be justified.
 |
| **Reasonable adjustments:** | * **Employers have a duty to make reasonable adjustments for disabled job applicants or staff when a policy or practice or a physical feature of their premises, places the disabled person at a substantial disadvantage.**
* **Failure to make reasonable adjustments is discriminatory.** There can be no legal justification for this.
 |
| **Victimisation:** | * This occurs when an individual is treated in a way that is detrimental because they have made a complaint or allegation (or have given evidence against someone else) in relation to a complaint of disability discrimination. Victimisation relating to disability is unlawful.
 |
| **Harassment:** | * Harassment relating to disability is unlawful. Harassment occurs when an individual’s dignity has been violated or they have been subject to an intimidating, hostile, degrading, humiliating or offensive environment.
 |

### Disabled employees at BRIXTON SOUP KITCHEN

* BRIXTON SOUP KITCHEN is committed to making any reasonable adjustments to prevent any disadvantage that a disabled employee / applicant may have compared to a non-disabled employee / applicant. This may include making adjustments to premises, adjustments to the individual’s role or working pattern, etc.
* If an employee becomes disabled whilst working for BRIXTON SOUP KITCHEN, we will support them as much as possible. We will consult with them and other relevant specialists to identify their needs in the workplace
* Reasonable adjustments could include (this is not an exhaustive list):
* Reallocating duties
* Altering working hours
* Making adjustments to premises, rearranging furniture to provide better access, getting special equipment or modifying existing equipment
* Giving additional training / supervision / support
* Providing information in an accessible format such as large print, Braille or on audio tape or providing a piece of specialist equipment such as a textphone for a hearing impaired person or a screen reader for a visually impaired person
* Transferring the employee to a more accessible site or a suitable alternative vacancy
* Managing without the employee (whenever the person needs to be absent)

**Examples of Disability Discrimination:**

* An employer tells a secretary who has diabetes that she cannot attend a training course because he believes the food that will be served will not be suitable for her. This is less favourable treatment (not allowing her to go on the course) for a reason relating to her disability. Even if there are no other secretaries to make a comparison with, the question is whether the employer would have treated someone without diabetes in the same way.
* An employer would have to consider re-arranging work stations or moving the location of a job to the ground floor if that could readily be done and would remove an obstacle to enable someone who uses a wheelchair being able to do the job.
* An employer would have to consider allowing a disabled person to work flexi-hours if it meant that they could travel to work outside the rush hour and therefore be considerably less tired by the journey. However, if the specific demands of the work meant that the hours could not be changed it would probably not be reasonable to change the hours.
* Someone who is a wheelchair user and someone who doesn’t use a wheelchair apply for the same job. The employer thinks both applicants are equally capable of the job. However, the employer is concerned that the wheelchair will get in the way in the office. So the job is offered to the person who doesn’t use a wheelchair. The employer has treated the wheelchair user less favourably for a reason related to their disability. If the employer could not justify the treatment, they would be held to have discriminated. The employer would not be able to justify the treatment if a reasonable adjustment could have overcome the disadvantage to the disabled person that arose because of the office arrangements.

### (D) Part Time or Fixed Term Status

* It is unlawful discrimination to treat part time workers less favourably than comparable full timers.
* It is unlawful discrimination to treat fixed term employees less favourably than comparable permanent employees.

In both cases, these employees have the right to the same terms and conditions of employment as comparable permanent (or full time) employees. Principally, this means they should:

* Receive the same rates of pay
* Not be excluded from training simply because they work part-time
* Receive holiday entitlement pro rata to comparable full-timers
* Have access to any career break schemes, contractual maternity leave and parental leave made available to them in the same way as for full-time workers
* Not be treated less favourably when workers are selected for redundancy

###  (E) Positive Action vs. Positive Discrimination

**Positive Action** is frequently confused with **positive discrimination** - it is important to draw a distinction between the two:

|  |  |
| --- | --- |
| **Positive action** | **Positive discrimination** |
| * The term **‘positive action’** refers to a variety of measures designed to counteract the effects of past discrimination and to help eliminate stereotyping of any kind. Under this broad definition positive action may include initiatives such as the introduction of non-discriminatory selection procedures, training programmes or policies aimed at preventing any harassment.
* Positive action is allowed by the law to encourage employees and potential employees who are members of particular groups which are under-represented in particular work.
* Discrimination at the point of selection for work, however, is not permitted in these circumstances.
* Positive action is not about giving more favourable treatment to particular groups in the recruitment process. Positive action in training is lawful, provided certain criteria is met. Selection for recruitment or promotion must be based solely on merit.
 | * This is where members of a particular group are given preference over others for no other reason than their belonging to that group.
* Positive discrimination is **unlawful.**
 |

Before deciding to introduce positive action to encourage underrepresented groups to apply for jobs employers must look at their own employees to establish how many underrepresented groups have been doing the kind of work in question during the last 12 months. If the number of underrepresented groups is comparatively small then consideration can be given to encouraging underrepresented groups to apply for the relevant vacancies.