



# Textile Centre of Excellence

## Equality and Diversity Policy

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## **Equality & Diversity Statement**

### **1. Commitment**

Textile Centre of Excellence (TCoE) seeks to promote equality of opportunity for all. We also recognise and celebrate *diversity*.

TCoE is committed to the provision of an environment that is free from *discrimination* in any form, for its employees, trainees, and any other persons who has contact with the organisation. TCoE deplores all forms of *harassment* and seeks not only to provide a *harassment* free environment but also to take determined action under its disciplinary procedures to remove any *direct* or *indirect discrimination*, which may occur. TCoE is determined to monitor existing practice and establish new ones in order to prevent those working and training with us and those who would seek to work or train with us from suffering any experience which contravenes this policy.

### **2. The Law**

TCoE unreservedly accepts its obligations in spirit and intention of the various statutory instruments, Acts of Parliament, and codes of practice, which promote the ethos of equality.

- ✓ Rehabilitation of Offenders Act 1974
- ✓ Protection from *Harassment* Act 1997
- ✓ Human Rights Act 2000
- ✓ Trade Union and Labour Relations Act 1992
- ✓ Employment Relation Act 1999
- ✓ The Special Educational Needs and Disability Act 2001
- ✓ Equality Act 2010
- ✓ And any other regulations post 2010

### **3. Introduction**

This policy illustrates how TCoE will implement its commitment to Equality and *Diversity* and who is responsible.

Every employee, trainee and subcontractor has a responsibility to act in a manner that upholds and follows the spirit and intention of the policy.

The Board and Managing Director of TCoE has overall responsibility for the implementation of this policy, however it is recognised that it is the collective responsibility of all persons connected with the organisation to contribute to the implementation of this policy.

#### **4. Recruitment and Selection**

TCoE will ensure that its recruitment and selection procedures are fair, non-discriminatory and recognise *diversity*

- ✓ All vacancies will be advertised appropriately. We will aim to ensure that all potential applicants are informed of available opportunities.
- ✓ Equal opportunity statements will be included in all promotional material and advertisements.
- ✓ All promotional material will be designed to encourage applicants from suitably qualified and experienced people and avoid stereotypical images.
- ✓ Equal opportunities monitoring information will be obtained from application forms. This information **will not** be used as part of the selection process. This information will be analysed on a regular basis in order to identify any trends or under represented groups and appropriate action will be taken.
- ✓ Selection of employees and learners will be on the basis of skills, experience and qualifications i.e. the most suitable person for the job.
- ✓ Where appropriate adjustments will be made to any tests or recruitment methods in order to accommodate a disability.

#### **5. Procedures for making a complaint**

An Employee or Learner who feels that they have been the victim of unlawful *discrimination* or suffered *victimisation*, *bullying* or *harassment* have the right to have their complaints investigated through TCoE grievance procedure. Any resulting actions will be taken in line with the organisations disciplinary procedures.

- ✓ Employees or Learners who are subject to or witness any act of *discrimination*, *harassment*, *victimisation* or *bullying* should report it immediately to their tutor, line manager or supervisor who will take action under TCoE procedures.
- ✓ The appropriate manager will investigate the complaint within 28 days and details/ actions will be recorded.
- ✓ If a satisfactory resolution is not reached after the above action has been carried out, the complaint will subsequently be taken to the Managing Director where any further actions/details will be recorded.

- ✓ Any employed status learner who has a grievance in relation to equality of opportunity with their employer should in the first instance be encouraged and supported to use their employers' grievance procedure.

## **6. Terms and Working conditions**

- ✓ All Employees will be treated equally and fairly in respect of their terms and conditions of employment and training
- ✓ All Employees undertaking jobs of equal status will be treated equally and fairly with respect to pay and other conditions.
- ✓ All learners will be treated equally and fairly in respect of conditions of their contract pertinent to the training programme.
- ✓ In line with current legislation TCoE will endeavour to meet the individual needs of all its Employees and Learners.

## **7. Dignity in the Work Place**

TCoE recognises that it is essential for all Employees and Learners to conduct themselves in such a way as to contribute to an environment, which creates a sense of well-being, confidence, security and identity for all.

TCoE recognises that the physical environment in which we operate is very important and as such TCoE will seek to ensure that it's own and subcontractors / employers premises are free from any material which may cause offence.

## **8. Positive action**

TCoE recognises that some groups of people in society are disadvantaged and denied equality of opportunity due to the effects of past and continuing *discrimination*. It recognises the importance and role of *positive action* initiatives in the overall process of effective implementation of equal opportunities policies.

Where members of a particular sex or of a particular racial group have been under represented in particular work over the previous 12 months, employers and learning providers are able to encourage them to take advantage of opportunities for doing that specified work. Training can be provided to enable them to attain skills needed for that type of job, and therefore enable them to compete on an equal basis.

## **9. Special conditions**

### People with disabilities

TCoE recognises the rights of people with disabilities and makes every effort to ensure that they are not discriminated against in any form of employment or training, access to goods, facilities and services.

Potentially suitable applicants who meet the minimum requirements, and have a disability will be interviewed.

*Reasonable adjustments* will be made to premises or facilities for the recruitment process should that applicant be successful.

## **10. Ex Offenders**

No *discrimination* shall be made in respect of ex-offenders in line with the Rehabilitation of Offenders act 1974. However discretion will be exercised where it is felt that a recent or serious conviction may mean that a person presents a risk to others with whom the post holder/learner would have contact. *Discrimination* against any person in the Company's employment who has a criminal record is not permissible and all information relating to such matters will be strictly confidential.

## **11. Harassment/discrimination**

All employees have the right to work in an environment free from intimidation. Bullying is defined as any unwelcome or unsolicited act that intimidates, humiliates, or undermines the individual involved.

Harassment at work on the grounds of race, sex, sexuality, religion (or belief) and age are all unlawful, as is harassment on the grounds of gender reassignment or disability. Both the company and the harasser may be held liable for such unlawful actions, and be required to pay damages. The effectiveness of the company is reduced by harassment and bullying creating a threatening environment, increasing sickness absence and labour turnover.

- Intentional racial or sexual harassment is also a criminal offence punishable by imprisonment or a fine.
- Any manager who receives a complaint of, or is witness to, bullying or harassment, must investigate the situation and ensure that the problem is resolved as quickly as possible.

- Managers have a duty to establish and maintain a working environment free from bullying.
- Employees must comply with the policy and take steps to ensure that bullying/harassment does not occur.
- Any employee who feels bullied should feel confident that complaints will be taken seriously and dealt with in confidence.

### **Examples of bullying**

- (a) derogatory remarks
- (b) public criticism
- (c) insensitive jokes or pranks
- (d) insulting or aggressive behaviour
- (e) ignoring or excluding and individual
- (f) withholding necessary information
- (g) setting unrealistic deadlines
- (h) substituting responsible tasks with menial or trivial ones
- (i) constantly undervaluing effort

### **Examples of harassment**

- (a) lewd comments about appearance
- (b) unnecessary body contact
- (c) displays of sexually offensive material, eg pin-ups
- (d) requests for sexual favours
- (e) speculation about a person's private life and/or sexual activities
- (f) threatened or actual sexual violence
- (g) insensitive jokes related to race
- (h) insensitive jokes relating to age
- (i) deliberate exclusion from conversations
- (j) abusive, threatening or insulting words and/or behaviour

The examples above are not exhaustive; some of the items will constitute gross misconduct punishable by summary dismissal, dependent on the circumstances of the case in question. The actions listed above must be viewed in terms of the

distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying/harassment.

### **Informal Procedure**

1. If possible, the person who is the victim of bullying or harassment should tell the person being accused that the behavior is offensive and unwanted, and must stop. A colleague or personnel manager can act as a witness when this statement is made. Alternatively, an appropriate line manager can speak to the alleged harasser.
2. Whenever possible, a complaint of bullying/harassment should be made in the first instance to the immediate line manager or supervisor.

### **Formal Procedure**

Where informal methods fail, or the employee chooses not to use them or considers that the problem is sufficiently serious, a formal complaint can be made to the line manager.

1. The complaint should be in writing and, and where possible, state:
  - the name of the harasser/bully
  - the nature of the incident/s, including dates and times when the alleged offence occurred
  - the names of witnesses to incidents
  - what, if any, action has already been taken by the complainant
  - A manager will be appointed to investigate the complaint.
2. Immediately a complaint of harassment has been received, action will be taken to separate the harasser from the complainant. This may involve a temporary transfer of the harasser to another department or suspension with pay until the complaint has been resolved.
3. A thorough investigation will be carried out by the senior manager handling the complaint. This will be done as quickly as possible, maintaining confidentiality

at all times. All employees involved in the investigation are expected to respect the need for confidentiality. Failure to do so will be considered a disciplinary offence.

4. The investigating manager will conduct confidential interviews with the person against whom the allegations are made, the complainant and any relevant witnesses.
5. Copies of statements made by witnesses will be made available to the harasser and the complainant. Witnesses will be encouraged to appear at the complaint hearing if requested by either party. It is acknowledged that some witnesses may be reluctant to attend and in these circumstances the manager will, if necessary, adjourn the hearing to ask supplementary questions of witnesses in private.
6. The investigation should be concluded within four weeks of the complaint being received. If this time limit is exceeded, the complainant should be advised of this and given a date when the investigation will end.
7. The investigating manager must keep a detailed written record of the investigation and the findings. Both the complainant and the person(s) against whom the allegation has been made must be advised in writing of the findings.
8. If the complainant is dissatisfied with the outcome, or with the way in which the complaint was handled, then a written request for reconsideration should be made to the next level of management within seven days of receiving the investigating manager's decision.

## **12. Disciplinary Procedure**

1. If disciplinary action is justified, a disciplinary hearing will be arranged within 10 working days of either the decision of the investigating manager, or if the matter was referred for reconsideration the decision of the next level manager.
2. Any disciplinary hearing will be conducted in line with the company disciplinary procedure.

3. Any disciplinary action taken will reflect the severity of the offence and may include the transfer of the employee accused of bullying/harassment, on a temporary or permanent basis, or dismissal.
4. The severity of the penalty imposed upon an employee who is proved guilty of harassment will be consistent with those detailed in the disciplinary procedure (e.g. gross sexual harassment will normally result in summary dismissal). Where a lesser penalty is appropriate, (eg a written warning) this may be coupled with action to ensure that the victim is able to continue working without embarrassment or anxiety. After discussion with the victim, the manager may order the transfer of the harasser to a different work area, or arrange for the amendment of working practices; to minimise contact between the two employees. If the victim so wishes his or her own transfer will be arranged, subject to practical limitations. The result of the hearing will be confirmed in writing to both employees.
5. The employee may appeal against the penalty in accordance with the disciplinary appeals procedure.

### **General Considerations**

1. The appropriate line manager must ensure that any employee who makes a complaint of harassment/discrimination is not victimised.
2. An employee who brings a complaint of harassment/discrimination will not suffer victimisation for having brought the complaint.
3. Any complaints found to be false and malicious will result in disciplinary action being taken against the complainant.

### **13. Racial harassment/discrimination.**

TCoE will not tolerate any form of *racial harassment* in the work place.

TCoE recognise the diverse nature of its employees/learners and endeavours in all its actions to deal with individuals in the spirit of its initial commitment statement.

All staff and learners will be treated fairly irrespective of their race, ethnic origin, colour, nationality or religious beliefs.

Such *harassment* can cause the victim to feel, humiliated, patronized, undermined and threatened and will interfere with the employee's/learners job performance, undermine job security and create a threatening or intimidating work environment.

It is important to recognize that it is the feelings of the victim and not the intention of the harasser, which define *racial harassment*

Please note that whilst sexual and racial harassment have been specifically mentioned there are many other forms of harassment that can occur, for example disability harassment. Harassment can also take many forms; these may include *bullying*, stalking and spying on someone.

### **14. Child care-maternity and paternity leave.**

TCoE recognises its legal responsibilities to ensure that its practices and procedures do not prevent employees/learners who are pregnant and/or are new *parents* from playing a full role in the work of the Company.

In addition it seeks to provide employees/learners with a supportive framework, which will assist them to balance the demands of pregnancy and parenthood with their responsibilities to the Company.

### **15. Training and development**

The training and development of employees/learners is recognised as an integral part of promoting equality of opportunity and *diversity* ensuring that individuals have a clear understanding of relevant issues.

- ✓ All employees/learners will receive equal opportunities awareness training as part of their induction programme and throughout their employment/programme.
- ✓ All employees involved in the recruitment process will receive the appropriate equal opportunities training.
- ✓ All staff will receive equal access to training and developmental opportunities in line with individual needs.

- ✓ TCoE will work with its subcontractors and employers to ensure that learners are given equal access to training and development in line with individual needs.
- ✓ TCoE will endeavour to ensure that training materials are free from bias and that teaching styles vary to meet individual needs.

## **16. Subcontractors**

All parties in the training process are expected to have the same commitment to the promotion of equality and *diversity* that prevails within TCoE.

We expect that all subcontractors will conform to all Equal Opportunities Legislation.

## **17. Review, Monitoring & Evaluation**

TCoE will systematically monitor and evaluate the effectiveness of its Equality and *Diversity* Policy.

The Company will consider the following areas;

- ✓ The composition of the workforce and learner cohort in relation to, gender, ethnicity, disability and age. Identify any under representation for any specific groups and design an *action* plan to address such finding.
- ✓ *Positive action* will be considered if appropriate.
- ✓ Analysis of learner participation, retention and achievement in relation to gender, ethnicity, disability and age
- ✓ Review and monitor the incidence and nature of complaints reported under the grievance and disciplinary procedures in relation to equality of opportunity and report the findings back to management.
- ✓ Issues relating to equality of opportunity highlighted in the learner/employee review process will be passed to Management immediately in order that a thorough investigation can be carried out.
- ✓ Issues around equality raised during internal and external audits will be passed to Management immediately in order that a thorough investigation can be carried out.
- ✓ Reports and Action Plans concerning equality of opportunity arising from the monitoring and review of employees and learners will be used by the Company in their evaluation towards continuous improvement.

## **18. Responsibility**

The ultimate responsibility lies with the management structure of TCoE, but it is the individual responsibility of every employee, learner and employer/placement provider to implement the policy in their day-to-day work.

Signed..... Date.....

Position.....

Review Date.....

## 19. Definitions

Bullying	Bullying is a form of harassment and can be defined as the use of position or power to coerce others by fear, oppression or threat. It is made up of a number of things such as aggressive behaviour, intimidation, persistent criticism, constant undermining and the spreading of malicious rumours. It can be difficult to detect, as it can be subtle and devious.
CRE	Commission for Racial Equality
DFES	Department for Education and Skills
Disability	<p>Under the terms of this Act a 'disabled' person is classed as someone who has a disability, which makes it difficult for him or her to carry out normal day-to-day activities. The disability may be physical, sensory or mental. It must however, be substantial (i.e. not trivial) and have a long-term effect (i.e. it must last or be expected to last 12 months or more).</p> <p><i>Physical or mental impairment includes</i> visual, hearing, learning disability, speech impairment, severe disfigurement and a clinically defined mental illness. This includes anyone who has an impairment that is likely to develop over time, such as cancer, multiple sclerosis and someone living with AIDS.</p> <p><i>Normal day-to-day activities include</i> bending, lifting, mobility, communication, long and short-term memory loss.</p>
Discrimination - Direct discrimination	Occurs where a person is treated less favourably on the grounds of gender, ethnic origin, religion, disability, age, offending background, sexual orientation or marital status.
Discrimination- Indirect Discrimination	Occurs when a requirement or condition, which although applied equally, is such that a considerably smaller proportion of a group can't comply with it.

Diversity	The concept of diversity encompasses acceptance and respect. It is understanding that each individual is unique, and recognising individual differences. It is the exploration of these differences in a safe, positive and nurturing environment. It is about understanding each other and moving beyond simple tolerance to embracing and celebrating the rich dimensions of diversity contained within each individual.
Harassment	Can be defined as unreciprocated and unwelcome derogatory or discriminatory remarks, actions, suggestions or physical contact, which is found objectionable and offensive. Harassment can be sexual, racial or directed at people with disabilities.
Parents	Biological, Adoptive, Foster or Legal Guardians
Positive action	Where members of a particular sex or of a particular racial group have been under represented in particular work over the previous 12 months, employers and learning providers are able to encourage them to take advantage of opportunities for doing that specified work. Training can be provided to enable them to attain skills needed for that type of job, and therefore enable them to compete on an equal basis.
Racial harassment	Repeated and unwelcome comments, name-calling, racist abuse and jokes, the display of racially offensive written material and images, racist graffiti, physical attack, threatened assault, shunning workers on grounds of race and insulting behaviour and gestures.

Reasonable adjustment	Good employment practice, in recruitment and training of a disabled person frequently depends on actions and arrangements, which are called “adjustments” under the Disability Discrimination Act. The Act places an obligation on employers to make such adjustments whenever it is reasonable to do so. Guidance on what is reasonable is provided with in the Act itself and in the accompanying Code of Practice.
Sexual harassment:	Sexual harassment includes unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminating remarks made by someone in the workplace which are offensive to the employee/learner involved, which cause the employee/learner to feel threatened, humiliated, patronised or harassed or which interfere with the employee’s/learners job performance, undermine job security or create a threatening or intimidating work environment.
Victimisation:	Occurs when a person is treated less favourably than others are because they have made a complaint under Discrimination Law.