

# EQUALITY, DIVERSITY & INCLUSION

## Policy and Procedures

**MARINA**  
**THEATRE**  
**LOWESTOFT**

### Policy

The Marina Theatre Trust is committed to being an equal opportunities employer. This means that the Trust will not differentiate between individuals on the basis of sex, sexual orientation, religion, religious or philosophical beliefs, disability, age, marital status, hours worked, colour, race, ethnicity, nationality, gender re-assignment, membership or non-membership of a trade union. This applies equally to both potential and existing employees.

### Procedures

#### General Statement

The Marina Theatre Trust strives to be an equal opportunity employer. Equal Opportunity is about good employment practices and efficient use of our most valuable asset, our employees. Every manager and employee has personal responsibility for the implementation of the policy. Any instance of doubt about the application of the policy, or other questions, should be addressed to the Administration Officer as should any requests for special training.

The Trust will not discriminate on grounds of sex, sexual orientation, marital status (including civil partnerships), pregnancy and maternity, ethnic origin, colour, nationality, gender re-assignment, disability or age, (each of which are referred to in the Equality Act as being a 'protected characteristic').

Marina Theatre Trust is committed to recruiting, retaining and developing the best people and will actively recruit and support high potential individuals. The policy applies to the advertisement of jobs, recruitment and appointment to them, training, conditions of work, pay and to every other aspect of employment. The policy also applies equally to the treatment of our customers/clients. Staff involved in recruitment in particular should request training if they have any doubt about the application of this policy.

Employees should note that the imposition of a condition or requirement which has an adverse impact on someone, because, for example, his or her sex, race or age is more likely to be affected by it, will also be unlawful unless it can be justified on grounds of business need. In all situations of doubt the Administration Officer should be consulted.

#### Positive Action

The Trust wants all of its employees to feel that all opportunities are open to them. Tradition or stereotyping should never prevent a person from following through an opportunity that interests them. Decisions regarding recruitment, development and promotion will be based upon the

applicant's/ employees overall suitability for the job.

The composition of the workforce and of job applicants should be monitored and updated on an ongoing basis. Positive action is a process to redress identified inequalities and could include such measures as:

- Taking all possible steps to treat employees and potential employees fairly and ensure that decisions on recruitment, selection, promotion, and training are made solely on merit and ability to carry out the job.
- Working within the framework of the law and published Codes of Practice on equal opportunities in employment. To make contact with disabled people via the local job centre and make any necessary and reasonable adjustments to accommodate the needs of disabled employees and applicants such as accepting applications from disabled candidates in alternative formats and interviewing all disabled applicants who meet the selection criteria for a job vacancy.
- Seeking to give all employees equal access to training and development opportunities.
- Not tolerating harassment and discrimination of any kind within the business and having clear, fair and sensitive procedures for dealing with unfair discrimination and harassment whenever it occurs.
- Actively developing employment policies, procedures and practices and communicating the policy to all employees and potential employees and give training and guidance to all who put it into action.

There are considerable benefits to be gained by the organisation from Positive Action and creating a diverse workforce. Managers within Marina Theatre Trust are encouraged to promote Positive Action within the workplace.

### **Definition of Discrimination**

Discrimination is unequal or differential treatment which leads to one person being treated more or less favourably than others are, or would be treated in the same or similar circumstances on the grounds of race, colour, nationality, ethnic origin, gender, marital status, disability, religion, age, sexual orientation. Discrimination may be direct or indirect.

### **Types of Discrimination**

#### **Direct Discrimination**

This occurs when a person or a policy intentionally treats a person less favourably than another on the grounds of colour, nationality, ethnic origin, gender, marital status, disability, religion, age, or sexual orientation.

#### **Associative Discrimination**

This occurs when a person is discriminated against because they associate with another person who possesses a protected characteristic (race, religion or belief, sexual orientation, age, disability, gender reassignment and sex).

## **Perceptive Discrimination**

This is direct discrimination against an individual because others think they possess a particular protected characteristic (race, religion or belief, sexual orientation, age, disability, gender reassignment and sex). It applies even if the person does not actually possess that characteristic.

## **Indirect Discrimination**

Indirect discrimination can occur when a Trust-wide condition, rule, policy or working practice disadvantages a person or groups of people who share a protected characteristic (race, religion or belief, sexual orientation, age, disability, gender reassignment and sex)

## **Unlawful reasons for discrimination**

### **Gender and Marital Status**

It is not permissible to treat a person less favourably on the grounds of their gender. This applies to both men and women. Sexual harassment of both men and women can be found to constitute sex discrimination. For example, asking a women during an interview if she is planning to have any (more) children constitutes discrimination on the grounds of gender.

The Equality Act also provides protection against discrimination for employees who are married or in a civil partnership. Single people are not protected.

### **Age**

It is not permissible to treat a person less favourably because of their age. This applies to people of all ages.

### **Race, Colour, Nationality and Ethnic Origin**

It is not permissible to treat a person less favourably because of their race, the colour of their skin, their nationality and their ethnic origin.

### **Religion or Belief**

It is not permissible to treat a person less favourably because of their religious beliefs or their religion. Current legislation also provides protection for employees or jobseekers who do not follow a certain religion or have no religion at all.

### **Pregnancy and Maternity**

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination.

### **Sexual Orientation**

It is not permissible to treat a person less favourably because of their sexual orientation For example; an employer cannot refuse to employ a person because they are bisexual, gay, heterosexual or lesbian

people.

### **Gender Reassignment**

The Equality Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected i.e. a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

Transsexual staff are entitled to be treated with respect and permitted to perform their jobs free from harassment and discrimination. The Trust views harassment or discrimination against any employee, on any grounds, as a serious disciplinary offence if proven.

The Trust recognises the rights of transsexual employees to work and to present themselves at work as a member of their new gender as soon as they start to live full-time as their re-assigned sex, and when a name-change has occurred.

The line manager, or an alternative manager if the employee so wishes, will arrange a meeting, in confidence, to discuss with the employee how they wish to handle the transition in the workplace and agree a process. As part of this discussion, the point will be agreed at which the individual will commence using single sex facilities (e.g. toilets) in their new gender.

At the stage where an employee assumes their new gender at work, the Trust expects all staff to treat the transsexual employee in a manner appropriate to their new gender and to address them, and refer to them, by their new name and appropriate pronouns.

The Trust will provide appropriate recognition of the legal name change at the point of transition previously agreed with the employee in the form of changing payroll records, computer logins, staff lists and so on to reflect the new name and gender.

### **Disability**

It is not permissible to treat a disabled person less favourably than a non-disabled person. A person is disabled 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. Reasonable adjustments must be made to give the disabled person as much access to the service and ability to be employed, trained, or promoted as a non-disabled person.

### **Reasonable Adjustments**

The Trust has a duty to make reasonable adjustments to facilitate the employment of a disabled person. These may include:

- Making adjustments to premises.
- Re-allocating some or all of a disabled employee's duties.
- Transferring a disabled employee to a role better suited to their disability.
- Relocating a disabled employee to a more suitable office.
- Giving a disabled employee time off work for medical treatment or rehabilitation.
- Providing training or mentoring for a disabled employee.

- Supplying or modifying equipment, instruction and training manuals for disabled employees or
- Any other adjustments that the Trust considers reasonable and necessary provided such adjustments are within the financial means of the Trust.

Employees who are disabled or become disabled in the course of their employment should inform their line manager in the first instance and may also wish to advise the Trust of any reasonable adjustments to their employment or working conditions which they consider to be necessary or which would assist them in the performance of their duties. Careful consideration will be given to any proposals of this nature and, where reasonable and reasonably practicable such adjustments will be made. There may however be circumstances where it will not be reasonable or reasonably practicable for the Trust to accommodate those proposals and where less favourable treatment may be justified in accordance with the statutory provisions

**Responsibility for the Implementation of this policy**

The co-operation of all the employees is essential for the success of this policy. However, the ultimate responsibility for achieving the objectives of this policy, and for ensuring compliance with relevant legislation and codes of practice, lies with the Trust. Senior employees are expected to follow this policy and ensure that all employees do the same.

All employees are expected to act in a way that does not subject any other employees, third parties or clients to direct or indirect discrimination on the grounds of race, colour, nationality, ethnic origin, gender, marital status, disability, religion, age or sexual orientation.

**Acting on Discriminatory Behaviour**

**Grievance**

Any member of staff may use the grievance procedure to complain about discriminatory conduct that results in offence or harassment by raising the grievance directly with their line manager, or, if they feel unable to do this, with the next most senior manager or the Administration Officer. The Trust is concerned to ensure that staff feel able to raise such grievances and no individual will be penalised for raising such a grievance unless it is untrue and made in bad faith.

Where an employee is falsely accused of discriminatory conduct, then he or she can invoke the Trust’s grievance procedure. In this instance, the person who is accusing may find him or herself disciplined within the Trust’s disciplinary procedure.

**Discipline**

Any employee who is harassing another employee will be subject to Marina Theatre Trust’s disciplinary procedure. Where proven, such behaviour may be deemed to constitute gross misconduct and, as such, may result in summary dismissal.

**Related Policies**

***Recruitment and Selection Policy***

***Bullying & Harassment Policy***

***Grievance Policy***

