

References: <https://www.gov.uk/definition-of-disability-under-equality-act-2010>

YOUTHFORCE EQUAL OPPORTUNITES POLICY

Introduction

1. Youthforce is committed to a policy of equal opportunities for all employees, apprentices, learners, workers and applicants and shall adhere to such a policy at all times. Youthforce will review this policy on an on-going basis to cover all aspects of recruitment and to avoid unlawful or undesirable discrimination.
2. Youthforce will treat everyone equally irrespective of sex, sexual orientation, gender reassignment, marital or civil partnership status, age, disability, colour, race, nationality, ethnic or national origin, religion or belief, political beliefs or membership or non-membership of a Trade Union or spent convictions, and places an obligation upon all staff to respect and act in accordance with the policy. Youthforce is committed to providing training for all its' staff in equal opportunities practice.
3. Youthforce shall not discriminate unlawfully when deciding which trainer/employee is submitted for a contracted booking/assignment, or in any terms of employment, contract or terms of engagement. Youthforce will ensure that each trainer/employee is assessed only in accordance with their merits, qualifications and ability to perform the relevant duties required by the particular booking/assignment.
4. All Youthforce learner and apprentice applicants regardless of race, gender, sexual orientation, age, religion and disability or offender background will be given equal consideration during the selection and recruitment process. Any test used in the selection or recruitment process will not be discriminatory and will be without bias.
5. Youthforce will not accept instructions from clients that indicate an intention to discriminate unlawfully.

Discrimination

6. Unlawful discrimination occurs in the following circumstances:

a) Direct discrimination

Direct discrimination occurs where one individual treats or would treat another individual less favourably on grounds of sex, sexual orientation, gender reassignment, marital or civil partnership status, disability, age, colour, race, nationality, ethnic or national origin, religion or belief, political beliefs ("the protected categories").

It is unlawful to discriminate against a person on the grounds that they are members of a protected category.

b) Indirect Discrimination

A claim of indirect discrimination arises when an employer applies a provision, criterion or practice generally, but which is such that a proportion of persons in a protected category who can comply with it is considerably smaller than the proportion of persons who are not in that protected category.

Disability

7. Direct discrimination against a disabled person occurs where, if for a reason which relates to the person's disability, an individual:
- Treats him less favourably than he treats, or would treat others to whom that reason does not or would not apply; and
 - The employer cannot show that the treatment in question is justified; Or
 - If on the ground of a disabled person's disability, he treats the disabled person less favourably than he treats or would treat a person not having that particular disability, whose relevant circumstances, including his abilities, are the same as, or not materially different from, those of the disabled person. This type of direct discrimination can never be justified.

Duty to make reasonable adjustments and to provide auxiliary aids and services

8. This is a similar protection to indirect discrimination in the other protected categories. Where a provision, criterion or practice applied by or on behalf of an employer, or any physical feature of the employer's premises, places a disabled person at a substantial disadvantage in comparison with persons who are not disabled, it will be the duty of an employer to take such steps as are reasonable, in all the circumstances of the case, to remove the provision, criterion, practice or physical feature.

9. Agencies must take reasonable steps to provide auxiliary aids or services if this would make it easier for the disabled person to use their services. For instance, an appropriate auxiliary aid or service can include the provision of information on audiotape or provision of a sign language interpreter.

10. Youthforce will not discriminate against a disabled job applicant or employee on the grounds of disability:

- In the arrangements i.e. application form, interview and arrangements for selection for determining to whom a job should be offered; or
- In the terms on which employment or engagement of temporary workers is offered; or
- By refusing to offer, or deliberately not offering the disabled person a job for reasons connected with their disability; or
- In the opportunities afforded to the person for receiving any benefit, or by refusing to afford, or deliberately not affording him or her any such opportunity; or
- By subjecting him or her to any other detriment (detriment will include refusal of training, transfer, demotion, reduction of wage, or harassment).

Youthforce will accordingly make career opportunities available to all people with disabilities and every practical effort will be made to provide for the needs of staff, candidates and clients.

11. Wherever possible the Youthforce will make reasonable adjustments to hallways, passages and doors in order to provide and improve means of access for disabled employees and workers. However, this may not always be feasible.

Age Discrimination

12. Youthforce will not include any age criteria or other subjective criteria in job specifications. Youthforce is committed to recruiting and retaining employees whose skills, experience, and attitude are appropriate to the requirements of the various positions regardless of age.

13. As far as is reasonably possible, no age requirements will be stated in any job advertisements on behalf of the company.

14. Youthforce will request age as part of its recruitment process but information will not be used as selection, training or promotion criteria or in any detrimental way and is only for compilation of personal data, which the company holds on all employees and workers.

Part Time Workers

15. This Equal Opportunities Policy also covers the treatment of those employees and workers who work on a part-time basis. Youthforce recognises that it is an essential part of this policy that part time employees are treated on the same terms as full time employees (albeit on a pro rata basis) in matters such as rates of pay, holiday entitlement, maternity leave, parental and domestic incident leave. The Youthforce also recognises that part time employees must be treated the same as full time employees in relation to training and redundancy situations.

Harassment

16. Youthforce is committed to providing a work environment free from unlawful harassment. Harassment on grounds of sex, sexual orientation, gender reassignment, marital or civil partnership status, disability, colour, race, nationality, ethnic or national origin, religion or belief, political beliefs or any other basis protected by legislation is unlawful and will not be tolerated by Youthforce.

17. This policy prohibits unlawful harassment by any employee/apprentice/learner/worker of Youthforce. Examples of prohibited harassment are:

- a) Verbal or written conduct containing derogatory jokes or comments,
- b) Slurs or unwanted sexual advances
- c) Visual conduct such as derogatory or sexually orientated posters,
- d) Photographs, cartoons, drawings or gestures,
- e) Physical conduct such as assault, unwanted touching, or any interference because of sex, race or any other protected basis,
- f) Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits in return for sexual favours
- g) Retaliation for having reported or threatened to report harassment.

18. If you believe that you have been unlawfully harassed, you should make an immediate report to Youthforce followed by a written complaint as soon as possible after the incident. Your complaint should include:

- a) Details of the incident
- b) The name or names of the individual or individuals involved
- c) The name or names of any witness or witnesses

19. Youthforce will undertake a thorough investigation of the allegations. If it is concluded that unlawful harassment has occurred, remedial action will be taken.

20. Any employee/apprentice/learner/worker who Youthforce finds to be responsible for unlawful harassment will be subject to the disciplinary procedure and any sanction may include termination. [A person who discriminates or harasses may be liable for payment of damages to the person offended, in addition to any damages payable by Youthforce should it have been found to have failed to ensure the practice ceased forthwith. Under the Criminal Justice Act 1994, harassment became a criminal offence, punishable by a fine of up to £5,000 and/or a prison term of up to 6 months. Under the Protection from Harassment Act 1997, the penalties for aggravated harassment are an unlimited fine and/or 5 years imprisonment.]

Gender Reassignment

21. Youthforce recognises that any employee/apprentice/learner/worker may wish to change their gender during the course of their employment/training with the Company.

22. Youthforce will support any employee/apprentice/learner/worker through the reassignment provided that full medical counselling has been undertaken and that Youthforce has access to any relevant medical reports.

23. Youthforce will make every effort to try and protect an employee/apprentice/learner/worker that has undergone, is undergoing or intends to undergo gender reassignment, from discrimination or harassment within the workplace.

24. All employees/apprentices/learners/workers will be expected to comply with the Youthforce policy on harassment in the workplace. Any breach of such a policy will lead to the appropriate disciplinary sanction.

25. Where an employee/apprentice/learner/worker is engaged in work where the gender change imposes genuine problems Youthforce will make every effort to reassign the employee/apprentice/learner/worker to an alternative role in the Company.

26. Any employee/apprentice/learner/worker suffering discrimination as the result of their gender reassignment should make recourse to the Company's grievance procedure.

27. Any discrimination complaint will be investigated fully.

Complaints and Monitoring

28. Youthforce has in place procedures for dealing with complaints of discrimination. These are available from the Youthforce website and from Charlotte Blant and will be made available immediately upon request.