

## CHARLTON ATHLETIC COMMUNITY TRUST (CACT) EQUALITY AND EQUITY POLICY

### 1. Introduction: Statement - Our Commitment to Equality and Equity

- 1.1 Groups and individuals from different backgrounds and with different cultures are at the 'heart of the community'. At CACT we are guided by our values and committed to tackling discrimination and promoting equality and inclusion.

We seek to develop an environment where all groups and individuals are treated fairly and in a consistent way. We work within both the spirit and practice of the Equality Act 2010 by promoting a culture of trust and respect.

- 1.2 CACT is committed to promoting equality and equity in all areas of work including employment and service provision. CACT will work with partners in the community, voluntary, public and private sectors to achieve this.
- 1.3 This Policy is intended to assist CACT to put this commitment into practice.
- 1.4 We will support our employees/workers/volunteers to implement the principles of equality and inclusion in the delivery of our services and activities. Compliance with this policy should also help to ensure that employees/workers and volunteers do not commit unlawful acts of discrimination.
- 1.5 CACT have an established, dedicated Staff EDI Working Group. Equality and Equity Policy recommendations are submitted to the CACT EDI Sub-Committee for approval, ahead of submission to the CACT Board.

### 2. Legislation

- 2.1 Discrimination has been legally defined through a series of legislative acts, including the: Disability Discrimination Act 1995; Race Relations Act 1976; and the Sex Discrimination Act 1975.
- 2.2 The Equality Act 2010 updated, harmonised and strengthened Britain's equality laws, and in some cases extended protection from discrimination. It applies throughout the UK and came into force in October 2010.
- 2.3 The Equality Act 2010 bans discrimination based on nine (9) areas referred to in law as *Protected Characteristics*.
- 2.4 Discrimination refers to unfavourable treatment on the basis of 'protected characteristics', both at work and also in access to goods, facilities and services. Under the Equality Act 2010, the protected characteristics are defined as:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race<sup>1</sup>
- Religion or Belief
- Sex (Gender)
- Sexual Orientation

2.5 Under the Equality Act 2010, individuals are protected from discrimination 'on grounds of' a protected characteristic. This means that individuals will be protected if they: have a characteristic; are assumed to have it; associate with someone who has it; or, with someone who is assumed to have it.

**2.6 Forms of Discrimination and Discriminatory Behaviour include the following:**

**2.6.1 Direct Discrimination**

Direct discrimination can be described as less favourable treatment on the grounds of one of the protected characteristics. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement.

**2.6.2 Indirect Discrimination**

This type of discrimination is usually less obvious than direct discrimination and can often be unintended. Indirect discrimination occurs when a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic when compared with people who do not.

**2.6.3 Associative Discrimination**

This is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (the exception to this is Marriage and Civil Partnership, and Pregnancy and Maternity).

**2.6.4 Perceptive Discrimination**

This is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected

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<sup>1</sup>This includes group's defined by colour, nationality (including citizenship), ethnic or national origins

characteristic when they do not, in fact, have that protected characteristic.

#### **2.6.5 Discrimination arising from Disability**

When a disabled person is treated unfavourably because of something connected with their disability and this unfavourable treatment cannot be justified, this is unlawful. In law the unfavourable treatment would have to be justified as 'a proportionate means of achieving a legitimate aim'. This type of discrimination only relates to disability.

#### **2.6.6 Harassment**

Harassment is defined as unwanted conduct relating to a protected characteristic that has the purpose or effect of violating a person's dignity, or which creates an intimidating or hostile, degrading, humiliating or offensive environment for that person. It does not matter whether or not this effect was intended by the person responsible for the conduct.

#### **2.6.7 Victimisation**

Victimisation is when an employee is treated less favourably than others for:

- Making an allegation of discrimination, and/or
- Supporting a complaint of discrimination, and/or
- Giving evidence relating to a complaint about discrimination, and/or
- Raising a grievance concerning equality or discrimination

Victimisation may also occur because an employee is suspected of doing one or more of the above.

An employee/worker/volunteer is protected under the Equality Act 2010 if they make, or support, an allegation of victimisation in good faith – even if the information or evidence they give proves to be inaccurate. However, an employee/worker/volunteer is not protected if they give, or support, information, or evidence in bad faith – in other words maliciously.

#### **2.6.8 Bullying**

Bullying is defined as a form of personal harassment involving the misuse of power, influence or position to persistently criticise, humiliate or undermine an individual.

### **3. Equality in Employment**

- 3.1 CACT will avoid unlawful discrimination and unfavourable treatment in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline, and selection for redundancy.
- 3.2 Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job.
- 3.3 Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.
- 3.4 CACT will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if CACT considers it has good reasons, unrelated to any protected characteristic, for doing so. CACT will comply with its obligations in relation to statutory requests for contract variations.
- 3.5 CACT will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- 3.6 CACT will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.
- 3.7 CACT cannot lawfully discriminate in the selection of employees/workers/ for recruitment or promotion, but CACT may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that CACT identifies as being under-represented in particular types of job.

### **3.8 Training**

- 3.8.1 CACT will provide Equality and Equity Training to all existing and new employees/workers/volunteers including those likely to be involved in recruitment or other decision making where equality issues are likely to arise, to help them understand their rights and responsibilities under the Equality Act 2010.

### 3.9 Responsibilities

- 3.9.1 Every employee/worker/volunteer is required to assist CACT to meet its commitment to promote equality and avoid unlawful discrimination.
- 3.9.2 Employees/workers/volunteers can be held personally liable as well as, or instead of, CACT for any act of unlawful discrimination. Employees/workers/volunteers who commit serious acts of harassment may be guilty of a criminal offence.
- 3.9.3 Acts of discrimination, harassment, bullying or victimisation against employees/workers/volunteers or service users are disciplinary offences and will be dealt with under CACT's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

### 4. Equality and Equity – External Partners and Stakeholders

- 4.1 CACT will ensure that the principles of equality diversity and inclusion are central to our decision making when building external partnerships.
- 4.2 CACT will consider and take into account the ethical, social, and equality Issues arising from proposed, new external partnerships.
- 4.3 CACT will assess and engage with external partners who can demonstrate a commitment to EDI, and who align with our core values.
- 4.4 CACT will set out this commitment in a CACT EDI Charter – see Appendix 1

### 5. Grievances

- 5.1 If individuals consider that they have been unlawfully discriminated against they may use CACT's Grievance Procedure to make a complaint.
- 5.2 CACT will take any complaint seriously and will seek to resolve any grievance which it upholds. Employees/workers/volunteers will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

### 6. Review

The Equality and Equity Policy will be reviewed annually and approved by the Board of Trustees.

**Approved by the Board:** 6 December 2017

**Review Date:** December 2018

**Review Date:** December 2019

**Review Date:** March 2021

**Review Date:** March 2022

**Next Review:** April 2024

**Approved by the Board:** 5 December 2018

**Approved by the EDI Sub-committee – March 2020**

**Approved by the Board:** 10 June 2020

**Approved by the Board:** 9 June 2021

**Approved by the Board:** 4 April 2023

