



Birtley Community Aquatic Centre Equality, Discrimination, and Inclusion Policy

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1. Introduction

Birtley Community Aquatic Centre (BCAC) is committed to creating an inclusive workplace where everyone feels safe, valued, and respected. This Equality, Discrimination & Inclusion Policy outlines our approach to fostering a diverse and equitable environment at Birtley Community Pool, ensuring that discrimination does not occur and that all employees have the opportunity to contribute their ideas and suggestions.

2. Purpose

The purpose of this policy is to:

- Promote an inclusive and respectful work environment.
- Encourage employees to contribute ideas and raise issues in a safe manner.
- Ensure that discrimination does not occur and that all employees are treated fairly.

3. Scope

This policy applies to all employees of BCAC. It covers:

- The principles of equality and non-discrimination.
- The process for handling issues and suggestions.
- Support and adjustments for employees with disabilities.

4. General Principles

4.1. Commitment to Inclusivity

- BCAC is dedicated to creating a welcoming environment where all employees feel valued and included.
- Employees are encouraged to share ideas and raise issues in a manner that contributes to a respectful workplace.

4.2. Protected Characteristics

- BCAC recognises the following nine protected characteristics as defined by the Equality Act 2010:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex (gender)
- Sexual orientation

5. Discrimination

5.1. Types of Discrimination

- Discrimination claims can be made on the grounds of:
 - A single protected characteristic (e.g., gender).
 - Multiple, unrelated protected characteristics (e.g., gender and age).

5.2. Specific Protections

5.2.1. Age

- Protection against discrimination based on age, including direct, indirect, harassment, and victimisation.

5.2.2. Disability

- Protection from direct or indirect discrimination, harassment, and victimisation due to disability.
- A reasonable adjustment must be made to accommodate employees with disabilities.
- Discrimination arising from disability must be justified as a 'proportionate means of achieving a legitimate aim'.

5.2.3. Gender Reassignment

- Protection from discrimination, harassment, and victimisation related to gender reassignment.
- Employees undergoing gender reassignment must not be treated unfavourably.

5.2.4. Marriage and Civil Partnership

- Protection from direct discrimination related to marriage or civil partnership.
- Protection against indirect discrimination, harassment, or victimisation.

5.2.5. Pregnancy and Maternity

- Protection from discrimination and victimisation related to pregnancy and maternity

leave.

- Employees must not be treated unfavourably due to pregnancy or maternity leave.

5.2.6. Race

- Protection from discrimination, harassment, and victimisation based on race, including colour, ethnic origin, national origin, and nationality.

5.2.7. Caste Discrimination

- While 'caste' may not be explicitly covered, it could be considered under the Race characteristic.

5.2.8. Religion or Belief

- Protection from discrimination, harassment, and victimisation due to religion or belief.
- Beliefs must be substantial, respected, and not conflict with others' fundamental rights.

5.2.9. Political Affiliations

- Political affiliations are not protected under the Equality Act but may be covered under other legislation.

5.2.10. Sex (Gender)

- Protection from discrimination, harassment, and victimisation based on sex (gender).

6. Protection from Sexual Harassment

6.1 Definition

Employees are protected against sexual harassment, which includes unwanted conduct of a sexual nature or related to the protected characteristics of sex or gender reassignment. This conduct may be verbal or physical, such as staring, leering, or displaying explicit materials.

6.2 Impact

Sexual harassment violates an employee's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment. It also applies when an employee is treated unfavourably because they rejected such conduct or were a victim of it.

6.3 Organisational Commitment

Birtley Community Aquatic Centre will clearly define and communicate to employees what behaviours constitute sexual harassment.

6.4 Legal Implications

Sexual harassment can be both an employment rights issue and a criminal matter, such as in cases of sexual assault.

7. Sexual Orientation

7.1 Protection Scope

The Equality Act protects employees from discrimination, harassment, and victimisation based on sexual orientation. This protection applies equally to all sexual orientations, including but not limited to, bisexual, gay, heterosexual, and lesbian.

7.2 Organisational Responsibility

Birtley Community Aquatic Centre will ensure that employees are not bullied or discriminated against based on perceived or actual sexual orientation.

8. Types of Discrimination

The Equality Act identifies four main types of discrimination:

8.1 Direct Discrimination

Direct discrimination occurs when someone is treated less favourably because of a protected characteristic they possess, are associated with, or are perceived to have.

- **Example** (Ordinary Direct Discrimination): Angela, a lesbian, is denied a promotion because her manager believes her sexual orientation would prevent her from managing a homophobic team effectively.
- **Example** (Direct Discrimination by Association): June is denied a promotion after her boss learns she cares for her mother with cancer, which is discrimination based on association with a disabled person.
- **Example** (Direct Discrimination by Perception): Dimitri is not allowed to represent his company because his boss perceives him to be too young, which is discrimination based on perceived age.

8.2 Indirect Discrimination

Indirect discrimination occurs when a policy or practice that applies equally to everyone puts those with a certain protected characteristic at a disadvantage. If the employer cannot justify the policy as a proportionate means of achieving a legitimate aim, it may be considered indirect discrimination.

- **Example:** Abu, a qualified surveyor, is denied a job opportunity because the employer requires ten years of experience, disproportionately disadvantaging younger candidates like Abu.

8.3 Harassment

Harassment includes unwanted conduct related to a protected characteristic or of a sexual nature, which violates dignity or creates a hostile environment. It can take many forms, including bullying, nicknames, jokes, and unwanted physical contact.

8.4 Victimisation

Victimisation occurs when an employee is treated unfavourably because they have made or supported a complaint under the Equality Act.

- **Example:** Halina, who filed a discrimination complaint, is subsequently excluded from work-related social events by her colleagues. This could be considered victimisation.

9. Exemptions and Exceptions – Lawful Discrimination

9.1 Occupational Requirements

In rare cases, it may be lawful to require a job applicant to have a specific protected characteristic, known as an "occupational requirement." This requirement must be crucial to the job and must be a proportionate means of achieving a legitimate aim. Legal advice is recommended before applying such requirements.

10. Justifying Discrimination

10.1 Proportionate Means of Achieving a Legitimate Aim

Discrimination may be justified in limited circumstances if it is a proportionate means of achieving a legitimate aim. Direct discrimination based on age is the only form that may be justified, while indirect discrimination may be justified across all protected characteristics.

10.2 Employer Obligations

Employers must demonstrate that their actions are necessary and that there is no less discriminatory alternative.

11. Making Reasonable Adjustments

11.1 Legal Requirement

Birtley Community Aquatic Centre is legally required to make reasonable adjustments for disabled employees to prevent them from being disadvantaged at work.

11.2 Examples of Adjustments

Examples include changing terms and conditions or making physical alterations to the workplace. Non-disabled employees cannot claim discrimination based on favourable treatment given to a disabled colleague.

12. Equal Pay (Sex Equality)

12.1 Equal Work

The Equality Act ensures that men and women receive equal pay and benefits for doing equal work, which can be defined as "like work," "work rated as equivalent," or "work of equal value."

12.2 Comparators

Comparators may be used to establish pay disparities, even if the comparator no longer works for the organisation.

13. Liability

13.1 Employee and Organisational Liability

Both the organisation and individual employees can be held liable for discrimination, harassment, or victimisation under the Equality Act. Employees are responsible for their actions during the course of their employment, including at work-related social events or on personal social media.

13.2 Vicarious Liability

The organisation may also be liable for the actions of its employees, known as vicarious liability.

14. Bullying and the Equality Act

14.1 Distinction Between Bullying and Harassment

While bullying is not covered by the Equality Act and cannot be taken to a tribunal, it can overlap with harassment if the behaviour is related to a protected characteristic.

14.2 Organisational Duty of Care

Birtley Community Aquatic Centre has a duty of care to prevent both bullying and harassment and is accountable for taking reasonable steps to do so.

14.3 Definition of Bullying

Bullying is characterised as offensive, intimidating, malicious, or insulting behaviour that undermines, humiliates, denigrates, or injures the recipient.

15. Approval Process

6.1. Policy Review and Communication

This policy will be reviewed annually or in response to changes in relevant laws or regulations. Updates will be communicated to all employees.

16. Contact Information

For more information or to discuss equality and inclusion issues, please contact:

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17. Approval

This policy was approved by the Board of Trustees of Birtley Community Aquatic Centre on 06/03/2025.

Signatories:

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