

POLICY ON EQUALITY, DIVERSITY & INCLUSION



Equity Statement

GB Taekwondo (GB TKD) is committed to ensuring that the culture, philosophy and processes within the organisation and its athlete programme are free from bias and discrimination. It upholds the principles of diversity, equality and inclusion and as such recognises its legal obligations under the Equality Act 2010.

Our vision for equality is to ensure that any discrimination is tackled and any barriers identified and overcome. We believe that everyone has the right to participate in an environment free from the threat of discrimination, intimidation, harassment or abuse. We aim to ensure that we create an environment which enables everyone involved to achieve their full potential and have a positive and fulfilling experience.

GB TKD are an inclusive and welcoming organisation that respects and values the rights, dignity and worth of every person.

We affirm our commitment to achieving equality of outcome whatever an individual's:

- Sex.
- Gender Identity.
- Disability.
- Race.
- Religion, Belief or Non-Belief.
- Sexual Orientation.
- Age.
- Marriage or Civil Partnership.
- Pregnancy/Maternity/Paternity/Caring Responsibilities.
- Social Background.
- Political affiliation.
- Other visible or non visible difference.

GB TKD will take positive action:

- To redress and eliminate individual and institutional discrimination.
- To comply with statutory and legislative objectives as set out in the Equality Act (2010).
- To make equality and management of diversity core to the development and delivery of policies, initiative and services to staff, athletes, coaches, volunteers and other stakeholders and partners.

Aims:

- In order to achieve equity, GB TKD recognises that in some instances, unequal distribution of effort and resources may be required. This may be necessary when sections of society are faced with barriers that prevent or restrict their participation in GB TKD as athletes, coaches, employees and volunteers.

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- GB TKD celebrates diversity within the organisation and seeks to fulfil its commitments by recognising the expertise, abilities and needs of every individual and by acknowledging the right to dignity and respect of every human being.

Key Objectives:

- All involved in GB TKD will respect the rights dignity and worth of all human beings and value individual strengths qualities and talents.
- All involved in GB TKD will be treated fairly irrespective of any visible or non- visible differences.
- GB TKD are inclusive and welcoming.
- Discrimination, harassment, victimisation or abuse will not be tolerated within the organisation.
- Transparent and rigorous policies that respond effectively to any complaints or allegations of unequal treatment or discrimination.

Responsibility, implementation and communication

All colleagues, whatever their role, have an important part to play in ensuring that GB TKD is a genuinely inclusive organisation. There is a collective responsibility to ensure all working practices are fair and inclusive and by working together we can ensure there is genuine equity within the organisation.

All colleagues and applicants for job vacancies are made aware of this policy and our expectation that all staff will comply with the policy and will uphold the spirit and values of this policy in all aspects of their work. This policy and additional information will be included in our induction programme and will be available in the staff handbook and via the GB TKD website.

This policy should be viewed in conjunction with policies: “Safer Recruitment and Selection Process”, “Disciplinary Procedure”, “Grievance Procedure”, “Harassment, Bullying & Victimisation Policy”, “Staff Code of Conduct” and “Code of Ethics” and the “Safeguarding Policy and Procedures”, and its supporting appendices.

Strategic Lead for Equality:

Steve Flynn, Operations Director is the GB TKD Strategic Lead for Equality and Diversity. One element of this role will be to ensure that GB TKD achieves the Foundation level of the UK Sport Equality Standard by September 2013 and ensure further steps are taken to embed equality and diversity within the culture and governance of the organisation. Support will be provided by the HR and Governance Officer, Shelley Stout.

Manager’s Duties:

For the purpose of this policy, “managers” is defined as persons charged with the responsibility for managing a team, and are responsible for embedding and implementing this policy within their team. In order for this to be achieved managers will be provided with appropriate training and support in order to ensure they have the knowledge, skills and confidence to achieve this.

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Managers will:

- Ensure there is open access for all those who wish to participate and work in the sport and that they are treated fairly.
- Encourage all employees, athletes, participants, volunteers, client or other individuals, to take positive steps to promote this policy.
- Ensure all employees undertake Educare's online training programme "An Introduction to Equality & Diversity".
- Take positive action to ensure compliance with all aspects of equality and diversity, particularly in relation to recruitment, selection, promotion, training and development, and retention.
- Identify, redress and eliminate individual and institutional discrimination.
- Comply with statutory and legislative objectives.

Board Duties:

- Responsible for ensuring this Policy is reviewed when appropriate.
- Review the objectives of the action plan and address any issues.
- Responsible for ensuring any breaches are dealt with appropriately.

HR Duties:

- Undertake a staff equality audit every two years incorporating all the protected characteristics with a view to identifying any under representation and producing a report on the findings to the Board that clearly identifies any areas of concern as well as successes, whilst also maintaining confidentiality.
- Raise equality as an agenda item at Board meetings.
- Regularly review this policy to ensure continuing compliance.

Doubts or queries

Any doubts or queries about this policy should be raised with Steve Flynn, the Strategic Lead for Equality and Diversity, email: steve.flynn@gbtaekwondo.co.uk

Concerns

All employees have a right not to be subjected to discrimination or abuse and we strongly encourage staff to report breaches of this policy at the earliest possible opportunity. GB TKD recognise this may not always be easy, particularly if the individual concerned is more senior. In order to address this there is a range of ways, both formal and informal that a member of staff can address the situation and report any concerns:

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Informal approach:

- Explain to the relevant person(s) that their behaviour could amount to unequal treatment and/or discrimination, victimisation or bullying and ask them to stop.
- Discuss informally any concerns with the Equality Officer, their manager or trusted colleague.
- Discuss with HR on a confidential and informal basis.

It is recognised that it is not always possible to rely on an informal approach, if this is the case individuals are encouraged to make a written complaint outlining why they believe they have been treated inappropriately, in which case:

- Athletes, employees, any other member of staff and volunteers are encouraged to raise the matter through GB TKD's Grievance Policy.
- Potential employees, clients, visitors and other individuals should consult the Equality Officer and in conjunction with GB TKD's Complaint Procedure.

An individual raising an employee grievance will not be penalised for doing so unless the grievance is found to be untrue and not made in good faith.

Please reference Appendix 1 and 2 within.

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Appendix 1 (provided by Vaga Associates)

1. Why the Equality Act was required

Equality legislation is necessary because:

- Women still earn, on average, 22.6% less per hour than men
- Less academically able, but better off children, overtake more able, poorer children at school by the age of six
- Disabled people are still more than twice as likely to be out of work than non-disabled people
- If action is not taken, it will take almost 100 years for people from ethnic minorities to have the same job prospects as white people
- One in five older people are unsuccessful in getting quotations for motor insurance, travel insurance and car hire
- 6 out of 10 lesbian and gay schoolchildren experience homophobic bullying.

Prior to the Act:

- The discrimination laws had helped make progress on equality, but because they had been developed over more than 40 years, they had become complex and difficult for people to understand and navigate
- There were nine major pieces of discrimination legislation, around 100 statutory instruments setting out rules and regulations and more than 2,500 pages of guidance and statutory codes of practice
- The discrimination legislation at that time contained some illogical provision for certain characteristics that don't apply to others.

2. What the Equality Act does

The Act replaces and harmonises the previous variety of legislation and forms the basis of straightforward practical guidance for employers, service providers and public bodies and strengthens the equality law by:

- A. Introducing a new public sector duty to consider reducing socioeconomic inequalities;
- B. Putting a new Equality Duty on public bodies;
- C. Using public procurement to improve equality;
- D. Banning age discrimination outside the workplace;
- E. Introducing gender pay and equality reports;
- F. Extending the scope to use positive action;
- G. Strengthening the powers of employment tribunals;
- H. Protecting carers from discrimination;
- I. Protecting breastfeeding mothers;
- J. Banning discrimination in private members' clubs; and
- K. Strengthening protection from discrimination for disabled people.

3. Protected characteristics

In the Act, the following are classed as protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief (including lack of belief)
- sex
- sexual orientation.

4. Now implemented

On 1 October, the majority of provisions in the Act came into force, and these included:

- The basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions; premises; work; education; associations, and transport.
- Changing the definition of gender reassignment, by removing the requirement for medical supervision.
- Levelling up protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic, so providing new protection for people like carers.
- Clearer protection for breastfeeding mothers.
- Applying the European definition of indirect discrimination to all protected characteristics.
- Extending protection from indirect discrimination to disability.
- Introducing a new concept of “discrimination arising from disability”, to replace protection under previous legislation lost as a result of a legal judgment.
- Applying the detriment model to victimisation protection (aligning with the approach in employment law).
- Harmonising the thresholds for the duty to make reasonable adjustments for disabled people.
- Extending protection from 3rd party harassment to all protected characteristics.
- Making it more difficult for disabled people to be unfairly screened out when applying for jobs, by restricting the circumstances in which employers can ask job applicants questions about disability or health.
- Allowing claims for direct gender pay discrimination where there is no actual comparator.
- Making pay secrecy clauses unenforceable.
- Extending protection in private clubs to sex, religion or belief, pregnancy and maternity, and gender reassignment.
- Introducing new powers for employment tribunals to make recommendations which benefit the wider workforce.

- Harmonising provisions allowing voluntary positive action.

5. Key changes

The following are, in general, the most significant changes affecting the sport and leisure industry.

5.1. Definitions of unlawful discrimination

5.1.1 Discrimination based on association. An individual will be protected against direct discrimination and/or harassment because of their association with another individual with a particular protected characteristic. For example, if an individual was directly discriminated against because they have a disabled child, even though they are not disabled themselves.

5.1.2 Discrimination based on perception. An individual cannot be directly discriminated against and/or harassed because they are perceived to have a protected characteristic, even if it then proves that they did not in fact have that characteristic. For example, where an individual with the name Ahmed was prevented from taking part because it was believed they were Muslim, even though they were not, or were not willing to confirm their religion.

5.1.3 Harassment. An individual can now make a claim for harassment, even if the harassment is not directed at them and they also need not have the relevant protected characteristic in question.

5.1.4 Requiring support from others with the same protected characteristic. An individual no longer needs the support of others with the same protected characteristic. For example, a Caribbean individual can make a legitimate complaint against an employer, even though there are a number of other Caribbean people working at the same place who choose not to complain.

5.1.5 Disability discrimination. A new claim type of “discrimination arising from a disability” has been introduced. This will take place if an individual is treated unfavourably because of something arising as a consequence of his or her disability and if it cannot be shown that the treatment is objectively justifiable. In order to make any ruling in a claimant's favour, the Tribunal/Court must be satisfied that the alleged discriminator knew, or could reasonably be expected to have known, that the claimant was disabled. There is likely to be considerable cross over between this type of claim and indirect discrimination because of disability.

5.1.6 Combined discrimination. The Act will introduce the potential for direct discrimination claims based on a combination of two protected characteristics. This recognises the fact that some individuals suffer from particular discrimination as they have two protected characteristics, e.g. because they are both male and Afro-Caribbean. The new provisions are expected to come into force in April 2011. The Coalition Government first though want to be sure that the new provisions, which are quite complicated, will work in practice and will indeed eradicate the perceived loophole in the existing legislation.

5.2. Positive Action

The Act broadens the scope for positive action and will allow proportionate measures to be taken, not merely to train or encourage disproportionately under represented groups, but also to overcome any perceived disadvantage or to meet specific needs based on a protected characteristic. In this regard, the provisions come close to legitimising reasonable adjustments outside of the disability sphere albeit on a voluntary basis. For example, A Golf Club decides to carry out research as it believes certain racial groups are under represented within their membership. The research shows that a number of racial groups are indeed under represented, as compared to the % the racial group makes up of the English population as a whole or locally, (which is a requirement of the positive action provisions relating to participation). As a result, the Club decides to run coaching clinics for individuals keen to learn the game from those racial groups.

5.3. Employment

5.3.1 Pre-employment health questionnaires. The Act makes it unlawful for employers to require employees to fill in pre-employment health questionnaires except in very limited circumstances, e.g. to ascertain whether the applicant will be able to carry out functions which are intrinsic to the job. There is nothing though in the act which prevents employers asking health-related questions of new staff once recruitment decisions have been made. Employers will though need to tread very carefully if, having offered an individual employment, they then wish to withdraw that offer on the basis of the results of a pre-employment health questionnaire.

5.3.2 Pay secrecy clauses. The Act prevents contractual clauses requiring employees to keep their pay a secret if employees seek or make a pay disclosure for the purpose of assessing (or enabling someone else to assess) whether there is a connection between pay and a particular protected characteristic. This provision would appear not to apply to conversations between colleagues as to the general fairness of pay, or to discussions which reveal information indicating a link between pay and a protected characteristic if this was not the reason the disclosure was sought or made. This provision applies to all strands of discrimination law, not just gender.

5.3.3 Occupational requirements. The Act introduces a new global defence of 'occupational requirement' which will apply to all protected characteristics. This means that employers will not discriminate unlawfully in relation to a particular requirement for a role if they can show that the requirement in question is an occupational requirement which constitutes a proportionate means of reaching a legitimate aim. This could be, for example, requiring someone of a certain sex or cultural background.

5.3.4 Qualification bodies. Although not strictly employment, sports governing bodies who, for example, issue coaching licences or qualifications which will facilitate a coach's trade or profession are reminded that, under the Act, it will continue to be unlawful for a qualification body to discriminate on the grounds of a protected characteristic regarding the accreditation process.

5.4. Private Members' Clubs

5.4.1 Associations. The Act does apply to private members' clubs but contains a number of potential exemptions provided that the club meets the definition of "Association". An "Association" is defined in the Act as an association of persons which has at least 25 members and admission to membership of which is regulated by the association rules and involves a selection process. An Association can include unincorporated associations and associations which have been incorporated as companies.

5.4.2 Restricting to protected characteristics. Associations will be able to allow members from a specific protected characteristic (e.g. a specific sex, race, sexual orientation etc). The one exception to this rule is that Associations cannot restrict membership to individuals of a particular colour. Where an Association does allow members from different protected characteristics then it must treat all of its members equally. The guidance accompanying the Act gives the example of a golf club which allows male and female members and confirms that it will no longer be lawful to restrict female members' use of the course to certain days or to restrict access to certain parts of the club house.

5.4.3 Guests. Where an Association is restricted to members of a specific protected characteristic, if the Association allows access to male and female guests it must ensure that those guests are again treated equally. An Association will though be able to distinguish between the services it provides to members and to guests, provided that this is not done solely on the basis of a protected characteristic.

5.5. Sports Exemptions

5.5.1 Sex. The existing sports exemption from the current Sex Discrimination Act is replicated in the new Act. The exemption states that competitions, leagues etc can be gender specific where the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex.

5.5.2 Gender Reassignment. The Act also allows for transsexual competitors to be prohibited from competing where the physical strength, stamina or physique of average persons of one sex would put them at a disadvantage compared to average persons of the other sex and where such a prohibition is necessary for fair competition or the safety of competitors.

5.5.3 Age. When the provisions prohibiting age discrimination in relation to the provision of goods, services and facilities come into force, likely to be in 2012, it is intended that there be a specific sports exemption. This proposed exemption will allow age-banded or age-specific sporting events, leagues or training facilities where the restriction is proportionate to ensure fair competition, the safety of competitors or some other legitimate aim. As the Government Equalities Office states in its guidance, this exemption will allow the continuation of age-restricted competitions in sports, games or other competitive activities where, for example, the capabilities of average people of one age group put them at a disadvantage compared to average people of a different age group. The guidance gives the specific example of tennis clubs running competitions for "veterans" aged over 40 or 45.

5.6. Public Sector Duties

The Act will replace the existing public sector duties in relation to gender, race and disability with a single equality duty applying to all protected characteristics (apart from marriage/civil partnership), under which public bodies must have regard to the need to eliminate discrimination and advance equality and foster good relations between those who have a protected characteristic and those who do not. As part of this duty, public bodies are likely to be under pressure to try and drive equality through procurement. Clearly this could have a significant impact on sports governing bodies who receive significant funding from Sport England and/or UK Sport (who themselves are regarded as public bodies). Once the single public equality duty is in force, public sector bodies will have to report annually on a number of different aspects, but the exact range of these will not be known for some time yet. It is unlikely that the new duty will come into force until October 2011.

6. Further information

For further information about the Act and to keep up-to-date with developments, the following sources of information are suggested:

6.1 The Vaga Associates monthly Equality in Sport newsletter. Articles relating to the Act have appeared in each edition since June 2010. Previous editions can be accessed at <http://www.vagacms.co.uk/vagacms/eqresources.aspx?recid=5&mode=new> and to request future editions are sent directly to you, Email roger@vagaassociates.com.

6.2 The Government Equalities Office Website contains latest news relating to the Act and can be accessed at http://www.equalities.gov.uk/equality_bill.aspx. In addition, they have produced a series of "What do I need to know?" guides and these can be accessed at http://www.equalities.gov.uk/equality_act_2010/equality_act_2010_what_do_i_n.aspx.

6.3 The Equality and Human Rights Commission (EHRC) Website contains codes of practice that will help employers, lawyers and courts to interpret the Act. The Codes are also designed to provide detailed guidance to organisations about what the Act means. As well as formal, legal codes, the EHRC is also publishing more informal guidance that does not have the same legal status in a bid to help organisations understand their obligations. These can be accessed at <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice/>

Appendix 2: Glossary of terms

Bullying

The misuse of power or position to persistently criticise, humiliate or undermine an individual's confidence.

Ref: GB TKD's Anti-Bullying policy, contained within the Safeguarding Policy and Procedures.

Culture

A social heritage or tradition that is passed on to future generations. It is a shared, learned human behaviour ; a way of life.

Disability

Described in the Equality Act 2010 as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his/her ability to carry out normal day to day activities.

Discrimination (direct)

To treat one particular group of people less favourably than others because of their race, colour, nationality, or ethnic or national origin.

Discrimination (indirect)

When there are rules, regulations or procedures operating that applies to everybody, but people from a certain group are not able to meet it and there is no justifiable reason for having that rule.

Discrimination (positive)

Selecting people on grounds of their group membership. Unlawful except under certain circumstances within DDA and as a genuine occupational qualification.

Diversity

Recognising, valuing and taking account of people's different backgrounds, knowledge, skills, and experiences, and encouraging and using those differences to create a productive and effective workforce. Diversity encompasses visible and non visible individual differences. They may include, but not limited to, differences by anti discrimination legislation.

Ethnic minority

An ethnic group within a society or region that is smaller in numbers than the majority population. It is often a subordinate group whose group members have significantly less control or power over their lives than members of the dominant group.

Ethnicity

An ethnic group is a group regarded as a distinct community by virtue of certain essential characteristics; a shared history that distinguishes it from other groups and a cultural tradition of its own. The expression "Ethnic monitoring" has become more broadly used to reference groups defined by colour, race or national origin as well.

Equal Opportunities

It is about the law and how it is applied in addressing barriers which individuals might face in accessing training, employment and access to services. Ensuring training, employment practices and access to services are fair and free from discrimination and harassment.

Equality

Is the state of being equal – treating individuals equally, which does not necessarily mean treating them the same. In some cases the need for equality may require unequal effort to ensure the principle of equality is achieved.

Gender

Often used in place of the word “sex” in equality issues.

Gender reassignment

A personal, social and sometimes medical process by which a person’s gender presentation (the way they appear to others) is changed.

Not all transsexual people undergo medical supervision to change their gender. People who decide to live in the gender opposite to that assigned at birth, but do not undergo any medical procedures, are protected from discrimination under the Equality Act 2010.

Harassment

Inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence to the recipient. It may be of sexual or racial nature or it may be directed towards people because of their age, sexuality, a disability or some other characteristic.

Ref: GB TKD’s Harassment, Bullying & Victimisation policy

Heterosexism

Heterosexism is the belief that heterosexuality is “normal” and therefore that other sexual orientations are abnormal or deviant.

Homophobia

An irrational hatred, intolerance, and fear of lesbian, gay and bisexual people and their culture.

Positive action

Is allowed under legislation to redress imbalances between under represented groups of employees. It allows employers to provide targeted training to under represented groups, and to encourage applications from groups that are under represented in particular areas of work.

Prejudice

Pre-judging someone. Usually led by negative, irrational feelings and attitudes and opinions that some people have about other people.

Protected characteristics

A group which is protected from discrimination under equality legislation. The Equality Act 2010 covers nine protected characteristics (1) Age, (2) Disability, (3) Gender re-assignment, (4) Marriage and civil partnership, (5) Pregnancy and maternity (6) Race, (7) Religion or belief, (8) Sex, (9) Sexual orientation.

Race

Distinctions among human beings based on colour of their skin and other physical features, however recently this word has begun to be used as a unifying term, referring to the one human race to which every person belongs.

Racism

Conduct, words or practices which advantage or disadvantage people because of their colour, culture or ethnic group.

Sexual orientation

Assumptions and perceptions of a person's sexual orientation (whether a person is attracted to people of their own sex, the opposite sex or both sexes) are also covered by law.

Stereotyping

Grouping or labelling people because they are members of a particular visible group and assuming that they have particular traits that are considered to be characteristic of that group.

Transsexual

People who have a powerful sense of discomfort with the gender of their body and subsequent social role that they undertake a personal, social and sometimes medical transition to live in the gender identity of their personal conviction.

Victimisation

Subjecting a group or individual to a detriment because they have, in good faith, taken action under the Equality Act 2010 (or equivalent legislation) by bringing proceedings, giving evidence or information in relation to proceedings, making an allegation that a person has contravened the Equality Act 2010 (or equivalent legislation) or doing anything other for the purpose of, or in connection with, the Equality Act 2010 (or equivalent legislation).