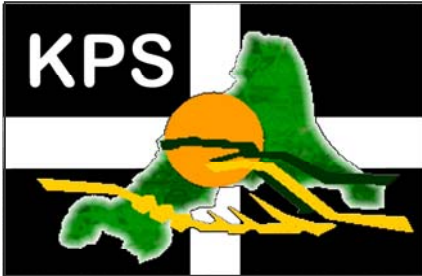


# Equal Opportunities

Kernow Positive Support

SPECIALISED HIV INFORMATION,  
SUPPORT, RESPITE & RETREAT



POLICY DOCUMENT 2011

# EQUAL OPPORTUNITIES

## 1. INTRODUCTION

Kernow Positive Support (KPS) recognises the diversity of people in society and aims to use the differences that exist to enrich its activities. KPS recognises that prejudices exist and will aim, through training, to encourage its clients (*service users*) and \*members to be aware of their prejudices, in order to be in a better position to counteract discrimination.

## 2. PRINCIPLES UNDERLYING THE EQUAL OPPORTUNITIES POLICY

2.1 KPS aims to ensure that the membership of the organisation, whether it be as a client (service user), accessing our services, or volunteer or employee, is accessible to everyone regardless of-

- age
- gender
- sexuality
- culture, race, nationality or colour
- physical and mental ability
- unrelated criminal convictions
- HIV status
- class
- political belief or religion

and that once someone is a member and/or a service user, trustee, volunteer, employee, that they will not suffer any form of discrimination.

2.2 KPS commits itself to take positive action in situations where discrimination occurs.

## 3. THE EQUAL OPPORTUNITIES POLICY

3.1 KPS will look at the breakdown of the general clients and membership of KPS on a yearly basis and identify any part of the community, which is not represented or poorly represented. KPS will aim, in such cases, to explore the reasons why and identify ways of increasing the accessibility of its service provision and membership.

3.2 KPS will research the numbers and breakdown of people living with HIV in the county of Cornwall and work towards having a HIV-positive client base, which reflects the nature of the positive community in that area.

3.3 KPS will promote its activities in a wide range of papers and venues.

3.4 KPS will work with organisations involved with particular groups of society in order to maximise accessibility to the organisation.

## 4. DEALING WITH DISCRIMINATION

Where discrimination occurs KPS will use the Complaints Procedure (*see Complaints Procedure*) to address the problem.

## Summary of equal opportunities legislation

UK legislation protects people from discrimination, harassment and victimisation in employment and education on the following grounds:

- Age
- Disability
- Race
- Religion or belief
- Sex / gender
- Sexual orientation

Whilst responsibility for preventing unlawful discrimination and harassment lies principally with the university, individual employees can also be held personally liable for their actions.

A brief overview of the main legislative Acts relating to equal opportunities in the workplace and higher education are provided below, along with a glossary of the key legislative terms.

### Age

- ***Employment Equality (Age) Regulations 2006*** – Prohibits discrimination, harassment and victimisation on the grounds of age in the areas of employment and the provision of vocational training (including higher education).

### Disability

- ***Disability Discrimination Act (DDA) 1995*** - Prohibits discrimination on the grounds of disability in the areas of employment and vocational training, education, the provision of goods, facilities and services and in the disposal or management of premises. The DDA includes a requirement for employers and service providers to make reasonable adjustments to accommodate people with disabilities and to help them overcome the practical difficulties they may encounter.
- ***Special Educational Needs and Disability Act (SENDA) 2001*** – Amended the DDA to require education providers to ensure that they do not discriminate against disabled people. This includes requirements to provide auxiliary aids through reasonable adjustment (for example, providing specialist software for a student with learning difficulties), and to make reasonable adjustments to the physical features of premises where these put disabled people at a substantial disadvantage.
- ***Disability Discrimination Act (DDA) 2005*** – Places a general duty on public authorities, including Higher Education Institutions (HEIs), to promote equality of

opportunity for disabled people. Specific duties for HEIs include requirements to produce, publish and implement a Disability Equality Scheme, to gather and report on staff and student disability monitoring data and to assess policies for their impact on disabled people.

## Race

- ***Race Relations Act (RRA) 1976*** – Prohibits discrimination, harassment and victimisation on the grounds of race, national origin and ethnic origin in the areas of employment, education, the provision of goods, facilities and services and in the disposal or management of premises. It also prohibits discrimination on the grounds of colour and nationality.
- ***Race Relations Amendment Act (RRAA) 2000*** – Places a general duty to on public authorities, including Higher Education Institutions (HEIs), to promote equality of opportunity and good relations between persons of different racial groups. Specific duties for HEIs include requirements to publish a written statement of their race equality policy, to gather and report on staff and student race monitoring data and to assess policies for their impact on people from different racial groups.

## Religion/belief

- ***The Employment Equality (Religion or Belief) Regulations 2003*** – Prohibits discrimination, harassment and victimisation on the grounds of religion or belief in employment and vocational training (including higher education).
- ***Equality Act 2006*** – Extends prohibition of discrimination on the grounds of religion or belief to the provision of goods, facilities and services, education, the use and disposal of premises and the exercise of public functions.

## Sex/gender

- ***Equal Pay Act (EPA) 1970*** – Gives an individual the right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing:
  - like work; or
  - work rated as equivalent under an analytical job evaluation study; or
  - work that is proved to be of equal value.

- ***Sex Discrimination Act (SDA) 1975*** - Prohibits discrimination on the grounds of sex in the areas of employment, vocational training, education, the provision of goods, facilities and services and in the disposal or management of premises. The Act also prohibits discrimination in employment against married people and civil partners, and expressly prohibits harassment on the grounds of gender reassignment.
- ***Gender Recognition Act 2004*** – Allows transsexual people to gain legal recognition in their acquired gender.
- ***Equality Act 2006*** – Places a general duty to on public authorities, including Higher Education Institutions (HEIs), to promote equality of opportunity between men and women, including transsexual men and women. Specific duties for HEIs include requirements to produce, publish and implement a Gender Equality Scheme, to gather and report on staff and student gender monitoring data and to assess policies for their impact on men and women.

### Sexual orientation

- ***The Employment Equality (Sexual Orientation) Regulations 2003*** - Prohibits discrimination, harassment and victimisation on the grounds of sexual orientation, in employment and vocational training (including higher education).
- ***The Equality Act (Sexual Orientation Regulations) 2007*** - Extends prohibition of discrimination on the grounds of sexual orientation to the provision of goods, facilities and services, education, the use and disposal of premises and the exercise of public functions.
- ***Civil Partnership Act 2004*** – Introduced a new legal relationship of civil partnership which two people of the same-sex can form by signing a registration document. Also introduced the same employment rights for civil partners as for married couples.

### **Glossary of key legislative terms**

- ***Direct Discrimination*** – This occurs where someone is treated less favourably on the grounds of age, disability, race, religion or belief, sex or sexual orientation than another person would be treated in the same or similar circumstances.
- ***Indirect Discrimination*** – This occurs where a condition is applied to everyone, but in practice puts people from a particular group at a particular disadvantage when compared with others, and cannot be legally justified within the circumstances.
- ***Harassment*** – Harassment is unwanted conduct that has the purpose or effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.

- **Victimisation** – This occurs where a person is treated less favourably than another because they have made a complaint, brought proceedings or given evidence about someone who has been accused of discriminating against them.

All KPS policies and procedures are reviewed annually; this EQUAL OPPORTUNITIES POLICY has been reviewed and ratified by the KPS Board of Trustees commencing 1<sup>st</sup> April 2011 (*under 'policies' as shown in the KPS Annual Report and Accounts*).

\*Members of KPS in this document are; volunteers/trustees, employees, practitioners, clients (*service users*).

***Ref: EQUALOP2011/12.***