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## EQUALITY AND DIVERSITY POLICY

### 1. Introduction

- 1.1 This policy reflects the provisions of the new Equality Act 2010 which became law on 1<sup>st</sup> October 2010. The Act harmonises, simplifies and replaces previous equalities legislation such as Race Relations Act 1976, Disability Discrimination Act 1995 etc, into one Act
- 1.2 The Act covers the same groups that were protected by previous equality legislation, extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law
- 1.3 BADMINTON England is committed to promoting equality of opportunity for all. We aim to create a working environment in which all individuals are able to make the best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. BADMINTON England is committed to avoiding unlawful discrimination in all areas of its work and this policy is intended to assist the organisation, and all those connected with it, to put this commitment into practice

### 2. Summary

- 2.1 This policy applies to **all employees**, consultants, contractors etc connected with BADMINTON England, who for the purposes of this policy are referred to as 'individuals'
- 2.2 **Equality** is about making sure people are treated fairly and given fair chances, it is not about treating everyone in exactly the same way
- 2.3 **Diversity** is about recognising, valuing and managing difference and acknowledging that individuals have different needs which can be met in different ways
- 2.4 The new Act covers the following nine protected characteristics:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race (*including colour, nationality, ethnic/national origin*)
  - Religion or belief (*including no religion*)
  - Sex (*male / female*)
  - Sexual orientation (*bisexual, gay, lesbian, heterosexual*)

### **3. Principles**

#### **3.1 Statement of Intent**

BADMINTON England:

- 3.1.1 wishes to act as an exemplar for equality and diversity within its sphere of influence, in doing so it commits to promoting good equitable practice within the organisation and with partners
- 3.1.2 will ensure that responsibility and accountability for equality is placed at the most senior levels within the organisation, the Chief Executive has overall responsibility and accountability for the effective implementation of this policy and the Board will monitor the effectiveness (see 3.3 Implementation)
- 3.1.3 will build equality and diversity into all aspects of its work. All reasonable steps will be taken to ensure that employees, consultants, contractors etc are committed to this policy (see 3.3 Implementation)
- 3.1.4 will ensure that no job applicant or employee receives less favourable treatment on the grounds of any protected characteristic (see 2.4)
- 3.1.5 will work to ensure that there will be open access to all those who wish to participate in the sport and that they are treated fairly
- 3.1.6 is committed to ensuring that all individuals are able to conduct their badminton related activities free from bullying and harassment and has implemented a policy for dealing with such matters (see Anti Bullying and Harassment Policy)
- 3.1.7 is committed to sports equality which is about:
  - fairness in sport, equality of access, recognising differences and taking steps to meet them
  - changing the culture and structure of sport to ensure it becomes equally accessible to all members of society
  - making sure all individuals can realise their talent and fulfil their potential
  - an individual's responsibility to challenge discriminatory practice and promote inclusion

#### **3.2 Discrimination**

Under the Act types of discrimination are classified as follows:

##### **3.2.1 Direct Discrimination**

Direct discrimination occurs when someone is treated less favourably than another person:

- because of a protected characteristic (see 2.4) they have OR
- because of a protected characteristic they are *thought* to have (see 3.2.4 Perception Discrimination)
- because they associate with someone who has a protected characteristic (see 3.2.3 Discrimination by Association)

### 3.2.2 Indirect Discrimination

Indirect discrimination can occur when there is a condition, rule or practice which applies to everyone but particularly disadvantages people who share a protected characteristic (see 2.4). Indirect discrimination can be justified if the action(s) undertaken are reasonable in order to achieve a legitimate aim

### 3.2.3 Discrimination by Association

Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic (see 2.4)

### 3.2.4 Perception Discrimination

Perception discrimination is direct discrimination against an individual because others *think* they possess a particular protected characteristic (see 2.4), even if they don't actually possess it or if the perception was mistaken

### 3.2.5 Harassment

Harassment is defined as '*unwanted conduct related to a relevant protected characteristic (see 2.4) which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual*'

Harassment applies to all protected characteristics (see 2.4) except for pregnancy and maternity, marriage and civil partnership. It also covers harassment because of 'perception' (see 3.2.4) and 'association' (see 3.2.3)

It also includes the right for individuals to raise an issue that they find offensive even if it is not directed at them

Harassment is further dealt with in the Anti Bullying and Harassment policy

### 3.2.6 Third Party Harassment

Third party harassment relates to actions carried out by non BADMINTON England individuals such as customers, clients, contractors etc. BADMINTON England will investigate any report or complaint of third party harassment and will take all reasonable steps to prevent it from happening again (see Anti Bullying and Harassment Policy)

### 3.2.7 Victimisation

Victimisation is defined when an employee is treated badly because they have made or supported a complaint/grievance about discrimination or harassment under the Equality Act, or are suspected of either making or supporting such a complaint/grievance

An individual is not protected from victimisation if he/she acted maliciously, or made or supported an untrue complaint

### 3.3 Implementation – BADMINTON England’s Responsibilities

- 3.3.1 BADMINTON England will make available on its website a copy of this policy which outlines that all individuals have responsibilities to respect, act in accordance with and thereby support and promote the spirit and intentions of this policy
- 3.3.2 BADMINTON England will ensure that this policy is an integral part of the recruitment, induction and on-going training for all employees
- 3.3.3 BADMINTON England will assign the HR Manager to monitor staff recruitment and employment practices to ensure that they are non-discriminatory, one such method will be to monitor equality and diversity data collected at the recruitment stage and also on the workforce, in order to be in a position to make recommendations for any corrective or positive action (see 3.5.1)
- 3.3.4 BADMINTON England will consider making ‘reasonable adjustments’ in the provision of employment, goods and services, to overcome barriers caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alternation of physical features, and or any practice/process which may impede people with disabilities. Full consideration will be given to the request for reasonable adjustments which will be accommodated wherever possible, if BADMINTON England considers the adjustments to be unreasonable an explanation will be given and endeavours to find an alternative solution will be made. Someone is considered to be disabled if they have *‘a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities’*. Employees who are disabled or become disabled during employment are encouraged to tell their line manager and/or HR Manager about their condition so that appropriate support can be provided. It maybe appropriate to consult with the employee’s medical adviser about possible adjustments
- 3.3.5 BADMINTON England will ensure that consultants, contractors, partners, agents, advisors etc are appointed fairly and equally in accordance with BADMINTON England’s Procurement Policy. Any such bodies will be directed to this policy on BADMINTON England’s website and will be required to demonstrate their commitment to the principles and practices of this policy
- 3.3.6 BADMINTON England will strive to achieve appropriate equality standards as guided by Sport England / UK Sport
- 3.3.7 BADMINTON England will assign the Strategic Management Team (SMT) to draw up and agree an Annual Action Plan within which specific roles, responsibilities and resources are allocated. Progress against the Action Plan will be regularly monitored by SMT and reported to the Board on an annual basis, together with publishing data within Annual Reports, employee communications etc

### 3.4 Implementation – Manager’s Responsibilities

- 3.4.1 All managers are required to set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to this policy and promote BADMINTON England’s aims and objective with regarding to equality and diversity

3.5 Implementation - Individual's Responsibilities

3.5.1 Individuals should not discriminate against or harass any other individual in the course of their duties and are required to assist BADMINTON England to meet its commitment to this policy including the implementation requirements above at 3.3

3.5.2 Individuals can be held personally liable as well as BADMINTON England, or instead of, for any act of unlawful discrimination. Individuals who commit serious acts of harassment may be guilty of a criminal offence as well as gross misconduct. There is no limit on compensation for unlawful discrimination

3.6 Positive Action

3.6.1 BADMINTON England may take positive action in the form of proportionate measures to encourage or train people from under-represented groups to apply for jobs, overcome a perceived disadvantage or meet specific needs based on a protected characteristic

3.7 Breaches of This Policy

3.7.1 Acts of discrimination, harassment, bullying or victimisation are disciplinary offences and will be investigated under the Disciplinary Procedure, if proven such acts may be considered as gross misconduct which could lead to summary dismissal. BADMINTON England takes a strict approach to serious breaches of this policy

3.7 Grievances

3.8.1 If employees wish to make a complaint about a breach of this policy they should follow the Grievance Procedure. If their complaint is related to bullying and harassment employees are advised to read the Anti Bullying and Harassment policy for guidance/information prior to submitting a grievance

**4. Read this Policy in Conjunction with:**

Staff Handbook:                      Anti Bullying and Harassment Policy  
   Recruitment Policy  
   Grievance Procedure  
   Disciplinary Procedure

Intranet (HR Section):              None

Health & Safety Manual:        None