

## Appendix 2 – Equality, Diversity and Inclusion

### Definitions

Inclusion, diversity and equal opportunities are taken very seriously by the RNLI. Any act of homophobic, racist, sexist or any other unjust or unfair unlawful discrimination by an employee or volunteer will not be tolerated.

If an employee, it will be regarded as a disciplinary matter and dealt with according to the RNLI's Disciplinary Procedure. It may also be regarded as gross misconduct.

Discrimination by a volunteer will be dealt with according to the RNLI's Volunteer Problem Solving policy which can be found on Compass and the Volunteer Zone.

Individuals can be held personally liable as well as, or instead of, the RNLI for any acts of unlawful discrimination. Those who commit serious acts of harassment may be guilty of a criminal offence.

While the RNLI has a legal obligation to comply with the Equality Act, 2010 (UK) Employment Equality Acts 1998 – 2011 (Republic of Ireland) when giving guidance to employees, there is also a moral obligation to ensure volunteers are guided to behave inclusively, so the ethos of the examples below apply to volunteers as much as employees.

### Harassment

As an employee or volunteer you should not be harassed by others in the RNLI or those in contact with the RNLI. Harassment can take many forms from physical assault, constant criticism, being humiliated or being excluded.

The organisation has a separate policy concerning on issues of bullying, harassment and discrimination on any ground, and how complaints of this type will be dealt with. This can be found on Compass.

### Grievances

If you consider that you may have been unlawfully discriminated against, employees may use the organisation's grievance procedure to make a complaint. Volunteers can use the Volunteer Problem Solving Policy which can be found on Compass and the Volunteer Zone.

The organisation will take all complaints seriously and will seek to resolve any grievance or problem that it upholds. You will not be penalised for raising a grievance or a problem, even if it is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the organisation's grievance procedure does not affect your right to make a complaint to an employment tribunal in the UK or to a Rights Commissioner or the Employment Appeals Tribunal in the Republic of Ireland.

## Types of unlawful discrimination

**Direct discrimination** is where a person is treated less favourably than another because of a protected/stated characteristic or because they associate with someone who has a protected characteristic. E.g. means refusing to interview someone who is deaf.

**Indirect discrimination** is where an employer has a condition, rule, policy or practice that applies to everyone but disadvantages people who share a protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination). Indirect discrimination can be justified if it can be shown to be a proportionate means of achieving a legitimate aim and there is an Occupational Requirement to do so. E.g. means excluding job applications which have addresses in an area where a high number of Bangladeshi people live.

**Harassment** is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) which has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Employees and volunteers can complain of behaviour that they find offensive even if it isn't directed at them, and the complainant need not possess the protected characteristic themselves. E.g. Making jokes about a member of the team who is hard of hearing and isn't aware of what is being said. A colleague finds this offensive as the individual is unaware and can't defend them self.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and pregnancy and maternity). E.g. constant belittling comments about disabled people when they know you care for a disabled relative.

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they don't have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity). E.g. being told you talk like a gay person when you are not gay, but others then perceive that to be true.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010 in the UK or the Employment Equality Acts 1998 – 2011 in the Republic of Ireland or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

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