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registered charity no.1150769

EQUAL OPPORTUNITIES POLICY

1. Purpose

Musica's Equal Opportunity Statement reflects both the Aims and Purposes of the organisation and the spirit and intentions of the legislations which outlaws discrimination.

2. Persons affected

All Musica Staff

All Musica Volunteers

It is the responsibility of every individual, both staff and volunteers to eliminate discrimination by ensuring the practical application of the equal opportunity policy and reporting incidents of discrimination to the Chairman of the Trustees.

All allegations of discrimination will be treated seriously. Any discrimination is totally unacceptable to Musica and anyone found to be discriminating will face disciplinary action.

Sexual and racial harassments are forms of discrimination on the grounds of a person's sex or race. Any such behaviour will be considered a disciplinary offence. All allegations of harassment will be treated seriously, and all practical steps taken to prevent the behaviour continuing.

3. Policy

Musica will not discriminate or treat any individual less favourably on the grounds of:

- Gender, including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy.
- Age
- Religion
- Ancestry, including colour and perceived race
- Disability
- Nationality or national origin
- Sexual orientation
- Ethnicity
- Religion or creed, or religious belief, religious association, or religious activity
- Gender-determined characteristics or circumstances
- Marital or family status
- Source of income
- Political belief, political association or political activity
- Physical or mental disability or related characteristics or circumstances, including reliance on a dog guide or other animal assistant, a wheelchair, or other remedial appliance or device

Musica aims to ensure that no job applicant, or staff member – paid or unpaid, receives less favourable treatment on the grounds of sex, marital status, race, colour, nationality, ethnic origin, disability, age or sexual orientation and others listed above.

Musica recognises its duties to staff, volunteers and service users under the Equality Act 2010 and believes that its policies conform to these.

4. Definitions under Equality Act 2010:

Equal Opportunities - Musica aims to ensure that policies, procedures, and practices do not unfairly discriminate against our staff, volunteers, stakeholders and service users. Musica aims to treat people fairly and equitably regardless of whom they are, their background or their lifestyle.

Diversity - Musica aims to ensure that all people are valued as individuals and are able to maximise their potential and contribution. It recognises that people from different backgrounds can bring fresh ideas and a different approach that can make the way we work and learn more fun, more creative, more efficient and more innovative.

Direct Discrimination - as defined in law, occurs when a person is dealt with less favourably than other people because of a 'protected characteristic'. These are defined in the Equality Act 2010 as being:

- **Age** – a person of a particular age group but does not apply to those under the age of 18.
- **Disability** – a person who has a physical or mental impairment, where the impairment has a substantial and long-term effect on the person's ability to carry out day-to-day activities.
- **Gender Reassignment** – a person who is proposing to undergo, is undergoing or has undergone a process, or part of a process, for the purpose of reassigning the person's gender by changing physiological or other attributes of gender.
- **Marriage or Civil Partnership** – Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as civil partnerships. Civil partners must be treated the same as married couples.
- **Pregnancy and Maternity** – a woman who is pregnant has a protected characteristic for the whole pregnancy and for a period of 26 weeks from the day she gives birth (in the case of a still born child the 26 week period exists if the birth takes place after the 24th week of pregnancy). A woman who has given birth and is breast-feeding has a protective characteristic when accessing premises, services and public functions.
- **Race** – a person or group of people defined by their race, colour, nationality, including citizenship, and ethnic or national origins. A

racial group can include more than two distinct racial groups, e.g. Black Britons would comprise of those people who are both black and who are British citizens.

- **Religion or Belief** - a person's religion, religious or philosophical belief, lack of religion or lack of religious or philosophical belief. A belief will affect a person's choices or the way they live for it to be considered a protected characteristic.
- **Sex** – a person who is a man or a woman.
- **Sexual Orientation** – a person's sexual attraction towards a person of the same sex, another sex, or people of both sexes.

This Policy uses a wider definition of characteristics and includes caste, caring responsibility, mental health, class, HIV status, employment status, unrelated criminal convictions, and union activities.

Associated Discrimination is direct discrimination against a person because they associate with another person who possesses a protected characteristic.

E.g. a person is refused entry to the library because the person they are with has limited mobility and uses crutches to help them move around.

Discrimination by Perception is direct discrimination against a person because it is perceived that they possess a particular protective characteristic.

E.g. a man who is perceived to be a woman because they have a high voice on the phone is refused access to a man only service. This would be sex discrimination because the man has wrongly been perceived to be a woman.

Indirect Discrimination occurs when an apparently neutral practice, provision or criterion puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and when applying the practice, provision or criterion cannot be objectively justified.

E.g. an organisation has a policy of reminding people of forthcoming appointments by phone. This would indirectly discriminate against deaf people as they would not receive a reminder of their appointment.

Victimisation means subjecting a person to detrimental treatment because they are or are believed to be bringing proceedings under the Equality Act; giving evidence or information in connection with proceedings under the Equality Act; doing any other thing for the purposes or in connection with the Equality Act or making an allegation that a person has contravened the Equality Act.

A person must be able to act against unlawful discrimination without fear of

reprisals or being subjected to a detrimental effect.

E.g. a patient makes a complaint to a service provider where they were obtaining treatment because they felt they were discriminated against for being gay. The complaint is resolved, but if the person who provides the treatment refuses to treat the gay client this would be victimisation.

Harassment means unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating, or offensive environment.

Sexual harassment is any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them. Harassment can be sexual, racial, ageist, directed against people with disabilities or indeed related to any protected or other characteristic exhibited by the individual.

E.g. A male employee is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. A female employee shares an office with the male employee and she too is claiming harassment, even though she is not disabled, as the manager's behaviour has also created an offensive environment for her.

Harassment by a third party means unwanted, repeated conduct by a third party based on a protected characteristic, which has the purpose or effect of violating the dignity of a person or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person and where the employer does nothing to prevent it from reoccurring. A third party is defined in law as not being the employer or employees of the employer, such as customers or clients.

E.g. A manager of a Benefits Office hears from one of his staff, who is gay, that he is feeling unhappy after a claimant made homophobic remarks in his hearing. The manager is concerned and monitors the situation. Within a few days the claimant makes further offensive remarks.

The manager reacts by having a word with the claimant, pointing out that this behaviour is unacceptable. He considers following it up with a letter to him pointing out that he will ban him if this happens again. The manager keeps the gay employee in the picture with the actions he is taking and believes he is taking reasonable steps to protect the employee from third party harassment.

Positive Action can be taken when it is clear that a group of people who share a protected characteristic and who are, or could become, employees, volunteers or service users, suffer a disadvantage linked to that characteristic, have disproportionately low levels of participation, or have different needs from a service as compared to other groups.

The positive action must be proportionate and aim to increase participation, meet different needs or overcome disadvantage. The positive action must be appropriate to its aim and other actions would be less effective in achieving this aim or likely to cause greater disadvantage to other groups.

Positive action could take the form of additional training or providing a job application form in other languages to encourage applicants from these communities. 'Positive discrimination' at the point of selection for employment is not permissible.

Musica aims to ensure that people with disabilities are given equal opportunity to enter employment and volunteering. In so doing, it will fully consider making reasonable adjustments to working practices, equipment, and premises to ensure that a disabled person is not put at a substantial disadvantage due to their disability. In addition, when staff members become disabled in the course of their employment, every effort will be made through reasonable adjustment, retraining or redeployment to enable them to remain in the employment of the organisation.

Entry into our employment and promotion or change of post is determined by personal merit.