



## EQUALITY, DIVERSITY & INCLUSION POLICY

### POLICY STATEMENT

‘The Club is committed to promoting a fair and harmonious environment for all members, staff, contractors and visitors. Through the Rules of Conduct in the Club Rules it endeavours to ensure that everyone is treated with respect and dignity and no individual feels harassed or bullied. The Club will not tolerate discrimination (treated less favourably) or inappropriate behaviour, particularly on the grounds of age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex, or sexual orientation as protected by law. ‘

### INTRODUCTION AND RESPONSIBILITIES

1. **Purpose.** This policy sets out the responsibilities of members and staff to ensure that this policy statement is adhered to. It also sets out the legal aspects of unlawful discrimination and unfair treatment, how to avoid this behaviour and how such behaviour will be dealt with. The Club believes that full compliance with this policy will result in better relationships, and a more enjoyable and rewarding experience for all involved in the club. This policy supersedes the Harassment and Bullying section of the Staff Handbook dated 1 December 2016.
2. **Applicability of legislation to the Club.** The Equality Act 2010 applies to "Associations" with at least 25 members that control membership through a selection process. This includes WSC, since it is constituted as an ‘Unincorporated Association’. If a club is found guilty of discrimination, affected individuals can take civil law action against responsible club officers, and the club members may collectively face financial claims, reputational damage, or be forced to change its policies.
3. **Applicability within Warsash Sailing Club.** This policy applies to all members, staff, contractors and visitors. The term ‘staff’ is used throughout this policy, which is synonymous with ‘employee’.
4. **Definitions of ED&I.** Diversity has evolved from Equal Opportunities policies and covers a wider perspective. People are not alike, we are all different, and those differences can be visible and non-visible. We all contribute to the Club so by respecting these differences in each other we help to create an inclusive environment in which everybody feels valued, their talents are fully utilised, and the Club’s goals are met. The RYA gives definitions as follows:

Equality is giving people the same opportunities regardless of their personal characteristics.

Equity is allowing everyone to receive the treatment and environment they need to thrive.

Diversity is embracing individuality and celebrating differences across all communities.

Inclusion is creating an environment where everyone feels welcome, safe, and valued.



5. **Responsibilities.**

- a. **Commodore.** The Commodore is ultimately responsible for Equality, Diversity and Inclusion at the Club.
- b. **Honorary Secretary.** The Honorary Secretary is responsible for the Club's Equality, Diversity and Inclusion Policy.
- c. **Club Officers and officials.** Flag Officers and those in areas of responsibility are expected to monitor their own areas to ensure they remain free from harassment, bullying and discrimination and should ensure that this policy is fully understood by all under their responsibility.
- d. **Staff.** Staff should be aware that failure to comply with this policy may be considered a gross misconduct offence and as such may result in termination of employment.
- e. **Others.** All members, staff, visitors and contractors are responsible for ensuring that they do not behave in a way which could be construed as harassment, bullying or discrimination.
- f. **Bystanders/Witnesses.** Anyone witnessing discrimination, bullying or harassment should lead by example and:
  - i. Intervene to stop the activity (de-escalate/distract)
  - ii. Call out the behaviour
  - iii. Support the victim
  - iv. Encourage the victim to take action and report the behaviour as detailed below.

**RELEVANT AREAS OF CLUB ACTIVITY**

6. **Prohibited Discrimination.** As an 'Association' under the Equality Act, WSC will not discriminate against a member, or an applicant based on a protected characteristic when:
- a. Granting or refusing Membership.
  - b. Setting terms and conditions of membership
  - c. Providing access to benefits, facilities, or services
  - d. Applying the Club Rules, including relating to the Rules of Conduct.



## RELEVANT AREAS OF STAFF EMPLOYMENT

7. **Recruitment.** WSC operates a structured recruitment process where job candidates are assessed on their merits through a consistent interview process. Adjustments will be made, where necessary, for candidates with disabilities which may affect the recruitment process. Notes are taken during interviews and are kept for:

- a. Successful or internal candidates – for the duration of their employment
- b. Unsuccessful candidates – a period of six months

8. **Staff Development.** Equality, Diversity and Inclusion legislation and Club policy will be applied to all aspects of training, development and any additional employment opportunities that arise.

9. **Performance Management and Salary Reviews.** Staff's performance in their role will be reviewed at least annually in February/March. Pay will be reviewed in March/April with any changes based on performance. Equal pay legislation will be fully adhered to.

10. **Benefits.** The Staff Handbook and individual contracts detail any benefits in line with their job role. Benefits are designed to reward loyalty and to promote staff retention and motivation.

## PROHIBITED DISCRIMINATION

11. **Definition of Discrimination.** Discrimination is the act of treating an individual or group of people less favourably than another on account of a category other than individual merit. It is prohibited to discriminate against a person on account of any protected characteristics as detailed below under the Equality Act 2010.

- a. **Age.** This relates to discriminating against someone for being either older or younger than their peers.
- b. **Disability.** This relates to treating a person less favourably because of their disability. There are additional provisions relating to disability discrimination detailed below.
- c. **Gender Reassignment.** It is also unlawful to discriminate against a person because he/she/they have undergone, is undergoing or intends to undergo gender reassignment. This includes people who are transgender who have not received gender affirming care but have permanently socially transitioned to a different gender. Under the Equality Act 2010 – non-binary and gender fluid have not been specified as a protected characteristic. For the purpose of the WSC Equality, Diversity & Inclusion Policy, individuals who identify as non-binary or gender fluid will also be considered in a similar way to those of gender reassignment.



- d. **Married & Civil Partnership Status.** This relates to discriminating against a person because of their marital status. This is a characteristic that is deemed to be “in employment only” so will only relate to those who are in paid employment.
- e. **Pregnancy and Maternity.** This includes provisions relating to the application of maternity leave.
- f. **Race.** This includes skin colour, nationality and ethnic or national origin.
- g. **Religion and Belief.** Belief also relates to an upheld political or philosophical belief, or lack of a religion or belief.
- h. **Sex.** This includes gender but can also include marital status, pregnancy and gender reassignment despite each also being represented separately.
- i. **Sexual Orientation.** This relates to discrimination against someone because of their sexual preference.
- j. **Employment Status.** Although not a protected characteristic under the Equality Act 2010, under the Fixed-Term Employees Regulations 2002 and Part-Time Workers Regulations 2000, these workers must not be treated less favourably than full-time, permanent employees without justification.

12. **Genuine Occupational Qualification (GOQ).** Although unlikely, under the broader concept of ‘Occupational Requirements’ in Schedule 9, Part 1 of the Equality Act 2010, the law allows employers to impose specific requirements related to protected characteristics. The tightly defined requirements mean this is only legal if it can be proved that it is crucial for a particular role and a proportionate means of achieving a legitimate aim.

## FORMS OF DISCRIMINATION

13. Discrimination can take many forms. The below are the main forms of discrimination, all of which are unlawful:

14. **Direct Discrimination.** This means directly treating someone less favourably because of any of the above protected characteristics. For example, this is refusing to accept someone into a group because of their race or religious belief.

15. **Indirect Discrimination.** Where an unjustifiable measure is applied which may be applied equally to all, but which has a detrimental effect on a member on the grounds stated above.

16. **Associative Discrimination.** This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, not offering a pay rise to a member of staff as they have shared that their



partner is disabled, and it is presumed that the staff will not be able to concentrate on the new role due to having to care for their partner. This is discrimination against the staff because of their association with a disabled person.

17. **Perceptive Discrimination.** This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess the characteristic.

18. **Victimisation.** This means treating someone less favourably because they have made a complaint of discrimination in the past or indeed supporting someone in raising an allegation of discrimination.

19. **Harassment.** This means subjecting a person to unwanted conduct for a discriminatory reason which violates their dignity or creates a hostile or intimidating environment. Harassment is described in further detail below.

## **HARASSMENT**

20. **Definition of Harassment.** Harassment is defined as 'unwanted conduct related to a relevant protected characteristic, 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'. This may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

### **21. Examples of Harassment.**

- a. Demeaning comments about a person's appearance
- b. Verbal or written harassment related to protected characteristics through jokes, offensive language, defamatory remarks, gossip, threats or letters.
- c. Questions about a person's sex life
- d. Unwelcome sexual behaviour, including unwanted suggestions, remarks propositions or advances of a sexual nature.
- e. Name-calling with demeaning terminology which is gender or protected characteristic specific
- f. Unwelcome physical contact, ranging from touching, pushing or grabbing.
- g. The sending or displaying of material that is pornographic or obscene.

Important to note that:

- The victim and harasser may be of either sex
- The victim can be of the same sex as the harasser



- The harasser's conduct must be unwelcome

## **BULLYING**

22. **Definition of Bullying.** The ACAS (Advisory, Conciliation and Arbitration Service) defines bullying as: 'Offensive, intimidating, malicious or insulting behaviour: an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.' Most other definitions also include a repetition of unwanted behaviour. While bullying itself is not illegal, if it relates to a protected characteristic, it may be classed as harassment under the Equality Act 2010. Bullying is 'gross misconduct' for members of staff and contrary to the Club's Rules of Conduct for members

23. **Examples of Bullying.** Examples of types of bullying prohibited by this policy; this list is not exhaustive:

- a. Spreading malicious rumours or insulting someone by word or behaviour
- b. Shouting at, ridiculing or demeaning someone – picking on them or setting them up to fail
- c. Unreasonable exclusion from an activity or communication
- d. Overbearing or oppressive supervision or other misuse of power or position
- e. Making threats or comments about job security without foundation
- f. Deliberately undermining a competent worker by overloading or constant criticism

Important to note that:

- Bullying and harassment does not only take place in a face-to-face manner. It can occur by use of writing, telephone, messaging or social media.
- For staff this policy applies during any work-related activities, including staff social events or away days

## **HATE SPEECH & CRIME**

24. **Hate Speech.** Although not necessarily related to protected characteristics, the Public Order Act 1986 Section 4A makes it an offence if, with intent to cause a person harassment, alarm or distress, a person

- a. uses threatening, abusive or insulting words or behaviour, or disorderly behaviour, or
- b. displays any writing, sign or other visible representation which is threatening, abusive or insulting,



thereby causing that or another person harassment, alarm or distress.

25. **Hate Crime.** The law recognises five types of hate crime based on: Race, Religion, Disability, Sexual orientation or Transgender identity. Any crime can be prosecuted as a hate crime if the offender has either:

- demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity, or
- been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity.

## **DISABILITIES**

26. **Definition of Disability.** Under the Equality Act 2010, a person is identified as 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.

27. **Reasonable Adjustments for Staff and Members.** There is a responsibility for the Club to consider making reasonable adjustments at work for staff and, as a Service Provider under the Equality Act, members with disabilities, to help them overcome the disadvantage resulting from impairment. The Club is willing to consider requests for all reasonable adjustments from any disabled staff and members. Possible adjustments will be assessed taking into account: costs and resources, practicality and impact on others. For members of staff, it may be necessary to adjust terms and conditions to consider personal circumstances.

## **INFORMAL RESOLUTION**

28. It is recommended that before making a formal complaint, the person who feels they are a victim of discrimination, harassment or bullying, attempts to resolve the matter informally by doing one of the following:

- a. Explaining clearly to the perpetrator that their behaviour is considered unacceptable and must stop.
- b. Asking a trusted other Club member or Club officer to raise a concern with the perpetrator or to accompany them when they address the perpetrator to try and resolve the issues without the need for formal investigation or disciplinary action.
- c. Put their requests in writing to the perpetrator.

This may resolve the issue without the need for formal intervention which can be distressing for both parties. Where these options are not possible or are exhausted, the formal complaints or grievance procedure should be followed.



## COMPLAINTS PROCEDURE

29. **Principles.** A complaint of this nature will always be fully and promptly investigated by the Honorary Secretary, with independent assistance if appropriate. All complaints and grievances will be handled sensitively and in a timely and confidential manner.

30. **Members, Guests and Visitors.** Complaints by members, guests and visitors shall be addressed in writing (including e-mail) to the Honorary Secretary in accordance with the Club Rules. Under no circumstances shall an employee of the club be personally reprimanded other than by a Flag Officer or Officer as defined in the Club Rules.

31. **Staff and contractors.** Complaints by staff and contractors are to be made using the grievance process in the Staff Handbook.

32. **Complaint/Greivance Content.** The person who considers themselves a victim must be prepared to provide the following information in writing:

- a. The name of the alleged perpetrator
- b. The nature of the discrimination, harassment or bullying
- c. The dates and times that the discrimination, harassment or bullying occurred
- d. The names of any witnesses
- e. Direct quotes of offensive remarks
- f. Any documented evidence
- g. An explanation of why you consider the conduct to amount to discrimination, harassment or bullying.
- h. Any action taking by the person complaining to resolve the issue informally.
- i. The desire outcome.

During the formal investigation it may be necessary to adjust the proximity for the accused perpetrator from the considered victim, which may include suspension. Any action is to enable the staff or member raising the concern to feel at ease and allow for a thorough investigation to take place. It may also be necessary or appropriate to keep the identity of the person complaining confidential.

33. **Outcome.** For members, the Club Rules related to Conduct will be followed throughout. No outcome will be decided until a full investigation has been completed; the investigation will establish whether there is a need to take disciplinary action. If the





allegations of the discrimination, harassment or bullying have been proven, action may be taken against the perpetrator. The person complaining's wishes as regards the outcome will be considered however, the ultimate decision as to what type of action is necessary will be down to the Executive Committee. For staff, harassment and bullying are gross misconduct which may result in termination of employment without notice. For members, the Executive Committee are likely to consider whether membership suspension or expulsion are appropriate.

34. **Malicious Allegations.** The Club will not tolerate retaliation against anyone who has reported discrimination, harassment or bullying. The Club aims to protect all its staff and members (when conducting Club activities), from bullying and harassment, and this also includes protection from vindictive or otherwise inappropriate misuse of this policy. If a member of staff knowingly makes a malicious, unfounded allegation or is found to have been dishonest in bringing a complaint, this will be dealt with under the terms of the disciplinary procedure following the full investigation. Club members who are found to have made a malicious allegation will be subject to the provisions of the Rules of Conduct in the Club Rules.

### **THIRD PARTIES**

35. Whilst this policy mainly covers members and staff within the organisation, it is essential that any visitor, or other external party involved in club activities abide by this policy. As far as practicable, staff and members involved in club activities should be protected from discrimination or unfair treatment from third parties. Club Officers should ensure that if behaviour of this type is demonstrated by a third party, it should be dealt with appropriately and, if the situation cannot be resolved or the third party persists in their behaviour, the third party should be removed, and a complaint made by the Honorary Secretary to the manager of the person's organisation.

### **MENTAL HEALTH AND WELLBEING**

36. Discrimination, harassment or bullying can have a detrimental impact to one's mental health and overall wellbeing. All Staff are to be trained as Mental Health First Aiders. Staff may find a trusted confidant to assist them. Staff members may also assist members for club activities during working hours. It is completely the subject's choice of what is shared. Those who wish help with their mental health are encouraged to contact their GP.

**REVIEW**

37. The Executive Committee will monitor the impact and effectiveness of this Equality, Diversity and Inclusion policy. All those involved in Club activities are encouraged to report any concerns confidentially to a member of the Executive Committee or the Honorary Secretary.

38. This policy will be reviewed annually.

**CHANGE RECORD**

<b>Version</b>	<b>Dated</b>	<b>Note/Change</b>
1.0	16 March 2025	Initial Issue
1.5	18 March 2025	Minor amendments