

FestivalUK*2022

Equal Opportunities, Diversity and Inclusion Policy

Festival 2022 Ltd
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DOCUMENT CONTROL

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OC Group

Festival 2022 Ltd is a wholly owned subsidiary of the Birmingham Organising Committee for the 2022 Commonwealth Games Ltd (the "OC"). References to the OC Group refer to company group of both Festival 2022 Ltd and the OC.

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1. Introduction

Festival 2022 Limited (“Festival 2022”) is a wholly owned subsidiary of a non-departmental public body. Although not a public body itself, Festival 2022 exercises public functions and as such is subject to the Public Sector Equality Duty in section 149 of the Equality Act 2010 and the Human Rights Act 1998. This duty requires Festival 2022 to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic (age, disability, gender reassignment, marriage or civil partnership status, pregnancy and maternity, race (including colour, nationality and ethnic or national origin), religion or belief, sex or sexual orientation) and people who do not;
- foster good relations between people who share a relevant protected characteristic and people who do not; and
- ensure the fundamental rights and freedoms that everyone in the UK is entitled to are upheld.

2. Scope and purpose of policy

- 2.1. This is Festival 2022's policy on equal opportunities. This policy applies to all Festival 2022 officers, non-exec Directors, employees (full time and part time), consultants, contractors and all other individuals employed or engaged by Festival 2022. All such persons are referred to in this policy as “**members of staff**” or “**you**”.
- 2.2. This policy applies equally to the treatment of clients, suppliers, customers and contacts of Festival 2022, and anyone else with whom you may come into contact with during the course of your engagement with Festival 2022.
- 2.3. Festival 2022 promotes dignity at work and aims to create a culture where everyone feels valued and respected. The policy aims to promote a positive working environment and gives a common understanding of what Festival 2022 regards as unacceptable behaviour and what behaviour it seeks to encourage. Festival 2022 is committed to a working environment that offers equal treatment and equal opportunities for all its members of staff, in order that every member of staff is able to progress to his or her potential.
- 2.4. This policy applies to all aspects of Festival 2022's working practices and therefore applies to the recruitment and selection of members of staff, terms and conditions of engagement, training and development, salary, work

allocation, promotion, health and safety, grievance and disciplinary procedures as well as termination of engagement, including redundancy.

- 2.5. It is Festival 2022's policy to ensure that members of staff are recruited, developed, remunerated and promoted on the basis of their skills, experience and suitability for the work performed.
- 2.6. All members of staff have a duty to act in accordance with this policy, and therefore to treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their level/seniority. In some situations, Festival 2022 may be at risk of being held responsible for the acts of individual members of staff and therefore shall not tolerate any discriminatory practices or unacceptable behaviour. Breach of this policy may result in disciplinary action being taken under our Disciplinary Policy up to and including summary dismissal.

3. Responsibilities

- 3.1. Festival 2022 is committed to ensuring the effectiveness of this equal opportunities, diversity and inclusion policy and is committed to identifying and taking all steps necessary to eliminate any unjustified discrimination. The Festival Executive Management Team has overall responsibility for Festival 2022's equal opportunities, diversity and inclusion policy and for ensuring compliance with the relevant statutory framework prohibiting discrimination. The Festival Executive Management Team have delegated responsibility for the policy to the HR department who may periodically review the policy from time to time.
- 3.2. Those working at a management level have a responsibility to set an appropriate standard of behaviour, to lead by example and encourage those who they manage to adhere to the policy and promote the aims and objectives of Festival 2022 with regard to equal opportunities. Festival 2022 encourages its members of staff to take an active role against all forms of harassment and discrimination and to deter members of staff from participating in harassment or discriminatory behaviour. Festival 2022 also encourages all members of staff to demonstrate that they can rely upon Festival 2022's support in cases of harassment or discrimination at work.
- 3.3. All members of staff are required to follow and implement Festival 2022's equal opportunities, diversity and inclusion policy. Any member of staff who fails to follow the principles of this policy may be subject to Festival 2022's separate Disciplinary Action policy (see policy for further details).

4. Forms of discrimination

- 4.1 For the purposes of this policy 'discrimination' includes direct and indirect discrimination and other 'prohibited conduct' under the Equality Act 2010. Discrimination may take the form of:

- (a) **direct discrimination**—this is treating someone less favourably (or, in the case of pregnancy and maternity, unfavourably) because of a protected characteristic. An example of this would be paying someone less because of their sex or because they belong to a particular racial group. 'Because of' is very wide and will cover behaviour that takes place, for example because of sexual orientation, even if the person is not in fact gay, and even if the perpetrator knows that they are not gay. It also includes less favourable treatment because someone is associated with another person who has a protected characteristic, e.g. because a worker is the primary carer for a disabled child. Such treatment is unlawful unless, in relation to age only, it can be objectively justified, i.e. the employer can show that it is a proportionate means of achieving a legitimate aim;
- (b) **indirect discrimination**—this is treating a group of people in the same way, but in a way which adversely affects those with a protected characteristic. An example of this would be telling all employees that they have to work late at night—although applied to everyone, it will adversely affect those employees with childcare responsibilities, and these tend to be women. Such treatment is unlawful unless it can be objectively justified;
- (c) **victimisation**—this is treating someone less favourably because they have alleged discrimination or asserted their right not to be discriminated against because of a protected characteristic. An example of this would be a disabled employee claiming that they had been discriminated against, who is then refused a reference by their manager because of that claim;
- (d) **harassment**—this is unwanted conduct, related to a protected characteristic, which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for someone or violating their dignity. Harassment may also be of a sexual nature. It may also occur where someone harasses the victim, the victim either rejects or submits to the harassment and, because of that rejection or submission, that person then treats the victim less favourably;
- (e) In the case of disability only, **discrimination arising from disability**—this is unfavourable treatment of the disabled person because of something arising in consequence of their disability. Such treatment is unlawful unless it can be objectively justified;
- (f) In the case of disability only, **the duty to make reasonable adjustments**—this duty comprises three requirements, each of which arises where a disabled person at a substantial disadvantage in relation to a 'relevant matter':

- (i) the first is a requirement, where a provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage;
 - (ii) the second is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage; and
 - (iii) the third is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.
- **Bullying** can take many forms. It is generally accepted as unwanted behaviour that can reasonably be considered to offend, persecute or exclude someone. It includes treating individuals in a demeaning and unacceptable way and can be intimidating or insulting, or a misuse of power to undermine, humiliate, threaten or cause injury. Examples of harassment or bullying would include sexual or racial remarks; the display of material with sexual or racial overtones (even if not directed at the complainant); lewd comments; inappropriate or suggestive behaviour; unnecessary physical contact; abusive, threatening or insulting words and behaviour.

5. Recruitment and Selection

- 5.1. Festival 2022 has a separate Recruitment and Selection Policy which sets out our commitment to ensuring equality of opportunity in recruitment and internal promotion.

6. Staff training and promotion and conditions of service

- 6.1. All staff will be given an equal opportunity to access training (according to business need) to enable them to progress within Festival 2022. All promotion decisions shall be made on the basis of merit and the reasonable requirements of the job.

- **Fixed term employees and agency workers** should be offered appropriate access to training, promotion and permanent employment opportunities.
- **Part time workers** - we aim to ensure that those who work part time or on a flexible basis are not treated less favourably. We wish to ensure that they are being offered appropriate access to training and promotion opportunities. We will also ensure requests to alter work patterns are dealt with appropriately.

7. Complaints

- 7.1 If you believe you have been unfairly treated in breach of this policy, you should follow our Grievance Procedure, which is available from the HR Department.
- 7.2 Employees will not be victimised in any way for making such a complaint in good faith. Complaints of this nature will be dealt with seriously, in confidence and as soon as possible.
- 7.3 We will not tolerate behaviour that goes against this policy, and where an employee is alleged to have breached this policy, they will be subject to our disciplinary procedure. Disciplinary action will be taken against any employee who is found to have breached this policy. Serious breaches of this policy, acts of unlawful discrimination and serious incidents of harassment and bullying will be treated as gross misconduct.
- 7.4 Further, Festival 2022 may terminate its relationship with other individuals and organisations working on its behalf if they breach this policy.
- 7.5 Unwarranted allegations that are not made in good faith may also be considered as a disciplinary matter. Festival 2022 will keep confidential records of matters dealt with in accordance with this policy.

8. Breaches of this policy

- 8.1. Any employee who breaches this policy; knowingly or recklessly or deliberately acts outside of their recognised responsibilities will be subject to Festival 2022's disciplinary procedures, which could result in dismissal for misconduct or gross misconduct, and possible legal action liable to prosecution.
- 8.2. Festival 2022 may terminate its relationship with other individuals and organisations working on its behalf if they breach this policy.

9. Monitoring

- 9.1. Compliance will be monitored via both the line management of employees and any breaches of equal opportunities reported to Human Resources.
- 9.2. The Head of Human Resources will monitor the implementation of this policy and any subsequent revisions. This will include:
- monitoring breaches of equal opportunities with a view to making any necessary amendments to the content of this or other related policies and procedures;
 - monitoring equal opportunities training undertaken across Festival 2022;
 - monitoring Festival 2022's compliance with the Public Sector Equality Duty and relevant data protection legislation;
 - monitoring complaints made by individuals about the uses of their personal data.

10. Review

- 10.1. This policy will be subject to review annually after its approval date. Earlier review may be required if any of the following occur:
- the adoption of the policy highlights any errors or omissions in its content;
 - following monitoring of potential or actual breaches of confidentiality, amendments are required to the content of the policy;
 - where relevant changes in legislation or national guidance impact upon the content of this policy.

11. Guidance and legislation

- The Equality Act 2010
- Human Rights Act 1998
- Equality and Human Rights Commission guidance: www.equalityhumanrights.com
- Festival 2022 Adoption Policy
- Festival 2022 Exceptional Leave Policy
- Festival 2022 Maternity Leave Policy
- Festival 2022 Parental Leave Policy
- Festival 2022 Shared Parental Leave Policy