

EQUALITY, DIVERSITY & INCLUSION POLICY

Introduction

This policy aims to outline Opera North's commitment to ensuring equality of opportunity and equal treatment for staff, volunteers, workers, trustees, artists and audiences in terms of employment, engagement and access to services; and to provide guidance on anti-discriminatory practice. This policy is non-contractual.

Scope

The policy applies to employees directly employed by Opera North, to workers employed via agencies, contractors, volunteers, trustees in terms of employment and customers in terms of service provision. The policy applies specifically to discrimination and equality of opportunity in respect of 'protected characteristics' as defined in the Equalities Act 2010:

- (a) Age
- (b) Disability
- (c) Race
- (d) Sex
- (e) Religion or cultural beliefs
- (f) Gender reassignment
- (g) Marital status and civil partnership
- (h) Sexual orientation
- (i) Pregnancy and maternity

The policy applies across the range of employment policies and practice, including those relating to Discipline, Grievance, Harassment and Complaints.

Whilst this policy applies mainly to employees as defined above, the spirit of equality extends to audiences and all levels of engagement. Our commitment to equality in its broadest sense, as opposed to merely ensuring that Opera North meets all legislative and good practice requirements extends to audiences and all who may engage with Opera North.

In keeping with the Arts Council's Creative Case for Diversity, Opera North's approach to equality and diversity also goes beyond the legally defined protected characteristics to also encompass class and economic disadvantage and any social and institutional barriers that prevent people from participating in and enjoying the arts. This commitment is reflected in Opera North's Equality, Diversity & Inclusion Action Plan.

Responsibilities

Opera North values its staff, volunteers, workers, trustees, artists and audiences and expects them to be treated in a respectful manner. Accordingly, all have a responsibility to treat others with dignity and respect. The HR Manager is responsible for ensuring the Policy document is kept up to date.

Aims

Opera North aims to:

- Promote equality of opportunity
- Celebrate and value diversity and inclusion
- Eliminate unlawful discrimination

Opera North will provide equality of opportunity and equal treatment as an integral part of good practice. The organisation is committed to a working environment in which the contribution and needs of everyone are fully valued and recognised. We will support our staff, volunteers, workers, trustees and artists in not tolerating any inappropriate, violent or abusive behaviour from colleagues, other organisations or customers.

General purpose

Opera North's practices will ensure that staff, volunteers, workers, trustees, artists and audiences will not be discriminated against on any grounds including age, disability, race, sex, religion or cultural beliefs, gender reassignment, marital status and civil partnership, sexual orientation, socio economic background, pregnancy and maternity.

Opera North's commitment to anti-discriminatory practice relates to all kinds of discrimination, as set out below:

- Direct discrimination - where someone is treated less favourably than another because they have a protected characteristic
- Indirect discrimination – when a requirement or a condition is applied which has a detrimental effect on a particular group or individual. This applies even if there was not a deliberate intention to discriminate.
- Associative discrimination – direct discrimination against someone because they associate with another person who has a protected characteristic.
- Perceptive discrimination - direct discrimination against someone because others think they have a protected characteristic even if they do not possess that characteristic.
- Harassment – unwanted conduct related to a protected characteristic which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them. This applies even if the conduct is not directed at the individual or if they do not have the protected characteristic.
- Third party harassment – potential liability for the harassment of staff by others such as customers.
- Victimisation – when someone is treated badly because they have made or supported a complaint under the Equalities Act or it is thought that they have done so.

Employment Practices

Opera North aims to promote equality, diversity and inclusion as an employer and to ensure that no job applicant, employee or volunteer receives less favourable treatment or is disadvantaged by conditions or requirements that cannot be shown to be justifiable in the context of the policy. Selection, recruitment, training, promotion and employment practices will be subject to regular review to ensure that they comply with the Equality, Diversity & Inclusion Policy. All training opportunities will be published widely to all appropriate employees and not in such a way so as to exclude particular groups. Opera North regards discrimination, abuse, harassment, victimisation or bullying of staff, customers or others in the course of work as disciplinary offences that could be regarded as gross misconduct.

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Positive action

Some people with protected characteristics are disadvantaged or under-represented in some areas of life, or have particular needs linked to their characteristic. They may need extra help or encouragement if they are to have the same chances as everyone else. The new positive action provisions held within the Equalities Act 2010 enable service providers to take proportionate steps to help people overcome their disadvantages or to meet their needs. Opera North has a commitment to positive action where appropriate and legal criteria are met.

Opera North as Service Provider

In developing all aspects of its offer to customers; performances and the work of the Education and Projects Departments, Opera North will seek to ensure access to all its customers. This will include, wherever practicable, making specific access arrangements for its customers with disabilities or learning difficulties, or any other protected characteristic which may apply, such as religion and belief. Opera North will attempt to ensure that none of its policies discriminate directly or indirectly against any group or individual.

Data Collection

Opera North complies with the requirements of the General Data Protection Regulations 2017. Any data, either qualitative and or quantitative, required in order to monitor the requirements or the impact of the Equalities Act 2010, will be collected where it is reasonable, proportionate and practical to do so. Any such requirements will be notified to Opera North customers and will follow a common data format.

This policy will be reviewed on an ongoing basis and amended in line with new developments in Equality, Diversity and Inclusion best practice.

Opera North fully supports the principles of equality, diversity and inclusion. We aim to encourage, value and manage diversity and we recognise that talent and potential are distributed across the population. Not only are there moral and social reasons for promoting equality of opportunity, it is in the best interest of this organisation to recruit and develop the best people for our jobs from as wide and diverse a pool of talent as possible.

Opera North recognises that certain groups and individuals in society are oppressed and disadvantaged due to discrimination directed against them. We aim to remove any barriers, bias or discrimination that prevents individuals or groups from realising their potential and contributing fully to our organisation's performance and to develop an organisational culture that positively values diversity.

Discrimination operates through commonly held assumptions and prejudices, which are reinforced by laws, rules and customs. This makes discrimination appear normal and inevitable. Discrimination works by stereotyping people into different roles, by treating some people less favourably than others, or simply by ignoring them.

Opera North is committed to opposing all forms of discrimination including that based on protected characteristics such as age, disability, gender reassignment, race (including colour, nationality, and ethnic or national origins), religion or belief, sex, sexual orientation, marriage or civil partnership, pregnancy and maternity. This list is not exhaustive.

Discrimination can be direct, associative, perceptible, indirect, harassment (including by 3rd parties) or victimisation. (See glossary at end for definitions). All forms of discrimination are unacceptable, regardless of whether there was any intention to discriminate or not. Employees have a duty to cooperate with Opera North to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination. Employees should draw the attention of their line manager to suspected discriminatory acts or practices or cases of bullying or harassment.

Opera North recognises that the promotion of equality, diversity and inclusion requires more than passive opposition to discrimination; we are therefore committed to taking positive action towards equality of opportunity. We further recognise that the limited resources and the operational needs of the company may impose justifiable restrictions upon our ability to take such action. However, we will undertake regular monitoring and review the effectiveness of this Policy.

Legislation

We will take all reasonable steps to ensure that we and our staff do not unlawfully discriminate under:

- (j) the Rehabilitation of Offenders Act 1974;
- (k) the Employment Rights Act 1996;
- (l) the Human Rights Act 1998;
- (m) the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000;
- (n) the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002;
- (o) the Civil Partnership Act 2004
- (p) the Work and Families Act 2006;
- (q) the Equality Act 2010; and
- (r) any other relevant legislation in force from time to time relating to discrimination in employment and the provision of goods, facilities or services.

Equality, Diversity & Inclusion Policy Implementation:

- i) Opera North fully supports Arts Council England's Creative Case for Diversity, and is committed to promotion of equality, diversity and inclusion in all aspects of the operation of the company including management, employment practices with both paid workers and volunteers, access to services and service provision.
- ii) The recruitment of paid workers and volunteers shall be undertaken in accordance with this policy, in particular:
 - by ensuring that posts are advertised in such a way as to encourage applications from groups experiencing discrimination;
 - by preparing job descriptions which clearly set out what the worker is to do, and person specifications which recognise that relevant experience can be as valuable as qualifications or previous paid employment;
 - by ensuring that in all selection procedures only factors relevant to the requirements of the post are taken into account, and that the spirit of the policy statement is adhered to;
 - a copy of this policy is to be sent to prospective applicants for all posts.
- iii) The employment of paid workers and volunteers shall be undertaken in accordance with this policy, in particular:
 - by providing training relevant to the needs of staff and designed to enable them to carry out their jobs;
 - by ensuring that any staff member who, in the course of their work, displays attitudes contrary to this policy to any person whether by word, behaviour or other manner shall be liable to disciplinary action;

- by recognising and responding to the individual needs of staff, especially those who are carers or who have disabilities, and ensuring that, within available resources, the necessary support is provided to enable them to work effectively.

Customer Needs

In every aspect of the planning, management, access, provision and monitoring of services, Opera North shall seek to promote equality, diversity and inclusion in accordance with this policy, in particular:

- by improving physical access to our premises (Premier House and Howard Assembly Room) for all individuals;
- by seeking to identify and respond to the needs of those groups experiencing discrimination, altering priorities and methods of service delivery where necessary;
- by seeking the views of customers through audience surveys;
- by liaison and consultation with relevant groups and by regular analysis of audience profiles, to monitor the extent to which groups who experience discrimination attend Opera North's performances.

Dealing with third parties

Opera North will not unlawfully discriminate in dealings with third parties.

Training

Opera North will ensure that all new employees, volunteers, and trustees will receive induction on the policy. Opera North will provide ongoing Equalities training for all staff, volunteers and trustees on an annual basis and this shall be documented in the individual Training Plans/Records.

Review

The Opera North Equality, Diversity & Inclusion Committee shall regularly monitor and evaluate the effectiveness of this policy in achieving the stated aims. This process shall be undertaken every year. A member of the board of trustees will chair the committee and review the document.

Complaints and Sanctions

Opera North will treat seriously any complaints of unlawful discrimination on any of the stated grounds made by employees, volunteers, trustees, clients or other third parties and will take action where appropriate.

All complaints made by external parties will be investigated in accordance with Opera North's Complaints Procedure and the complainant will be informed of the outcome.

In the event of an investigation concerning a complaint against an employee, Opera North's Grievance Policy and Procedures will be followed and any action necessary dealt with under Opera North's Disciplinary Procedure.

Complaints will be monitored annually and any outcomes/action recorded.

Glossary

Protected Characteristics

The protected characteristics as listed in the Equalities Act 2010 are sex, sexual orientation, marriage or civil partnership, gender reassignment, race, religion or belief, age, disability, pregnancy and maternity.

Disability

Under the Equalities Act 2010, a person is 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.

Gender reassignment

A transgender person is someone who has undergone a process (or part of a process) to change his or her gender. The person does not have to be under medical supervision.

Race

Race includes colour, nationality and ethnic or national origins. A racial group can be made up of two or more different racial groups (e.g. Black Britons).

Religion or belief

Under the Equalities Act 2010, religion includes any religion. It also includes lack of religion, in other words employees or volunteers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

Sexual orientation

Includes bisexual, gay, heterosexual, and lesbian people.

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

Associative discrimination

This is direct discrimination against someone because they are linked or associated with another person who possesses a protected characteristic.

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 that characteristic.

Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic and which cannot be justified in relation to the job.

Harassment

Harassment is “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”.

Third party harassment

Harassment of employees by people (third parties) who are not employees of your organisation, such as customers. Opera North has a duty to prevent harassment and may be liable if aware that harassment has occurred on at least two previous occasions and does not take reasonable steps to prevent it from happening again.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint about discrimination or harassment, or raised a grievance under the Equalities Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Positive action

It is recognised that all groups of people with characteristics protected under the Equalities Act are disadvantaged or under-represented, or have different needs from the population as a whole due to past or present discrimination or exclusion or particular experiences. The Equalities Act allows service providers to take action that may involve treating one group more favourably where this is a proportionate way to help members of that group overcome a disadvantage or participate more fully, or in order to meet needs they have that are different from the population as a whole. This is called positive action.

This policy should be cross-referenced against Opera North's Respect at Work and Whistleblowing policies.