



# Birch Grove Golf Club

## COLCHESTER

## **EQUALITY & DIVERSITY POLICY**

**Approved 3<sup>rd</sup> December 2020**

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## 1. INTRODUCTION

- 1.1 Birch Grove Golf Club is committed to the principles of equality and diversity throughout its workforce, throughout its membership base and customers.
- 1.2 Birch Grove Golf Club considers that everyone should play their part in making golf inclusive and aims to ensure that all people, irrespective of their background, ability or Protected Characteristics, have a genuine and equal opportunity to work at the club, become a member or participate in club life.
- 1.3 Birch Grove Golf Club will embed these values within all areas of its work.
- 1.4 Birch Grove Golf Club will not disadvantage any individual, whether they are participants, contractors, players, parents, coaches, officials, and volunteers by imposing any conditions or requirements which cannot be justified in the provision of its services.
- 1.5 Birch Grove Golf Club is also committed to supporting the rights and interests of those who it employs. Details of its commitment to equality matters relating to its staff are set out in the [*set out relevant staff documents*].
- 1.6 This policy will be reviewed at least every 3 years by the [Board/Governing Committee/Management/describe as appropriate], any amendments shall be effective from the date stated.

## 2. PURPOSE

- 2.1 The purpose of this Policy is to:
  - 2.1.1 Outline the obligations of those upon whom this Policy is binding;
  - 2.1.2 Promote fairness, equality, diversity and respect for everyone working, volunteering, or participating in the sport of golf, or otherwise using the services at Birch Grove Golf Club.

## 3. LEGISLATIVE FRAMEWORK

- 3.1 Birch Grove Golf Club Club is committed to complying with all relevant legislation enacted or amended from time to time which underpins the principles of equality, diversity, and inclusivity, including but not limited to:
  - The Equality Act 2010;
  - The Protection from Harassment Act 1997;
  - The Employment Act 2002;
  - The Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000;
  - The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002; and
  - The Human Rights Act 1998.

## 4. SCOPE

This Policy shall apply to, and be binding upon Birch Grove Golf Club, its Owners , Committee , staff, volunteers, contractors, squad players, agents, and representatives working or acting for or on behalf of Birch Grove Golf Club.

## 5. POLICY IMPLEMENTATION

- 5.1 Birch Grove Golf Club will:
  - 5.1.2 Encourage the involvement of all people regardless of background, ability, or any Protected Characteristic, in golf;
  - 5.1.3 Ensure that all competitions, events and activities administered by Birch Grove Golf Club are carried out in a fair and equitable way (except where specific situations and conditions prevent this, and except where Positive Action is necessary);
  - 5.1.4 Monitor and review all Birch Grove Golf Club policies and procedures to ensure that they comply with the requirements of this Policy;
  - 5.1.5 Monitor the diversity of its members, participants, players and volunteers in order to better understand the diversity that currently exists within Birch Grove Golf Club. All such monitoring of personal data shall be undertaken in compliance with England Golf's Data Protection Policy and the Data Protection Act 2018.
  - 5.1.6 Provide appropriate training and support to all staff, contractors, officials and volunteers to raise awareness of both the collective and individual responsibilities imposed by this Policy and the Key Concepts outlined in Paragraph 6 of this Policy.
  - 5.1.7 Publish this Policy on its website.

## 6. KEY CONCEPTS

- 6.1 Direct and indirect discrimination is outlined in **Appendix One**;
- 6.2 Harassment is outlined in **Appendix Two**;
- 6.3 Victimisation is outlined in **Appendix Three**;

## 7. BREACHES

- 7.1 Birch Grove Golf Club takes seriously all claims of inappropriate behaviour, bullying, harassment, victimisation and/or discrimination, whether direct or indirect, by a contractor, player, parent, coach, official or volunteer who works for, on behalf of, or represents Birch Grove Golf Club.
- 7.2 Alleged breaches of this Policy shall be dealt with using the Club's complaints, disciplinary or staff grievance procedure as appropriate.

## APPENDIX ONE- Guidance on the meaning of Direct and Indirect discrimination

### **The Equality Act 2010 and Discrimination**

Every individual and organisation to whom this Policy applies must not act in a way which is directly or indirectly discriminatory and must make reasonable adjustments to avoid discriminating against anyone with a Protected Characteristic. Failure to do so will be considered a breach of this Policy, and may be a breach of the Equality Act 2010,

The Equality Act 2010 makes it unlawful to discriminate directly or indirectly against individuals or groups with certain "Protected Characteristics". The "Protected Characteristics" are listed in section 4 of the Act:

- Age;
- Disability;
- Gender Reassignment;
- Marriage and Civil Partnership;
- Pregnancy and Maternity;
- Race;
- Religion or Belief;
- Sex;
- Sexual Orientation.

### **Direct Discrimination**

Direct Discrimination is defined at section 13(1) of the Equality Act 2010: "*A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.*"

For example, if an action or decision is taken by a club which treats females less favourably than males, this would be considered direct discrimination on the grounds of sex, which is a protected characteristic.

### **Indirect Discrimination**

Indirect Discrimination is defined at section 19(1) of the Equality Act 2010: "*A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.*"

Indirect discrimination occurs where less favourable treatment is not necessarily the main effect or objective of an action or decision.

Since the nature of indirect discrimination is that the discriminatory effect an unexpected or unforeseen effect of a good faith decision, complaints of indirect discrimination should therefore be considered carefully and objectively, and not dismissed out of hand purely because the effect was not an expected or intentional one.

If, for example, a golf club introduces a **rule** that club competitions can only be played on Saturdays, this rule would prevent members with certain religious beliefs from taking part in the competition. Although it may not have been the intention of the golf club, the effect of the rule is the less favourable treatment of members on the grounds of religion or belief, which is a protected characteristic. This is indirect discrimination.

### **Actions and Intentions**

An action or decision will still be considered discriminatory even if the less favourable treatment is unintentional. It may not always be obvious to the perpetrator that their actions are discriminatory. Indirect discrimination is often unintentional, but it is not a defence to an allegation of discrimination to say that the perpetrator did not mean to discriminate against a person or group. Discrimination can arise out of actions and decisions, but can also arise out of omissions and failure to take actions or decisions.

### **Reasonable Adjustments**

Everybody to whom this Policy applies is under a duty to make reasonable adjustments to avoid discriminating against any individual or group with a Protected Characteristic.

The duty is to make *reasonable* adjustments. It is not unreasonable for adjustments to cost time, money, or other resources. However, an adjustment may not be reasonable if the cost is disproportionately high, or making the adjustment would be unfeasible.

### **Positive Action**

It can be lawful to make decisions that discriminate on the basis of a Protected Characteristic in very limited and exceptional circumstances, if the discrimination is a 'Positive Action' taken in order to address an underrepresented group or Protected Characteristic. Positive Actions must be reasonable, justifiable, and clearly linked to a legitimate aim.

### **Examples**

In a golfing context, some examples of unlawful discrimination might include:

- Not allowing the use of golf buggies, as this increases the cost of maintaining the course (*note: Birch Grove GC does restrict the use of buggies on the grounds of Safety from time to time when conditions on the course dictate – this is NOT unlawful discrimination*)
- Restricting the number of tee times available to women during peak hours at a golf course;
- Not allowing competitions to be played on alternate days to accommodate for certain religious beliefs.

## APPENDIX TWO – Guidance on the meaning of Harrassment

### **Harassment**

Harassment is defined in section 26(1) of the Equality Act 2010. Harassment occurs where a person engages in unwanted conduct related to a Protected Characteristic (outlined in the Equality Act 2010), which has the purpose of either:

- Violating the other person's dignity; or
- Creates an intimidating, hostile, degrading, humiliating or offensive environment for the other person.

In determining whether conduct amounts to harassment, regard is had to:

- The perception of the victim;
- Whether it is reasonable for the conduct to have the perceived effect; and
- The Wider circumstances of the matter.

### **Sexual Harassment**

Sexual harassment occurs where a person engages in unwanted conduct of a sexual nature, and the conduct has the purpose or effects outlined above.

### **One Off Incidents**

A single, isolated, or one-off incident can still amount to harassment. The key consideration is the purpose or effect of the conduct.

### **Protection from Harassment Act 1997**

Harassment can still occur even if it not based on a Protected Characteristic. The Protection from Harassment Act 1997 made it a civil, and sometimes a criminal, offence to carry out a course of conduct that amounts to harassment.

### **Examples**

In a golfing context, some examples of unlawful harassment might include:

- Employees making unwanted or inappropriate contact with colleagues at a golf club or facility;
- Targeting disabled golfers using buggies and demanding to see proof of a disability;
- Disproportionate and public criticism or sanctioning of an individual's behaviour by an organisation for irrelevant or personal reasons.

## APPENDIX THREE – Guidance on the meaning of Victimisation

### **Victimisation**

Victimisation is defined in section 27(1) of the Equality Act 2010.

Victimisation occurs where a person suffers a detriment because they do a protected act, or are believed to have done a protected act.

### **Protected Act**

A protected act includes bringing legal proceedings or making a complaint under the Equality Act 2010 in relation to discrimination, harassment, bullying, or any other issue related to equality, diversity or Protected Characteristics.

### **Detriment**

A detriment can be any less favourable treatment, including direct acts such as suspensions, fines, sanctions, and verbal and physical aggression.

It is not necessary to show that somebody is being treated less favourably than somebody else who did not do a protected act, only that they have been subject to a detriment because of a protected act.

### **Examples**

In a golfing context, some examples of unlawful victimisation include:

- Initiating disciplinary proceedings against a person as a result of making a protected act;
- Ignoring a person's valid input into the management of a club or county after that person has made a protected act;
- De-selecting a player from a squad or team as a result of that person doing a protected act.