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12 Mar 2024

China Fleet Men's Golf Section

Equality & Diversity Policy

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Men's Section Golf Committee 2024



CHINA FLEET COUNTRY CLUB MEN'S GOLF SECTION

EQUALITY & DIVERSITY POLICY 2024

1. INTRODUCTION

- 1.1 China Fleet Men's Golf Section is committed to the principles of equality and diversity throughout its workforce, throughout its membership base and customers.
- 1.3 China Fleet Men's Golf Section 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.
- 1.4 China Fleet Men's Golf Section will embed these values within all areas of its work.
- 1.5 China Fleet Men's Golf Section 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.
- 1.7 China Fleet Men's Golf Section is also committed to supporting the rights and interests of all its members. Details of its commitment to equality matters relating to all members will be documented at Committee meetings when required.
- 1.8 This policy will be reviewed at least every 3 years by the Committee, 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 China Fleet Country Club Men's Golf Section;

3. LEGISLATIVE FRAMEWORK

- 3.1 China Fleet Men's Golf Section 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*;
- The Human Rights Act 1998.
(although the items with asterisks are not legally enforceable as there are no employees within the section, the frameworks behind each shall still be followed as applicable)

4. SCOPE

This Policy shall apply to, and be binding upon China Fleet Country Club Men's Golf Section, its *governing committee*, staff, volunteers, contractors, squad players, agents, and representatives acting for or on behalf of China Fleet Country Club Men's Golf Section.

5. POLICY IMPLEMENTATION

- 5.1 China Fleet Men's Golf Section 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 China Fleet Men's Golf Section are carried out fairly and equitably (except where specific situations and conditions prevent this, and except where Positive Action is necessary);
 - 5.1.4 Monitor and review all China Fleet Men's Golf Section 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 to better understand the diversity that currently exists within China Fleet Country Club Men's Golf Section. All such monitoring of personal data shall be undertaken in compliance with England Golf's Data Protection Policy and the Data Protection Act 2018. This data is held by China Fleet Country Club and will be utilised by the Club Management only as per data and privacy laws.
 - 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 China Fleet Men's Golf Section 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 China Fleet Men's Golf Section.
- 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

The Equality Act 2010 and Discrimination

Every individual and organisation to whom this Policy applies must not act in a way that 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 maybe 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 in 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 that 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 in section 19(1) of the Equality Act 2010: *"A person(A) discriminates against another (B) if A applies to B a provision, criterion or practise 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 is 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. All items of this matter will be highlighted to the Club Management

Positive Action

It can be lawful to make decisions that discriminate based on a Protected Characteristic in very limited and exceptional circumstances if the discrimination is a 'Positive Action' taken 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;
- 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.

All items of this matter will be forwarded to the Club Management

APPENDIX TWO

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 is 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:

- Committee members making unwanted or inappropriate contact with members at our 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

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 our club 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.