



# Commonwealth Games Scotland Equality Policy

## **FOREWORD**

### **Equality statement**

**Commonwealth Games Scotland (CGS)** endorses the principle of sports equality and will endeavour through our policies, procedures, actions and decision-making to ensure that no person (employee, volunteer, member or participant) who is part of CGS or who comes into contact with CGS, receives less favourable treatment on the grounds of race, sex, gender reassignment, disability, sexual orientation, religion, age, social background, pregnancy, maternity or marriage and civil partnership.

### **Commonwealth Games Federation**

Article 7 of the CGF Constitution

For the Commonwealth Games, Commonwealth Youth Games and all activities and decision of the Federation there shall be no discrimination against any country, nation, territory or person on any grounds whatsoever such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status.

## **Policy Statement**

COMMONWEALTH GAMES SCOTLAND (CGS) endorses the principle of sports equality and will strive to ensure that everyone who wishes to be involved in Commonwealth Games activities whether as supporters team members, volunteers, coaches, office-bearers within CGS:

- has a genuine and equal opportunity to participate to the full extent of their own ambitions and abilities, without regard to their age, sex, gender reassignment, disability, marital or civil partnership status, pregnancy or maternity, religion, race, ethnic origin, socioeconomic status or sexual orientation; and
- can be assured of an environment in which their rights, dignity and individual worth are respected, and in particular that they are able to enjoy their sport without the threat of intimidation, victimisation, harassment or abuse.

## **Legal obligations**

CGS is committed to avoid and eliminate unfair discrimination of any kind and will under no circumstances condone unlawful discriminatory practices. The organisation takes a zero tolerance approach to harassment. Examples of the relevant legislation and the behaviours in question are given in the Appendix.

## **Positive action**

The principle of Sports Equality goes further than simply complying with legislation. It entails taking positive steps to counteract the effects of physical or cultural barriers – whether real or perceived – that restrict the opportunity for all sections of the community to participate equally and fully.

CGS will therefore seek to institute, support or contribute to appropriate measures or initiatives that enable access and participation in associated activities by people from any group that is under-represented in the sport or has difficulty accessing it.

## **Implementation**

The following steps will be taken to publicise this policy and promote sports equality:-

- A copy of this document will be published on the CGS Website.
- CGS Director: Governance will take overall responsibility for ensuring that the policy is observed.
- The Committee will take full account of the policy in arriving at all decisions in relation to activities of CGS.
- CGS will collaborate fully with any surveys or other initiatives designed to assess the level of participation of different sections of the community and will take account of the findings in developing measures to promote and enhance sports equality in our activities
- CGS will provide access to training for all of its Board Members to raise awareness of both collective and individual responsibilities. All CGS appointed accredited and licensed coaches will be equality and diversity trained through their member sports.
- It will be a condition of CGS membership that governing body members:
  - formally adopt this policy, or produce their own equality and diversity policy in terms that are consistent with it; and
  - take steps to ensure that their Committees, members and volunteers behave in accordance with the policy, including where appropriate taking disciplinary action under the CGS constitution; and

- ensure that access to membership is open and inclusive
- support such measures and initiatives that CGS may institute or take part in to advance the aims of this policy.
- It will be a condition of CGS team membership that individual members
  - commit to act in accordance with this policy; and
  - support such measures and initiatives that CGS may institute or take part in to advance the aims of this policy.

### **Responsibility, Monitoring and Evaluation**

The Board will be responsible for ensuring the implementation of this policy.

The Board will review all CGS activities and initiatives against the aims of the policy on an annual basis, and the CEO will report formally on this issue at the AGM.

The Board, or Director: Governance, will review any measures or initiatives that CGS may institute or take part in to promote and enhance sports equality, and will report their findings formally to the AGM.

The Board will review the policy itself at intervals of no more than three years, (or when necessary due to changes in legislation) and will report with recommendations to the AGM.

### **Complaints and compliance**

CGS regards all of the forms of discriminatory behaviour, including (but not limited to) behaviour described in the Appendix as unacceptable, and is concerned to ensure that individuals feel able to raise any bona fide grievance or complaint related to such behaviour without fear of being penalised for doing so.

Appropriate disciplinary action will be taken against any employee, member or volunteer who violates the CGS Equality and Diversity Policy.

Any person who believes that he or she has been treated in a way that they consider to be in breach of this policy by a member or individual Team Scotland member of CGS, should first complain to that person or organisation. If this does not resolve the matter, or in the case of allegations of discriminatory behaviour against CGS itself, the person may raise the matter by writing directly to Board member with responsibilities for Equality, the CGS Director: Governance. Contact details are available through the website [www.cgcs.org.uk/](http://www.cgcs.org.uk/)

The CGS Director : Governance will investigate the complaint personally or appoint a Board member to do so. The investigation will be conducted impartially, confidentially, and without avoidable delay. Any person or organisation against whom a complaint has been made will be informed of what is alleged and given the opportunity to present their side of the matter.

The outcome of the investigation will be notified to the parties in writing and reported to the CGS Board. If the investigation reveals unacceptable discriminatory behaviour on the part of an individual team member, the Board may impose sanctions on that person or organisation in line with the CGS Constitution.

Sanctions may range from a written reminder concerning future conduct up to and including temporary or permanent expulsion from CGS membership. In deciding what sanction is appropriate in a particular case the Board will consider the severity of the matter and take account of any mitigating circumstances.

Where the violation of the Equality Policy by way of harassment, victimisation or discrimination amount to a criminal offence, the appropriate authority will be informed.

In the event that an individual or organisation associated with CGS is subject to allegations of unlawful discrimination in a court or tribunal, the CGS Board will co-operate fully with any investigation carried out by the relevant lawful authorities and, subject to the outcome, may consider taking action as above in relation to the matter concerned.



## **APPENDIX – Relevant legislation and forms of unacceptable discrimination**

### **Legal rights**

Discrimination has been legally defined through a series of legislative acts, including the Race Relations Act, the Sex Discrimination Act, the Disability Discrimination Act and the Equality Act 2006.

In April 2010, the Equality Act 2010 received Royal Assent. The Equality Act 2010 is a new law which harmonises where possible, and in some cases extends, protection from discrimination. It applies throughout the UK and came into force in October 2010.

Discrimination refers to unfavourable treatment on the basis of particular characteristics, which are known as the 'protected characteristics'. Under the Equality Act 2010, the protected characteristics are defined as age, disability, gender reassignment, marital or civil partnership status, pregnancy and maternity, race, religion or belief, sex (gender) and sexual orientation.

Under the Equality Act 2010, individuals are protected from discrimination 'on grounds of' a protected characteristic<sup>1</sup>. This means that individuals will be protected if they have a characteristic, are assumed to have it, associate with someone who has it or with someone who is assumed to have it.

### **Forms of discrimination and discriminatory behaviour include the following:**

#### **Direct discrimination**

Direct discrimination can be described as less favourable treatment on the grounds of one of the protected characteristics.

#### **Indirect discrimination**

Indirect discrimination occurs when a provision, criterion or practice is applied to an individual or group that would put persons of a particular characteristic at a particular disadvantage compared with other persons.

#### **Discrimination arising from disability**

When a disabled person is treated unfavourably because of something connected with their disability and this unfavourable treatment cannot be justified, this is unlawful. This type of discrimination only relates to disability.

#### **Harassment**

Harassment is defined as unwanted conduct relating to a protected characteristic that has the purpose or effect of violating a person's dignity, or which creates an intimidating or hostile, degrading, humiliating or offensive environment for that person.

#### **Victimisation**

It is unlawful to treat a person less favourably because he or she has made allegations or brought proceedings under the anti-discrimination legislation, or because they have helped another person to do so. To do so would constitute victimisation.

#### **Bullying**

Bullying is defined as a form of personal harassment involving the misuse of power, influence or position to persistently criticise, humiliate or undermine an individual.

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<sup>1</sup> The exception to this is pregnancy and maternity, which does not include protection by association or assumption – a woman is only protected from discrimination on grounds of her own pregnancy

## **Lead Responsibilities**

### **Chief Executive : Staff Equality officer**

This role includes:

- Promote equality to help ensure a fair, non-discriminatory workplace in which all staff are treated with dignity and respect at all times.
- Raising awareness and keeping staff and Team Scotland members informed on equality matters.
- Offering advice and support to staff and Team Scotland members on equality related personal matters.
- Play a leading role in raising awareness of staff and Team Scotland members to the need for a zero tolerance approach to bullying and harassment within the workplace.
- Work to ensure that policies and practices within the workplace are equality proofed.
- Carry out equality surveys and audits.
- Work to develop and support 'positive action' programmes to remove/overcome any discriminatory barriers in the workplace that may have been identified.
- Speak with new staff and Board members at induction meetings.
- Look to build involvement from members from backgrounds which are under-represented.
- To organise and develop the role to keep up-to-date with changes to equality legislation.
- Work within the equality network so as to promote and spread best practice on equality matters.
- Monitor, review and report to the Board on the CGS Equality Policy compliance with all including statutory requirements.
- Promoting the requirements of the Equality policy to staff and Team Scotland members
- Undertaking an annual review of Association's adoption of EOP, including, where appropriate the gathering of statistical data and reporting
- Development of an Action Plan
- Working towards achieving the UK Sporting Equals Standards for Race Equality in Sport.

### **Director-Governance: Board Equality Officer**

The purpose of the post is to act as a champion on the Board on all equality and equity matters relating to the CGS role as the organisation responsible for Commonwealth Games activities in Scotland.

The duties and responsibilities include but are not necessarily limited to working with the Chief Executive and staff to

- Monitor, review and report to the Board on the CGS Equality Policy compliance with all including statutory requirements.
- Ensuring Equality training is undertaken at Board level
- Undertaking an annual review of CGS adoption of an Equality Policy , including, where appropriate the gathering of statistical data
- Ensure appropriate Equality Action plans are developed
- Assist CGS progressing along the UK Sporting Equals Standard levels