

### ***Non-discrimination Policy*** (v 1.0 2021)

The Duke of Edinburgh's International Award Barbados ("the "Award") believes that every employee is entitled to employment free from discrimination, and shall not discriminate in any of its activities or operations. These activities include, but are not limited to, hiring and firing of staff, selection of volunteers and vendors, and provision of services. We are committed to providing an inclusive and welcoming environment for all members of our staff, clients, volunteers, subcontractors, vendors, and Participants.

As an equal opportunity employer, the Award will take every reasonable effort to ensure against discrimination in employment, recruitment, advertisements for employment, compensation, termination, upgrading, promotions, and other conditions of employment against any employee, volunteer or job applicant.

#### **Definitions**

A person (A) is seen to have discriminated against another person (B) where A directly or indirectly, intentionally or unintentionally, makes a distinction, creates an exclusion or shows a preference, to the detriment or disadvantage of B on the grounds of race, origin, political opinion, trade union affiliation, colour, creed, sex, sexual orientation, social status, marital status, domestic partnership status, pregnancy, maternity, family responsibility, medical condition, disability, age, physical feature or any characteristic, such as dress, which is associated with the above grounds.

An employer is seen to have discriminated against an employee where:

- upon request of an employee, the employer fails to make reasonable adjustments for the employee to their detriment, on the grounds of creed, sex, sexual orientation, pregnancy, maternity, family responsibility, medical condition, disability, physical feature or any characteristic associated with the above grounds,
- the employee is subject to detriment in employment, including by conditions of employment, by provision of facilities or services connected to employment, by denial of opportunities for benefits, promotion, or training, by disciplinary action or dismissal, or by any other detriment.

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### Reporting and Investigations

Any Award Staff or Volunteer who believes they have been subjected to discrimination from the employer may make a written complaint directly to the Employment Rights Tribunal (the "Tribunal")<sup>1</sup> through the Chief Labour Officer, within 3 months of the date of the occurrence of the discrimination.

Any Award Staff, Volunteer or Participant who is the subject of discrimination from another Award Staff, Volunteer or Participant should report the matter in writing to the National Award Chairperson (the "Chairperson") within 3 months of the date of the occurrence of the event.

Upon receiving a complaint, the Chairperson will immediately:

- note the dates, times and facts of the incident
- ascertain the views of the complainant as to what outcome he/she wants
- ensure that the complainant understands the Award's procedures for dealing with the complaint, as well as his/her legal options.
- keep a confidential record of all discussions
- Notify the accused in writing of the complaint and the procedures to follow.

The Chairperson will neither disclose the name of a complainant or respondent, nor the circumstances related to a complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation thereto.

The National Award Chairperson will refer the matter to the National Award Council (the "Council") who will, within 14 days of the complaint, refer the matter to a subcommittee for investigation. This sub-committee shall be constituted as per Chapter Nine Article Five of the Award Constitution (2015). The person(s) carrying out the investigation will:

- interview the complainant and the respondent separately
- interview other relevant third parties separately
- deduce whether the incident(s) of discrimination took place.
- produce a report detailing the investigations, findings and any recommendations
- The person(s) carrying out the investigation determine(s) that the discrimination took place, he (they) must
  - decide what the appropriate remedy for the complainant is, in consultation with the complainant.
  - Communicate remedial action in writing to the respondent.

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<sup>1</sup> "Tribunal" means the Employment Rights Tribunal established by section 6 of the *Employment Rights Act, 2012* (Act 2012-9)

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- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the complainant is satisfied with the outcome
  - keep a record of all actions taken
  - ensure that all records concerning the matter are kept confidential, and will not disclose the name of a complainant or respondent or the circumstances related to a complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation thereto;
- If the person(s) carrying out the investigation cannot determine that the discrimination took place,
    - he (they) will notify the complainant and the respondent in writing of the decision and the reason thereof.
    - They may also make recommendations to the Council to ensure proper functioning of the workplace.

Where an Award Staff, Volunteer or Participant is aggrieved by the decision or action of the Council subsequent to making a complaint, the Award Staff, Volunteer or Participant may, within three (3) months of the date of notification of the decision or the taking of the action of the Council, make a written complaint to the Tribunal through the Chief Labour Officer.

Continued discrimination or grievances with the result of any investigation can be reported in writing to the Tribunal through Chief Labour Officer or other relevant authority within 3 months of the incident, or 3 months after notification of the investigation result.

### Implementation of this policy

The Award will ensure that this policy is widely disseminated to all relevant persons. It is the responsibility of the Council to ensure that all employees, volunteers and participants are made aware of the content of this policy as part of their induction into the organisation.

### Monitoring and Evaluation

The Award recognises the importance of monitoring this policy and will ensure that it anonymously collects statistics and data on its use and effectiveness. If the Award keeps or handles medical records it will ensure that the records are kept and handled confidentially, and will not divulge the contents of the records to any person except with the consent of the Award Staff, Volunteer or Participant and in accordance with the terms of that consent, an order of the Tribunal or a court or applicable law.

The Council will regularly review compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. As a result of this review, the Award will evaluate the effectiveness of this policy and make any changes needed. This policy is also

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subject to change to ensure compliance with any legislative changes and the requirements of the International Award Foundation Safeguarding and Serious Incident Reporting standards.

Current legislation affecting this policy include the Barbados Employment Rights Act, 2012 (Act 2012-9). and the Barbados Employment (Prevention of Discrimination) Act 2020.

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This policy v 1.0.2021 was adopted by The National Award Council on the 22<sup>ND</sup> day of AUGUST 2021

Signed on behalf of the National Award Council by:

Signature.....

Mr Stephen R Smith

National Award Chairperson