



Policy number: 03

Policy Name: Squash Ireland Diversity, Equity, Inclusion: Anti-discrimination and Anti-Harassment Policy

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1. Purpose of Policy

Squash Ireland is committed to fostering a culture of Diversity, Equity and Inclusion within all aspect of Squash on the island of Ireland, both on and off the court. This commitment reaches beyond compliance and extends in aiming to create a culture where diversity is celebrated and all squash participants are empowered to contribute and feel valued.

This policy sets out our responsibilities to oppose and tackle discriminatory behaviour and promote equality within our sport. Squash Ireland will deal with any incidence of discriminatory behaviour seriously and in accordance with Policy 11 Grievance, Complaints and Disciplinary Policy.

Squash Ireland is committed to its obligations under the Equal Status Acts 2000 -2018 ('the Acts') which prohibit discrimination and is committed to everyone having the right to enjoy Squash in an environment free from the threat of discrimination, intimidation, harassment and abuse.

This policy is built upon the values of the organisation;

EXCELLENCE	- Operating to the highest standard
COLLABORATION	- Working together
INTEGRITY	- Doing the right thing
AMBITION	- Being motivated to achieve
PASSION	- Driving life-long healthy participation
INCLUSION	- Providing access, opportunity and fun

Squash Ireland aims to become a leading sporting National Governing Body in the promotion and implementation of equality, diversity and inclusion. The organisation aims to promote squash as a sport, free from discrimination, harassment and prejudice, which genuinely represents all parts of society on the island of Ireland.

The Squash Ireland Strategic Plan 2022-2027 details the organisation's commitment to increasing diversity of volunteers, participants, clubs, provincial associations, tutors, coaches and staff through initiatives and the support of a more inclusive environment.

2. Scope of Policy

This policy applies to all activities Squash Ireland is involved in and applies to all affiliated Members, Clubs, Provincial Associations, Volunteers, Contractors, Parents, Coaches, Tournament Directors, Referees and Markers and all those engaged in our sport at all levels.

3. Objectives of Policy

This policy sets out our commitment to;

- 3.1 promoting an environment of equality in Squash;
- 3.2 encouraging our members and those we interact with or engage with to be responsible for ensuring our competitions and activities are administered in a fair and equal way.
- 3.3 involving all people from all backgrounds and abilities into our sport.
- 3.4 embedding a culture of equality, inclusivity and diversity in all the work that we do.
- 3.5 complying with the National Sports Policy (dated 2018-2027) to ensure that a minimum of 40% of Board positions are held by women.

4. What is Discrimination Under the Acts

Discrimination can occur in a number of different ways;

- 4.1 Direct discrimination is where a person is treated less favourably than another person is, has been or, would be treated in a comparable situation on any of the nine protected grounds (defined below) which either (i) exists, (ii) existed but no longer exists, (iii) may exist in the future, or (iv) is imputed to the person concerned.
- 4.2 Discrimination by association is where a person who is associated with another person (i) is treated, by virtue of that association, less favourably than a person who is not so associated is, has been or would be treated in a comparable situation, and (ii) similar treatment of that other person on any of the discriminatory grounds would constitute discrimination.
- 4.3 Indirect discrimination occurs where an apparently neutral provision puts or would put a person who has a protected characteristic at a particular disadvantage compared with other persons, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
- 4.4 Victimization occurs when one person has done, or has given notice of intention to do, any of the actions below and as a result is treated less favourably:
 - a. in good faith applied for any determination or redress provided under the Acts;
 - b. has attended as a witness before the Irish Human Rights and Equality Commission, an adjudication officer or, a court in connection with any inquiry or proceedings under the Acts;
 - c. has given evidence in any criminal proceedings under the Acts;
 - d. has opposed by lawful means an act which is unlawful under the Acts;
 - e. has initiated a complaint or grievance with Squash Ireland.
- 4.5 Harassment refers to any form of unwanted conduct related to any of the nine protected grounds. Sexual harassment refers to any form of unwanted verbal, non-verbal or physical conduct of a sexual nature.

In either case, the conduct has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person. Such unwanted conduct may consist of acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material.

Squash Ireland will not tolerate any harassment sexual or otherwise of its members or prospective members by its members or anyone else. Any instances of harassment will be dealt with under Policy 11 Grievance, Complaints and Disciplinary Policy.

5. What are the Nine Protected Grounds?

The nine protected grounds (excluding housing assistance ground which is not relevant to Squash Ireland) also known as protected characteristics are as follows;

- 5.1 Gender ground
- 5.2 Civil status ground
- 5.3 Family status ground
- 5.4 Sexual orientation ground
- 5.5 Religion ground
- 5.6 Age ground (treating a person who has not attained the age of 18 years less favourably or more favourably than another, whatever that person's age shall not be regarded as discrimination on the age ground).
- 5.7 Disability ground
- 5.8 Grounds of race
- 5.9 Membership of the Traveller community ground

6. Acts of Discrimination

Under the Acts, Squash Ireland may not discriminate against an applicant or a member in relation to;

- 6.1 Admission
- 6.2 Terms and conditions of membership
- 6.3 Terminating membership
- 6.4 Making reasonable accommodation for members subject to the nominal cost exemptions
- 6.5 A person involved in the management of Squash Ireland may not discriminate against a member or an applicant in the affairs of Squash Ireland.

7. Inclusivity and Gender Identity

- 7.1 Squash Ireland will promote the use of non-binary classifications of gender and encourages affiliated clubs to do likewise.
- 7.2 Squash Ireland recommends that where such classifications are deemed necessary the options presented to members should include 'female', 'male', 'non-binary' and 'trans-gender'.
- 7.3 Where practicable changing rooms and toilets should be sensitive to the needs of all and this is facilitated by the additional use of non-gender specific cubicles or closets.
- 7.4 With regard to competition entry Irish Squash recognises the potential of open-to-all competitions.

8. Exemptions

Under the Equal Status Acts, it is not discrimination if a club:

- 8.1 is for a particular group of people on the basis of one of the nine protected grounds and it refuses membership to other persons.

- 8.2 confines access to membership benefits or privileges on the age and gender ground where it is not practicable for those outside the category to enjoy the benefit or privilege at the same time as members within the category. The club must arrange to offer the same or a reasonably equivalent benefit or privilege to those members outside the category.
- 8.3 has different types of membership, access to which is not based on any of the nine protected grounds.
- 8.4 seeks to reduce or eliminate past discrimination by offering particular fee rates or, membership arrangements to persons of a particular gender.
- 8.5 provides different treatment to members of a particular gender, age, disability, nationality or national origin in relation to sporting facilities or events and the different treatment is relevant to the purpose of the facilities or events and is reasonably necessary.
- 8.6 has, for the principal purpose of promoting equality, a reserved place or places on Squash Ireland board or committee of management for members of a particular category/protected characteristic.
- 8.7 takes other measures for the principal purpose of obtaining a more equal involvement in club matters of persons who are members of a particular category/protected characteristic.

Examples

1. Clubs for particular category of persons protected under the Acts;
2. Special events: a sports club can have a men's tournament, so long as it also has a women's tournament. It can also have events just for children, or for people with disabilities. Apart from in the case of gender, the club does not have to balance the special event with another one, such as a tournament for older people.
3. Different kinds of membership: a club can offer different types of membership. For example, full membership, off-peak membership, summer membership, group membership.
4. People who were excluded in the past can be offered special rates to encourage them to join now.

Exemptions regarding the requirement to make reasonable accommodations;

1. A refusal or failure to provide the special treatment or facilities to accommodate the needs of a person with a disability shall not be deemed reasonable unless such provision would give rise to a cost, other than a nominal cost, to the provider of the service in question.
2. A refusal or failure to provide the special treatment or facilities to accommodate the needs of a person with a disability does not constitute discrimination if, by virtue of another provision of the Acts, a refusal or failure to provide the service in question to that person would not constitute discrimination.
3. Where a person has a disability that in the circumstances, could cause harm to the person or to others, treating the person differently to the extent reasonably necessary to prevent such harm does not constitute discrimination.

9. Notification of Complaints under this Policy

Should a complaint of discrimination, contrary to this policy arise, Squash Ireland requests that you notify Squash Ireland within one month of the date of the act complained of and utilise Squash

Ireland's Grievance, Complaints and Disciplinary Policy (Policy 11) in order to resolve the matter. Should your complaint not be resolved under the Complaints and Disciplinary Rules and Procedures you may seek redress as provided under the Acts.

10. Monitoring and Review

Squash Ireland will monitor and review this policy and make any changes and amendments to this policy that it considers necessary. Squash Ireland may also vary this policy as required under legislative changes and as appropriate in any case.

11. Legal position in Northern Ireland

There is no one equivalent act applicable however there are a number of pieces of equality legislation which deal with equality and discrimination similar to the above. These have not yet been consolidated (at the date of this publication) into one act although work has been ongoing in this area.

In relation to discrimination these include;

- 11.1 Sex Discrimination (NI) Order 1976, (and all subsequent amendments),
- 11.2 Equal Pay Act (NI) 1970,
- 11.3 Employment Equality (Age) Regulations (NI) 2006 (and all subsequent amendments),
- 11.4 Disability Discrimination Act 1995 (and all subsequent amendments and ancillary acts),
- 11.5 Race Relations (NI) Order 1997 (and all subsequent amendments),
- 11.6 Fair Employment & Treatment (NI) Order 1998 (and all subsequent amendments and ancillary acts), Employment Equality (Sexual Orientation) Regulations (NI) 2003

It is unlawful for service providers to discriminate on five key grounds: sex (including gender reassignment and pregnancy/maternity), disability, race, religious belief or political opinion, and sexual orientation. The same types of discrimination apply such as Direct and Indirect discrimination.

There are exceptions relevant to Clubs;

- 11.7 Sporting organisations can discriminate between the sexes where the physical strength, stamina, or physique of the average woman puts her at a disadvantage.
- 11.8 Voluntary bodies can also restrict membership to one sex and provide its services to those members as long as that is the main reason it was set up. For example women only or men only teams and single sex sporting clubs.
- 11.9 Services can be restricted to one sex if the users are likely to suffer 'serious embarrassment' at the presence of a member of a different sex or the users are likely to be in a state of undress or where physical contact may be involved – (For example, physical contact classes, women only saunas and leisure facilities).

Complaints can be made to the Equality Commission or County Court.

For additional information please refer to The Equality Commission for Northern Ireland
www.equalityni.org

12. Definitions

Discrimination

Any form of unequal treatment, whether direct or indirect, based on grounds such as gender, marital status, family status, age, disability, sexual orientation, race, religion, or membership of the Traveller community.

Direct discrimination

Treating a person less favourably than another in a comparable situation based on any of the prohibited grounds.

Indirect discrimination

Policies or practices that appear neutral but disadvantage a particular group disproportionately.

Harassment

Unwanted conduct related to any of the prohibited grounds that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual harassment

Any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature.

Victimisation

Treating a person less favourably because they have made a complaint or supported a complaint about discrimination or harassment or other breach of the Squash Ireland Code of Conduct.

Reasonable accommodation

Adjustments or modifications provided to enable people with disabilities to participate equally and fully.

Positive action

Measures taken to promote equality for disadvantaged groups or to cater to the special needs of persons.