

EQUALITY AND DIVERSITY POLICY

Foreword

Langstane Housing Association recognises the benefits that diversity can bring to an organisation, and as such the Association is actively committed to promoting best practice and providing equal opportunities to all, including employees, applicants and service users. There will be no tolerance of any form of discrimination within this organisation.

This policy sets out the Association's position and vision in relation to equality in all aspects of employment and gives guidance on the legislation prohibiting discrimination on the grounds of:

- Gender (including transgender)
- Marital or Civil Partnership status
- Having or not having dependents
- Religious or political beliefs
- Race (including colour, nationality, ethnic or national origins, being a gypsy/traveller)
- Disability
- Sexual orientation
- Age
- Being a Trade Union member
- Being a Part Time or Fixed Term employee.

Statement of Policy

The Association will strive to ensure that our workers and applicants are not disadvantaged by any policy or conditions of service which cannot be justified as necessary for operational purposes.

This policy will help to ensure that all managers and employees are aware of their duties, rights and responsibilities in employment, with specific reference to acceptable behaviour.

The long term aim of the Association is that the composition of our workforce should reflect that of the local community and that all workers should be offered equal opportunities to achieve their full potential. In particular the Association aims to:

- Comply with all legislation dealing with discrimination and the promotion of equality.
- Encourage equality of opportunity for all people and actively promote good relations.
- Promote an inclusive working environment in which all persons are treated with respect.
- Eliminate any conditions, procedures and individual behaviour that can lead to discrimination even when there was no intention to discriminate.
- Prevent occurrences of unlawful direct discrimination, indirect discrimination, harassment and victimisation.

- Ensure all employment policies, procedures and guidelines reflect and reinforce the Association's commitment to equality.
- Ensure mechanisms are in place for responding to complaints of discrimination and harassment from employees and our service users.

Any employee who acts in breach of these principles will be dealt with under the Association's Disciplinary Procedure.

Scope of the Policy

This policy applies to all employees (and potential employees) recruited specifically for, and engaged exclusively on, the work of the Association, regardless of their employment status.

Job applicants, existing employees, ex-employees and contract/agency workers as well as some categories of self employed people are also protected by the legislation. The policy also applies to workers' relations with visitors, service users, customers and suppliers.

All workers have a duty to act in accordance with this policy, and to treat colleagues with dignity and respect at all time, and not to discriminate against or harass any other members of staff. This applies equally to the treatment of service users.

Responsibility

Langstane Housing Association is responsible for acts of discrimination and harassment carried out by their employees in the course of their employment and for ensuring that all employees are provided with an appropriate and safe working environment. Clients, customers or visitors should be made aware of their obligations under this policy in terms of appropriate behaviour towards employees.

Management

Promoting and maintaining equal opportunities is the responsibility of everyone, although it is recognised that management have additional responsibilities to ensure that this policy is effective. Line Managers at all levels should appreciate their responsibility to set an appropriate standard of behaviour, lead by example, and to ensure that those they manage adhere to the policy and promote the aims and objectives of the Association.

It is also the responsibility of the Line manager to deal promptly and fairly with any complaints that are raised in relation to discrimination.

Individuals

All individual members of staff also have responsibility for the success of this policy and must ensure that they are familiar with it and act in accordance with its aims and objectives. Employees can do this by:

- ◆ refraining from harassment and discrimination
- ◆ bringing to the attention of their manager any suspected practices in breach of this policy
- ◆ ensuring that selection for recruitment, promotion, training, work allocation etc. is carried out in a non-discriminatory manner
- ◆ working together to promote a harmonious working environment and eliminating discrimination and harassment.

Definition of Discrimination

Discrimination may be direct or indirect and it may occur intentionally or unintentionally. Definitions are as follows:

Direct Discrimination

Direct discrimination occurs when a person is treated less favourably, on the grounds of their sex, marital status, civil partnership status, gender reassignment, pregnancy and maternity leave, race, disability, sexual orientation, religion, belief, age, part time or fixed term worker status.

Direct discrimination can only be justified in very limited circumstances where the post is one where a genuine occupational qualification (GOQ) exists. Reasons for this may include for example authenticity, decency or privacy.

Indirect Discrimination

Indirect discrimination occurs where a provision, criterion or practice is applied equally to everyone, but where the application of the provision results in a disadvantage to people from a particular group (e.g. a racial group) and where an individual suffers a detriment as a result.

Indirect discrimination is unlawful unless the provision, criterion or practice can be objectively justified i.e. shown to be a proportionate means of achieving a legitimate aim. If such a requirement cannot be justified by the employer, it may be deemed unlawful. For example, the application of a minimum height restriction for applicants may indirectly disadvantage female applicants.

A finding of unlawful discrimination may be deemed by an employment tribunal even though an employer has no intention to discriminate.

Harassment

Harassment occurs where unwanted conduct occurs which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

The question of whether any particular behaviour constitutes harassment depends largely on the perception by the person who is on the receiving end.

Harassment on the grounds of sex, sexual orientation, race, religion, belief, disability or age will be unlawful under the relevant anti-discrimination legislation. Bullying that does not relate to these categories is also considered as unacceptable behaviour as the Association is responsible for ensuring that all employees are provided with an appropriate working environment.

Examples of harassment which will amount to a disciplinary offence and also may amount to acts of discrimination under the relevant legislation include:

- Verbal or physical threats or abuse, including racially or sexually derogatory or stereotyped remarks and statements
- Innuendo, mockery, lewd or racist jokes or remarks
- Mocking someone undergoing gender re-assignment
- An offensive manner of communication, for example leering and lewd gestures, touching or brushing up against others
- The display or circulation of sexually or racially offensive material
- Using a religious symbol in a mocking or derogatory way
- Unwarranted or intrusive questioning about an individual's personal circumstances

This list is not exhaustive and there may be other situations that are deemed as harassment.

Deliberate harassment or bullying for any other reason is similarly unacceptable. All staff should be aware that harassment will not be tolerated and could lead to disciplinary action against the offender.

Victimisation

Victimisation occurs where a person is treated less favourably or suffers a detriment because they have brought proceedings under one of the anti-discrimination laws, given evidence in a tribunal, complained internally of discrimination or assisted someone else in their complaint.

Summary of Legislation & Meaning of Terms

Race Relations Act 1976 / Race Relations (Amendment) Act 2000

This Act makes it unlawful to discriminate against a person either directly or indirectly in the field of employment unless a genuine occupational qualification (GOQ) exists (see above)

The Act makes discrimination unlawful on the grounds of:

- Race eg. African, Indian
- Colour eg. black, white
- Nationality eg. citizen of USA, France
- Ethnic origin eg. Romany gypsies, Jews
- National origin eg. Scottish, English

In some instances, there may also be a link with religious discrimination.

Sex Discrimination Act 1975 and Employment Equality (Sex Discrimination) Regulations 2005

Under the legislation, it is unlawful to discriminate, either directly or indirectly, or subject an individual to victimisation or harassment on the basis of their

- Gender, ie. male or female
- Marital status
- Civil partnership status
- Gender reassignment
- Pregnancy or maternity leave
- Having or not having dependants

The definition of sexual harassment now encompasses both harassment of a non-sexual nature, perpetrated on the grounds of the victim's sex, and harassment, which consists of verbal, non-verbal or physical conduct of a sexual nature. It also includes less favourable treatment where the employee rejects such treatment.

The legislation makes it unlawful to discriminate against a person either directly or indirectly, in the field of employment, unless a GOQ exists (see above)

The Equal Pay Act 1970 provides that all employees have an equality clause implied into their contract of employment so men and women receive equal pay for equal work. The Act covers all contractual terms and not just those related to pay. The Act covers 'like work' (the same or a similar job), work rated as equivalent (where a job evaluation scheme is in place) and work of equal value (where two jobs are assessed as being equivalent in worth to the employer).

Disability Discrimination Act 1995

The Act makes it unlawful to discriminate either directly on the grounds that a person has a particular disability, or for a reason relating to a person's disability.

The definition of Disability under the Disability Discrimination Act 1995 is:

“A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities”.

Protection under the Act extends to a very wide range of illnesses both physical and mental and clients should seek advice the HR Department and the Association's Occupational Health Advisors where an employee's condition is affecting their performance at work or ability to attend work.

Reasonable adjustments will be made in order to accommodate an employee or applicant's disability where possible. Adjustments may be made to the employment arrangements or premises if they substantially disadvantage a disabled employee or a disabled applicant. Adjustments are only expected if they are reasonable i.e. practical to make and not cost prohibitive. Grants may be available for some adjustments.

The Association is responsible for assessing the employee's condition, its effects and investigating any reasonable adjustments that may be made to support the employee. The Association will therefore seek to obtain a proper assessment of the employee's condition and prognosis, including the effects of the condition on the employee's ability to perform their duties, and this will include an assessment by a specialist occupational health provider nominated by the association.

Employment Equality (Sexual Orientation) Regulations 2003

The Regulations make it unlawful to discriminate on the grounds of sexual orientation. The Regulations are designed so that they protect everyone equally i.e. they apply equally to gay and lesbians , heterosexuals and bisexuals. Discrimination on the grounds of a mistaken perception of someone's sexual orientation is also covered.

The Civil Partnership Act 2004 gives civil partnerships the same legal rights and benefits as married people in all respects. This means they must be afforded the same employment benefits and terms as those who are married. Similarly, where the association gives benefits to employees who have unmarried partners, this should be extended to employees with same sex partners.

Employment Equality (Religion or Belief) Regulations 2003

The Regulations make it unlawful to discrimination on the grounds of religion or belief which is defined as “any religion, religious belief, or similar philosophical belief”.

The following factors can be taken into account when deciding what a “religion or belief” is for example:

- collective worship
- clear belief system
- profound belief affecting one’s way of life or view of the world.

Religious practices range, from celebration of certain festivals, to rules on the way food is prepared, to customs relating to dress and jewellery.

Employment Equality (Age) Regulations 2006

The Regulations protect against unlawful direct or indirect discrimination, victimisation or harassment on the basis of a person’s age in recruitment, employment, termination of employment or post employment.

There is no minimum or maximum age for individuals to be protected.

The Association will not include any age criteria or other subjective criteria in job specifications and every attempt will be made to recruit on the basis of competence and skill and not age.

The Association is committed to recruiting and retaining employees whose skills, experience, and attitude are appropriate to the requirements of the various positions regardless of age.

Employees have a right to request to continue working beyond the association’s normal retirement age and the association is obliged to seriously consider such requests.

Other Protected Groups

This Equality and Diversity Policy also covers the treatment of those employees and workers who work on a part-time basis. The Association recognises that it is an essential part of this policy that part time employees are treated on the same terms as full time employees (albeit on a pro rata basis) in all employment matters such as rates of pay, holiday entitlement, maternity leave, and parental leave and access to the association’s pension scheme. The Association also recognises that part time employees must be treated the same as full time employees in relation to training and redundancy situations.

The Association will ensure equal treatment of employees and workers who work on a fixed term contract. Employees working under a fixed term contract are treated on the same terms as those working under an open ended contract in all employment matters albeit on a pro rata basis to the fixed term period.

The Association recognises employees have a range of rights in respect of trade union membership and activities.

The Public Interest Disclosure Act 1998 introduced protection against discrimination for employees who “blow the whistle” on account of alleged wrongdoing on the part of their employer. The Association will aim to ensure employees who may have a complaint to raise are not subjected to victimisation or harassment.

Ex offenders who have in the past been convicted of a criminal offence are permitted under the Rehabilitation of Offenders Act 1974 to regard their conviction as “spent” after the elapse of a defined period of time.

Breach of the Policy

Discrimination, victimisation and harassment are disciplinary offences and will lead to action being taken against the offending employee, up to summary dismissal.

It should be noted, that if any employee raises a complaint which upon investigation is proven to be deliberately malicious, then that employee themselves will become the subject of disciplinary action. Any employee found to be in breach of this policy will be the subject of disciplinary action which may lead to dismissal

Code of Practice

The Equality and Human Rights Commission has responsibility for race, sex, disability, religious, sexual orientation and age discrimination issues. There are Codes of Practice which, although not legally binding, are taken into account when a tribunal is assessing any discrimination claims.

This policy incorporates these Codes of Practice.

Recruitment and Promotion

The Association is committed to recruiting and retaining employees whose skills, experience, and attitude are appropriate to the requirements of the various positions.

Therefore, the recruitment process must result in the selection of the most suitable person for the job on the basis of competence and skill. Job advertisements will give sufficiently clear and accurate information to encourage applications from all suitably qualified and experienced people, through either internal and/or external advertising. Advertisements will be carefully worded to ensure that no intent of either direct or indirect discrimination is interpreted nor is there indication of stereotyping of roles. The association will consider the most appropriate media for placing recruitment advertising to ensure equal opportunity for all. External advertisements may be placed in the local or national press, in the job centre or careers office or in local schools/colleges/universities.

Recruitment literature will not imply a preference for one group of applicants unless it is a genuine occupational qualification which limits the post to this particular group, in which case this must be clearly stated.

All applicants should be told that the Association is an equal opportunities employer and that the policy is to ensure that no job applicant or employee receives less favourable treatment on the grounds covered by anti discrimination legislation or is disadvantaged by conditions or requirements which have a disproportionately adverse effect on his/her racial group or sex, which cannot be shown to be justified. Selection criteria and procedures are intended to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities. All information provided by applicants will be treated as confidential.

The Association utilises an equal opportunities monitoring form, which is attached to the application form and removed prior to selection. This allows the Association to monitor the numbers of employees of different gender, disability and ethnic group and so on.

Job descriptions and specifications for posts will include only requirements that are necessary and justifiable for the effective performance of the job.

All selection will be thorough and conducted against defined criteria and will deal only with applicant's suitability for the job. Where it is necessary to ask questions relating to personal circumstances, these will be related purely to job requirements and asked to all applicants.

Personnel who conduct recruitment/promotion interviews must ensure they have read and understood this policy. They should ensure that they take an unbiased approach towards candidates and only ask questions which relate to the job and which are non-discriminatory (e.g. questions about marriage plans and intention to have a family may be construed as showing discrimination against women).

Training and Development

The Association is committed to ensuring equality of opportunity in terms of access to training in order to increase employees' knowledge and skills and to provide opportunities to develop their potential.

This shall be implemented through:-

- continuous review and updating of training courses and literature
- ensuring training materials are free from bias and do not discriminate, e.g. by showing minority groups or disabled people etc. in inferior roles
- ensuring promotions and transfers criteria are justifiable
- ensuring assessment criteria are clear and unbiased
- ensuring staff conducting appraisal interviews, salary reviews and bonus reviews are aware of their obligations to carry this out fairly and consistently in line with this policy

Complaints

Any employee, who believes that they have been the subject of harassment, victimisation or discrimination on any of the grounds contained within this policy, should follow the Association's Grievance Procedure, a copy of which may be obtained from their manager.

In the first instance, the employee should inform their manager, who shall attempt to resolve the situation to the satisfaction of all parties. It is the responsibility of the employee to advise the manager of any such allegations immediately they occur. In all circumstances, a full investigation will be undertaken to establish the facts and decide upon an appropriate course of action. Where a situation of harassment occurs, every attempt will be made to transfer the perpetrator and allow the victim to remain in their normal workplace.

If an employee feels they cannot approach their manager, they may contact either another manager or the next level of management directly who shall pursue the complaint on their behalf.

Monitoring and Revision of Policy

We will regularly review the effectiveness of this policy to ensure it is achieving the objectives stated in the 'Statement of Policy' by monitoring the composition of job applicants and the benefits and career progression of our employees.

The Association is committed to providing relevant training for all staff on their responsibilities and duties under this policy.

All policies of the Association will also be reviewed regularly, to ensure compliance with the legislation and principles detailed above.

Date Approved by the Finance & HR Sub-Committee:	10.11.09
Review Period:	1 Year
Date Due for Review:	November 2010