

# EQUAL OPPORTUNITIES AND DIVERSITY EMPLOYMENT POLICY

Policy reference – LWHR23

<p>SUMMARY</p>	<p>This policy aims to provide a framework to embed equality practices within the organisation that as a result celebrates diversity, supports the requirements of the Equality Act (General Duty) to eliminate all forms of unlawful discrimination, advance equality of opportunity and meets the two internal facing goals of the Equality Delivery System; A representative and Supported Workforce and Inclusive Leadership.</p> <p>Underpinning this policy and the broader HR Policy framework is a single action plan. This action plan has been populated by undertaking EIA's on the HR policies and then integrating them into one single action plan, for performance monitoring/impact purposes. The aim of this approach is to further embed equalities through HR processes, highlight opportunities for both the workforce and the governance body to develop mutually beneficial relationships in accordance to their and staff needs and deliver outcomes. The outcomes relate to the following:</p> <ul style="list-style-type: none"> <li>• Individual support, development and growth;</li> <li>• Collective support, development and growth (teams, service, business units, relationships); and</li> <li>• Organisational support and growth.</li> </ul>
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<p>APPLIES TO</p>	<p>Board members, employees and all job applicants, contractors and sub-contractors</p>
<p>APPROVAL BODY</p>	<p>Assurance Committee</p>
<p>RELATED DOCUMENTS</p>	<p>All HR policies</p>
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**HR/EQUALITY POLICY IMPACT ASSESSMENT NOT REQUIRED**

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3.0	24/03/14	Nadeem Murtuja / Rebecca Forster	Draft	Revision to policy, and author of integrated HR/EIA Framework
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## **1. PURPOSE**

The principle purpose and aim of this policy is to ensure that the organisation pro-actively upholds the equality rights, and welcomes the diversity of all current, prospective employees, and job applicants in a meaningful way. That every person will be treated with respect, fairness and dignity and their needs relating to gender, disability, ethnic or national origin, gender reassignment, sexual orientation, relationship status, religion or belief, age, pregnancy and maternity, trade union membership, offending background, domestic circumstances, pregnancy and maternity, social and employment status, political affiliation or any other personal characteristic will be valued.

More fundamentally, that the corporate environment within which staff, contractors and sub-contractors operate will be a healthy and positive one that enables individual, collective and organisational growth. In this regard fairness does not mean treating everyone in the same manner. It means recognising and responding to individual needs and relationships in a sensitive, culturally and socially appropriate way, so that 'opportunity' is equitably shared and potential is fully realised.

## **2. SCOPE**

This document is relevant to all board members, employees, contractors and sub-contractors working within, and with the organisation including all prospective job applicants. The organisation will ensure that all current and new members of staff are made aware of this policy, and the method by which it is monitored relates to their respective functions and their individual responsibilities. Moreover the aim of this policy is to support governance leads and staff to further embed equality and diversity within their respective roles that improve outcomes for everyone. Therefore it is imperative that all bodies that have a relationship with the organisation are committed to drive forward equalities in their business processes; one example of this would be ensuring specific training tailored to specific needs based on intelligence collated relating to staff and the culture of the organisation.

## **3. EQUALITY STATEMENT**

In applying this policy, the organisation will demonstrate due regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations between people. Certain characteristics are defined as protected by the Equality Act (2010); these are; age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

In order to evidence 'Due Regard' the organisation will implement three specific actions:

- 1 Monitoring: all workforce data and contractual relationships will be robustly monitored to identify issues, manage risk and highlight specific opportunities to further embed equality and diversity in the workplace;
- 2 Equality Impact Assessment/Analysis: will be used as part of commissioning, policy and service development processes, organisational change strategies to understand better the impact of 'planned intentions' and raise recommendations including appropriate/necessary interventions;
- 3 Performance Management: Collect and utilise both qualitative and quantitative intelligence in a meaningful way to further the aim of this policy, and the impact of organisational policy, performance and decision making on the people associated to the organisation (in some instances this may even include the public, for example in relating to advertising positions to a wider diverse pool)

#### **4. ACCOUNTABILITY**

The Chief Officer is accountable for this policy.

#### **5. IMPLEMENTATION AND MONITORING**

The Assurance Committee is responsible for formal approval and monitoring compliance with this policy. Following ratification the policy will be disseminated to all employees via the organisations intranet and through 'mandatory equalities training and awareness sessions, targeting three tiers of the organisation – specifically designed for their respective roles and responsibilities:

- Governance Board / Committees;
- Middle Managers, Supervisors and Contractors;
- All remaining workforce.

The Human Resources service will encourage all staff to provide their specific equality data in confidence, making clear how it is to be used and the possible benefits to the organisation and themselves. The HR service will populate a workforce intelligence system to maintain records of staff's equality data (if provided), and utilise it to understand better the effectiveness of HR policies, identify opportunities for improvement, and the impact of the actions of the organisation on those people who share protected characteristics compared to those who don't.

This information will be collected and stored in line with the Data Protection Act 1998 and will only be used to monitor compliance and advance equality of opportunity as articulated within this document. HR policies will be periodically reviewed by Human Resources in conjunction with managers and Trade Union representatives based on intelligence collated or legislative changes. HR staff will utilise and analyse intelligence that has been compiled through staff profiling processes, and through the usage and implementation of the broader HR Policy framework implementation on an annual basis. From this analysis specific recommendations relating to both organisational and people needs will be made that will highlight particular trends, risks and recommendations to commission specific training for staff, service and organisational development. Where policy review is necessary due to intelligence analysis, this will be recommended through the appropriate decision making entity, and if there are legislative changes, this will happen immediately.

Data will only be published and used in ways that prevents person identification, and any (potential) discrimination. This process of monitoring will also identify the impact training investment has on staff, organisational culture, specific (characteristic) needs, developing a representative workforce, setting targets, and areas of potential risk to the Assurance Committee as per their annual governance assessment sign off responsibilities.

#### **6. RESPONSIBILITIES**

Good working relations are vital for the organisation to operate successfully and provide needs-led services. There is a joint responsibility for management, trade unions and employees to accept the responsibility of working together on equality issues in good faith and with the shared intention of facilitating and fostering good working relationships.

## 6.1 Employees

It is the responsibility of employees to ensure that they:

- Familiarise themselves with this policy and apply it to their everyday functions;
- To understand the broader HR policy framework, its purpose in terms of supporting their development, their service areas and the culture of the organisation;
- Comply with the policy and arrangements;
- Do not discriminate in their day to day activities or induce others to do so,
- Do not victimise, harass or intimidate other staff or groups, including but not limited to those people who have, or are perceived to have one of the protected characteristics;
- Do not discriminate against or harass any individual because of their association with another individual who has a protected characteristic;
- Respect colleagues for their contribution;
- Pro-actively champion equality and diversity, and provide suggestions to enhance the working environment and business relationships for everyone;
- Inform their manager or HR if they become aware of any (potential) discriminatory practice.

Any deliberate act of discrimination, harassment or victimisation will be investigated under the Acceptable Standards of Behaviour Policy and referred to the Disciplinary Policy as appropriate.

## 6.2 Line Managers

It is the responsibility of line managers to ensure that they:

- Fully understand the needs of their staff and seek appropriate support to maximise the potential of all staff;
- Exercise leadership in this field by pro-actively challenging discrimination and harassment, promoting equality and model exemplary behaviour that reinforces the organisation's values and commitment to equality and diversity,
- Utilise data and intelligence to ensure that organisational change/restructuring does not disproportionately impact on any specific characteristic group, and to take appropriate (reasonable and proportionate) action to mitigate against the likelihood of any adverse impact;
- Ensure that the HR policy framework is clearly communicated to their employees, specifically highlighting its benefits, safeguards and opportunities, along with resources available for support, training and development;
- Work with staff to acquire their confidence and take speedy, appropriate and proportionate action to deal with any breaches of the policy, or behaviour that could lead to a breach of the policy and equality legislation.

## 6.3 Human Resources

It is the responsibility of the HR service to ensure that they:

- Develop and utilise a performance management framework/intelligence system that has the capacity and capability to monitor and evaluate the success of this and associated HR policies in the context of local staff needs (their equality characteristics) and future potential employees.
- Regularly critique the policy framework in accordance with workforce and business needs to ensure that policy and procedure is fit for purpose, specifically highlights risk and growth opportunities and robustly responds to organisational, national policy or legislative changes,

- Provide regular advice and support in the application of this policy in individual cases, to line managers and outside bodies when commissioned to do so;
- Better understand the impact of future employment policies, procedures and practices by working with staff to ensure they are non-discriminatory, through robust monitoring and intelligence gathering.
- Monitor progress of the operational implementation of the policy within the organisation by cross referencing with other (associated) HR policies through the analysis of intelligence;
- Support and advise line managers on the effective implementation of the policy.

## 7. DEFINITIONS

Unless otherwise stated, these definitions are paraphrased from the relevant employment law or Code of Practice. Protected characteristics refers to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### 7.1 Direct Discrimination

This takes place when a person is treated less favourably than others (in the same circumstances) on the grounds of their protected characteristic. (E.g. advertising a post which specifically restricts applicants to a specific race, age group etc).

Discrimination is only permitted in **very limited** circumstances if there is a genuine occupational requirement for an individual to have a particular characteristic. Selection for recruitment or promotion must be on merit; however, in some circumstances it is possible to take certain steps to redress the effects of previous inequality of opportunity. This is called positive action and employers may give special encouragement to, or provide training to, individuals with a specific characteristic.

### 7.2 Indirect Discrimination

This is more subtle and can occur when an apparently neutral provision, criterion or practice would put people of a particular group at a disadvantage compared with other people. (e.g. an unjustified age limit or range which may discriminate against women who have taken time out from employment for family purposes or a rule about clothing or uniforms which disproportionately disadvantages a religious group and cannot be justified).

### 7.3 Victimisation

This takes place when a person is treated less favourably than others in the same circumstances because it is suspected or known that he/she has brought proceedings under one of the Acts or has given evidence or information relating to such proceedings or alleged that discrimination has occurred.

### 7.4 Harassment

Harassment is defined as improper, offensive and humiliating behaviour, practices or conduct which may threaten a person's job security, create an intimidating, unwelcoming and stressful environment, or cause personal offence or injury.

## **7.5 Discrimination by association**

This takes place when an individual is directly discriminated against or harassed for their association with another individual or group who has a protected characteristic. This protection does not extend to marriage and civil partnerships, and pregnancy and maternity.

## **7.6 Discrimination by Perception**

This occurs when an individual is directly discriminated against or harassed based on a perception that they possess a particular characteristic when they do not, in fact, have that protected characteristic. However this protection does not extend to marriage and civil partnership, and pregnancy and maternity.

## **7.7 Disability**

For the procedure on employing people with a disability, please refer to the Good Practice Guide attached to this document.

### **Definition of Disability**

The Equality Act 2010 defines a person as someone who 'has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities'.

Long term is defined as 12 months. Progressive illnesses are also covered and once staff are diagnosed as having a progressive condition they will be covered under the Act. Further information about legislation and support can be obtained from HR or Occupational Health.

## **8. LEGISLATION COMPLIANCE**

This policy complies with current legislation relating to current employment law in this country. However this and all other associated HR policies will continuously evolve taking into account national policy changes, case law, statutory amendments and local intelligence analysis.

## **9. TRAINING**

It is critical that all who are involved in recruitment/selection, appraisal, employee development and promotion receive specific training so that they are able to both support staff and manage contracts effectively in the context of equality and diversity needs.

No manager should undertake recruitment without first understanding the terms of this procedure and associated legislation. One member of every interview panel should have attended a mandatory training course on recruitment and selection that incorporates equality and diversity implications.

Diversity/equal opportunity issues will be covered at all induction courses held throughout the organisation. The organisation will utilise Organisational Development and Equality and Diversity specialists where possible to develop and implement creative

and participative programs that involve all staff and increases their collective understanding of equality and diversity in the context of business needs.

For further information on recruitment and selection please refer to the HR Recruitment and Selection Policy.

## **10. PROCEDURE FOR DEALING WITH COMPLAINTS**

Any employee who feels that they have been discriminated against on any grounds set out in this policy should initially raise their concerns with their line manager. Where an employee's concerns relate to their line manager, the employee should raise their concern with the next more senior officer. Alternatively, employees may wish to discuss their concern with a member of the Human Resources Team.

Where resolution cannot be achieved through informal discussion, an employee may put forward a grievance in line with the guidelines set down in the organisation's Grievance Procedure. At all stages of the procedure, employees can be accompanied by a Trade Union representative or work colleague.