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LOCHALSH AND SKYE HOUSING ASSOCIATION

# Equality and Diversity Policy

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<b>APPROVED BY:</b>	<b>Management Committee</b>
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# **EQUALITY AND DIVERSITY POLICY**

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## **EQUALITY AND DIVERSITY POLICY**

### **1. INTRODUCTION**

- 1.1 Lochalsh & Skye Housing Association is committed to promoting an environment of respect and understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Across the Association there will be a consistent approach to promoting equality and diversity in all areas throughout the entire employment relationship starting with the recruitment process until termination of employment and the provision of references.
- 1.2 All employees are required to abide by this policy. This policy also covers discrimination by and towards members of the public, committee members, contractors and staff from other agencies. The Association opposes all forms of unlawful discrimination in relation to employment.

### **2. BACKGROUND**

- 2.1 Tackling inequality is not something new. UK Governments have been addressing equality and diversity issues for many years. Although progress has been made, inequalities still exist in Scotland and in the UK. The introduction of the Equality Act 2010 saw previous discrimination legislation abolished and replaced with one single piece of legislation. This policy is compliant with the current legislation and promotes a culture of dignity and respect for all.
- 2.2 Lack of equal opportunities is not only a serious moral issue but also has a significant impact on business performance. Studies have shown that high levels of motivation are achieved in an environment of respect and fairness. The Association will aim to ensure that all employees are treated with fairness and respect and will not be discriminated against on the grounds of marriage and Civil Partnership, sex, race, disability, age, religion or belief, gender reassignment, pregnancy & maternity and sexual orientation, or disadvantaged by any conditions or requirements which cannot be shown to be relevant to performance. The Association will therefore ensure that all employees are provided with equality of opportunity in the course of their employment starting from recruitment.

### **3. LEGAL FRAMEWORK**

- 3.1 The following details the specific Act relating to discrimination law:-

#### **Equality Act 2010**

## 4. DEFINITIONS

### 4.1 Diversity

4.1.1 Is about valuing individual differences. The Association is committed to valuing and managing people's differences to enable all employees to contribute and realise their full potential. The Association recognises that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit the Association and its customers.

### 4.2 Equality

4.2.1 Is making sure people are treated fairly and given fair chances. **Equality is not about treating everyone in the same way, but recognises that their needs are met in different ways.** Equality focuses on those areas covered by the law, and described as the "Protected Characteristics" of race, sex, disability, age, gender reassignment, marriage and Civil partnership, pregnancy & maternity, religion or belief and sexual orientation.

### 4.3 Protected Characteristics

4.3.1 The grounds on which discrimination claims can be made:

Age, Disability, Gender Reassignment, Marriage, and Civil Partnership, Pregnancy & Maternity, Race, Religion or Belief, Sex, and Sexual Orientation.

### 4.4 Direct Discrimination

4.4.1 Is treating someone less favourably than others based on a Protected Characteristic.

### 4.5 Indirect Discrimination

4.5.1 A policy, practice, procedure, provision or criteria that applies to everyone in the same way but might disadvantage a particular group, and which cannot be objectively justified in relation to the job.

### 4.6 Harassment

4.6.1 Conduct that violates a person's dignity or creates an intimidating, hostile degrading, humiliating or offensive working environment. The intention of the perpetrator is irrelevant, it is the impact on the individual which determines whether harassment has taken place.

#### 4.7 **Victimisation**

4.7.1 Treating someone less favourably and discriminating against them because they have pursued or intend to pursue their rights relating to alleged discrimination; complained about the behaviour of someone harassing them or; giving evidence in someone else's discrimination complaint.

#### 4.8 **Positive Action**

4.8.1 Addressing imbalances in the workforce, by encouraging members of under-represented groups to apply for jobs. Positive action may be applicable in setting equality targets. No quotas will be set by the Association but equality targets may be set to encourage people from a particular group or groups to apply for a vacancy in the Association in comparison to the local community where they are under-represented.

#### 4.9 **Failure to make Reasonable Adjustments**

4.9.1 Where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage.

#### 4.10 **Associated Discrimination**

4.10.1 Discrimination against a person because they have an association with someone with a particular Protected Characteristic. E.g. a non-disabled person is discriminated against because of the action they need to take to take care of a disabled dependent.

#### 4.11 **Perceptive Discrimination**

4.11.1 Discrimination against a person because the discriminator **thinks** the person possesses that characteristic. E.g. a person is not shortlisted for a job on the basis that the recruiter assumes the applicant does not have the correct VISA to work in the UK as they have a foreign looking name on their application form.

### 5. **POLICY PRINCIPLES**

#### 5.1 **This Equality and Diversity policy aims to:-**

- Ensure integration of equality and diversity practices into everything the Association does, and ensure that employees are treated with fairness and respect by each other and by members of the public, committee members and contractors.

- Require the Association to implement fair and just employment practices, ensuring that no job applicant or employee will receive less favourable treatment on any grounds.
- Ensure people are recruited and employees promoted solely on the basis of their own merit, experience, ability and potential. This applies throughout the entire duration of employment as all decisions will be based only on relevant merits.
- Provide an environment appropriate to the needs of those from all walks of life, and offer a culture that respects and values each others' differences and promotes dignity, equality and diversity.

## **6. IMPLEMENTATION OF THE POLICY**

6.1 The Chief Executive is responsible for the policy's day to day implementation.

6.2 The Association will ensure that all new employees and Management Committee members will receive induction training on this policy. The policy will be widely promoted and integrated into appropriate policies and procedures within the Association. Copies of the policy will also be freely available.

6.3 Appropriate training and guidance will be available to promote equality and diversity among staff.

6.4 This policy applies to everyone in the Association and all have a responsibility to be alert to discriminatory behaviours and practices should they occur. Unacceptable behaviour and practices must not occur, however, if a situation arises it will be dealt with immediately. Breaches of the Equality and Diversity Policy will be regarded as misconduct and will lead to disciplinary action which may include dismissal.

## **7. RECRUITMENT & SELECTION**

7.1 It is the Association's policy that all recruitment decisions will be based completely on the merits and abilities of candidates alone and no other criteria will be used. In order to achieve this, equality and diversity practices will be integrated into every stage of the recruitment and selection process.

7.2 A fair recruitment process will remove barriers to the employment of people of different backgrounds. This will enable the Association to recruit from the widest pool of talent, potentially raising the standard of their intake and therefore increasing the opportunity of a more diverse workforce which reflects the community it is serving. A more diverse workforce will improve the organisation's

service delivery, as it will include staff with more knowledge and experience to assist in meeting the needs and aspirations of service users and potential service users.

- 7.3 To highlight the Association's commitment to promoting equality and diversity from the beginning of the employment relationship, all vacancies will be aimed at as wide a group as possible and any advertisement for a vacancy within the Association will state that an Equality and Diversity Policy is in place. In addition the advert will also display any logos of equality bodies that the Association is affiliated with. The information contained in the advert and all vacancy literature will be clear and accurate to attract the most appropriate candidates from all groups across society, to allow them to decide their own suitability for the vacancy and whether they wish to proceed with applying. For those that wish to apply, the Association will ensure that all applications will have clear instructions for completion and application forms will be free from personal questions that are not relevant to the vacancy and that may lead to discrimination.
- 7.4 The Association will ensure all staff and Management Committee members involved at any stage in the recruitment and selection process will receive equality and diversity awareness training. This will ensure that those involved in the recruitment process will not discriminate either knowingly or unknowingly by asking any questions which may lead to discrimination.

## **8. TERMS AND CONDITIONS OF EMPLOYMENT**

- 8.1 As part of the employment relationship being covered under this Equality and Diversity Policy all Contracts of Employment will be issued in accordance with the job role and not the job holder. Employee's terms and conditions will be standard across all employees regardless of any of the protected characteristics. Employees will not receive less favourable terms and conditions for any reason other than relating specifically to the job role and the grade it attracts.

## **9. TRAINING & DEVELOPMENT**

- 9.1 Equality and diversity will apply throughout all training activities and resources. Training and development opportunities will be given to all employees according to their job role. It is crucial that all employees are able to participate and enjoy any training opportunities or activities without discrimination or fear of harassment. Every attempt will be made to ensure that learning materials will provide a positive image of people reinforcing an image of equality of opportunity.

## **10. REDUNDANCY SELECTION**

- 10.1 Redundancy selection will be made according to the statutory requirements and in line with the Association's Redundancy Policy. Criteria will be discussed with the Trade Union and/or nominated representatives. The criteria will be set out and will be objectively fair and consistent. This will ensure that employees selected for redundancy are selected according to the chosen selection criteria and not in any discriminatory way either indirectly or directly.

## **11. IF YOU ARE BEING DISCRIMINATED AGAINST**

- 11.1 This procedure is complemented by the Association's Dignity at Work Policy. For further details please refer to the policy.

- 11.2 Where an employee feels they have been discriminated against, victimised or harassed, there are different ways in which a claim can be dealt with depending on the circumstances. In the first instance the employee should raise the issue informally with their line manager (unless the claim is against their manager, in such circumstances the employee should raise the issue with the manager next in line.)

### **11.2.1 Informal Stage**

- (a) Initially the employee and manager should aim to resolve the matter informally as it may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted. This is often the most efficient way with dealing with such circumstances in order to maintain good working relations.
- (b) However, even though the matter has been treated informally a file note should be kept on the complaining employee's file of the incident and should include a statement that the note will only be taken into account if further complaints are made. The file note may be necessary if there is a requirement at a later date, should any unacceptable behaviour or practice continue.
- (c) Dealing with the matter informally does not remove the individual's right to have the matter dealt with formally, should that be the most appropriate next course of action.

### **11.2.2 Formal Stage**

- (a) If the employee is dissatisfied with the outcome, or the complaint is very serious, the employee should raise the matter, in writing detailing the complaint. The complaint should then be actioned under the Association's

Grievance Policy. In line with this process, an investigation into the claim will be carried out. Employees who feel they are being subjected to harassment should raise the issue in line with the Association's Dignity at Work Policy.

- (b) If the outcome of the investigation is that a formal disciplinary hearing should take place this should be conducted in line with the Association's Disciplinary Procedures. Please refer to the Terms and Conditions of Employment for full details.

## **12. DISCRIMINATION INVOLVING MEMBERS OF THE PUBLIC, COMMITTEE MEMBERS, CONTRACTORS AND STAFF FROM OTHER AGENCIES**

12.1 The right to be treated equally with dignity and respect extends to outside contractors, committee members and staff from other agencies whilst at work who are sometimes referred to as third parties. They can complain and the complaint will be investigated by the Association and appropriate action will be taken. Employees also have a right to complain if they feel they are being discriminated against by those not directly employed by the Association.

12.2 If a staff member or colleague feels that they are being discriminated against in the course of their working day, the following procedure should be adopted.

### **12.3.1 Informal Stage**

- (a) Where possible, incidents should be dealt with informally. If the employee, member of the public, committee member, contractor or agency worker feels able to do so they should inform the bully or harasser if possible at the time, that they find their actions/remarks and behaviour to be unacceptable. If the situation warrants the need for a witness, individuals are advised to ask a colleague to accompany them when approaching the alleged bully or harasser. The individual should then report the matter to their line manager if the employee is the victim or the matter should be reported to any manager should the behaviour be directed at a member of the public, committee member, contractor or agency worker from a member of staff at the Association as soon as possible. It may be that the discriminatory action is unconscious and easily resolved once the situation is highlighted. However, a file note should be kept on the complaining employee's file of the details of the situation and the outcome.
- (b) If the employee does not feel able to speak to the individual in person they can ask their manager or where appropriate any manager to do this. It will then be the responsibility of the manager to discuss the situation and explain what will happen if any further incidents occur. It will be made clear to the individual that continuation of such conduct may result in refusing services altogether which could result in either the withdrawal of a service or

refusal of access to Association premises. Where the situation involves an employee of the Association being the bully/harasser then this could lead to disciplinary action. Any action will be carried out in line with the Association's Disciplinary and Grievance arrangements. Regardless of future action a file note will be kept in the complaining employee's file providing details of the incident and the action taken, where applicable.

- (c) If informal action proves insufficient to deal with persistent inappropriate behaviour, the employee or management may instigate formal action.

### **12.3.2 Formal Stage**

- (a) Where formal action is the most appropriate way to deal with the person in question, they will be written to by the relevant manager informing them that their comments, actions, behaviours are not acceptable and are potentially discriminatory. The letter will state that further incidents will not be tolerated and that they may result in the withdrawal of services. In the situation of an employee of the Association acting inappropriately towards a member of the public, committee member, contractor or agency worker, then they will be investigated under the Association's Disciplinary Procedures, where formal disciplinary action may be an outcome including dismissal. In cases of physical violence or serious threats the Chief Executive should also involve the police, if appropriate.
- (b) In cases where the discrimination involves contractors or staff from other agencies, the stages as detailed above will be carried out. However, due to the specific nature of the relationship between the organisation and these individuals/organisations, the following additional step should be included in the informal stage.
- (c) The Chief Executive will contact the appropriate senior person within the company/organisation concerned to advise them that this type of behaviour is unacceptable and that if it is repeated then the individual concerned may be refused entry to Association premises.

## **13. REVIEW OF POLICY**

- 13.1 Responsibility for monitoring the application of this policy will rest with the Chief Executive of Lochalsh & Skye Housing Association.
  - 13.2 This policy was approved by the Management Committee on 13 December 2010 and will be reviewed by the Management Committee or Sub-Committee set up for that purpose no later than December 2013.
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