

EQUALITY, DIVERSITY AND INCLUSION POLICY (Regional Policy)

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Policy Checklist

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Director responsible for Policy:	Vivienne Toal
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1 Introduction

- 1.1 The policy outlines the commitment of the Southern Health and Social Care Trust (hereafter referred to as the Trust) to promote equality of opportunity, good and harmonious working relations and the prevention of unlawful discrimination.
- 1.2 It sets out how the policy will be managed, communicated, implemented and monitored. It specifies the Trust's approach to recruitment and promotion, training, staff appraisal, work-life balance responsibilities and how complaints of discrimination will be managed.
- 1.3 The policy has been benchmarked against best practice and relevant codes of practice produced by the Equality Commission, agreed with the Trade Unions and will be reviewed periodically at least once every three years.

2 Purpose and Aims

- 2.1 This policy is concerned with the promotion of equality and the prevention of unlawful discrimination. However, the existence of the law cannot itself ensure that any policy of non-discrimination will work effectively. The Trust recognises that this will only be achieved if management and staff at all levels examine critically their attitudes to people and ensure that no trace of discrimination is allowed to affect their judgement. The Trust will endeavour to ensure that all staff are aware of the forms which unfair discrimination can take, guard against them and avoid any act which might influence others to discriminate unfairly. The Trust recognises its obligations under the anti-discrimination legislation, the Human Rights Act 1998 and the NI Act 1998 (refer to Appendix 1 for overview of equality legislation).
- 2.2 The Trust will have due regard to the need to promote equality of opportunity and good relations in line with Section 75 of the NI Act 1998. The Trust's Equality Scheme shows how the Trust will fulfil its statutory duties as outlined within the NI Act 1998.
- 2.3 It is the Trust's intention to comply with the spirit as well as the letter of all the legislation detailed above. The current definitions of discrimination, victimisation and harassment relating to anti-discrimination legislation are contained within Appendix 1 of this policy.

3 Policy Statement

- 3.1 The Southern Trust is committed to the promotion of equality and to creating and sustaining an environment that values and celebrates the diversity of its staff and service users. The Trust aims to be representative of the community it serves and for each employee to feel respected and able to give of their best.
- 3.2 The Trust is committed to the provision of equality for all staff regardless of gender, including gender identity and expression, religious belief, political opinion, marital/civil partnership or family status, race/ethnicity, age, sexual orientation, disability and whether or not they have dependants. Selection for employment and advancement will be on the basis of ability, qualifications and aptitude for the work.

4 Scope of Policy

- 4.1 This policy applies to all staff and covers recruitment, promotion, training, transfer and other benefits and facilities afforded to staff. It also includes conduct at work related events and work related social events. The Trust will positively promote and rigorously observe the objectives and principles set out in this policy statement, and is committed to implementing policies to promote equality and fair participation within the Trust.
- 4.2 There must be no discrimination or victimisation against any applicant for employment, potential applicant for employment or member of staff on grounds of their gender, including gender identity and expression, religious belief, political opinion, marital/civil partnership or family status, race/ethnicity, age, sexual orientation, disability and whether or not they have dependants.
- 4.3 Care must be taken to guard against more subtle and unconscious forms of discrimination which may not be immediately obvious. This may result from generalisations about the capabilities, characteristics or interests of particular groups which influence the treatment of individuals or particular groups e.g. preconceptions about their suitability for a particular post, level of management, location, training course or development opportunity etc.
- 4.4 There must be no discrimination in the form of harassment of any individual or group. This may constitute unlawful discrimination. Appendix 1 provides definitions of discrimination, victimisation and harassment as defined under the relevant pieces of legislation.

- 4.5 The Trust will promote a supportive, good and harmonious working environment free from material or behaviour likely to be offensive, provocative or intimidating or in any way likely to cause apprehension to any member of staff. In accordance with this principle, the Trust's Harmonious Working Environment Statement has been agreed with staff organisations and drawn to the attention of all staff – see Appendix 2. In addition, the HSC has established a policy on Conflict, Bullying and Harassment in the Workplace and outlined the procedures to be adopted following a complaint.
- 4.6 Managers and supervisors must be seen to be impartial in dealing with staff and ensure their conduct at all times accords with this policy. They must take appropriate action to deal with any difficulties arising from a lack of impartiality by any member of their staff and any other breaches of this policy within their area of responsibility.
- 4.7 All staff are bound by this policy to ensure that their behaviour at all times accords with the principles set out in this policy and in the Trust's Harmonious Working Environment Statement. Breaches will be dealt with under the disciplinary procedure.
- 4.8 There must be no discrimination against office holders, such as Trust Board members, contract workers, agency workers, trainee workers, students on work placements, volunteers or former employees.
- 4.9 The Trust will obtain commitments from other persons or other organisations such as sub-contractors or recruitment agencies that they will comply with this policy.

5 *Implementation*

5.1 Management Responsibilities

The Director of Human Resources and Organisational Development is responsible for monitoring, co-ordinating and developing the policy under the direction of the Chief Executive.

Managers will ensure that staff for whom they are responsible are aware of and abide by this policy. The policy will be adopted at all levels of management. All staff employed by the Trust have a responsibility to accept their personal involvement in the

application of the Equality, Diversity and Inclusion Policy. The Trust will ensure that adequate resources are made available to fulfil the objectives of this policy.

5.2 Communicating the Policy

This policy will be publicised throughout the Trust and will be available to existing staff via the Trust's SharePoint site and drawn to the attention of new staff.

5.3 Monitoring Positive and Affirmative Action

The composition of staff, applicants for employment and appointees will be monitored on the basis of gender, age, religious belief, community background, political opinion, race/ethnicity, nationality, disability, sexual orientation, marital status and dependants. The purpose of regular monitoring is to provide the information required to measure the effectiveness of this policy and provide an objective view on the existence and progress of equality of opportunity. To this end, an information system has been established and staff are encouraged to provide accurate and up to date information in line with data protection principles. For staff who have employee self-service access to HRPTS, information can be updated directly via this system.

Policies and procedures in respect of employment and advancement will be periodically reviewed to maintain a system where individuals are treated solely on the basis of their merits and abilities.

The Trust will take such positive and affirmative action as is deemed lawful, appropriate and necessary to ensure equality. Goals and timetables, where appropriate, will be set to measure progress which can reasonably be expected as a result of positive and affirmative action.

6 Recruitment and Promotion

- 6.1 The Trust will ensure that recruitment and selection procedures are fair and based upon the principle of appointing the best person for the job. Advertisements will not indicate or appear to indicate an intention to discriminate in selection for recruitment, promotion or training. Advertisements will not be confined unjustifiably to areas or publications which would exclude or disproportionately reduce the number of applicants of a particular group. Advertisements will

include an equality statement and, if appropriate, a welcoming statement.

- 6.2 Opportunities to obtain information on careers in the Trust must be available to existing and potential staff and all interested parties.
- 6.3 Eligibility criteria for recruitment or advancement must be related to ability to do the job and will be non-discriminatory.
- 6.4 Applications must be submitted on official application forms and appointment will be made following a selection process which provides for shortlisting and interview panels.
- 6.5 Tests used in selection, recruitment, promotion or training will be regularly reviewed to ensure they are related to job performance and do not unlawfully discriminate. The results of these tests will be monitored in order to identify any issues of concern or patterns which may suggest direct or indirect discrimination.
- 6.6 Staff involved in the selection process should consult the HSC framework on recruitment and selection which promotes best practice in this area. Decisions relating to the selection process and the reasons for such decisions will be recorded at each stage of the selection and/or promotion process. These will be kept for a minimum of 3 years after appointments have been made.

7 Training

- 7.1 All Trust staff are required to complete the Equality, Good Relations and Human Rights–Making a Difference eLearning training every 3 years during the course of their employment. All staff must complete Part 1 of the training. Managers and those with supervisory responsibilities must complete both Parts 1 and 2.



Staff should also read and familiarise themselves with the content of the Equality, Good Relations and Human Rights Staff Training Manual which is available on SharePoint.



- 7.2 Staff involved in selection and appointment panels will undertake the regionally agreed training that accompanies the HSC Recruitment and Selection Framework.

7.3 This policy will also be included as appropriate in all management and supervisory development programmes so that those with managerial and supervisory responsibility perform their duties with a full knowledge of the implications of equality legislation.

7.4 All staff will be encouraged to take advantage of the training and career development opportunities available to them to develop the necessary skills and provide the opportunity for them to achieve their full potential.

8 *Personal Development Review*

8.1 Personal development review within the Trust will be based solely on an objective assessment of the individual's performance against agreed objectives which will link to the Trust's corporate objectives. Staff will also be developed against the Knowledge and Skills Framework with all staff being required to have a personal development plan. Reviews must not reflect an assumption or prejudice of the reviewer about the individual being reviewed. This could be discriminatory and as such must not be tolerated.

9 *Work Life Balance*

9.1 The Trust recognises the importance of flexible working in the promotion of equality and the retention of staff. The Trust's Work Life Balance Policy will be widely promoted across the organisation. A copy of the Trust's Work Life Balance Policy is available on SharePoint.

10 *Complaints of Discrimination*

10.1 The Trust will treat seriously and take prompt action on any grievance concerning discrimination, harassment, victimisation or maladministration raised under the grievance procedure or Conflict, Bullying and Harassment Policy, as appropriate. Every effort will be made to resolve issues e.g. via mediation, without affecting the individual's right to lodge proceedings.

10.2 Those who think they have been discriminated against may seek help and advice from the Equality Commission for NI. Those who feel they have suffered an injustice as a result of maladministration have access to the NI Public Services Ombudsman. The time limits for making a complaint to various statutory agencies are outlined in Appendix 1.

10.3 Staff who make a complaint in respect of alleged discrimination or harassment will be protected from victimisation. Acts of discrimination, victimisation or harassment perpetrated by a Trust member of staff against any other member of staff will result in disciplinary action up to and including dismissal.

11 *Agreement*

11.1 This policy has been agreed by the HSC and the Trust and in so doing, the HSC and the Trust affirms full support for the principles of equality and diversity. The Trust is determined that everything possible will be done to ensure its full and effective implementation.

11.2 This policy has been drawn up in consultation with trade unions and staff organisations.

11.3 The Trust also recognises the support of trade unions for the principles of equality and diversity and their commitment to the content and implementation of this policy statement.

12 *Review*

12.1 In order to assess the operational effectiveness of the Equality, Diversity and Inclusion Policy a review will be undertaken at regular intervals and not later than three years following implementation. The HSC have consulted with external and internal groups and Trade Unions in the development of this Policy.

13 *Equality and Human Rights Considerations*

13.1 This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998. Equality Commission guidance states that the purpose of screening is to identify those policies which are likely to have a significant impact on equality of opportunity so that greatest resources can be devoted to these.

13.2 Similarly, this policy has been considered under the terms of the Human Rights Act 1998, and was deemed compatible with the European Convention Rights contained in the Act.

14 *Alternative Formats*

- 14.1 This document can be made available on request in alternative formats, e.g. plain English, easy read, Braille, audio formats, large print and in other languages to meet the needs of those who are not fluent in English.

15 *Copyright*

- 15.1 The supply of information under the Freedom of Information does not give the recipient or organisation that receives it the automatic right to re-use it in any way that would infringe copyright. This includes, for example, making multiple copies, publishing and issuing copies to the public. Permission to re-use the information must be obtained in advance from the Trust.

16 *General Information*

- 16.1 General information may be obtained from:

Equality, Diversity and Inclusion Unit
First Floor, Hill Building
St Luke's Hospital Site
Loughgall Road
Armagh

Tel: 028 375 64151 / 64152 / 64248 / 64247
Email: Equality.Unit@southerntrust.hscni.net

Overview of Equality Legislation:

- Fair Employment and Treatment (NI) Order 1998 (as amended)
- Sex Discrimination (NI) Orders 1976 and 1988 (as amended)
- Equal Pay Act (NI) 1970 (as amended)
- Race Relations (NI) Order 1997 (as amended)
- Disability Discrimination Act 1995 (as amended)
- Employment Equality (Sexual Orientation) Regulations (NI) 2003
- Employment Equality (Age) Regulations (NI) 2006
- Section 75 Northern Ireland Act 1998
- Human Rights Act 1998

Definitions:

Direct Discrimination occurs where one person treats another person less favourably than other in the same or similar circumstances and the reason for that treatment is based on one of the statutory equality grounds.

Indirect Discrimination occurs where a provision, criterion or practice is applied which has the effect of putting people of a particular protected group at a disadvantage and which cannot be shown to be a proportionate means of meeting a legitimate aim.

Harassment is unwanted conduct based on one or more of the equality grounds, which adversely affects the dignity of women and men at work. It can include physical, verbal or non-verbal conduct.

Victimisation occurs where one person treats another person less favourably than another person is, or would be, treated because the person has exercised, or sought to exercise, his or her rights under the equality laws, or has assisted another person to do so.

Disability-related Discrimination occurs where, for a reason related to a disabled person's disability, a person treats the disabled person less favourably than he treats, or would treat, other persons to whom that reason does not apply, and he cannot show that the treatment in question is justified.

Failure to comply with the reasonable adjustment duty: disability discrimination in employment can also occur where an employer fails to comply with a duty to make reasonable adjustments in respect of either

a job applicant or an employee with a disability. The reasonable adjustment duty is placed on an employer where a provision, criterion or practice is applied by the employer, or the physical features of the employer's premises places persons with disabilities at a substantial disadvantage compared to persons without disabilities.

Time limits for complaints: If your complaint is about an employment matter, you normally have 3 months from the date of the incident to register your complaint with the Office of the Industrial Tribunal and the Fair Employment Tribunal (OITFET). Please refer to the NI Direct or Equality Commission for NI websites for detailed guidance.

Management and Trade Unions representing the employees of Health and Social Care jointly agree the following principles to support a harmonious working environment.

1. Declare that we shall work together to ensure that our workplaces are harmonious and inclusive, where individual differences are valued and respected in line with the commitments and values of the organisation.
2. Will promote equality of opportunity and fair participation in employment for all persons and ensure that every employee has the right to work free from intimidation or harassment on the grounds of religious belief, political opinion, racial group, age, marital status, sexual orientation, gender including gender identity and expression, disability and persons with or without dependants.
3. Declare and fully accept that discrimination or victimisation in employment is unlawful and unacceptable. We are committed to ensuring that any discrimination or victimisation carried out by employees will be vigorously opposed and addressed by both the employer and the trade unions.
4. Prohibit the display of flags, emblems, posters, graffiti or the circulation of any material or deliberate articulation of slogans or songs which are likely to give offence or cause apprehension to a particular group of employees.
5. Condemn intimidation or harassment by word or actions, and commit ourselves to take all reasonable steps to secure the protection of employees from intimidation or harassment in the workplace.
6. Oppose any attempt to prevent the employment, continued employment or career development of any person in contravention of the legislation in Northern Ireland which prohibits discrimination on the grounds of religious belief, political opinion, racial group, age, marital status, sexual orientation, gender including gender identity and expression, disability and persons with or without dependants.
7. Recognise(s) that employees who believe that they have suffered any form of discrimination, harassment or victimisation are entitled to raise the matter through the agreed procedures. We are committed to introducing, maintaining and, as appropriate, revising agreed procedures. All complaints of discrimination will be dealt with seriously, promptly and confidentially. Every effort will be made to ensure that employees who make complaints will not be victimised. Any complaint of victimisation will be dealt with seriously, promptly and confidentially.
8. Regard all breaches of this policy as misconduct, which could lead to disciplinary proceedings.



This Statement has been agreed between HSC senior management and the Trade Unions representing employees of the Trust in support of the Joint Declaration of Protection (for Dignity at Work and Inclusive Working Environment) launched by the NI Employment Relations Roundtable 2017. It recognises the moral and legal obligations placed on employers and trade unions by Northern Ireland employment equality legislation and aims to provide a good and harmonious work environment, which respects the dignity of employees in the workplace and provides an environment where individuals feel comfortable to work and where they do not feel threatened, intimidated, offended or unwelcome. The statement should be read in conjunction with the HSC Equality, Diversity and Inclusion Policy, Conflict, Bullying and Harassment Policy and Good Relations Statement.

This Statement will be prominently displayed throughout the workplace, drawn to the attention of all staff at induction and mandatory equality training and placed on the Trust Intranet. This policy will be kept under review and the Trust will consult with trade union representatives on any changes which may be required in the future