

Equality & Diversity Policy - Employment

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BIELD HOUSING ASSOCIATION LIMITED

Registered Office: 79 Hopetoun Street, Edinburgh EH7 4QF
Scottish Charity No SC006878

11.9 EQUALITY & DIVERSITY POLICY - EMPLOYMENT

1. POLICY STATEMENT

The Association recognises that in society groups or individuals have been disadvantaged in the past and some have not attained equality of opportunity. The working environment should be one of fairness, respect and understanding where the diversity of people's backgrounds and circumstances is valued. The Association considers any form of discrimination, i.e. treating a person on less favourable grounds than others, to be unacceptable in terms of good practice, social justice and legal duty.

All employees and casual workers are expected to act in accordance with the terms and the spirit of this policy. This means treating colleagues, agency workers, service users and suppliers/contractors with dignity and respect at work or at work related events (e.g. conferences, staff party). Words, behaviour or actions that breach this policy will not be tolerated and will be dealt with under the Disciplinary Policy.

The Association will seek to ensure equality of opportunity and that employees and casual workers are not treated less favourably on the grounds of age, gender, marital or civil partnership status, colour, ethnic or national origin, religion, religious or similar philosophical belief, disability, sexual orientation, gender identity or gender re-assignment.

The Association will:

- endeavour to ensure that job vacancies are accessible to all sectors of the community.
- endeavour to ensure that all individuals will be treated fairly and equally and any decision on recruitment and selection or training opportunities will be based on the essential job criteria.
- provide equality and diversity training for all employees and committee members.
- Identify and undertake activities with the aim of achieving a workforce which is reflective of local communities.
- comply with existing relevant anti-discrimination legislation and codes of practice in employment.
- monitor this policy, performance indicators and related policies and procedures to ensure they are appropriate to the achievement of performance targets and are legally compliant.

2. DEFINITIONS OF DISCRIMINATION

Unlawful discrimination can be direct or indirect and can take place at a personal or institutional level.

DIRECT DISCRIMINATION

Direct discrimination is treating a person less favourably on the grounds of race, nationality, national or ethnic origin, religion/religious or other philosophical belief, gender, sexual orientation, age or disability.

In order to identify direct discrimination, a general test is to determine whether the same action would have been taken if the person had been someone not from the target group in question. For example:

- Refusing to appoint the best candidate for the job simply because it is assumed that an existing all white workforce would not accept a new black manager, would constitute direct racial discrimination.
- Refusing to appoint a female applicant, because the previous postholder gave up the job in order to spend more time with her children, would constitute direct sex discrimination.

INDIRECT DISCRIMINATION

Indirect discrimination is applying any requirement or condition which, though applied equally to everybody, is such that a considerably smaller proportion of people of one group can comply with it than the proportion of other people, unless that requirement or condition can be shown to be justifiable irrespective of race, nationality, national or ethnic origin, religion/religious or other philosophical belief, gender, sexual orientation, age or disability.

. For example:

- An unnecessary requirement to travel long distances away from home at weekends might bar more women than men from applying for a job. Such a requirement may constitute indirect sex discrimination under Section 1(1)(a) of the Sex Discrimination Act
- A policy directive not to advertise job vacancies in certain parts of a city where a high proportion of ethnic minority people live, would constitute indirect discrimination under Section 1(1)(b) of the Race Relations Act.

HARASSMENT

This occurs where on grounds of race, nationality, national or ethnic origin, religion/religious or other philosophical belief, gender, sexual orientation, age or disability, an individual is subjected to unwanted conduct that has the purpose or effect of threat or intimidation. Harassment includes behaviour that is offensive whether it be intentional bullying or other behaviour which is not intended to be malicious but the effect violates an individual's dignity, causes distress or creates an intimidating, degrading or offensive environment. Please refer to the Harassment Policy.

3. RESPONSIBILITIES FOR IMPLEMENTATION

Board & Committee Members

Board and Committee members have a responsibility to promote equality and diversity principles and the application of this policy across all areas of the Association's work.

All Employees

All individuals are actively encouraged to identify ways in which the Association's equal opportunities policies, procedures or good practice relating to employment could be improved. Any ideas should be forwarded via your line manager or staff representative to the Director of Human Resources.

The implementation of the Equality and Diversity Policy is the combined responsibility of all employees and casual workers. It is a fundamental aspect of each individual's work to consider the equal opportunities aspects of their role on an ongoing basis. This means ensuring that as an individual or group your behaviour does not include:

- Discrimination or less favourable treatment against any employee or job applicant in any aspect of employment.
- Verbal or physical harassment which may be offensive to the recipient.
- Victimisation of individuals who have made allegations or complaints of discrimination or harassment or provided information (i.e. as a witness) about the same.

If you experience behaviour you find to be unacceptable or are concerned that a colleague finds behaviour to be unacceptable you should report the incident to your manager/HR Officer immediately.

If you are not sure what course of action to take you should contact a HR Officer/HR Manager or alternatively you could discuss your concerns with a staff representative.

If you believe that you have been discriminated against by your own line manager you could, if you feel able, raise this first directly with your manager. If not, you should contact a HR Officer/HR Manager or Staff Representative.

All allegations made will be treated seriously, dealt with fairly and sensitively and will respect the confidentiality of both parties.

Formal investigations into allegations of discrimination will take place in accordance with the grievance or harassment policy and/or disciplinary procedure as appropriate.

Behaviour, words or actions which are against the spirit and/or letter of the laws on which the policy is based will be considered under the disciplinary policy and procedure.

The Association reserves the right to act on discriminatory behaviour on the grounds of employer responsibility and liability even if the recipient of such behaviour decides to take no action.

The Association can be held liable in law for acts of discrimination made by employees. Individual employees can be held personally liable for acts of discrimination which they commit, contribute to, condone or authorise.

Manager's Responsibilities

Managers or anyone in a supervisory capacity have a particular responsibility to ensure that this policy is fairly and consistently applied in all areas under their control.

Human Resources Responsibilities

HR Officers and those more senior in HR have a responsibility to provide advice and guidance to managers and employers in response to informal concerns or formal complaints.

To ensure that the implementation is properly overseen the Director of Human Resources has overall responsibility for the implementation of the policy and will ensure that appropriate training is provided through the Training Manager.

The Chief Executive has overall responsibility for the successful implementation of equal opportunities in all areas of the Association's work.

4. RELATED POLICIES & PROCEDURES

The Association's view is that all work should be conducted with fairness, respect and understanding. However, given the significant relevance of a number of areas of activity, specific provision for equal opportunities is made in the following policies:

- Recruitment & Selection Policy & Procedure (policy due to be reviewed).
- Disability Policy which is to ensure that people with disabilities are afforded equality of opportunity to enter employment and progress within the Association.
- AIDS policy designed to protect the interests of employees and job applicants who have AIDS or are HIV positive
- Grievance Policy to provide a mechanism for problems or concerns about work, working environment or working relationships to be dealt with fairly and speedily, before they develop into major problems.
- Harassment Policy, setting out procedures for dealing with complaints from staff regarding discrimination or victimisation by a colleague.
- A Dignity at Work Policy is currently being developed and it is expected that this policy will be linked to the Dignity at Work Policy.
- The Code of Conduct and, where applicable, the Scottish Social Services Council Code of Practice
- Disciplinary and Dismissal Procedure.

5. MONITORING AND REVIEW

Performance Indicators

The Association is committed to monitoring the success of the Equality and Diversity Policy by measuring performance against agreed targets. These targets are not quotas but measures against which actual performance is judged. Targets are reviewed annually in line with actual performance and any independent data.

Gender, ethnic origin and disability status are recorded for applicants, short-listed candidates and appointments for each post.

For each vacancy accurate records are maintained throughout the selection process, in accordance with good practice, in order that any potential complaint could be fully investigated.

The make-up of the workforce is regularly measured and the results reported to the Finance and Resources Committee. Measurement is by percentage of ethnic minorities and disabled employees as compared to the total number of employees. The composition of the workforce is also reported by gender.

6. POSITIVE ACTION

The Association recognises some employment practices may create barriers which prevent individuals obtaining employment, therefore restricting these individuals from full and equal participation in economic, cultural, social and political spheres of life. The Association will therefore adopt as necessary positive action measures which will help redress any imbalance. Positive action aims to develop people from the target groups to their full potential and enable them to compete on a fair platform with the rest of society.

Such positive action measures have included and may include:

- consideration of individual requests for flexible working hours and for leave for religious holidays
- job share and part time working arrangements to assist particularly parents with childcare responsibilities to continue working
- positive statements in advertisements and specific marketing activities to encourage applications from target groups
- taking work experience students from projects, schools, colleges and agencies acting for specific minority groups
- working towards the establishment of trainee programmes throughout the Association which commit the Association to the employment of trainees from ethnic minority groups.