



## **Equality, Diversity and Inclusion Policy**

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Dignity at Work

## **1. Introduction**

- 1.1. The Commission recognises the importance of equality, diversity and inclusion. We operate in an increasingly diverse community, and we understand that the people who provide and use our services have diverse characteristics and different experiences, needs and aspirations.
- 1.2. Understanding, valuing and effectively managing these differences can result in greater participation, and help bring about success at an individual, team and organisational level. The Commission is committed to creating an inclusive working environment where individual differences are valued and respected, in which each employee is able to fulfil his/her potential and maximise his/her contribution.
- 1.3. It is the responsibility of all staff to be aware of and to apply this policy. Commission management and the Board are fully committed to the policy and will endeavour to ensure its full implementation.

## **2. Policy Statement**

- 2.1. The Commission has a strong and clear commitment to equality, diversity and inclusion.
- 2.2. It is our policy that all eligible persons shall have equal opportunity for employment and advancement in the Commission on the basis of their ability, qualifications and aptitude for the work. Everyone has a right to equality of opportunity and to a good and harmonious working environment and atmosphere where they are treated with dignity and respect.
- 2.3. We aim to provide opportunities for all sections of the community and continue to strive to create an inclusive working environment in which difference is recognised and valued. Bringing together people from diverse backgrounds and giving each person the opportunity to contribute their skills and experience will help us to respond more effectively to the needs of the people we serve.
- 2.4. We all want to work in a harmonious workplace where we feel valued, respected and included, irrespective of gender, including gender reassignment, marital or civil partnership status, race/ethnic origin, religious belief or political opinion, disability, having or not having dependants, sexual orientation and age.
- 2.5. In order to provide a high quality service the Commission needs to attract, recruit, develop and retain the very best people at all levels. Our approach is based on three key principles:-

- (i) Equality – we promote equality of opportunity by seeking to remove barriers, eliminating discrimination and ensuring equal opportunity and access for all groups of people.
  - (ii) Diversity – we accept each person as an individual. Our success is built on our ability to embrace diversity – and we believe that everyone should feel valued for their contributions. By working together we will deliver the best possible service for our staff and stakeholders.
  - (iii) Inclusion – we create a working culture where differences are not merely accepted, but valued; where everyone has the opportunity to develop in a way that is consistent with, and adheres to, Commission values of impartiality, honesty, integrity and objectivity. Our aim is to be an organisation where people feel involved, respected and connected to our success.
- 2.6. These principles of equality, diversity and inclusion are considered when human resources policies are being developed and reviewed.

### **3. Policy Application**

- 3.1. The Commission is committed to a policy of promoting equality of opportunity, providing an inclusive workplace and eliminating any unfair treatment or unlawful discrimination. This applies to all employment policies and practices including those relating to:
- Recruitment and selection, including promotion career progression;
  - Terms and conditions of employment;
  - Working environment;
  - Training and development; and
  - Redundancy and re-deployment.
- 3.2. A brief outline of equality legislation is set out in **Annex 1**.
- 3.3. Equal treatment involves much more than simply treating everyone alike; it requires recognition that some groups and individuals have particular and specific requirements that need to be met if they are to enjoy equal access to the opportunities available in the Commission.
- 3.4. Embracing diversity in the workplace means creating an environment in which the contributions of all staff can be valued and supported. We aim to celebrate and value the differences in people, recognising that people come from a wide variety of backgrounds and can be different from one another in many ways. These can include differences that are highlighted in current equality legislation such as race, religion and sex but also include things like individual's personality, personal interests and lifestyle choices.

- 3.5. People with different backgrounds, skills, attitudes and experiences bring fresh ideas and perceptions. As a diverse organisation the Commission seeks to encourage and harness these differences to make our services relevant and accessible.
- 3.6. Inclusion is a state of being valued, respected and supported. It is about focusing on the needs of every individual and ensuring the right conditions are in place for each person to achieve his or her full potential. For the Commission this means designing and operating flexible services, practices and procedures that take appropriate account of the needs of employees, customers, and stakeholders.
- 3.7. Our goal is to ensure that these commitments, reinforced by our values of integrity, honesty, objectivity and impartiality, are embedded in our day-to-day working practices with all our colleagues, customers and partners.
- 3.8. A range of policies and procedures are in place to ensure that we have a workforce that reflects the community it serves and that staff are valued and respected.
- 3.9. Examples include:
  - (i) Dignity at Work – The Commission aims to provide a working environment where everyone is treated with dignity and respect, free from any form of inappropriate behaviour and one in which all employees can give of their best. The Commission ‘Dignity at Work’ Policy is about creating and sustaining a productive working environment for all staff, where discrimination or harassment does not occur and is known to be unacceptable. This policy provides information on what to do should you feel your dignity at work has been affected, and also if you have been accused of offensive behaviour. The policy also highlights the sources of information and assistance which are available for dealing with inappropriate behaviour. There are separate informal and formal procedures for resolving complaints under this policy.
  - (ii) Implementing reasonable adjustments in the workplace –in conjunction with the member of staff, line manager, and OHS we will endeavour to identify and meet different work-related needs such as providing physical adaptations or equipment and reviewing working arrangements for people with disabilities.
  - (iii) ‘Work-life Balance’ policies - including a range of flexible/alternative working patterns, parental leave, career breaks and childcare voucher scheme. While every effort will be made to accommodate requests for flexible/alternative working arrangements, consideration must also be given to business need and maintaining service delivery;
  - (iv) Diversity awareness training – Training is arranged on a regular basis for Commission staff. Training reminds staff about important legislation and policies around equality and diversity and being sensitive to cultural and religious needs of staff;

- (v) Recruitment and selection, including promotion – the principles of equality and diversity are central to making sure that the Commission attracts the best candidates for our posts. We must ensure that all methods used to attract and select candidates are justifiable and free from bias and/or prejudice. We will require all staff involved in recruitment to be trained in applying equality and diversity principles in the recruitment process;
- (vi) Monitoring – we will monitor the composition of the Commission in line with statutory requirements. We will also monitor our recruitment process, from application to employment, to identify barriers.

## **4. Roles and Responsibilities**

- 4.1. The Commission works with its Sponsorship Department, OFMDFM and an Equality and Good Relations service provider to develop and review HR policies; it liaises with statutory bodies, including the Equality Commission for Northern Ireland, and benchmarks with other organisations to ensure that the Commission continues to adhere to the principles of equality, diversity and inclusion.
- 4.2. Operational responsibility for implementing the policy and procedures lies with the Commission. Managers and supervisors also have a duty to implement this policy, ensuring that they treat staff fairly and objectively in all areas including allocation of duties, performance appraisal, temporary promotion, training and development and the handling of grievances and complaints.
- 4.3. Every person working for the Commission has a personal responsibility for implementing and promoting the principles of equality, diversity and inclusion in his/her day-to-day dealings with everyone – including job applicants, work colleagues, members of the public, customers and partners. Inappropriate behaviour is not acceptable.
- 4.4. Behaviours, actions or words that breach policy will not be tolerated and will be dealt with in line with the Commission disciplinary policy. It is essential that:
  - everyone is aware of the policy, understands what it means and puts it into practice;
  - our employment policies and practices avoid any kind of unfair treatment or unlawful discrimination;
  - individual differences are valued and respected.

## **5. Monitoring**

- 5.1. The Commission ensures it meet its statutory obligations under the Fair Employment and Treatment (NI) Order 1998 by submitting an annual monitoring return to the Equality Commission and carrying out regular reviews

of its workforce composition and employment policies and practices. (Further information detailing the duties and functions of the Equality Commission can be found at Annex 2).

- 5.2. Monitoring equality and diversity in the workforce enables the Commission to examine how our employment policies and processes are working and to identify areas where these appear to be impacting disproportionately on certain groups of staff.
- 5.3. It is also necessary to meet legislative requirements. Under fair employment legislation, registered employers in Northern Ireland have a legal duty to monitor the community background and gender composition of their workforce and of those applying to fill vacancies. Monitoring can be done at a variety of different points in the employment cycle including recruitment, promotion, training, staff surveys, performance management, grievances and dismissals.
- 5.4. Under Section 75 of the Northern Ireland Act 1998 Equality and Diversity Branch currently monitors the workforce and applicants for Commission jobs in terms of:-
  - disability;
  - race;
  - age;
  - men and women generally;
  - sexual orientation;
  - marital; and
  - dependant status.
- 5.5. The purpose of collecting this information is to look for differences between groups, identify trends over periods of time, to investigate the reasons for these differences and to put appropriate actions in place. Understanding the composition of the workforce enables the Commission to highlight differences between groups in terms of satisfaction, engagement and progression. This in turn enables the Commission to identify tackle and prevent issues that would otherwise undermine employee engagement and productivity.
- 5.6. Equality and diversity monitoring can help to:
  - recruit and retain the best - from the widest talent pool;
  - create awareness – signalling the Commission commitment to creating a more inclusive work environment;
  - improve productivity – valuing and supporting the diversity of people’s backgrounds and lifestyles is important in making the most of the contribution that they can bring to the organisation’s performance;

- identify and address any inequalities in the application of employment practices;
  - build reputation – research shows that the best performing organisations are those that invest most on promoting equality and diversity in the workplace; and
  - meet obligations under equality legislation.
- 5.7. **Annex 3** provides more information on why this information is collected, and **Annex 4** details confidentiality of monitoring information.
- 5.8. **Annex 5** provides some examples of Affirmative Action, and **Annex 6** provides more detail on disclosure of monitoring information.

## Annex 1 Equality Legislation

The main pieces of employment equality legislation in Northern Ireland are: Equal Pay Act (NI) 1970, and Sex Discrimination (NI) Order 1976	These laws prohibit discrimination and harassment on the grounds of sex; pregnancy and maternity leave; gender reassignment; being married or being a civil partner.
Disability Discrimination Act 1995 Disability Discrimination (NI) Order 2006	This law prohibits discrimination and harassment against disabled persons. It also requires employers and service providers to make reasonable adjustments in the workplace and in recruitment/promotion. Increases the scope of legislation to include more people with disabilities. For example, people diagnosed with cancer, HIV and multiple sclerosis (MS), but not yet showing signs of their illness, will now be protected by disability legislation. The Order also imposes a new duty to promote positive attitudes towards disabled people and encourage their participation in public life.
Race Relations (NI) Order 1997	This law prohibits discrimination and harassment on grounds of race; colour; ethnic or national origins; nationality; belonging to the Irish Traveller community.
Fair Employment and Treatment (NI) Order 1998	This law prohibits discrimination and harassment on grounds of religious belief and political opinion.
Section 75 of the Northern Ireland Act 1998.	Places a duty on public authorities to consider equality of opportunity and good relations between different groups in policy making.
Employment Equality (Sexual Orientation) Regulations (NI) 2003,	This law prohibits discrimination and harassment on grounds of sexual orientation.
Employment Equality (Age) Regulations (NI) 2006	This law prohibits discrimination and harassment on grounds of age.
Employment Rights (NI) Order 1997	Outlaws discrimination on the grounds of trade union membership.
Protection from Harassment (NI) Order 1997	Outlaws stalking, but may also apply to harassment in the workplace.

Equality Act (Sexual Orientation) Regulations (NI) 2006	Outlaws discrimination on the grounds of sexual orientation in the provision of goods, facilities and services, education and public functions.
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## **Annex 2**

### **Equality Commission for Northern Ireland**

The Equality Commission for Northern Ireland is an independent public body established under the Northern Ireland Act 1998. The aim of the Commission is to promote equality of opportunity, encourage good relations and challenge discrimination through promotion, advice and enforcement.

The Commissions duties and functions are set out in the legislation for which they have responsibility. General duties include:

- working towards the elimination of discrimination on the grounds of sex; religious belief; political opinion; race; age; sexual orientation; disability; marital status (single, married or civil partnership); prospective or actual gender reassignment;
- promoting equality of opportunity and encouraging good practice;
- promoting affirmative/positive action;
- overseeing the implementation and effectiveness of the statutory duty on public authorities to promote equality and good relations between persons of different political opinion, religious belief or racial group;
- overseeing the disability duties on public authorities;
- monitoring, jointly with the NI Human Rights Commission, implementation of the UN Convention on the Rights of Persons with Disabilities; and
- keeping relevant legislation under review.

A brief outline of equality legislation is set out in Annex 1.

Commission HR policies comply with all employment and equal opportunities legislation, and take into account all relevant Codes of Practice and any guidance issued by the Equality Commission and other bodies such as the NI Civil Service Commissioners and the Labour Relations Agency.

The Commission also complies with our obligations under Section 75 of the Northern Ireland Act 1998, and when developing, or reviewing, HR Policies and practices.

## **Annex 3**

### **Why does the Commission collect monitoring information?**

#### Community Background

The Fair Employment and Treatment (NI) Order 1998 outlaws discrimination on the basis of religious belief or political opinion. The Order also requires the Commission to submit an annual monitoring return to the Equality Commission for Northern Ireland.

This takes the form of a statistical return, providing information on the gender and community background composition of all people working in the Commission at the 1 January each year. Information is also provided on applicants, new appointments, leavers and promotees during the previous 12 months.

The same legislation requires the Commission to carry-out an in-depth review every 3 years to determine if Protestants and Roman Catholics are enjoying fair participation in employment. The results of this review, known as Article 55 Review, are published on the DFP internet site.

Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons of different religious belief and political opinion. Following guidance issued by the Equality Commission in 2007, the Commission has decided to use “community background “information as a proxy for political opinion.

#### Gender

The Sex Discrimination (NI) Order 1976 (as amended) makes it unlawful to discriminate against an individual on the grounds of his or her sex. Information on gender is also provided in the annual statutory monitoring return, as required by the Fair Employment and Treatment (NI) Order 1998. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between men and women generally.

#### Disability

The Disability Discrimination Act 1995 (DDA) provides protection for disabled persons against discrimination on the grounds of disability. The DDA defines disability as 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.”

The person must be affected in at least one of the respects listed in the DDA:

- mobility;
- manual dexterity;
- physical coordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;

- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- perception of risk or physical danger;
- taking part in normal social interactions; or
- forming social relationships.

The Disability Discrimination (NI) Order 2006 made some changes to the definition of disability and ensured that people with HIV, cancer and multiple sclerosis are deemed to be covered by DDA as soon as they are diagnosed.

Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons with a disability and persons without.

#### Race

The Race Relations (NI) Order 1997 makes it unlawful to discriminate on grounds of colour, race, nationality or ethnic origin. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons of different racial group(s).

#### Age

The Employment Equality (Age) Regulations (NI) 2006 makes it unlawful for employers and others to discriminate on grounds of age. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons of different ages and age groups.

#### Sexual Orientation

The Employment Equality (Sexual Orientation) Regulations (NI) Order 2003 makes it unlawful for employers, and others, to discriminate on the grounds of sexual orientation. In order to monitor the effectiveness of Commission policies information is gathered on sexual orientation. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons of different sexual orientation.

#### Marital Status

The Sex Discrimination (NI) Order 1976 (as amended), makes it unlawful to discriminate against married persons and civil partners in employment. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons of different marital status, married persons and civil partners.

#### Dependants Status

Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons with dependants and persons without.

## **Annex 4**

### **Confidentiality of Monitoring Information**

The following general principles will be applied to all individual monitoring information;

- individual monitoring information will be afforded a high degree of confidentiality;
- misuse of monitoring information will be viewed as a disciplinary offence; and
- individual monitoring information will only be disclosed to members of staff or officials of a trade union, members of which are employed in the Commission, if it is necessary to do so for the appropriate discharge of their duties and responsibilities.

In addition to the above internal safeguards on the protection of equality monitoring information generally, the confidentiality of community background monitoring information is protected through Regulations made under the Fair Employment and Treatment (Northern Ireland) Order 1998. These make it a criminal offence, subject to specific exceptions, for an employer or employee to disclose information on the community background of an individual which has been obtained, or is used, for the purpose of monitoring under the Fair Employment and Treatment (Northern Ireland) Order 1998. The exceptions permitted include the disclosure of individual community background monitoring information to members of staff or to Trade Union officials if it is necessary to do so for the appropriate discharge of their duties and responsibilities; the Equality Commission for NI and the Labour Relations Agency. They also permit the disclosure of individual monitoring information in connection with any actual or prospective proceedings before a Tribunal.

The Data Protection Act 1998 is concerned with the fair and lawful processing of personal data. Information about an individual's ethnic origin, religion, disability or sexual orientation is classified as sensitive personal data and conditions for processing such data are listed in the Act.

Equal Opportunities monitoring information is held by the Commission along with other personal data. The security of the HR and payroll information held is taken very seriously and included in the contract for any external service.

## **Annex 5**

### **Affirmative Action**

Affirmative action is not positive discrimination. Positive discrimination is illegal. The principal of selection and promotion on merit is the underlying basis for recruitment to, and advancement within, the Commission.

Where monitoring of staff and/or job application rates indicates that there may be under-representation of one or more of the equal opportunity groups, the Commission may take affirmative action to address this. In general terms, affirmative action can be

defined as being anything consistent with the legislation which is necessary to bring about positive change.

Examples of affirmative action may include;

- Where members of one community are applying for posts in the Commission in fewer numbers than might reasonably be expected, a decision could be reached to include a statement in advertisements that applications from that group are particularly welcome;
- Where members of one community are being appointed in fewer numbers than might reasonably be expected, then changes to the recruitment procedures may be appropriate;
- Single-sex training where that sex is under-represented in a particular skills area. The purpose of positive action training is to provide members of the under-represented group with the skills and abilities to enable them to compete for vacancies on an equal basis, e.g. management skills courses for women.
- Positive action outreach measures could include visits to girls' schools and work shadowing for females in order to encourage girls to consider non-traditional work.

The Equality Commission's Codes of Practice provide further details on the types of affirmative action that might be considered and the circumstances under which they might be applied.

## **Annex 6**

### **Disclosure of information in connection with Fair Employment/Industrial Tribunal proceedings.**

The release of an individual's monitoring information is permitted by legislation as part of prospective or actual proceedings under equality legislation, e.g. where another individual has made a complaint of alleged discrimination.

The Commission will comply with anti-discrimination legislation and will co-operate within the law with complainants and the Equality Commission for Northern Ireland, with a view to the fair resolution of complaints.

Examples of information that may be required to be released includes monitoring data on the candidate field, and those involved in selection, together with other information and documentation considered relevant.

The Commission policy is to provide full disclosure of relevant information and documentation, subject to the protection of;

- Home addresses, the release of which is not regarded as essential to the effective pursuit of most cases; and

- Information which the employing Department concludes might prejudice an individual's safety or security.

Where information on named or readily identifiable individuals is to be released, the individuals will be informed. The aim will be to give as much advance notice as practicable and normally not less than one week. On request, individuals will be given a copy of the information about themselves which is to be released. They will also be informed of the context of the complaint.