

Equality and Managing Diversity Policy - Draft

Approval/ Adoption Consultation:	Chief Executive/Board Members
Date for Review:	Annual basis or in line with legislative changes
Author: Lead:	Patsy Douglas, Human Resources Advisor



Blenheim Gardens RMO



Contents

Introduction	1
Key Audience.....	1
Summary	1
Policy Statement.....	1
Scope of Policy	2
Responsibilities	2
Management.....	2
Individual Employees	3
Complaints Procedure	3
Whistle Blowing Policy	3
Aim.....	4
Monitoring	4
Definitions of Discrimination.....	4
Direct Discrimination	4
Indirect Discrimination.....	4
Individual Discrimination	4
Group Discrimination	5
Institutional Discrimination	5
What is Racism?	5
Resources.....	5
What is Sex Discrimination?	6
What is Disability Discrimination?	6
Resources.....	6
What is Heterosexism and Homophobia?	7
Resources.....	7
What is Religious Discrimination?	7
Resources.....	7
What is Discrimination based on Gender Reassignment?	8
Resources.....	8
What is Age Discrimination?	8
Resources.....	9
Appendix.....	10

United Residents Housing does not discriminate against anyone in relation to their race, sex, disability, age, religious beliefs, sexual orientation, gender re-assignment, marital/parental status, and hours of work or ethnic origin.

Introduction

1. Equality is essentially about creating a fairer society where everyone can and has the opportunity to fulfil their potential. It is supported by legislation designed to address unfair discrimination (past, present or potential) that is based on membership of a particular group. In some circumstances, positive action is encouraged to address discrimination.
2. Diversity is about recognition and valuing the difference in its broadest sense. It is about creating a working culture and practices that recognise, respect, value and harness difference for the benefit of the organisation and the individual.
3. Equality and diversity are not inter-changeable but are independent. There is not equality of opportunity if the difference is not recognised and valued.

Key Audience

4. Equality of Opportunity and Managing Diversity in the workplace is common to all employees and applicants of URH, irrespective of sex, marital status, disability, race, colour, nationality, ethnic or national origin, religious belief, age social background, sexual orientation, health status, membership or non membership of a recognised Trade Union, and real or suspected infection with HIV/AIDS. URH is not only committed to the letter of the law, but also to the promotion of equality and diversity of opportunity in all fields.

Summary

5. URH recognises that it is only with the help and commitment of both its current staff and those who will be attracted to work in URH in the future that it can provide effective customer service. Only by using the skills of all its employees, developing the skills of staff and recruiting from all parts of the community will URH meet its service objectives.
6. URH's Equality and Managing Diversity policy will instil positive measures to prevent not only overt acts of discrimination, but also requirements and practices that although possibly unintentional, are discriminatory in nature. It is intended to aid the development of good practices in respect of all employees and to promote equality of opportunity for all employees and job applicants on the basis of merit and the ability to do the job.

Policy Statement

7. In addition to its moral responsibility, URH recognises its obligation under the Equal Pay Act 1970, Sex Discrimination Act 1975, the Race Relations Act

1976 and (Amendment) Act 2000, the Disability Discrimination Act 1995, Human Rights Act 1998, Employment (Religion or Belief) Regulations 2003 and Employment (Sexual Orientation) Regulations 2003, Employment Equality (Age) Regulations 2006 and other relevant legislation.

8. URH will ensure that a positive attitude towards equality of opportunity and will communicate the terms of this policy to each employee.
9. It is the duty of all employees to accept their personal responsibility for the practical application of this policy. In addition URH acknowledges that specific responsibilities fall on managers, supervisors and individuals professionally involved in recruitment and Human Resources.

Scope of Policy

10. URH aims to maintain and extend a fair working environment for all employees through development of policies and practices to promote equality of opportunity in employment.
11. These will include
 - Advertising
 - Selection/Interviewing
 - Recruitment
 - Terms and conditions
 - Promotion
 - Training
 - Staff Development
 - Discipline
 - Grievance
 - Termination
 - Working Environment

Responsibilities

12. URH has the primary legal and moral responsibility for ensuring that discrimination does not occur and is met by an effective policy, which is continually monitored. URH is liable (together with its employees) for any acts of unlawful discrimination by its staff even when such acts are carried out without URH's knowledge or approval.

Management

13. The responsibilities for implementing and monitoring the policy rest with the Chief Executive. Day to day responsibilities lie with the relevant departmental manager. Management also has the responsibility for communicating the policy to potential and actual employees.

Individual Employees

14. All employees have certain responsibilities under this policy. Good employee relations and fair employment practices depend on staff as much as URH. Staff attitudes and activities are of great importance.
15. Employees have a duty to URH, fellow employees and their partners (where appropriate). In particular all those concerned shall:
 - Co-operate with measures introduced by URH to ensure equality of opportunity and to prevent discrimination.
 - Not harass, abuse or intimidate employees or potential employees
 - Not induce or attempt to induce other employees, or management to practice discrimination, whether covered by the Acts or additional requirements agreed by URH. An example would be trying to persuade a manager not to employ a particular person because of their sex or race.
 - Not victimise, or attempt to victimise individuals on the grounds that they have made complaints or provided information on discrimination.
 - Not make remarks or commit acts of a discriminatory nature.
 - Draw attention of management to suspected incidents of discrimination in employment.
 - Carry out their duties as employees with due regard to URH's Equality and Managing Diversity Policy.
 - Not bring URH into disrepute due to inappropriate actions outside of the organisation.

Complaints Procedure

16. URH takes all complaints seriously; breaches of the policy will be investigated and may lead to disciplinary action being taken, up to and including dismissal.
17. We recognise that staff have the right to complain about their experience in the workplace.
18. The process for making a complaint is via the organisation's Grievance Procedure.

Whistle Blowing Policy

19. URH is committed to the highest possible standards of openness and probity including the aims and objectives of the Public Interest Disclosure Act 1998, which are incorporated in the policy. We aim to ensure that the conduct of our employees is professional at all times and that any concerns of corruption are investigated properly and thoroughly. This policy is written in accordance with the 1998 Act, and provides safeguards for employees who "Blow the Whistle" in good faith.

Aim

20. The aim of this policy is to help develop a culture of openness, accountability and integrity within URH. It demonstrates that we are committed to carrying out our affairs ethically, honestly and to a high standard. Not only is it good corporate and employment practice to have a whistle blowing policy that helps prevent corruption, fraud and mismanagement, it also helps to enhance our reputation and maintain public confidence in us.
21. The intention is also to make people feel confident about raising questions and to act upon concerns about practice in all of our areas of business, including in the workplace. The Whistle Blowing Procedure provides avenues to raise concerns and receive feedback on any action taken and should reassure employees that they will be protected from any reprisals or victimisation from it.

Monitoring

22. This policy will be reviewed by the Human Resources Advisor on an annual basis or more frequently should new legislation come into force.

Definitions of Discrimination

23. Discrimination can be direct, indirect, intentional or unintentional. Individual groups or whole organisations can be discriminatory. Perception is as important as intention. It is essential to take the views of people who feel they face discrimination seriously.

Direct Discrimination

24. It is when a person is treated less favourably than others because of, for example, their race, gender or sexual orientation, disability age, belief.

Indirect Discrimination

25. Is when a criteria, provision or practice is applied that disadvantages people of for example, a particular race, gender or sexual orientation, disability, age, religion or belief, unless they can be objectively justified.

Individual Discrimination

26. Is personal attitudes of superiority, for example that disabled people are not as capable as non disabled people, white people believe they are superior to black people, men believe they are better than women. For example the behaviour of awarding a job to someone because they are white. It can also be where someone prejudges another person because they are white. It can

also be where someone prejudices another person because of the group with which they are identified or identifies themselves with.

Group Discrimination

27. Is where prejudicial attitudes and behaviours are shared and reinforced so that there is a culture within the group that encourages discrimination.

Institutional Discrimination

28. Institutional discrimination is the collective failure of an organisation to provide an appropriate service to people because of their difference including race, gender, caring responsibilities, disability, gender re-assignment, age, social class, sexual orientation and religion or belief. It can be seen through processes, attitudes, behaviour and power imbalances that discriminate through unwitting prejudice, ignorance, thoughtlessness and stereotyping, which disadvantages these people.

What is Racism?

29. Racism is the general term to describe the conduct, practice and attitude that advantages or disadvantages people because of their skin colour, culture or ethnic origin.
30. URH adopts the Lawrence Inquiry recommendation defining a racist incident as “any incident which is perceived to be racist by the victim or any other person”. This definition is victim centred and the term racist incident includes crimes and non-crimes. Both must be reported, recorded and investigated with equal commitment.
31. Institutional racism is the failure of an organisation to provide a service to people because of their skin colour, culture or ethnic origin. It can be seen in processes, attitudes, behaviour and power imbalances that discriminate through unwitting prejudice, ignorance and thoughtlessness – it leads to the disadvantage of black and minority ethnic groups.
32. We recognise the harmful effect that racism has had – and continues to have on black and minority ethnic people – both in employment and service delivery.

Resources

33. On the 1st October 2007 three of the equality commissions, namely The Commission for Racial Equality (CRE), The Disability Rights Commission (DRC) and The Equal Opportunities Commission, (EOC) merged into the new Equality and Human Rights Commission. It is a public funded non-governmental body that tackles racial and disability discrimination and promotes equality of opportunity within both the private and public sectors to encourage fair treatment and to promote equal opportunities for everyone

regardless of their race, colour, nationality, or ethnic origin, religious belief or disability.

The Equalities and Human Rights Commission website can be found at <http://www.equalityhumanrights.com>

What is Sex Discrimination?

34. Sexism comes from the belief that one gender is superior to the other. Sexism can be seen in an organisation's power holders, structures, systems and practices.
- We know that negative attitudes can lead to sexual harassment and discrimination in access to jobs, training and services. We will strive to combat this through providing equal access to jobs, development and services.
 - We will take lawful action to ensure any discriminatory barriers are overcome and we will monitor the results of our actions.
 - We recognise that the burden of caring and domestic responsibilities has traditionally fallen upon women. We recognise and support the fact that women and men will need to work flexibly or part-time or take a break to meet their caring responsibilities. We will support employees, as far as practicable, to care for others who depend on them in an emergency and other situations whatever their gender.
 - Our managers must recognise the needs of employees isolated in single sex dominated workplaces and ensure the culture is not a harassing one

What is Disability Discrimination?

35. Physical barriers in the environment and attitudes in society lead to disability discrimination. Disabled people are disadvantaged by factors, rather than their impairment.
36. We will make reasonable adjustments to jobs and working conditions to support disabled people at work.

Resources

37. The Employers' Forum on Disability is the employers' organisation focussed on the issue of disability in the workplace. It is funded and managed by employers. The Forum is recognised as the authoritative voice on disability.
38. The Employers Forum on Disability can be found at <http://www.employers-forum.co.uk>

What is Heterosexism and Homophobia?

39. Heterosexism is the belief that heterosexuality is the norm and any other form of sexuality is abnormal.
40. Homophobia is a collection of negative attitudes and prejudices that leads to discrimination against lesbian women, gay men, bi-sexual people and the transgender community.
 - We recognise that discrimination can take place both in service delivery and employment because of a person's sexual orientation.
 - We acknowledge the discrimination that lesbians, gay men and bi-sexuals face and we will create a climate of respect in the workplace where all staff feel safe to "come out" if they wish to.

Resources

41. Visit the websites of the DTI and ACAS for more information about the Employment Equality Regulations. There are frequently asked questions sections about the legislation and where to go for more information and advice.
42. The website for the Advisory, Conciliation and Arbitration Service (ACAS) is at <http://www.acas.org.uk/> The Department of Trade and Industry (DTI) at <http://www.dti.gov.uk/>

What is Religious Discrimination?

43. Making jokes about someone's faith, belittling beliefs or unreasonably promoting your own faith can be offensive. To hold a religious or other belief is a basic human right and should be treated with respect and tolerance.
 - We will endeavour to provide scope for prayer and reflection and reasonable time off for festivals that are part of a person's religion or belief. We also welcome different forms of dress according to cultural and religious backgrounds provided this does not breach our health and safety.
 - We will promote a culture where people can practice their religion or belief in safety and without fear of harassment and discrimination.

Resources

44. Visit the web sites of the Business Enterprise for Regulatory Reform formerly known as the DTI and ACAS for more information about the Employment Equality Regulations. There are frequently asked questions sections about the legislation and where to go for more information and advice.

45. Advisory, Conciliation and Arbitration Service (ACAS) is at <http://www.acas.org.uk/> The Business Enterprise for Regulatory Reform at www.berr.gov.uk

What is Discrimination based on Gender Reassignment?

46. This is any action that places a transsexual person at a disadvantage by the organisation.
47. Gender re-assignment is where someone experiences such a deep conflict between their physical sex and their mental gender that they have no choice but to elect to re-assign their gender. This is called Transsexualism.
- URH recognises that transsexualism is a genuine medical status. We will provide appropriate support to staff with this status.
 - Transsexual employees will be treated with respect and dignity. We will strive to remove any barriers to employment opportunities

Resources

48. The Gender Trust at <http://www.gendertrust.org.uk>
49. GIRES (UK) a registered charity that provides education based on research into gender identity and intersex issues: <http://www.gires.org.uk>
50. Equality and Human Rights Commission is the leading agency working to eliminate sex discrimination in Britain.

What is Age Discrimination?

51. Assumptions can be made about people because of their age – in particular young people and older people. The assumptions can be that young people lack maturity and that older people lack flexibility and the ability to learn. These attitudes can become built into organisations and shown in their policies and practices – for example advertising jobs for a particular age range only
- We recognise that ageism is harmful because it undervalues the contribution that young people make.
 - We will ensure that there is not age bias in our recruitment advertising, job descriptions, person specifications, promotion opportunities, access to training and development and all Human Resources policies.

On the 1st October 2006 it became unlawful to discriminate against anyone on the basis of their age

Resources

52. The Employers Forum on Age (EFA) is an independent network of leading employers that aim to attract and retain experienced employees, regardless of their age. It highlights, through regular reports, studies and research, knowledge and understanding about the issue of age discrimination at work.
<http://www.efa.org.uk>
53. Government site for age equality. Information on the code of practice, future age legislation, and case studies of age positive companies.
www.agepositive.gov.uk

Appendix

Relevant Pieces of Legislation

Equal Pay Act 1970

- Made it unlawful to pay men and women differently for the same or like work or on work rated as equivalent
- An equality clause is placed in a woman's employment contract so that their contractual conditions are no less favourable than those a man who is engaged on like work or on work rated as equivalent

Sex Discrimination Act 1975

- Made it unlawful to discriminate directly or indirectly on grounds of sex or marital status in the provision of employment, goods and services.
- Made it unlawful to victimise a person for being involved in a sex discrimination case.
- The Equal Opportunities Commission (EOC) was set up under the Act with power to issue codes of practice and monitor its implementation.

Race Relations Act 1976

- Made it unlawful to discriminate directly or indirectly on grounds of colour, race, nationality or ethnic or national origin in the provision of employment, goods and services.
- Made it unlawful to victimise a person for being involved in a sex discrimination case.
- It set up the Commission for Racial Equality (CRE) whose duties are very similar to the EOC but in relation to race.

Disability Discrimination Act 1995

- Made it unlawful to discriminate against a person on ground of disability i.e. a person who has a physical or mental impairment, which has a long term and substantial adverse effect on her/his ability to carry out day-to-day activities.
- Introduced a duty of employers to make reasonable adjustments to physical features or other arrangements that would place the disabled person at a substantial disadvantage.

Protection from Harassment Act 1997

- If there is intention, behaviour that has the effect of causing harassment alarm or distress, including within the workplace, is a criminal offence under this act. This became known as the 'Stalking Act'.

The Human Rights Act 1998

- Came into force in 2000 and applies to all public bodies
- Will have an equalities impact under several of the articles
- Article 14 specifically prohibiting discrimination of any kind

The Sex Discrimination (Gender Reassignment) Regulations 1999 amended the Sex Discrimination Act 1975

- Prohibits direct discrimination in employment on the grounds that a person intends to/is currently/has undergone gender reassignment.

Race Relations Amendment Act 2000

- Made race discrimination unlawful in public authority functions not previously covered by the 1976 Act.
- "Public authority" has been defined widely for this purpose. This means that law enforcement, whether by the police, local authorities or tax inspectors, are for the first time subject to race discrimination laws
- Certain public appointments, and the termination and the terms and conditions of public appointments, are also subject for the first time to race discrimination laws, as is the implementation of Government policies and services across the board.
- The Act also places a general duty on public authorities to work towards the elimination of unlawful discrimination and promote equality of opportunity and good relations between persons of different racial groups.

Age of Consent for Gay Men 2001

- This was lowered to 16
- However there is attached to this the "abuse of trust" law which criminalises any person who has sexual relations with someone they have a professional responsible relationship with.

Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Religion or Belief) Regulations 2003

- Outlaw discrimination in employment and vocational training on the grounds of sexual orientation and religion or belief respectively.
- **Direct discrimination** - treating people less favourably than others on grounds of sexual orientation or religion or belief;

- **Indirect discrimination** - applying a provision, criterion or practice which disadvantages people of a particular sexual orientation or religion or belief and which is not justified as a proportionate means of achieving a legitimate aim;
- **Harassment** - unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment;
- **Victimisation** - treating people less favourably because of something they have done under or in connection with the Regulations, e.g. made a formal complaint of discrimination or given evidence in a tribunal case.

Disability Discrimination Act 1995: extended in 2004, whereby service providers will have a statutory obligation to take reasonable steps to remove physical barriers to disabled people or to provide services by other means.

Disability Discrimination Act 2005 (mainly to be implemented by Dec 2006)

- Makes it unlawful for a public authority to discriminate against a disabled person when exercising its functions
- Requires public authorities to:
 - Have due regard to the need to eliminate unlawful discrimination against and the harassment of disabled persons
 - Promote equality of opportunity between disabled and other persons
 - Tackle institutional discrimination through a duty to promote disability equality for the public sector

Civil Partnership Act 2005

- Same sex couples are entitled to the same employment benefits as married employees and same sex couples can make a legal commitment by forming a civil partnership.

The Employment Equality (Age) Regulations 1st. October 2006

- A minimum default retirement age of 65 years
- Bans direct and indirect age discrimination in recruitment, promotion and training in the workplace.
- Unfair dismissal and statutory redundancy rights extended to those 65 and over (unless they have reached the employers retirement age of 65 or over).
- Employers duties include:
 - Employers to consider an employee's request to continue working beyond retirement.
 - Employers to give written notice to employees at least 6 months in advance of their intended retirement date.

Housing Act 2004 Gypsies and Travellers

- Duty under the Race Relations Act to promote good community relations in regard to accommodation provision for Gypsies and Travellers
- Local authorities are required to include Gypsies and Travellers in the Accommodation Needs Assessment process, and to have a strategy in place which sets out how any identified need will be met, as part of their wider housing strategies.

The Gender Equality Duty

The Equality Act 2006 is an amendment to the Sex Discrimination Act 1975. **The Gender Equality Duty** comes into force in April 2007. All public authorities must demonstrate that they are promoting equality for women and men and that they are eliminating sexual discrimination and harassment.

The specific duties, in brief, are:

- **To prepare and publish a gender equality scheme**, showing how it will meet its general and specific duties and setting out its gender equality objectives.
- In formulating its overall objectives, **to consider the need to include objectives to address the causes of any gender pay gap.**
- **To gather and use information** on how the public authority's policies and practices affect gender equality in the workforce and in the delivery of services.
- **To consult stakeholders (i.e. employees, service users and others, including trade unions) and take account of relevant information** in order to determine its gender equality objectives.
- **To assess the impact of its current and proposed policies and practices** on gender equality.
- **To implement the actions set out in its scheme** within three years, unless it is unreasonable or impracticable to do so.
- **To report** against the scheme every year and **review** the scheme at least every three years.

The first scheme must be published by 30 April 2007.

Emerging Issues

New legislation to support equality and diversity agenda. These include:

Equalities Bill: (April 2007)

Part 1 - establishes the Commission for Equality and Human Rights (CEHR) and sets out its duties, general powers, and enforcement powers. The CEHR will take

on the work of the existing equality commissions and will additionally assume responsibility for promoting equality and combating unlawful discrimination in three new strands, namely sexual orientation, religion or belief, and age. The CEHR will also have responsibility for the promotion of human rights.

Part 2 - sets out provisions prohibiting discrimination on grounds of religion or belief and of sexual orientation in the provision of goods, facilities and services, education, premises and the exercise of public functions.

Part 3 - sets out provisions prohibiting sex discrimination in the exercise of public functions and creates a public sector duty to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity between women and men.

Work & Families Act 2006: April 2007

- Extending statutory maternity pay, maternity allowance and statutory adoption pay from 6 to 9 months;
- A power to introduce new paternity leave for fathers, enabling them to benefit from leave and statutory pay if the mother returns to work before the end of her maternity leave period;
- Introducing 'keeping in touch' days, whereby women on maternity leave and staff on adoptive leave can, by agreement with their employer, return to work for a few days during their leave;
- Extending the period of notice for return from maternity leave to two months, enabling employers and employees to plan more effectively for return to work;
- Extending the right to request flexible working to carers.

Key references, useful guidance

Disability

Code of Practice – Rights of Access: Goods, Facilities, Services and Premises
www.disability.gov.uk/dda

DDA Helpline ddaahelp@stra.sitel.co.uk

Department for Education website for all disability publications
www.disability.gov.uk

Disability Information Service www.dis.org.uk

Disability Rights Commission www.drc-gb.org

Royal National Institute for the Blind www.nib.org.uk

Royal National Institute for the Deaf www.rnid.org.uk

Job Centre Plus www.jobcentreplus.gov.uk for GIS and access to work information

Black and Minority Ethnic

Commission for Racial Equality www.cre.gov.uk

European Commission Against Racism and Intolerance www.ecri.coe.int

Home Office Website www.homeoffice.gov.uk/raceact

Institute of Race Relations www.irr.org.uk

Gender

Equal Opportunities Commission www.eoc.org.uk

Opportunity Now www.business-impact.org

Women's National Commission www.thewnc.org.uk 0207276 2555

Women's Unit www.womens-unit.gov.uk

Age

Research DFEE www.dfee.gov.uk/agediversity

Age Concern www.age.org.uk

Information on Pensions www.inlandrevenue.gov.uk/pso and www.pensions-pmi.org.uk

Age Positive www.agepositive.gov.uk (DWP site preparing for 2006)

Lesbian, Gay, Bisexual, Transgender

Amnesty LGBT Network www.amnesty.org.uk/action/nw/glb.html

GALOP: confidential L&G help-line 0207 704 6767 www.galop.org.uk

Lesbian & Gay Employment Rights www.lager.dircon.co.uk 020 7704 2205

Stonewall www.stonewall.org.uk

Terence Higgins Trust www.tht.org.uk

Work Options

Department for Education & Employment www.dfes.gov.uk/work-lifebalance

Employers for Work-Life Balance www.employersforworklifebalance.org.uk

New Ways to Work www.new-ways.co.uk

Part-time Workers Regulations ACAS www.dti.gov.uk/er/ptime.htm 020 7396 5100