



Human Resources Department

# EQUAL OPPORTUNITIES

## Policy statement

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Signed :	Chief Executive and Employee Director

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# Equal opportunities policy statement

## 1 Introduction

NHS Borders is fully committed to equality of opportunity and will ensure that the principles of equality are put into practice in all areas.

NHS Borders must be able to demonstrate that they are working within the current legal framework to recruit, develop and retain a workforce that is able to deliver high quality services that are fair, accessible, appropriate and responsive to the needs of the local community.

NHS Borders is committed to ensuring the elimination of all forms of discrimination on the basis of age, culture, disability, employment status, ethnic origin, faith, gender, gender reassignment, HIV status, marital status, nationality, offending record, political affiliation or trade union membership, race, religion, sexual orientation or social background.

By recognising the contribution that employees can make as individuals and providing genuine equality of opportunity, NHS Borders is supporting the development of a workforce that is reflective of the increasingly diverse community it serves; this will lead to improved services for patients. However, good intentions alone are not sufficient in valuing diversity and creating and stimulating genuine equality of opportunity. All NHS Borders employees have a responsibility to implement the principles outlined in this policy in all areas of their work; therefore making equality of opportunity and diversity a reality for all employees and potential employees. A key part of this will be to ensure that, in line with legislation, all newly developed or reviewed policies / protocols or procedures are assessed using NHS Borders Equality Impact Assessment process.

This policy should be read in conjunction with NHS Borders Race Equality Scheme which has been published in line with the Race Relations Act. In addition, NHS Borders is working towards the completion of a Disability Equality Scheme, an Age Discrimination Scheme and, as of April 2007, a Gender Equality Scheme. These documents will all be influenced by the equal opportunities principles set out in this policy.

## 2 Principles and aims

It is important to recognise that 'equal opportunities' means ensuring that there is a 'level playing field' for all existing and potential employees by providing protection from unlawful discrimination. It does not mean treating everybody the same. The concept of 'equal opportunities' may therefore involve positive action. Examples of positive action may include:

- ✦ Targeted staff training and development schemes
- ✦ The use of specialist press for job advertising; and
- ✦ Encouraging people of a particular race, gender or disability to apply for jobs wherever they are underrepresented in the current workforce

As part of implementing this policy, regular reviews of practices and procedures will be undertaken in partnership to ensure that:

- ✦ They are consistent with the principles and aims of equal opportunities in employment
- ✦ There is consistent and objective application across the whole employment field with individuals being selected, trained and promoted entirely on the basis of their abilities / potential and the requirements of the job
- ✦ NHS Borders undertake Impact Assessments to ensure that equality and diversity measures have been considered and appropriate actions taken

NHS Borders is committed to ensuring that all relevant information is made available in any language, audio tape, large print or Braille format as required. For more information on this, please contact: Equality and Diversity Department Team on 01896 825578.

### 3 Scope

New staff will be made aware of NHS Borders Equal Opportunities policy and the principles of Equality when they join the organisation.

The law recognises the following forms of discrimination:

**Direct Discrimination** occurs when a person is treated less favourably on the grounds of gender, sexual orientation, marital status, age, disability, HIV status, race, nationality, ethnic origin, religion, social background, employment status, gender reassignment, political affiliation or trade union membership.

**Indirect Discrimination** is when a condition or requirement (which cannot be justified on grounds other than gender, marital status or racial factors) is applied equally to all individuals but cannot be met by a smaller proportion of groups e.g. a requirement for a higher language ability than is needed for the safe and effective performance of the job.

**Institutional Discrimination** takes place when established policies, practices and procedures within an organisation have discriminatory effects, whether intentional or not.

Where employees have particular cultural or religious needs in terms of requests for annual leave for religious celebration, prayer time, cultural dress, etc. which may conflict with existing working requirements, consideration will be given, wherever reasonably practicable, to varying or adapting requirements to enable such needs to be met.

The Chief Executive and the Board acting in conjunction with all corporate and service leads will be responsible for implementing and monitoring the operational effectiveness of this Policy. It is however, the duty of each individual employee to actively promote and add value to diversity, equality of opportunity and fair treatment within their own areas of work.

## 4 Legal framework

NHS Borders has a legal obligation to ensure that it and its staff do not unlawfully discriminate. By law, an employee who is found by an Employment Tribunal to be guilty of discrimination against another employee, may be ordered to pay compensation – this is in addition to any compensation that the employer might be required to pay.

This policy has taken account of the following employment legislation:

- ✦ Asylum and Immigration Act 1996
- ✦ Disability Discrimination Act 1995 and Disability Discrimination Act 2005
- ✦ Disability Equality Duty 2006
- ✦ Employment Equality (Age) Regulations 2006
- ✦ Employment Equality (Religion or Belief) Regulations 2003
- ✦ Employment Equality (Sexual Orientation) Regulations 2003
- ✦ Employment Relations Act 1999
- ✦ Equal Pay Act 1970 (as amended)
- ✦ Gender Recognition Act 2004
- ✦ Gender Equality Duty (as of April 2007)
- ✦ Human Rights Act 1998
- ✦ Part Time Workers Regulations
- ✦ Race Relations Act 1976 and the Race Relation (Amendment) Act 2001
- ✦ Race Relations Act (Amendment) Regulations 2003
- ✦ Rehabilitation of Offenders Act 1974
- ✦ Sex Discrimination Act 1975 Amendment Regulations 2003
- ✦ Sex Discrimination (Gender Reassignment Regulations) 1999
- ✦ Trade Union and Labour Relations (Consolidation) Act 1992

Guidance on the above Acts and Regulations can be obtained from the Human Resources Department. A brief summary of the relevant Acts and Regulations can be found at **Appendix 1**.

## 5 Putting equal opportunities into practice

A glossary of terms used in this policy is attached at **Appendix 2**.

### 5.1 Recruitment and selection

The following is a brief summary of the equal opportunity principles that NHS Borders will apply throughout its recruitment process. Full details of this can be found in the Pre-employment checks Policy and/or the Recruitment and Selection Policy:

- ✦ All posts will be advertised (either internally or externally) unless a restructuring, reorganisation or redeployment situation exists, when separately agreed principles will be followed in line with the relevant policy
- ✦ Managers must carefully word adverts so as not to discriminate against any particular group. The nominated HR Manager for the area can advise on this

- ✦ Information supplied to candidates following advertisement will indicate that ‘the organisation is committed to equal opportunities and applications are welcomed from anyone provided they meet the relevant criteria’
- ✦ Applicants identity will be withheld from recruiting managers as will information relating to the applicant's gender, age, marital status, race, disability status, or schools attended
- ✦ Certain information is required for equal opportunities monitoring purposes. This will be requested on a nationally agreed Equal Opportunities Monitoring Form. On receipt, the staff within HR will remove the monitoring form from the application form and retain it within the HR Department. It will not be forwarded to anyone involved in the recruitment and selection process
- ✦ All job applicants who disclose a disability and who meet the minimum person specification will be guaranteed an interview. Special arrangements can be made, on request, to facilitate their attendance at interview. The standard interview process will then be followed
- ✦ If an applicant with a disability is the preferred candidate, but there remain practical concerns about whether the appointment should be made, then advice on reasonable adjustments should be obtained from OHS; or, the organisation has access to the Job Introduction Scheme. The latter enables the applicant to be employed with a subsidy for the first 6 weeks as long as the job itself is expected to last for 6 months or more. If concerns are expressed after 6 weeks there is the facility to extend this payment up to a maximum of 13 weeks. This must be done in conjunction with the Disability Advisor from the local Job Centre
- ✦ Qualifications obtained in countries outwith the countries of the United Kingdom, which are evidenced to be equivalent to qualifications obtained in the U.K. should be considered with equal weight in recruitment and selection decisions. Prior to an offer of employment, the Chair of the Interview Panel must clarify the status of qualifications with support from an HR Manager if necessary. Recruiting Managers in NHS Borders will respect obligations under European Union provisions regarding equivalent professional qualifications obtained in EU member states
- ✦ Managers responsible for recruitment and selection must have undergone training in effective recruitment practices including equal opportunities before they participate in the interview process. All trained managers will be required to attend a refresher course every three years

**Note:** For Senior Medical and Dental Appointments, National Regulations apply to the recruitment and selection process. All members of Advisory Appointments Committees should receive training in equal opportunities and good employment practice as advised by the Equal Opportunities Commission and the Commission for Racial Equality. It is the responsibility of the nominating body to the National Panel (e.g. Royal College, Scottish Executive or University) to ensure that training has been provided for panelists.

## 5.2 Disability discrimination

NHS Borders will ensure, wherever possible, that people with disabilities are recruited to the organisation and/or able to remain in employment. Where appropriate, NHS Borders will approach voluntary, employment and funding bodies for practical and financial assistance to integrate new employees with disabilities into the workforce. For existing employees who develop a disability during their employment, NHS Borders is committed to working with the Occupational Health Service to support the employee. The organisation will make reasonable adjustments where viable and will use the NHS Borders Redeployment Policy where necessary. When all other options have been exhausted, NHS Borders provide support and advice to employees during the employment termination process. The Nominated HR Manager for the area can provide more information on this.



NHS Borders is a ‘**Two Ticks - Positive about Disabled People**’ award holder. The Disability Symbol shows prospective employees at a glance that NHS Borders is committed to taking a positive look at their abilities. In order to maintain this status, NHS Borders have made five practical commitments about what it will do to ensure that disabled people can play a positive role in the organisation.

The five commitments of a symbol user are:

1. A guaranteed job interview – to interview all applicants with a disability who meet the minimum criteria for a job vacancy and consider them on their abilities
2. Consulting disabled employees regularly – to ask disabled employees at least once a year what can be done to make sure they can develop and use their abilities at work
3. To make every effort when employees become disabled to make sure they stay in employment
4. To take action to ensure that all employees develop an awareness of disability in order to make the commitments work
5. Each year, to review these commitments and what has been achieved, plan ways to improve on them and let all employees know about progress and future plans

### **What does the symbol mean to prospective employees..?**

The ‘Two Tick’ symbol is displayed on job advertisements, application forms and on recruitment literature, it indicates to prospective employees that as long as the applicants meet the minimum requirements for the job as stated on the job description and person specification, they are guaranteed an interview. The applicant can use this opportunity to put forward their views about how they can best use their abilities at work. More information about this can be found in NHS Borders Recruitment and Selection Policy.



### 5.3 Age discrimination

Age discrimination is not confined to any one age group. It can affect people of all ages and at every stage of their working life. NHS Borders is committed to the removal of age discrimination in the following areas of employment:

- ✦ Recruitment and selection
- ✦ Promotion, career management and training
- ✦ Redundancy and retirement

The use of age and age related criteria reduces the objectivity in employment decision making and increases the likelihood of inappropriate decisions. Employment decisions based on age are not justifiable because:

- ✦ Age is not a genuine employment criteria
- ✦ Age is not a predictor of performance
- ✦ It is misleading to equate physical and mental ability with age

Existing employees, prior to reaching the default national retirement age of 65, have a statutory right to request to work beyond that age. For more information refer to the Retirement Policy or contact the nominated HR Manager for your area.

### 5.4 Personal Development

All employees will be supported to develop in their post in line with the Agenda for Change Knowledge and Skills Framework. The application of NHS Borders Appraisal PDP and Review Policy will assist with this.

### 5.5 Education, training and retraining

All employees will have access to internal and (where appropriate) external training and development opportunities within the overall resources of NHS Borders in accordance with the organisational training plan and the identified needs of individuals. Flexible training methods will be used wherever possible to try to accommodate the needs of all staff. The uptake of training will be monitored.

NHS Borders will train all managers on managing equality and diversity for their staff. Elements of this will be covered in the Recruitment and Selection training, Appraisal PDP and Review training and Dignity at Work policy training.

**Note:** The Training Department will integrate equality and diversity in all training developed and delivered to NHS Border's staff.

### 5.6 Promotion

NHS Borders will ensure there is an element of competition in internal promotion or acting up situations. NHS Borders will not presume that men or women, minority groups, young or older employees do not want promotion or an opportunity for advancement / development. The selection criteria will be based on skills, abilities and potential only.

All promoted posts will be advertised internally within the organisation (unless a restructuring, reorganisation or redeployment situation exists when separately agreed principles will be followed).

All applicants will be asked to complete an equal opportunities monitoring form, which will not be made available to the recruitment and selection panel.

### **5.7 Fixed-term contracts**

Employees on fixed-term contracts have the same employment rights as permanent employees. For more information, please refer to NHS Borders Fixed-term Contracts Policy.

### **5.8 Part-time workers**

No employees shall be discriminated against on the basis of the number of hours they work.

NHS Borders encourages the development of a flexible workforce by encouraging the greater availability of part-time work at all levels within the organisation including skilled and managerial positions. Previous or current part-time status should not be a barrier to promotion to another post, whether the promoted post is full-time or part-time.

Part-time staff shall have equal access to training and development opportunities.

### **5.9 Induction**

All new staff should attend NHS Borders Corporate Induction. This introduces employees to NHS Borders in the wider context, sets out the organisations responsibilities to it's employees and theirs to NHS Borders. Please refer to NHS Borders Induction Policy for more information. Local workplace induction will be carried out within the first week of employment.

### **5.10 Work-life balance**

All employees, whether full-time or part-time, with permanent or fixed-term contracts, will be treated equally. NHS Borders commitment to equal opportunities is evident from the implementation of work-life balance policies, for example the Special Leave and Flexible Working Requests Policies. Further policies and protocols are being developed in line with the work-life balance guidelines to ensure the effective implementation of the Equal Opportunities Policy.

## **6 Impact assessment**

Organisational policies potentially impact every member of staff. NHS Borders is legally obliged to impact assess all proposed policies or policies that are being reviewed. Equality Impact Assessments are concerned with identifying what effect, or likely effect will follow from the implementation of the policy for different equalities groups. This includes recommending change where it is needed to ensure that as far as possible any adverse impact for a particular group or sector of the community is minimised or

eliminated. Please contact the Equality and Diversity Team for more information on conducting an Equality Impact Assessment.

## 7 Monitoring

NHS Borders recognises that monitoring of the implementation of this policy is essential to ensure action as a result of policy is effective and that all groups are being treated equally. The objective of monitoring is to ensure that at every stage where decisions are made about individuals, their appointment, promotion, training, treatment, remuneration, hours of work and other working conditions no prejudices influence decisions and no discrimination exists.

Staff must be reassured that all information collected for monitoring purposes will be retained in line with the Data Protection Act 1998.

The overall responsibility for the introduction and effectiveness of monitoring systems used within the NHS Borders and the monitoring and review of the effectiveness of the Equal Opportunities Policy lies with the Board. The Board will appoint an individual director/executive manager who will act as champion and will assume responsibility for equal opportunities within NHS Borders. This person must be a member of the Area Partnership Forum.

An equal opportunities checklist for managers is attached at **Appendix 3**.

## 8 Resolution of disagreements

If a manager or employee has any queries regarding this policy and they should contact their nominated HR Manager.

Should a disagreement arise as a result of this policy employees have the right to raise a formal grievance. It may be preferable in such circumstances, however, for the manager to seek advice on resolving the matter from their nominated HR Manager and a Staff Side Representative.

### Grievances

Any employee who believes that he or she is being treated less favourably on the grounds of their age, disability, employment status, ethnic origin, faith, gender, gender reassignment, HIV status, marital status, nationality, offending record, political affiliation or trade union membership, race, religion, sexual orientation or social background is encouraged to raise the matter through NHS Borders Grievance Policy.

No employee expressing concern about the application to them of the Equal Opportunities Policy will be treated less favourably as a result; or will suffer disciplinary action as a result of raising a grievance on the basis of what they consider to be discrimination.

## **Bullying or harassment**

If the complaint is one of bullying or harassment then the employee should raise the matter through the Dignity at Work Policy.

## **Disciplinary action**

All staff and managers must adhere to the equal opportunities policy and failure to do so may lead to disciplinary action in line with NHS Borders Management of Employee Conduct policy. In applying the Management of Employee Conduct or Management of Employee Capability Policies, care must be taken to ensure that a member or members of one group are not disciplined or dismissed for conduct or capability which would be overlooked or condoned in another group.

## **9 Summary of roles and responsibilities**

### **The responsibilities of NHS Borders Chief Executive are to:**

- ✦ Support this policy with positive action based on strategic objectives
- ✦ Ensure that equality is at the heart of the organisation's agenda
- ✦ Ensure full co-operation in applying equal opportunities to all policy making
- ✦ Ensure appropriate service provision and act as agents for change within local communities by positioning equality and diversity at the heart of local health plans
- ✦ Ensure that everyone in the organisation understands what this policy means for them and provide positive support to help managers meet their obligations in turning policy into practice
- ✦ Ensure that NHS Borders meets its legal obligation by ensuring that it and its staff do not unlawfully discriminate
- ✦ Monitor equality via the Local Partnership Forum using the equality indicators
- ✦ Ensure, wherever possible, that people with disabilities are able to remain in employment or be recruited to the organisation
- ✦ Endeavour to maintain the organisation's 'Two Tick' status by adhering to 5 commitments

### **The responsibilities of all Service Managers / Heads of Departments are to:**

- ✦ Ensure that they are familiar with NHS Borders Equal Opportunities Policy
- ✦ Ensure that all activities undertaken within their area are done in a manner that is consistent with the principles outlined in the Equal Opportunities Policy
- ✦ Ensure that good employment practices are set which have equality within their structures and activities from the outset
- ✦ Advertise all vacant posts unless a restructuring, reorganisation or redeployment situation exists
- ✦ Carefully word adverts so as not to discriminate against any particular group
- ✦ Shortlist all job applicants who disclose a disability and who meet the minimum person specification
- ✦ Participate in any NHS Borders recruitment and selection training

### **The responsibilities of all Line Managers in NHS Borders are to:**

- ⊕ Ensure that employees are treated fairly and consistently
- ⊕ Ensure that all new staff are made aware of NHS Borders Equal Opportunities Policy and principles of equality when they join the organisation
- ⊕ Ensure that all new staff attend NHS Borders Corporate Induction
- ⊕ Ensure that local workplace induction is carried out within the first week of employment
- ⊕ Support all employees to develop in their post in line with the Agenda for Change Knowledge and Skills Framework
- ⊕ Ensure there is an element of competition in internal promotion or acting up situations
- ⊕ Provide support and advice to employees during the employment termination process

### **The responsibilities of all employees are to:**

- ⊕ Ensure that there is no discrimination in patient care
- ⊕ Assume individual responsibility for the prevention of discrimination in the workplace
- ⊕ Co-operate with this policy and draw suspected breaches to the attention of their line manager

### **The responsibilities of all Staff Side Representatives are to:**

- ⊕ Represent staff fairly and in line with this policy
- ⊕ Act at all times in line with their responsibilities under the Partnership Agreement

### **The responsibilities of the Human Resources Department are to:**

- ⊕ Proactively advise, support and guide all staff in this policy and protocol
- ⊕ Provide managers with information on voluntary, employment and funding bodies that can provide practical and financial assistance to help integrate new employees with disabilities into the workforce
- ⊕ Provide support and advice to employees during the employment termination process
- ⊕ Remove Equal Opportunities Monitoring Forms from application forms and retain them securely within the HR Department
- ⊕ Retain all employee information in line with the Data Protection principles

### **The responsibilities of Training and Professional Development are to:**

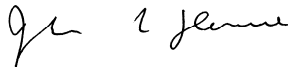
- ⊕ Develop the skills of managers and staff representatives to allow this policy to be put into practice effectively
- ⊕ Consider flexible training methods wherever possible to try to accommodate the needs of all staff

**The responsibility of the Equality and Diversity function is to:**

- ✦ To support NHS borders to integrate Equality and Diversity throughout the organisation
- ✦ To support NHS employees to actively work to and promote Equality and Diversity in the workplace
- ✦ To implement an Impact Assessment Framework for all NHS Borders policies

**The responsibilities of the Occupational Health Department are to:**

- ✦ Assess the needs of individuals who identify a disability on their health declaration form
- ✦ Support existing employees who develop a disability during their employment
- ✦ Advise NHS Borders managers and employees regarding reasonable adjustments where practicable or the need to involve other agencies
- ✦ Provide support and advice to employees who feel they are being discriminated against
- ✦ Provide support and advice to employees during the employment termination process



John Glennie  
Chief Executive



Edwina Cameron  
Employee Director

## Appendix 1

### Summary of the relevant Acts and Regulations

#### **Asylum and Immigration Act 1996**

This Act makes it a criminal offence for an employer to recruit individuals who have no permission to work in the UK. CRE advice is that all prospective employees should be asked for a birth certificate or passport to establish their eligibility to work in the UK.

#### **Disability Discrimination Act 1995 and Disability Discrimination Act 2005**

This Act deals with discrimination against disabled people – that is, when someone treats a disabled person less favourably than someone else, without justification, for a reason related to their disability. Discrimination also occurs if, without justification, a 'reasonable adjustment' for the disability is not made. The Act applies to all those who provide goods, facilities and services to the public.

#### **Disability Equality Duty 2006**

This Duty has placed a legal obligation on all public bodies to ensure the elimination of discrimination against people with disabilities. NHS Health Boards under the specific duties have produced disability equality schemes to support the implementation of this.

#### **Employment Equality (Age) Regulations 2006**

These regulations make it unlawful to discriminate against anyone on the grounds of their age, age group or perceived age.

#### **Employment Equality (Religion or Belief) Regulations 2003**

These regulations apply to discrimination on grounds of religion, religious belief or similar philosophical belief. They cover discrimination on grounds of perceived as well as actual religion or belief. The regulations also cover association i.e. being discriminated against on grounds of religion or belief of those with whom you associate.

#### **Employment Equality (Sexual Orientation) Regulations 2003**

These regulations apply to discrimination on grounds of sexual orientation towards persons of the same sex, the opposite sex and the same and opposite sex. They cover discrimination on the grounds of perceived as well as actual sexual orientation. These regulations also cover association i.e. being discriminated against on the grounds of the sexual orientation of those whom you associate.

#### **Employment Relations Act**

This Act includes a number of "Work-life Balance" measures to help provide a balance between work and home life. The Act provides employees with rights to parental leave, time off work in family emergencies as well as simplifying and improving maternity rights.

#### **Equal Pay Act 1970**

The Equal Pay Act requires an employer to give equal treatment in respect of pay and other terms of the contract of employment, to men and women doing the same job or broadly similar work, or work which is given similar value under job evaluation.

### **Gender Equality Duty 2007**

This Duty has placed a legal obligation on all public bodies to ensure the elimination of discrimination on the grounds of gender. NHS Health Boards under the specific duties will produce gender equality schemes to support the implementation of this.

### **Gender Recognition Act 2004**

This legislation received Royal Assent in July 2004 and came into effect in April 2005. The Act enables transsexual people who live fully and permanently in their chosen gender to apply for legal recognition of that gender. It removes a range of issues faced by people who live as a different gender from the one they were registered as at birth.

### **Human Rights Act 1998**

The Human Rights Act incorporates rights established under the European Convention of Human Rights into UK law on a limited basis. The Act provides among other issues, a right to a fair trial and a right to respect family life.

### **Part-time Workers Regulations**

These regulations remove discrimination against part-time workers and increases access to part-time work at all skill levels and responsibility.

### **Race Relations Act 1976, Race Relations (Amendment) Act 2000 and Race Relations Act 1976 (Amendment) Regulations 2003.**

The purpose of the 1976 Act is to promote equality of opportunity and eliminate racial discrimination – the law covers people from all racial groups, including white people. The 2000 (Amendment) Act outlaws direct and indirect race discrimination and victimisation in public authority functions not covered by the 1976 Act, defines “Public Authority” widely to include public functions undertaken by private sector organisations and places a general duty on public authorities to promote race equality. The 2003 Amendment Regulations introduce several key amendments to the Race Relations Act 1976 including a broader definition of indirect race discrimination and a new statutory definition of harassment.

### **Rehabilitation of Offenders Act 1974**

The purpose of this Act is to allow an individual who has a conviction(s) to be Rehabilitated and, after a period of time, treat the conviction as if it had never occurred. Certain professions and careers are exempt from the provisions of the Act and the health service is one of these. For further details please contact the HR department. (The policy on Criminal Records Bureau Checks gives further details).

### **Sex Discrimination Act 1975 Amendment Regulations 2003**

This deals with discrimination on grounds of sex or marriage and applies to men and women. It makes discrimination on the grounds of gender illegal whether it is direct or indirect.

### **Sex Discrimination (Gender Reassignment) Regulations 1999**

Makes discrimination unlawful on the grounds of gender reassignment. Applies to anyone who intends to undergo, is undergoing or has undergone gender reassignment.

### **Trade Unions and Labour Relations (Consolidation) Act 1992**

This legislation protects employees from discrimination on the grounds of trade union activities or membership, or of non trade union membership.



## Appendix 2

### Glossary of terms

#### **Disability**

A disabled person is described in the Disability Discrimination Act of 1995 as one who has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

#### **Diversity**

The description of a range of visible and non-visible differences that exist between people. These could be from differences in culture, skills and experiences depending on the gender, age, background, ethnicity, religion, disability, level of ability or personality. Harnessing these differences will create a productive environment in which everybody feels valued, where talents are fully utilised and in which organisational goals are met. Managing diversity can help to combat prejudice, discrimination, stereotyping, harassment and unfair behaviour and support people to give of their best and to be aware of the effect that their actions can have on others.

#### **Discrimination**

See prejudice.

#### **Employment**

Employment under a contract of service or apprenticeship or a contract personally to do any work.

#### **Ethnicity**

A strict definition of an ethnic group is a group regarded as a distinct community by virtue of certain essential characteristics - a shared history which distinguishes it from other groups and a cultural tradition of its own. Sikhs and Gypsy Travellers are examples. However, it has come to have a broader meaning and the expression "ethnic monitoring" is used in reference to groups defined by race or national origin as well.

#### **Equality**

Is about creating a fairer society in which everyone has the opportunity to fulfil their potential.

#### **Gender**

The word 'gender' is often used in place of the word 'sex' in equality issues. 'Gender' does not appear in legislation (except for 'gender reassignment' - see below) but 'sex discrimination' and 'gender discrimination' are generally interchangeable.

#### **Gender Reassignment**

Gender re-assignment is a process undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex. The Sex Discrimination Act was extended in 1999 to make it unlawful to discriminate in employment on the grounds of an employee intending to, undergoing or having undergone, gender reassignment.

### **Genuine Occupational Qualification**

Discrimination will not be unlawful if an employer can show that it is necessary for a post to be filled, for example, by a particular gender or by a person from a particular racial group. This could be where a post will involve either physical contact, states of undress or use of sanitary facilities, in these circumstances a patient could reasonably object to being treated by a person of the opposite sex in order to preserve their decency or privacy.

### **Harassment**

Harassment occurs when, for a reason which relates to a person's age, race, ethnicity, gender, disability, sexual orientation, faith or religion, another person engages in unwanted conduct which may violate the person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. For example, such behaviour may take the form of remarks designed to embarrass or ridicule, inappropriate jokes, unwelcome physical contact, suggestions or demands for sexual favours, racial shunning or segregation or racial abuse. It can be similar to bullying.

### **Liability**

This is the legal responsibility that employers have for any act of discrimination (including harassment) carried out by their employees unless the employer can show that they have taken all reasonably practicable steps to prevent it.

### **Prejudice**

Prejudice is an opinion formed beforehand, especially an unfavourable one, based on inadequate facts' Discrimination is an action based on prejudice.

### **Pressure to discriminate**

This is where a person who has authority over others either instructs or induces others by applying pressure to discriminate.

### **Sexual Orientation**

This defines whether a person is attracted to people of their own sex, the opposite sex or both sexes. Assumptions and perceptions of a person's sexual orientation are covered by law.

### **Targets**

These can be percentages of underrepresented groups that employers aim to achieve in the make up of their workforce as part of their equality action plan. It is unlawful to use a target as a reason for selecting someone, but it is not unlawful to take steps to get more qualified applicants from particular groups.

### **Transsexual**

See 'Gender Reassignment'.

### **Victimisation**

Victimisation occurs when a person is treated detrimentally because they have made a complaint, or intend to make a complaint, about discrimination or harassment; or, have given, or intend to give, evidence relating to a complaint about discrimination or harassment.

## Appendix 3

### Equal Opportunities checklist for managers

This simple checklist is designed to make managers think about their approach to equality and diversity whilst going about their daily work:

✓ **Do you know the difference between direct and indirect discrimination..?**

✓ **Do you ‘really’ treat all of your staff as individuals..?**

Male/female, full/part-time, disabled, pregnant workers, parents, carers etc...

✓ **Are sexual or racist comments tolerated in your area of work..?**

Are certain employees ridiculed because of where they live, where they come from or even for having a different accent...

Is attention drawn to any employee’s physical attributes e.g. their weight, height, colouring...

Do you ignore potentially offensive comments - do you think of it as ‘just a bit of harmless fun’, if so, does the recipient..?

✓ **When you are recruiting, are applications welcomed from all existing staff..?**

Do you focus on applicant’s abilities and aptitudes or do you focus on age, past mental and/or physical impairment, where their qualifications were obtained from..?

## **Equal opportunities policy working group membership:**

Geraldine Bouglas	HR Policy Development Manager
Jane Gething	Estates and Facilities Manager
Louise MacLennan	Lead for Equality and Diversity
Julie Roberts	HR Policy Training Manager
Caroline Thompson	Staff Side