



COVER SHEET

Title:	Equal Opportunities Policy	Ratified by Policy Committee: Yes /	
Ownership:	Belfast Health and Social Care Trust		
Publication Date: July 2007		Review due: July 2008	
Author(s) Joan Peden			
Versions: 1		Ref. No. TP003/08	



Belfast Health and
Social Care Trust

Equal Opportunities Policy – Summary

The policy outlines the Trust's commitment to Equal Opportunities and aims to promote equality of opportunity and prevention of unlawful discrimination.

It sets out how the policy will be managed, communicated, implemented and monitored. It specifies the Trust's approach to recruitment and promotion, training, staff appraisal, domestic responsibilities and how complaints of discrimination will be managed.

The policy has been agreed with the Trade Unions and the Equality Commission, NI and will be reviewed annually.

Appendix 1 of the Policy gives the definitions of Direct and Indirect Discrimination, Victimisation and Harassment and specific definitions in relation to Disability.

Appendix 2 of the Policy specifies the time limits for complaints to the Office of Industrial Tribunals and Fair Employment Tribunals.

EQUAL OPPORTUNITIES POLICY

1.1 General Policy Statement

It is the policy of the Trust that all persons will have equality of opportunity regardless of sex, religious belief, political opinion, marital, civil partnership or family status, race, age, sexual orientation, disability, whether or not they have dependants and persons who have undergone, are undergoing or intend to undergo gender reassignment. Selection for employment and advancement will be on the basis of ability, qualifications and aptitude for the work.

1.2 Purpose

This policy is concerned with the promotion of equality of opportunity and the prevention of unlawful discrimination. However, the existence of the law cannot itself ensure that any policy of non-discrimination will work effectively. This will only be achieved if management and staff at all levels examine critically their attitudes to people and ensure that no trace of discrimination is allowed to affect their judgement. They should be aware of the forms which unfair discrimination can take, guard against them and avoid any action which might influence others to discriminate unfairly. The Trust recognises its obligations under the Fair Employment and Treatment (NI) Order 1998 (as amended), the Sex Discrimination (NI) Orders 1976 and 1988 (as amended) and Equal Pay Act (NI) 1970 (as amended), Race Relations (NI) Order 1997 (as amended), the Disability Discrimination Act 1995 (as amended), the Employment Equality (Sexual Orientation) Regulations (NI) 2003, the Employment Equality Age Regulations (NI) 2006, The Human Rights Act 1998 and the NI Act 1998.

1.3 Section 75 of the Northern Ireland Act (1998) placed new duties on public authorities to promote equality of opportunity and good relations between different groups. Belfast Health & Social Care Trust must have due regard to the need to promote equality of opportunity between nine categories of

people. Belfast Health & Social Care Trust must also have regard to the desirability to promote good relations between persons of different religious belief, political opinion and racial group. Belfast Health & Social Care Trust's Equality Scheme shows how the Trust will fulfil its statutory duties as stated by the Northern Ireland Act 1998.

1.4 It is the Trust's intention to comply with the spirit as well as the letter of all of the legislation detailed above. The current definitions of discrimination, victimisation and harassment relating to anti-discrimination legislation are contained in Appendix 1 of this policy

1.5 **Scope & Objectives**

This policy applies to recruitment, promotion, training, transfer, and other benefits and facilities including conduct at work related events. The Trust will positively promote and rigorously observe the objectives and principles set out in the statement and is committed to implementing policies to promote equality of opportunity and fair participation within the Trust.

1.6 There must be no discrimination or victimisation against any applicant, potential applicant or Employee on grounds of their sex, marital/civil partnership status, sexual orientation, community background, political opinion, religious belief, race, age, disability, family status or whether or not they have dependants and persons who have undergone, are undergoing or intend to undergo gender reassignment.

1.7 Care must be taken to guard against more subtle and unconscious forms of discrimination which may not be immediately obvious. This may result from generalisations about the capabilities, characteristics or interests of particular groups which influence the treatment of individuals or groups eg. preconceptions about their suitability for a particular post, level of management, location, training course or other development opportunity etc..

- 1.8 There must be no discrimination in the form of harassment of any individual or group. This may constitute unlawful discrimination. Appendix 1 provides definitions of discrimination, victimisation and harassment as defined under the relevant pieces of employment legislation
- 1.9 The Trust will promote a supportive, good and harmonious work environment free from material or behaviour likely to be offensive, provocative or intimidating or in any way likely to cause apprehension to any Employee. In accordance with this principle the Harmonious Working Policy Statement has been agreed with the Trade Unions and Staff Organisations and issued to all staff. In addition the Trust has established a policy on harassment and outlined the procedures to be adopted following a complaint.
- 1.10 Managers and Supervisors must be seen to be impartial in dealing with staff and ensure their conduct at all times accords with this policy. They must take appropriate action to deal with any difficulties arising from a lack of impartiality by any member of their staff and any other breaches of this policy within their area of responsibility.
- 1.11 All Employees are bound by this policy to ensure that their behaviour at all times accords with the principles set out in this policy and in the Harmonious Working Policy Statement. Breaches will be dealt with under the disciplinary procedure.
- 1.12 There must be no discrimination against office holders such as board members, contract workers, trainee workers, students on work placements and former employees.
- 1.13 The Trust will obtain commitments from other persons or organisations such as subcontractors or recruitment agencies that they will comply with the Trust's Equal Opportunities Policy

2. IMPLEMENTATION

2.1 Management arrangements

The Director of Human Resources is responsible for monitoring, co-ordinating and developing the policy under the direction of the Chief Executive. Managers will ensure that staff for whom they are responsible are aware of, and abide by, this policy. The policy will be adopted at all levels of management. All staff employed by the Trust have a responsibility to accept their personal involvement in the application of the Equal Opportunities Policy. The Trust will ensure that adequate resources are made available to fulfil the objectives of the policy.

2.2 Communicating the Policy

This policy will be publicised throughout the Trust and will be available to existing staff via the Trust's intranet and issued to new recruits. It will be reflected as appropriate in training courses and included as guidance to selection and appointment panels. An equal opportunities policy statement will be included in careers literature, job trawls/ advertisements and application forms.

2.3 Monitoring Positive and Affirmative Action

The composition of Employees, applicants for employment and appointees will be monitored annually on the basis of sex, community background and disability. The purpose of regular monitoring is to provide the information required to measure the effectiveness of this policy and provide an objective view on the existence and progress of equality of opportunity. To this end, an information system has been established to provide accurate and up-to-date information. The Trust has in place a policy on Employment Equality Monitoring.

- 2.4 Policies and procedures in respect of employment and advancement will be periodically reviewed to maintain a system where individuals are treated solely on the basis of their merits and abilities.
- 2.5 The Trust will take such affirmative and positive action as is deemed lawful, appropriate and necessary to ensure equality of opportunity. Goals and timetables, where appropriate, will be set to measure progress which can reasonably be expected as a result of affirmative action.

3. RECRUITMENT AND PROMOTION

- 3.1 The Trust will ensure that advertisements must not indicate, or appear to indicate an intention to discriminate in selection for recruitment, promotion or training. Advertisements must not be confined unjustifiably to areas or publications which would exclude or disproportionately reduce the numbers of applicants of a particular group. Advertisements will include an Equal Opportunities Statement and if appropriate, a Welcoming Statement.
- 3.2 Opportunities to obtain information on careers in the Trust must be available to existing and potential Employees and all interested parties.
- 3.3 Eligibility criteria for recruitment or advancement must be related to ability to do the job and will be non-discriminatory.
- 3.4 Applications must be submitted on official application forms and appointments will be made following a selection process which provides for short-listing and interview panels.
- 3.5 Tests used in selection, recruitment, promotion or training will be regularly reviewed to ensure they are related to job performance and do not unlawfully discriminate. The results of these tests will be monitored in order to identify any issues of concern or patterns which may suggest direct or indirect discrimination

- 3.6 Staff involved in the selection process should consult the Trust's Recruitment and Selection Procedure and Guidelines. Decisions relating to the selection process and the reasons for such decisions will be recorded at each stage of the selection and promotion process. These will be kept for a minimum of 12 months after appointments have been made.

4. TRAINING

- 4.1 Staff involved in selection and appointment panels should be trained in the Trust's Selection and Appointments Procedure and the Equal Opportunities Policy including the current legislation and guidance on avoiding discrimination. This aspect should also be included as appropriate in all management and supervisory development programmes so that those with managerial and supervisory responsibility perform their duties with a full knowledge of the implications of the Equal Opportunities Legislation.
- 4.2 All staff will be encouraged to take advantage of the training and career development opportunities available to enable them to develop the necessary skills and provide the opportunity for them to achieve their full potential.

5. PERSONAL DEVELOPMENT REVIEW

- 5.1 Personal Performance Review within the Trust will be based solely on an objective assessment of the individual's performance against agreed objectives which link to the Trust's Corporate objectives. Staff will also be developed against the Knowledge and Skills Framework with all staff being required to have a Personal Development Plan (PDP). Reviews must not reflect an assumption or prejudice of the reviewer about the individual being reviewed. This could be discriminatory and as such must not be tolerated.

6. DOMESTIC RESPONSIBILITIES

- 6.1 It is in the interests of the Trust that it retains trained staff. Management in consultation with staff representatives should consider what steps can be taken, consistent with the justifiable needs of the service, to enable staff to reconcile their work with their domestic responsibilities. Staff should be made aware of existing provisions for work-life balance.

7. COMPLAINTS OF DISCRIMINATION

- 7.1 The Trust will treat seriously and take prompt action on any grievance concerning discrimination, harassment or maladministration raised under the Grievance Procedure or Harassment Policy as appropriate. Every effort will be made to resolve issues, e.g mediation, without affecting individuals right to lodge proceedings.
- 7.2 Those who think they have been discriminated against may seek help and advice from the Equality Commission for Northern Ireland. Those who feel they have suffered an injustice as a result of maladministration have access to the Commissioner for Complaints. The time limits for making a complaint to various statutory agencies are attached in Appendix 2.
- 7.3 Staff who make a complaint in respect of alleged discrimination or harassment will be protected from victimisation. Acts of discrimination, victimisation or harassment perpetrated by an Employee of the Trust against any other Employees will result in disciplinary action.

8. AGREEMENT

- 8.1 This policy has been agreed by the Trust and in so doing the Trust affirms its full support for the principle of equality of opportunity and is concerned that there should be a practical and generally accepted programme for action. The Trust is determined that everything possible will be done to ensure its full and effective implementation.

This policy has been drawn up and will be reviewed in consultation with Trade Unions and Staff Organisations and the Equality Commission for Northern Ireland.

The Trust recognises the support of Trade Unions and Staff Organisations for the principle of equality of opportunity and their commitment to the content and implementation of this policy statement.

Appendix 1 Overview of Anti Discrimination Legislation

The anti-discrimination legislation covers the grounds of;

- Sex;
- Pregnancy or maternity leave;
- Gender reassignment;
- Marital or civil partnership status;
- Religious belief or political opinion;
- Race (including colour, nationality, ethnic or national origins, being an Irish Traveller);
- Disability;
- Sexual orientation;
- Age.

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

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

Harassment occurs where one person or persons engage in unwanted conduct in relation to another person which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

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

Disability-Related Discrimination occurs where, for a reason related to a disabled person's disability, a person treats the disabled person less favourably than he treats, or would treat, other persons to whom that reason does not

apply, and he cannot show that the treatment in question is justified.

Failure to Comply with the Reasonable Adjustment Duty

Disability discrimination in employment can also occur where an employer fails to comply with a duty to make reasonable adjustments in respect of a disabled job applicant or employee.

The reasonable adjustment duty is imposed on an employer where-

- a provision, criterion or practice is applied by the employer, or
- the physical features of the employer's premises

places the disabled person at a substantial disadvantage compared to persons who are not disabled.

Appendix 2 Time Limits for Complaints

If your complaint is about an employment matter, you have three months from the date of the incident you want to complain about to register an "originating application" with the Office of Industrial Tribunals and Fair Employment Tribunals (OITFET)

For complaints brought under the Fair Employment legislation you must register your application within three months from the date when you first knew of the act of discrimination, or within six months of when the act occurred, whichever is the earlier.

Template Completed By:


Name: Joan Peden, Co-Director,
Governance, Equality and Improving Working Lives

Directorate: Human Resources



Signature: **Date:** 20 February 2008
Marie Mallon, Director of Human Resources

Approved by: Policy Committee **Date:** 25 February 2008



Chief Executive: **Date:** 27 February 2008