

Title:	Equality, Diversity and Inclusion Policy		
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01/04/2010	2	Alison Kerr Louise Beckett	Updated policy
16/09/2013	3	Alison Kerr Louise Beckett	Updated policy
01/06/2018	4	Michelle Morris Alison Kerr	Updated policy

1.0 INTRODUCTION / PURPOSE OF POLICY

1.1 Background

The policy outlines the Trust's commitment to equality, diversity and inclusion within the workplace and aims to promote equality and prevent unlawful discrimination. It sets out how the policy will be managed, communicated, implemented and monitored.

1.2 Objectives

There must be no discrimination, victimisation or harassment against any applicant, potential applicant or employee on grounds of their gender including gender identity and expression.

2.0 SCOPE OF THE POLICY

This policy applies to all staff and covers recruitment, promotion, training, transfer, and other benefits and facilities including conduct at work related events.

3.0 ROLES/RESPONSIBILITIES

The Director of Human Resources is responsible for monitoring, co-ordinating and developing the policy under the direction of the Chief Executive.

Managers at all levels will ensure that staff for whom they are responsible are aware of and abide by this policy.

All staff employed by the Trust have a responsibility to accept their personal involvement in the application of this policy.

4.0 KEY POLICY PRINCIPLES

Policy Principles

The purpose of this policy is to provide guidance and advice to staff and managers on the recruitment and retention of transgender and non-binary staff.

This policy recognises the Trust's diverse workforce and is concerned with the promotion of equality of opportunity and the prevention of unlawful discrimination. The policy applies to all staff and covers recruitment, promotion, training, transfer, and other benefits and facilities including conduct at work related events. Managers and Supervisors must be seen to be impartial in dealing with staff and ensure their conduct at all times accords with this policy. All employees are bound by this policy.

5.0 IMPLEMENTATION OF POLICY

5.1 Dissemination

This policy should be disseminated throughout the Trust as it applies to all Belfast Trust staff.

5.2 Resources

Training on this policy will be provided via Mandatory Equality Training Sessions. Details of training events are available on the HUB or you can complete the training online via www.hsclearning.com.

5.3 Exceptions

There are no exceptions as this policy is applicable to all staff within the Belfast Trust.

6.0 MONITORING

The HR Department will monitor and evaluate the effectiveness of the policy.

7.0 EVIDENCE BASE / REFERENCES

This policy complies with legislative requirements and good practice.

8.0 CONSULTATION PROCESS

External and Internal groups and Trade Unions were consulted.

9.0 APPENDICES / ATTACHMENTS

Appendix 1 Overview of Anti Discrimination Legislation, Definitions and Time Limits for Complaints.

10.0 EQUALITY STATEMENT

In line with duties under the equality legislation (Section 75 of the Northern Ireland Act 1998), Targeting Social Need Initiative, Disability discrimination and the Human Rights Act 1998, an initial screening exercise to ascertain if this policy should be subject to a full impact assessment has been carried out. The outcome of the Equality screening for this policy is:

Major impact

Minor impact

No impact.

SIGNATORIES



8 August 2018

Date: _____

Alison Kerr
Interim HR Co-Director



8 August 2018

Date: _____

Jacqui Kennedy
**Director of Human Resources/
Organisational Development (Interim)**



8 August 2018

Date: _____

Martin Dillon
Chief Executive

1.0 EQUALITY, DIVERSITY AND INCLUSION POLICY

1.1 General Policy Statement

Belfast Health and Social Care Trust is committed to the promotion of equality of opportunity and to creating and sustaining an environment that values and celebrates the diversity of its staff and service users. The Trust aims to be truly representative of the community it serves and for each employee to feel respected and able to give their best.

The Trust is committed to the provision of equality of opportunity for all employees regardless of gender including gender identity and expression¹, religious belief, political opinion, marital, civil partnership or family status, race, age, sexual orientation, disability and whether or not they have dependants. 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. The Trust recognise that 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. The Trust will endeavour to ensure that all staff are 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 anti discrimination legislation, The Human Rights Act 1998 and the NI Act 1998 (Refer Appendix 1)

1.3 The Trust will have due regard to the need to promote equality of opportunity and good relations in line with Section 75 Northern Ireland Act (1998). The Trust's Equality Scheme shows how the Trust will fulfil its statutory duties as outlined within 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 and Objectives

This policy applies to all staff and covers 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 gender including gender identity and expression, marital/civil partnership status, sexual orientation, community background, political opinion, religious belief, race, age, disability, family status or whether or not they have dependants.

¹ The Trust recognises a range and diversity of gender identity and expression including those who identify as Transgender and those who intend to undergo, are undergoing or have undergone gender reassignment. For further information please refer to the Trust's Gender Identity and Expression Policy

- 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 e.g. 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 Environment Statement/Joint Declaration of Protection has been agreed with the Trade Unions and Staff Organisations and drawn to the attention of 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 Environment Statement/Joint Declaration of Protection. 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, and trainee workers, students on work placements or 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 this 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. Key actions deriving from this employment policy will be co-ordinated through the Trusts Employment Equality and Diversity Plan. This Plan brings together the employment focused actions of the Trust's statutory Equality Action Plan, Disability Action Plan and Affirmative Action Plan as well as the Trust's Good Relations Strategy.

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 Equality, Diversity and Inclusion 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 drawn to the attention of new recruits.

2.3 Monitoring Positive and Affirmative Action

The composition of employees, applicants for employment and appointees will be monitored on the basis of gender, age, religious belief, community background, political opinion, race, nationality, disability, sexual orientation, marital status and dependants. 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 and staff are encouraged to provide accurate and up-to-date information in line with DGPR and data protection principles.

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 positive and 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 recruitment and selection procedures are fair and based upon the principle of appointing the best person for the job. Advertisements will not indicate, or appear to indicate an intention to discriminate in selection for recruitment, promotion or training. Advertisements will 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 All Trust staff are required to complete Equality, Good Relations and Human Rights training every five years during the course of their employment.
- 4.2 Staff involved in selection and appointment panels will be trained in the Trust's Selection and Appointments Procedure and the Equality, Diversity and Inclusion Policy including the current legislation and guidance on avoiding discrimination. This aspect will 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 Equality Legislation.
- 4.3 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. WORK LIFE BALANCE

- 6.1 The Trust recognises the importance of flexible working to the promotion of equality of opportunity and to the retention of staff. The Trust Work Life Balance policy and range of support services will be widely promoted across the organisation.

7. COMPLAINTS OF DISCRIMINATION

- 7.1 The Trust will treat seriously and take prompt action on any grievance concerning discrimination, harassment, victimisation 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 individual's 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 outlined in the Appendix 1.
- 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 up to and including dismissal.

8. AGREEMENT

- 8.1 This policy has been agreed by the Trust and, in so doing, the Trust affirms its full support for the principles of equality and diversity and the implementation of the Employment Equality and Diversity Plan. The Trust is determined that everything possible will be done to ensure its full and effective implementation.

This policy has been drawn up in consultation with Trade Unions and Staff Organisations.

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

Overview of Equality Legislation:

- Fair Employment and Treatment (NI) Order 1998 (as amended),
- Sex Discrimination (NI) Orders 1976 and 1988 (as amended)
- Equal Pay Act (NI) 1970 (as amended),
- Race Relations (NI) Order 1997 (as amended),
- Disability Discrimination Act 1995 (as amended),
- Employment Equality (Sexual Orientation) Regulations (NI) 2003,
- Employment Equality Age Regulations (NI) 2006,
- Section 75 Northern Ireland Act 1998
- Human Rights Act 1998

Definitions:

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 shown to be a proportionate means of meeting a legitimate aim.

Harassment is unwanted conduct of a sexual/sectarian/racial/disability nature or conduct which is based on gender, age, religious belief, political opinion, race, disability, sexual orientation or gender reassignment, which adversely affects the dignity of women and men at work. This can include unwelcome physical, verbal or non-verbal conduct.

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 placed 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.

Time Limits for Complaints:

If your complaint is about an employment matter, you normally have three months from the date of the incident to register your complaint with the Office of Industrial Tribunals and Fair Employment Tribunals (OITFET). Please refer to the [NI Direct](#) or [Equality Commission for NI](#) websites for detailed guidance.