

EQUALITY AND DIVERSITY POLICY

1. INTRODUCTION

This policy sets out Highlands and Islands Enterprise's approach as an employer to equality and diversity. HIE is fully committed to eliminating unlawful and unfair discrimination and values the differences that a diverse workforce brings to the organisation.

Equality - is about treating people fairly regardless of differences between them. Equality is enshrined in HIE's obligation to comply with anti-discrimination legislation which protects us all from being discriminated against on grounds which are unfair.

Diversity - is about understanding, respecting and valuing those differences and the unique contribution which each of us can bring to our employment. An employer which values diversity makes the best of people's talents whatever their backgrounds, experiences, styles, perceptions or values and beliefs.

Considering equality and diversity together is therefore not about treating everyone the same. It is about treating people differently, according to their needs and circumstances, with the aim of ensuring that all employees receive *fair* treatment. For example, HIE recognises that job candidates who have a disability are less likely to find employment than candidates who have the same qualifications and experience and have no disability. Consequently we guarantee a job interview to disabled candidates who meet the essential criteria for a job. The appointment decision, in the same way as all decisions on recruitment, selection, training, promotion and career development, is based on objective and job-related criteria.

Our commitment to equality and diversity in employment includes:

- the promotion of equality of opportunity in employment
- the promotion of diversity and equality in the development, implementation, regular monitoring and review of employment policies with the aim of ensuring that people receive fair and consistent treatment
- a continuing programme of action to make the policy and its implementation fully effective, including training and guidance
- the elimination of discrimination of any kind
- the provision of an in-house mediation service and offer of outside counselling, supported by occupational health provision and an Employee Assistance Programme
- ensuring an annual review and, where necessary, revision of this policy.

We are committed to maintaining a culture which recognises and rewards individual achievement and merit regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation as well as working pattern (full-time or part-time) and contract status (permanent or fixed term).

HIE believes that the promotion of equality and diversity is key to good management, to developing an inclusive workplace culture and in maximising employee productivity. HIE therefore expects all employees to be treated with respect at all times and not just in relation to the characteristics protected by equality legislation.

(Appendix A)

HIE is committed to providing a working environment in which all employees can realise their full potential, free of harassment or discrimination in any form. HIE supports employees to ensure that they understand their personal responsibility in this and that they make this happen in practice.

2. RECRUITMENT AND SELECTION

The Human Resources Team will be responsible for ensuring that all recruitment and selection activity is conducted in line with HIE's commitment to equality and diversity. HIE will ensure that training and support in equality and diversity is available to all staff involved in recruitment or other decision making where equality of opportunity issues are likely to arise.

Employees are encouraged to apply for internal promotion or other vacancies and where possible posts will be open to all employees. However on occasion it may be necessary to restrict recruitment within a team, for example where there is organisational restructuring. Please refer to HIE's Organisational Change Policy.

All applications will be given full consideration, and this will be supported by recruitment processes which focus on information that is relevant to the requirements of the post. Appointment decisions will be recorded and feedback provided to candidates on request.

Equality monitoring data will not be disclosed to the recruiting panel and will be used for monitoring purposes only.

External HIE vacancies will be advertised widely to ensure that opportunities are accessible to a diverse recruitment pool. Recruitment monitoring will be carried out to identify whether HIE's workforce is representative of the local community and the wider recruitment pool.

All recruitment material will positively encourage applications from all suitably qualified and experienced people and where appropriate, applications from under-represented groups will be encouraged.

3. TRAINING AND DEVELOPMENT

Promotion and career development are based on objective and job-related criteria. Consequently access to training and development events will be determined by reference to individual development plans, in line with the Further Education policy. Any selection process for training and development opportunities will be free from bias of any kind.

Training on equality and diversity is open to all employees and is an integral part of induction. Managers will be appropriately trained to enable them to properly and fairly implement HIE's HR policies and procedures and carry out their management responsibilities effectively. This includes taking into account the varying needs and circumstances of team members and how these may develop over time.

HIE may encourage, where supported by evidence of disadvantage, selected employee groups to take advantage of training or development opportunities aimed at minimising that disadvantage.

4. EQUAL PAY

In support of HIE's commitment to equality and diversity, HIE operates a job evaluation scheme to ensure that pay for work done is fair across the agency. Where employed doing the same or broadly similar work, which has been given equal value under HIE's job evaluation scheme, men and women will be treated equally with regard to terms and conditions of employment and pay grades.

All staff will be considered for pay progression in line with public sector pay policy.

5. EMPLOYEE BENEFITS AND POLICY DEVELOPMENT AND REVIEW

HIE aims to provide a range of employee benefits which are relevant to and valued by HIE's employees, whose interests and circumstances will vary across the workforce and over time. HIE also endeavours to take account of the differing needs and aspirations of HIE's employees alongside HIE's business need in the development and review of a range of policies and practices, which will be assessed for their impact in relation to equality characteristics.

6. HARASSMENT

All employees have a personal responsibility not to behave in a manner that is, or could be considered by others to be offensive. HIE finds any form of harassment, including third party harassment, to be unacceptable and will act to eliminate it from the workplace. The bullying and harassment policy sets out further information on this.

7. INDIVIDUAL RESPONSIBILITIES

All HIE employees have a responsibility to promote and advance this policy. HIE will not tolerate discriminatory behaviour, and lack of knowledge or awareness will not be an acceptable defence.

HIE will provide training and guidance for all staff, particularly those with management responsibilities, to encourage commitment to and awareness of equality and diversity issues and responsibilities.

Employees must familiarise themselves with their obligations under this policy and, in the event of any uncertainty, consult with their manager or the HR Team before taking any action.

Any comments, actions or materials that may be considered offensive are unwelcome and should be kept away from the workplace.

Line managers have a particular responsibility to ensure that their staff are aware of and act in accordance with this policy at all times.

8. COMPLAINTS

Any breach of this policy should be raised as a grievance under the HIE Grievance Procedure. If the complaint is about bullying or harassment reference should be made to the HIE Bullying and Harassment policy for more information. These policies outline how action can be taken at an informal level where appropriate.

9. BREACH OF EQUALITY AND DIVERSITY POLICY

Breaches of this policy will result in action under the disciplinary procedure. Serious breach of HIE's commitment to equality and diversity will be considered to be gross misconduct and will result in summary dismissal.

10. MONITORING

In order to review the success of this policy HIE will ask all job applicants to complete an equality monitoring form. All existing staff will from time to time be asked to complete information to help HIE to understand the staff profile from an equality perspective and compare it with the labour market. Understanding HIE's demographic profile assists us to identify existing or emerging equality issues or trends.

Where there is under-representation of particular groups, the underlying reasons will be investigated and, where appropriate, practical measures will be taken to address the issue identified.

11. FURTHER INFORMATION

This policy, which will be widely publicised within HIE, has been prepared in consultation with the Leadership Team and the JNC. If you require any further advice or assistance, please contact the HR team.

Policy Owner:	HR	Last reviewed:	February 2013
Review in:	2 years		

Equality Act 2010

The Equality Act 2010 came into force on 1 October 2010. The purpose of the Equality Act 2010 is to simplify discrimination legislation and create a more consistent and effective framework, while at the same time extending discrimination protection.

The protected characteristics under the Equality Act 2010 are:

- **age** (any age group);
- **disability** (a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities. This includes a range of illnesses);
- **gender reassignment** (the process of transitioning from one gender to another);
- **marriage and civil partnership** (marriage - between a man and a woman; civil partnership - a legally recognised relationship between same sex partners);
- **pregnancy and maternity** (pregnancy – condition of being pregnant; maternity – the period after birth (maternity leave in employment context and for 26 weeks after birth in other situations). This includes breastfeeding.
- **race** (defined by race, colour, nationality (including citizenship), ethnic or national origin);
- **religion or belief** (religious and philosophical beliefs including lack of belief (e.g. Atheism));
- **sex** (men or women);
- **sexual orientation** (sexual attraction towards sex, the opposite sex or to both sexes)

The Act defines direct discrimination as less favourable treatment because of a protected characteristic. Employers will be liable for acts of unlawful discrimination committed by their employees against other employees or customers in the course of their employment unless they can show that they took such steps as were reasonably practicable to prevent those acts. There is no limit on compensation for unlawful discrimination, which includes compensation for injury to feelings and personal injury.

Employers may take positive action in the form of proportionate measures to encourage or train people from an under-represented group to apply for jobs, overcome a perceived disadvantage or meet specific needs based on a protected characteristic. For example, an employer could facilitate women having access to childcare facilities, or provide certain religious groups with time off for religious observance.

The Equality Act 2010 also makes it unlawful to discriminate in the provision goods and services. There are slight differences in the characteristics currently protected but broadly speaking the Equality Act prohibits discrimination or harassment of customers or clients because of the protected characteristics of disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Forms of Discrimination in Employment

Direct Discrimination occurs where someone is treated less favourably on the grounds of sex, race, disability, sexual orientation etc., than another is or would be treated.

(E.g. a candidate is not invited for interview because of his/her ethnic background)

Indirect Discrimination occurs where a condition or practice is applied but it adversely affects a considerably larger proportion of one particular group (men, women, racial group etc), and it is not justifiable to apply that condition or practice. Pregnancy and maternity is not covered by the provisions on indirect discrimination. *(e.g. a job specification includes holding a driving licence as an essential attribute. This disadvantages a disabled candidate who may not drive but who can access other effective means of travelling to visit clients etc.)*

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic. This provision does not apply to marriage and civil partnership, and pregnancy and maternity.

(e.g. an employee is not given a promotion because they have a disabled partner.)

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic. This provision does not apply to marriage and civil partnership, and pregnancy and maternity.

(e.g. an employee is not given lead role on a major project because their manager thinks they are gay.)

Harassment, which can also be a form of discrimination, occurs where unwanted conduct affects the dignity of men and women in the workplace. This is defined further and dealt with in the HIE's Bullying and Harassment policy. Essentially defined where unwanted conduct affecting the dignity of men and women in the workplace. This provision does not apply to marriage and civil partnership, and pregnancy and maternity.

(e.g. employees humiliate a colleague by telling jokes about their religion.)

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

(e.g. a member of the public makes scathing comments about an employee's ability to deal with their enquiry because they consider them too young to know what they are doing.)

Victimisation occurs when someone is treated badly because they have made or supported a complaint or grievance under the Act.

(e.g. an employee is not shortlisted for promotion because last year they took out a grievance against their manager for not shortlisting them for a previous role.)

Failure to make reasonable adjustments occurs where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

(e.g. not providing specialist software for a member of staff who develops a visual impairment and whose job involves using a computer.)