**Policy Checklist**

<table>
<thead>
<tr>
<th>Name of Policy:</th>
<th>Equal Opportunity Policy</th>
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<tbody>
<tr>
<td>Purpose of Policy:</td>
<td>To ensure the provision of equal opportunities in the Southern Health and Social Care Trust and to help those who work for the Trust to develop their full potential so that the talents and resources of the workforce will be utilised to maximise the efficiency of the organisation.</td>
</tr>
<tr>
<td>Directorate responsible for Policy</td>
<td>Human Resources &amp; Organisational Development</td>
</tr>
<tr>
<td>Name &amp; Title of Author:</td>
<td>Lynda Gordon, Head of Equality Assurance Unit</td>
</tr>
<tr>
<td>Does this meet criteria of a Policy?</td>
<td>Yes</td>
</tr>
<tr>
<td>Trade Union consultation?</td>
<td>Yes</td>
</tr>
<tr>
<td>Equality Screened by:</td>
<td>Lynda Gordon</td>
</tr>
<tr>
<td>Date Policy submitted to Policy Scrutiny Committee:</td>
<td>19 March 2013</td>
</tr>
<tr>
<td>Members of Policy Scrutiny Committee in Attendance:</td>
<td>Vivienne Toal, Head of Employee Engagement &amp; Relations (Chair), Anita Carroll, Assistant Director of Acute Services – Functional Support Services, Claire Graham, Head of Corporate Records (for Siobhan Hanna), Melanie McClements, Assistant Director of Older People’s Services</td>
</tr>
<tr>
<td>Policy Approved/Rejected/Amended</td>
<td>Approved</td>
</tr>
<tr>
<td>Policy Implementation Plan included?</td>
<td>Yes</td>
</tr>
<tr>
<td>Any other comments:</td>
<td></td>
</tr>
<tr>
<td>Date presented to SMT</td>
<td></td>
</tr>
<tr>
<td>Director Responsible</td>
<td>Kieran Donaghy</td>
</tr>
<tr>
<td>SMT Approved/Rejected/Amended</td>
<td></td>
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<tr>
<td>SMT Comments</td>
<td></td>
</tr>
<tr>
<td>Date received by Employee Engagement &amp; Relations for database/Intranet/Internet</td>
<td>19 March 2013</td>
</tr>
<tr>
<td>Date for further review</td>
<td>3 year default in line with the Fair Employment and Treatment (NI) Order 1998 as amended</td>
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</tbody>
</table>
**Circulation List:** Placed on the Trust’s intranet, circulated as part of corporate induction and referred to in departmental induction and in established training courses as appropriate e.g. selection and recruitment training.
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>2.0</td>
<td>Purpose and Aims</td>
<td>4</td>
</tr>
<tr>
<td>3.0</td>
<td>Policy Statement</td>
<td>5</td>
</tr>
<tr>
<td>4.0</td>
<td>Scope of Policy</td>
<td>5</td>
</tr>
<tr>
<td>5.0</td>
<td>Responsibilities</td>
<td>5</td>
</tr>
<tr>
<td>6.0</td>
<td>Legislative Compliance</td>
<td>6</td>
</tr>
<tr>
<td>7.0</td>
<td>Implementation</td>
<td>7</td>
</tr>
<tr>
<td>8.0</td>
<td>Recruitment and Promotion</td>
<td>8</td>
</tr>
<tr>
<td>9.0</td>
<td>Training</td>
<td>9</td>
</tr>
<tr>
<td>10.0</td>
<td>Personal Development Review</td>
<td>9</td>
</tr>
<tr>
<td>11.0</td>
<td>Work-Life Balance</td>
<td>10</td>
</tr>
<tr>
<td>12.0</td>
<td>Complaints of Discrimination</td>
<td>10</td>
</tr>
<tr>
<td>13.0</td>
<td>Agreement</td>
<td>11</td>
</tr>
<tr>
<td>14.0</td>
<td>Review</td>
<td>11</td>
</tr>
<tr>
<td>15.0</td>
<td>Equality and Human Rights Considerations</td>
<td>11</td>
</tr>
<tr>
<td>16.0</td>
<td>Alternative Formats</td>
<td>11</td>
</tr>
<tr>
<td>17.0</td>
<td>Copyright</td>
<td>11</td>
</tr>
<tr>
<td>18.0</td>
<td>General Information</td>
<td>12</td>
</tr>
</tbody>
</table>

**Appendices**

- Appendix 1 – Definitions                  | 13  
- Appendix 2 – Time Limits for Complaints  | 15  

1.0 Introduction

1.1 The policy outlines the commitment of the Southern Health and Social Care Trust (hereafter referred to as the Trust) to equal opportunities and aims to promote equality of opportunity, good relations and the prevention of unlawful discrimination.

1.2 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.

1.3 The policy has been agreed with the Trade Unions and the Equality Commission for Northern Ireland and will be reviewed periodically at least once every two years.

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

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

2.0 Purpose and Aims

2.1 It is the Trust’s policy that all persons will have equality of opportunity, irrespective of their:

- Gender
- Age
- Marital or civil partnership or family status
- Sexual orientation
- Gender reassignment i.e. those who have undergone, are undergoing or intend to undergo gender reassignment
- Religious belief
- Political opinion
- Race (including colour, nationality, ethnic or national origins, being an Irish Traveller)
- Disability
- Pregnancy or maternity/paternity/adoption leave
- Dependents i.e. whether or not they have dependants
- Trade Union membership.

2.2 The Trust recognises that the provision of equal opportunities in the workplace is not only good management practice, but that it also makes sound business sense. This Equal Opportunity Policy will help all those who work for the Trust to develop their full potential and the talents and resources of the workforce will be utilised fully to maximise the efficiency of the organisation.
3.0 Policy Statement

3.1 The Trust is committed to providing equality of opportunity in employment to all permanent, temporary, full-time and part-time staff and to the principles as set out in this Equal Opportunity Policy.

3.2 The Trust is opposed to all forms of unlawful and unfair discrimination. All job applicants to and employees who work for the Trust will be treated fairly and will not be discriminated against on any grounds. Decisions about recruitment and selection, promotion, training or any other Terms and Conditions will be made objectively and without unlawful discrimination.

3.3 Selection for employment and advancement will be on the basis of merit i.e. one’s ability, qualifications and aptitude for the work.

3.4 The Trust will positively promote and rigorously observe the objectives and principles set out in this policy and is committed to implementing policies to promote equality of opportunity and fair participation in the Trust.

4.0 Scope of Policy

4.1 This policy applies to all as appropriate:

- job applicants and potential applicants -
- employees –
- office holders such as Board members -
- contract workers -
- trainee workers and students on work placements -
  in relation to recruitment, promotion, training, transfer and other benefits and facilities, and
- former employees -
  in relation to the provision of references.

4.2 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.

5.0 Responsibilities

5.1 Chief Executive and Directors

The Director of Human Resources and Organisational Development, with the assistance of the Equality Assurance Unit, is responsible for monitoring, co-ordinating and developing the policy under the direction of the Chief Executive.

Directors, their management teams and line managers will ensure that staff for whom they are responsible are aware of, and abide by, this policy. In
furtherance of this the following statement has been included in job
descriptions for all staff:

“Promotes the Trust’s policy on equality of opportunity through his/her own
actions and ensures that this policy is adhered to by the staff for whom
he/she has responsibility”.

5.2 Managers and Supervisors

Managers and supervisors must be seen to be impartial in dealing with staff
and ensure their conduct at all times accords with this Equal Opportunity
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.

5.3 Staff

All staff employed by the Trust have a responsibility to accept their personal
involvement in the application of the Equal Opportunity Policy to ensure that
their behaviour at all times accords with the principles sent out in this policy.
Breaches may be dealt with under the disciplinary procedures.

5.4 This policy will be adopted at all levels of management. The Trust will ensure
that adequate resources are made available to fulfil the objectives of this
Policy.

6.0 Legislative Compliance

This policy is concerned with the promotion of equality of opportunity and with
the prevention of unlawful discrimination. However, the existence of law
cannot of itself ensure that any policy of non-discrimination will work
effectively. This will be achieved only 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 following legislation (this list is not
exhaustive):

- Equal Pay Act (NI) 1970 (as amended)
- Sex Discrimination (NI) Order 1976 and 1988 (as amended)
- Disability Discrimination Act 1995 (as amended) and the requirement
to consider reasonable adjustment
- Race Relations (NI) Order 1997 (as amended)
  (NB - racial groups include Travellers, Migrant Workers, Refugees and
  Asylum Seekers, etc)
- Protection from Harassment Act 1997
- Fair Employment and Treatment (NI) Order 1998 (as amended)
- Section 75 of the NI Act 1998
- Human Rights Act 1998
- Part-Time Workers Directive 2000
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Employment Equality (Sexual Orientation) Regulations (NI) 2003
- Civil Partnership Act 2004
- Employment Equality (Age) Regulations (NI) 2006
- Gender Reassignment Regulations (NI) 1999
- Agency Workers Regulations (NI) 2011

NB: Section 75 of the Northern Ireland Act (1998) placed new equality duties on public authorities to promote equality of opportunity and good relations between different groups. The Southern Health and Social Care Trust must also have due regard to the need to promote equality of opportunity between nine categories of people. The Trust must also have regard to the desirability to promote good relations between persons of different religious belief, political opinion and racial group. The Trust has set out how it will fulfil its S75 statutory equality duties in its Equality Scheme – a copy of which can be found on the Trust’s intranet and website.

It is the Trust’s intention to comply with the spirit as well as the letter of the legislation.

6.2 There must be no direct or indirect discrimination, victimisation or harassment (see Appendix 1 for definitions) against any applicant, potential applicant or employee on grounds of their gender, age, marital or civil partnership status, sexual orientation, gender reassignment, religious belief, political opinion, race, disability, pregnancy or maternity/paternity/adoption leave or employment status or whether they have dependants or not. 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.

6.3 The Trust will promote a supportive 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 Trust’s Harassment at Work Procedure and Joint Declaration of Protection, reflecting the Equality Commission’s guidelines on promoting a harmonious working environment, have been drawn up and agreed with the Trade Unions and Staff Organisations and drawn to the attention of staff. The Commission was also consulted in the formulation of this policy.

7.0 Implementation

7.1 Communicating the Equal Opportunity Policy

This policy will be publicised throughout the Trust, made 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 statement will be included in careers literature, job trawls/advertisements and application forms.

Equal opportunities information will also be incorporated into the Trust’s general communications practices e.g. corporate newsletter, e-briefing, Intranet etc.

The Trust has put in place a number of measures to address the language barriers for those seeking employment in the Trust, existing employees and those who use its services e.g. NIHSC Interpreting Services, Regional Translations and Telephone Interpreting contracts. Similarly, the Trust has arrangements in place for sign language interpreting.

7.2 Monitoring and Affirmative/Positive Action

The composition of employees, applicants for employment and appointments, promotees and leavers will be monitored annually on the basis of gender, age, religious belief, race, disability, etc. 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.

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 merit and ability.

The Trust will take such affirmative/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.

8.0. Recruitment and Promotion

8.1 The Trust will ensure that advertisements do 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 from a particular group. Advertisements will include an equal opportunities statement, a welcoming statement (if appropriate) and carry a notice that flexible working arrangements will be considered.

8.2 Opportunities to obtain information on careers in the Trust will be readily available to all existing and potential employees and all other interested parties.

8.3 Eligibility criteria, both essential and desirable, for recruitment or advancement must be related to ability to do the job and will be non-discriminatory. These criteria will be made known to prospective candidates and additional criteria (where appropriate) will be made known on request.
8.4 Applications must be submitted on official application forms and appointments will be made following a selection process which provides for shortlisting and interview panels.

8.5 Tests used in recruitment and selection, promotion or training will be regularly reviewed to ensure they are related to job performance and do not unlawfully discriminate. In the case of disabled applicants they should be required to advise of any reasonable adjustments which may be required to facilitate their participation in the recruitment and selection process.

8.6 Staff involved in the selection process should consult the Trust’s Recruitment and Selection Procedures and the Policy on the Employment of People with Disabilities. The Trust is committed to complying with its statutory duty to make reasonable adjustments to its working arrangements and practices (including the physical features of premises) so as to accommodate the needs of disabled persons both those applying for jobs and those already in employment. Managers should consult the Trust’s ‘Reasonable Adjustments – Guidelines for Managers’ when considering a reasonable adjustment in the workplace along with the Trust’s Disability Etiquette booklet.

8.7 The Trust has appointed a Disabled Persons Liaison Officer (DPLO) who can provide advice and assistance to managers and employees on disability matters and is based in the Equality Assurance Unit.

8.8 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 one year after the appointment has been made.

9.0 Training

9.1 Staff involved in selection and appointment panels should be trained in the Trust’s Recruitment and Selection Procedures, the Policy on the Employment of Disabled People and the Equal Opportunity Policy, including the current legislation and guidance on avoiding discrimination. This aspect should also be included as appropriate in 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.

9.2 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.

10.0 Personal Development Review

10.1 Personal development reviews 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). Managers must guard against assumptions or prejudices of the appraisal officer about the individual being reviewed. This could be discriminatory and as such would not be tolerated.
10.2 Personal development reviews should also provide an opportunity for employees to notify the Trust in confidence if they are disabled and are put at a substantial disadvantage by the working arrangements or premises. This gives the Trust the opportunity to find out if an employee requires reasonable adjustments, although it does not mean that the Trust should not consider reasonable adjustments for an employee at other times of the year.

11.0 Work-Life Balance

11.1 It is in the interest 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 caring responsibilities. Staff should be made aware of existing provisions as set out in the Trust’s Work-Life Balance Policy, such as:

- maternity/paternity/parental/adoption leave/time off for dependants
- job share
- part-time working/voluntary reduced working time
- flexi time
- employment break/career break
- compassionate/bereavement leave
- work break
- term time working
- staggered hours
- compressed working week/tailored hours, etc.

11.2 All such requests should be considered in line with the guidance drawn up for both managers and employees i.e. Work-Life Balance - ‘The Right to Request and Duty to Consider’.

12.0 Complaints of Discrimination

12.1 The Trust will treat seriously and take prompt action to investigate any grievance concerning discrimination, harassment or maladministration raised under the Trust’s Grievance Procedure or Harassment at Work Procedure as appropriate. Every effort will be made to resolve issues as early as possible e.g. via mediation, without affecting an individual’s right to lodge proceedings.

12.2 Those employees who feel they have been discriminated against or feel that they have suffered injustice as a result of maladministration may seek redress through the Trust’s Grievance Procedure or have access to the Commissioner for Complaints. Individuals may also seek help and advice from the Equality Commission for NI. Individuals should check with the Equality Commission regarding time limits under which complaints should be brought.

12.3 Staff who make a complaint in respect of alleged discrimination or harassment/bullying will be protected from victimisation. Acts of discrimination, victimisation or harassment perpetrated by an employee of the Trust against any other employees may result in disciplinary action.
13.0 Agreement

13.1 This Equal Opportunity Policy has been agreed by the Trust’s Senior Management Team 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.

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

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

14.0 Review

14.1 In order to assess the operational effectiveness of the Trust’s Equal Opportunity Policy a review will be undertaken at regular intervals and not later than three years following implementation.

15.0 Equality and Human Rights Considerations

15.1 This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998. Equality Commission guidance states that the purpose of screening is to identify those policies which are likely to have a significant impact on equality of opportunity so that greatest resources can be devoted to these.

15.2 Using the Equality Commission’s screening criteria, no significant equality implications have been identified. The policy will therefore not be subject to an equality impact assessment.

15.3 Similarly, this policy has been considered under the terms of the Human Rights Act 1998, and was deemed compatible with the European Convention Rights contained in the Act.

16.0 Alternative Formats

16.1 This document can be made available on request in alternative formats, e.g. plain English, Braille, disc, audiocassette and in other languages to meet the needs of those who are not fluent in English.

17.0 Copyright

17.1 The supply of information under the Freedom of Information does not give the recipient or organisation that receives it the automatic right to re-use it in any way that would infringe copyright. This includes, for example, making multiple copies, publishing and issuing copies to the public. Permission to re-use the information must be obtained in advance from the Trust.
18.0 **General Information**

18.1 General information may be obtained from:

Equality Assurance Unit  
First Floor, Hill Building  
St Luke’s Site  
Loughgall Road  
Armagh  

Tel: 028 3741 2643 / 2509 / 2522  
Fax: 028 3741 2620  
E-mail: lynda.gordon@southerntrust.hscni.net  
Michelle.tate@southerntrust.hscni.net (DPLO)
Appendix 1

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 and Irish Traveller
- Disability
- Sexual orientation
- Age

Definitions

- **Direct discrimination** means treating an individual less favourably on any of the grounds highlighted in paragraph 2.0.

- **Indirect discrimination** means placing an individual or group at a disadvantage through applying a provision, criterion or practice which cannot be justified and with which considerably fewer of that group can comply.

- **Victimisation** means treating a person less favourably because they have or may take a complaint or may have helped another person to assert rights under equality legislation. Individuals have a legal right to make a complaint without prejudice to their existing, potential or future employment opportunities.

  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, for example, preconceptions about their suitability for a particular post, level of management, location, training course or other development opportunities etc.

- **Harassment** can be defined as unwanted conduct, deliberate or otherwise, which has the purpose or effect of violating the dignity of a person or which creates an intimidating, hostile, degrading, humiliating or offensive environment. It covers many types of behaviour such as physical, verbal, non-verbal, interfering with another’s property, etc.

  There must be no discrimination in the form of harassment of any individual or group. **NB**: *The concept of ‘reasonableness’ has recently been introduced i.e. whilst the effect of the behaviour on the recipient is taken into consideration, so also is how any ‘reasonable’ person might feel if subjected to the same type of treatment.*
• 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 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.