

# EQUAL OPPORTUNITIES

## POLICY AND PROCEDURES

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<b>Author</b>	Janice Marshall, HR Manager	<b>Authorised by:</b> Jane Ansell, Chief Executive
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<b>Scope</b>	This Policy and Procedure applies to the whole organisation and is to be followed by, and applied to, all workers.	

## **POLICY**

Sleep Scotland is committed to being an equal opportunities organisation and to the elimination of unlawful or unfair discrimination. Sleep Scotland will not tolerate the victimisation, bullying or harassment of its workers and stakeholders on any grounds. All workers have a personal responsibility for the implementation of this policy.

The Equal Opportunities Policy applies to all areas within the organisation: employment and volunteering practices; training and development; service delivery and governance. Organisations that Sleep Scotland work in partnership with are also expected to abide by this policy. This policy encompasses Sleep Scotland's Values of Dignity & Respect.

### **Purpose and Scope of the Policy**

Sleep Scotland seeks to promote Equal Opportunities throughout its range of work and resources. The aim of this policy is to ensure that no employee or volunteer receives less favourable treatment than any other employee or volunteer, on the grounds of race, colour, nationality, culture, ethnic origin, sex, marital status, family responsibility, age, disability, sexual orientation and political or religious beliefs (protected characteristics). This policy sets out our approach to equal opportunities and the avoidance of discrimination at work. It applies to all aspects of employment with us, including recruitment, pay and conditions, training, appraisals, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.

This policy and procedure applies to all members of Sleep Scotland, Sleep Counselling, Teens+, Befriending and Board members and includes permanent, temporary, sessional, volunteers and interns. For the purpose of this policy, they will be referred to as workers and as a whole organisation, Sleep Scotland. This policy does not form part of any contract and we may amend it at any time.

### **Inclusiveness**

Sleep Scotland aims to encourage and promote a culture of inclusiveness, which ensures that the needs, abilities and aspirations of staff, customers and applicants for employment are recognised, understood and met within an environment which supports them.

### **Responsibility**

The responsibility for provision of Equal Opportunities within Sleep Scotland lies with the Board, which has delegated responsibility to the Chief Executive Officer. The Chief Executive Officer has responsibility for the day to day operation of the policy and the development and monitoring of supporting procedures. The HR Manager has overall responsibility for equal opportunities training. This policy is reviewed every 3 years by the HR Manager. Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the HR Manager.

### **Discrimination**

Any infringement of Sleep Scotland's Equal Opportunities Policy may lead to disciplinary action under the disciplinary procedures.

You must not unlawfully discriminate against or harass other people including current and former employees, job applicants, clients, customers, suppliers and visitors. This applies in the workplace, outside the workplace (when dealing with customers, suppliers or other work-related contacts) and on work-related trips or events including social events.

The following forms of discrimination are prohibited under this policy and are unlawful:

**(a) Direct discrimination:** treating someone less favourably because of a Protected Characteristic. For example, rejecting a job applicant because of their religious views or because they might be gay.

**(b) Indirect discrimination:** a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.

**(c) Harassment:** this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-harassment and Bullying Policy.

**(d) Victimisation:** retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.

**(e) Disability discrimination:** this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

## Recruitment and selection

Recruitment, promotion, and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination. Shortlisting should be done by more than one person and with the involvement of the Human Resources Department, where possible. Our recruitment procedures should be reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities.

Vacancies should generally be advertised to a diverse section of the labour market. Advertisements should avoid stereotyping or using wording that may discourage particular groups from applying. They should include a short policy statement on equal opportunities and a copy of this policy will be made available on request.

We take steps to ensure that our vacancies are advertised to a diverse labour market and, where relevant, to particular groups that have been identified as disadvantaged or underrepresented in our organisation. Where appropriate, HR may approve the use of lawful exemptions to recruit someone with a particular Protected Characteristic, for example, where the job can only be done by a woman. The advertisement should specify the exemption that applies.

Job applicants should not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children.

Job applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with the approval of the Human Resources Department. For example:

**(a) Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).**

(b) Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.

(c) Positive action to recruit disabled persons.

(d) Equal opportunities monitoring (which will not form part of the selection or decision-making process).

Where necessary, job offers can be made conditional on a satisfactory medical check.

We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from HR or UK Visas and Immigration.

To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in our organisation, we monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary, and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information is removed from applications before shortlisting and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

### **Training and promotion and conditions of service**

Training needs will be identified through regular appraisals. You will be given appropriate access to training to enable you to progress within the organisation and all promotion decisions will be made on the basis of merit.

Workforce composition and promotions will be regularly monitored to ensure equality of opportunity at all levels of the organisation. Where appropriate, steps will be taken to identify and remove unjustified barriers and to meet the special needs of disadvantaged or underrepresented groups.

Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all of you who should have access to them and that there are no unlawful obstacles to accessing them.

### **Termination of employment**

We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

### **Disabilities**

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

If you experience difficulties at work because of your disability, you may wish to contact your line manager or HR to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager or HR may wish to consult with you and your medical adviser about possible adjustments. We will consider the matter carefully and try to

accommodate your needs within reason. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible.

We will monitor the physical features of our premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

### **Part-time and fixed-term work**

Part-time and fixed-term staff should be treated the same as comparable full-time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

### **Breaches of this policy**

We take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.

If you believe that you have suffered discrimination you can raise the matter through our Grievance Procedure or through our Anti-harassment and Bullying Policy as appropriate. Complaints will be treated in confidence and investigated as appropriate.

There must be no victimisation or retaliation against staff who complain about discrimination. However, making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Procedure.

### **Related policies**

This policy is supported by the following other policies and procedures:

- (a) Anti-Harassment and Bullying Policy.
- (b) Grievance Procedure.
- (c) Disciplinary Procedure.
- (d) Flexible Working Procedure.
- (e) Maternity, Paternity, Adoption and Shared Parental Leave Policies.
- (f) Parental Leave Policy.
- (g) Time Off for Dependants Policy.
- (h) Dress Code.
- (i) Homeworking Policy.
- (j) Career Break Policy.

### **Implementation**

In order to achieve an environment that encourages inclusiveness and equality of opportunity Sleep Scotland will undertake the following:

- Training and development will be offered to all workers. Sleep Scotland will ensure that all its workers have equal access to training and development opportunities, details of which will be circulated among all staff.
- Probationary periods will be managed fairly without discrimination. This relates to training, support, monitoring and recommendations for permanent appointments.
- Sleep Scotland will ensure that any grievance relating to employment issues will be treated seriously and promptly. Complaints can be raised in accordance with the grievance procedure.

- Representatives of Sleep Scotland who have been designated as responsible for identifying members of staff for dismissal or redundancy will not unlawfully discriminate. This will also apply to renewal or non-renewal of any contract.
- The employment of people with disabilities will be encouraged by the organisation. Applications for employment and volunteering will be considered on the basis of suitability for the post concerned. This will be achieved by –
  - regularly reviewing and adapting, where appropriate, access and safety facilities for people with disabilities.
  - making every effort to retain or retrain workers who become disabled or whose disability becomes progressively worse. This may involve altering working hours, responsibilities, or providing specialist equipment.
  - ensuring that, as far as is reasonably practical, people with disabilities are not deterred from taking up an appointment.

Failure to comply with Sleep Scotland's Equal Opportunities Policy will be treated as a serious disciplinary matter.

### **Harassment (9 Protected Characteristics)**

Harassment is considered to be unwanted behaviour that creates discomfort, offence, hostility or an intimidating work environment, which may hinder an employee in their work performance and affect their dignity.

It can be perpetrated by individuals or groups and may occur as part of racial or sexual discrimination although not exclusively.

Sleep Scotland will respond to reported cases of harassment sensitively, speedily and firmly, which will involve perpetrators being dealt with through the disciplinary procedure.

### **Further Information**

Further information can be sourced at

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-guidance>