



Western Health  
and Social Care Trust

# Equal Opportunities Policy Statement

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**HR 07/006**

## EQUAL OPPORTUNITY POLICY STATEMENT

This policy transferred to the Western Health and Social Care Trust on 1 April 2007, hereafter referred to as the Trust.

### **1. GENERAL**

- 1.1 It is the policy of the Trust that all persons will have equality of opportunity regardless of gender, marital status, perceived religious affiliation, political opinion, race, ethnic origin, disability, age or sexual orientation. Selection for employment and advancement will be on the basis of ability, qualifications and aptitude for the work. This policy applies to recruitment, promotion, training, transfer and other benefits and facilities. The Trust will positively promote and rigorously observe the objectives and principles set out in this statement and is committed to implementing policies to promote equality of opportunity and fair participation.
- 1.2 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 Fair Employment Acts (N.I.) 1976 and 1989, the Sex Discrimination (N.I.) Orders 1976 and 1988, the Equal Pay Act (N.I.) 1970 (as amended) and the Disability Discrimination Act 1995 and the Race Relations (N.I.) Order 1997. It is the Trust's intention to comply with the spirit as well as the letter of the legislation.
- 1.3 There must be no direct or indirect discrimination or victimisation against any applicant, potential applicant or employee on grounds of their gender, marital status, perceived religious affiliation, political opinion, race, ethnic origin, disability, age or sexual orientation. Direct discrimination means treating an individual less favourably on any of the above grounds. Indirect discrimination means placing an individual or group at a disadvantage through applying a condition or requirement 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 the Fair Employment, Sex Discrimination, Equal Pay legislation, Disability Discrimination or Race Relations legislation. Individuals have a legal right to make a complaint without prejudice to their existing, potential or future employment opportunities.

- 1.4 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.

- 1.5 There must be no discrimination in the form of harassment of any individual or group. This may constitute unlawful discrimination under the Fair Employment, Sex Discrimination, Equal Pay, Disability Discrimination or Race Relations legislation.

Harassment means any behaviour deliberate or otherwise, which is offensive to an individual or group and which may threaten or create an intimidating work environment.

- 1.6 In accordance with the Trust's Joint Declaration of Protection the Trust will promote a supportive, neutral 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 Policy on Harassment has been agreed with the Trade Unions and Staff Organisations and will be issued to all staff. In addition the Trust has procedures to be adopted following a complaint.
- 1.7 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.
- 1.8 All employees are bound by this policy to ensure that their behaviour at all times accords with the principles set out in this policy. Breaches will be dealt with under the disciplinary procedure.

## **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. This officer, along with the senior management teams and line 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.

### **2.2 *Communicating the Policy***

This policy will be publicised throughout the Trust, distributed to existing staff 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.

### **2.3 *Monitoring and Affirmative Action***

The composition of employees, applicants for employment and appointments will be monitored annually on the basis of gender, marital status, perceived religious affiliation disability and ethnic origin. 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.

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 merit.

2.5 The Trust will take such affirmative 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 make eligible and suitably qualified persons aware of vacancies through means of trawl or public advertisement.
- 3.2 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.
- 3.3 Opportunities to obtain information on careers in the Trust must be readily available to all existing and potential employees and all other interested parties.
- 3.4 Eligibility criteria for recruitment or advancement must be related to ability to do the job and will be non-discriminatory. These minimum criteria will be made known to prospective candidates and additional criteria (where appropriate) will be made known on request.
- 3.5 Applications must be submitted on official application forms and appointments will be made following a selection process which provides for shortlisting and interview panels. In order for the Trust to meet its obligations under the Fair Employment Legislation, monitoring information must be provided.
- 3.6 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.
- 3.7 Staff involved in the selection process should consult the Selection and Appointments Policy. 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 at least 1 year after the appointment has been made.

#### **4. TRAINING**

- 4.1 Staff involved in selection and appointment panels should be trained in the Trust's Selection and Appointments Policy, and the Equal Opportunities 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.
- 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. STAFF APPRAISAL**

- 5.1 Performance review within the Trust will be based solely on an objective assessment of the individual's capabilities, performance and potential. Reports must not reflect assumptions or prejudices of the appraisal officer about the individual being appraised. This could be discriminatory and as such would 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 such as maternity leave, job sharing, part time working, flexible working hours, career breaks and carers leave.

#### **7. COMPLAINTS OF DISCRIMINATION**

- 7.1 The Trust will treat seriously and take prompt action on any complaint concerning discrimination, harassment or mal-administration. Such complaints may be raised in the first instance with the Employee Relations Manager. Where complaints arise relating to harassment, the procedures are laid down in the Policy On Harassment.

7.2 Those who believe that they have been discriminated against on the grounds of:

- Sex or Marital Status may seek help and advice from the Equal Opportunities Commission for Northern Ireland.
- Religious belief or Political Opinion may seek help and advice from the Fair Employment Commission.
- Race or Ethnic Origin may seek help and advice from the Commission for Racial Equality in Northern Ireland.
- Those who feel that they have suffered injustice as a result of maladministration have access to the Commissioner for Complaints.
- Individuals should check with the statutory agencies regarding time limits under which complaints should be brought.
- Those who believe they have been discriminated against in any way may also contact their Trade Union, Professional Organisation or Staff Association for advice and assistance.

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 employee 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.

8.2 This policy has been drawn up and will be reviewed in consultation with Trade Unions, Staff Organisations, the Fair Employment Commission, the Equal Opportunities Commission and the Commission for Racial Equality.

8.3 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 statement.