

HR029

# Equality, Diversity & Inclusion in the Workplace

## Policy

Last Review	September 2023
Next Review	September 2026
Lead Officer	People Manager



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# 1. Introduction

Trust is committed to its Equality, Diversity & Inclusion (EDI) Policy which will not discriminate against any group, or groups of persons, or treat anyone less favourably because of a protected characteristic they have or are thought to have.

## 1.1. Aims and Objectives

We aim to ensure that every employee all our customers and stakeholders are treated with dignity and respect regardless of age, disability, sex, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation.

We aim to continue to be recognised as a leader in the promotion of EDI by Promoting Equality, Respecting Diversity and Embedding Inclusion.

In accordance with the General Duty, we have 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between people who share a protected characteristic and those who do not share it;
- and to foster good relations between people who share a protected characteristic and who do not share it.

The Equality Act 2010 explains that having due regard for advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristic;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
- encouraging people from protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

The Equality Act 2010 explains that having due regard to the need to foster good relations involves tackling prejudice, and promoting understanding.

In order to deliver our duties we aim:

- for a culture throughout the organisation that embraces inclusiveness, fosters respect for diversity and upholds the principle of equality at all times;
- to ensure that the employees are aware of the importance of equality, diversity & inclusion and understand their individual and collective roles and responsibilities;
- for systems and processes to deliver diverse, culturally competent services;
- to be an action-oriented, outcome-focused organisation that can demonstrate our success;
- for employees and customers to feel empowered, respected and safe.

The Association considers any form of discrimination at a personal or institutional level to be unacceptable in terms of good practice, social justice and legal duty, whether such discrimination is direct, indirect, perceived or through association with others. It expects and requires all employees to adhere strictly to the terms of policy.

## **2. Types of Discrimination**

The Policy covers the following types of discrimination:

### **Direct Discrimination**

Treating a person less favourably than another person because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

### **Indirect Discrimination**

Applying any requirement, rule, policy or condition which, though applied equally to everybody, is such that it particularly disadvantages people who share a protected characteristic, unless the requirement or condition can be shown to be justifiable or proportionate having considered all fair and reasonable factors.

### **Perceptive Discrimination**

Directly discriminating against an individual because others think they possess a particular protected characteristic. This applies even if the person does not actually possess that characteristic.

### **Associative Discrimination**

Directly discriminating against someone because they associate with another person who possesses a protected characteristic.

### **Harassment**

Harassment is 'unwanted conduct related to a relevant characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directly at them and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

### **Third Party Harassment**

The Equality Act makes you potentially liable for harassment of your employees by people (third party) such as your customers. You will only be liable when harassment

has occurred on at least two previous occasions, you are aware that it has taken place and have not taken reasonable steps to prevent it from happening again.

### **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010, or they are suspected of doing so.

## **3. Statement of Policy**

Trust is opposed to discrimination in any form and at all levels and is committed to taking all steps within its power as an employer to counteract it.

Trust will seek to ensure that no one receives less favourable treatment or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

Trust will respect community diversity and seek to ensure that all job vacancies and our properties are accessible to all sectors of the community.

Trust, where possible, will make changes to a working practice, provision, pattern, workload or physical location/equipment to remove disadvantage from a person diagnosed with a disability as defined within the Act.

Trust will provide equality, diversity & inclusion training for all employees and Board Members.

Trust will comply with existing relevant anti-discriminatory legislation and codes of practice in employment and service delivery.

Trust will ensure that this policy will be a condition of service and all employees and Board Members will abide by it.

Trust's policies and procedures will be monitored and reviewed regularly to ensure they comply with the policy.

## **4. The Legal Framework**

This policy will comply strictly to the legal requirements. The main legislation with which Trust will comply is the Equality Act 2010. Trust will seek to adopt appropriate provisions contained in relevant Codes of Practice and other guidelines, including regulatory advice, produced by organisations including the Equalities and Human Rights Commission, ACAS and the Scottish Housing Regulator.

## **5. Monitoring and Review**

Trust will publish an EDI Strategy and Policy, which is regularly reviewed and will monitor its compliance.

Trust acknowledges that monitoring, reviewing and record keeping will be an on-going process requiring continual examination and annual review of existing procedures and criteria as the society in which we live evolves.

## **6. Responsibilities**

The Head of People & OD and the People Manager will have day to day responsibility for the successful implementation of the Policy.

It is the combined responsibility of each employee to ensure that the Equality, Diversity & Inclusion Policy is applied in practice throughout the organisation. All employees and Board Members will be expected to challenge discriminatory behaviour and draw to the attention of management any instances of discrimination.

Breach of the Equality, Diversity & Inclusion Policy, where found, will be considered a serious disciplinary offence which may lead to disciplinary action.

## **7. Conclusion**

Trust is committed to being an equal, diverse and inclusive organisation and recognises that passive policies will not in themselves provide equal outcomes. Trust will do all in its power to ensure that the principles of equality, diversity and inclusion apply in all of its policies and employment practices.

Trust will continue to perform to be recognised as a leader in the promotion of Equality and Diversity and as an organisation which is fully inclusive in everything, from recruiting and training employees to quality service delivery.

## **8. Outcomes & Standards**

### **8.1. Scottish Social Housing Charter Outcomes & Standards**

- Outcome 1 - Equality

### **8.2. Regulatory Standards of Governance & Financial Management**

- N/A

## **9. Data Protection**

We will comply with the provisions of the Data Protection Act 2018, which gives individuals the right to see and receive a copy of any personal information that is held about them by the Association and to have any inaccuracies corrected.

## **10. Anti-Bribery**

The Association is committed to the highest standards of ethical conduct and integrity in all its activities and, to ensure compliance with the Bribery Act 2010, it has

introduced an Anti-Bribery policy and procedures. These must be adhered to by all employees, Board Members and associated persons or organisations acting for or on behalf of Trust when undertaking any actions referred to in this policy.

## **11. Statement Equality, Diversity & Inclusion (EDI)**

As leaders of EDI, the Association aims to promote equality and diversity and operate equal opportunities policies which inform all aspects of its business. It will ensure that it adheres to the Equality Act 2010 by being committed to equal and fair treatment for all and opposed to any form of unlawful discrimination. As such, in considering this policy, no one will be treated differently or less favourably than others because of any of the protected characteristics as listed in the Equality Act 2010:

- disability;
- sex;
- gender reassignment;
- pregnancy and maternity;
- race;
- sexual orientation;
- religion or belief;
- marriage and civil partnership;
- age;

or because of any other condition or characteristic which could place someone at a disadvantage were it to be taken into account, unless this can be objectively justified in terms of the legislation.

Trust will make reasonable adjustments for disabled people where necessary and possible to do so and will use Happy to Translate tools and procedures to help overcome a language barrier.

## **12. Policy Review**

This policy will be reviewed on a three-yearly basis. The purpose of the review is to assess the policy's effectiveness and adhering to current legislation and good practice and identify any changes which may be required.

## **13. Document References**

In all of the Association's official documents, where references are made to specific job titles, roles, groups or committees, such references shall be deemed to include any changes or amendments to these job titles, roles, groups or committees resulting from any restructuring or organisational changes made within the Association (or, where this policy also applies to another member of the Trust group, made within that group member) between policy reviews.

## Appendix 1 – Equality Impact Assessment

### What is a Equality Impact assessment (EIA)?

An EIA is an evidence-based approach to help ensure that our strategic and operational activities are fair and do not disadvantage any protected groups.

### Why do we need to complete EIAs?

Evidence shows that some of the most vulnerable people in Scotland use RSL services and many have a range of the protected characteristics that are named in the Equality Act 2010. We also know that some tenants and other service users have a combination of protected characteristics.

By completing EIAs at Trust, we promote equalities in practice and deliver better outcomes for our customers, colleagues and communities.

We are also subject to an equality duty under the Housing (Scotland) Act 2010, which requires us to perform our functions in a way which encourages equal opportunities and in particular the observance of the requirements of the law relating to equal opportunities. We are also subject to duties under the Equality Act 2010. This duty requires us, as a public service provider, in the exercise of our functions, to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
- advance equality of opportunity between people who share a relevant characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

### When might I need to complete an EIA?

The EIA should be completed when there is a new or significant change in policy, practice or service which will affect our customers, colleagues, service users and/or stakeholders. EIAs should be started at the very beginning of a piece of work.

Examples:

- developing and/or implementing a new or revised project, working practice, procedure or service
- developing a new strategy or policy – or revising an old version with significant changes
- planning or implementing changes to our estate and facilities



- progressing any activity that has the potential to impact, positively or negatively, on protected group.

### **Who is responsible for completing and signing off the EIA?**

EIAs should be completed by the person leading on the operational or strategic activity (i.e. policy lead or project lead). The Leadership Team will be responsible for signing off the final EIA. Please submit this assessment for consideration at a future LT Meeting via a Head of Service or the Governance & Business Support Manager. The decision will be recorded on the LT Action Tracker and a copy of the EIA will be stored in the LT Team Site for record. It is also recommended that the project/policy lead stores a copy alongside the department's project/policy documentation.

### **Who should I consult with during the assessment?**

There are several groups at Trust that can be consulted with during the assessment:

- Collaborative Customer Group (via the Comms & Engagement Partner)
- Mental Health and Wellbeing Group (via the People Manager)
- Employee Forum (via the Head of People &OD)

### **What is discrimination?**

Discrimination is where someone is treated less favourably or put at a disadvantage because of their protected characteristic. The different groups covered by the Equality Act are referred to as protected characteristics: disability, gender reassignment, marriage or civil partnership status, pregnancy and maternity, race, religion or belief, sexual orientation, sex (gender), and age.

Discrimination is usually unintended and can often remain undetected until there is a complaint. Improving or promoting equality is when you identify ways to remove barriers and improve participation for people or groups with a protected characteristic. Trust is opposed to discrimination in any form and is committed to taking all steps within its power as an employer and a landlord to counteract it.

## Equality Impact Assessment

<b>Department:</b>		<b>Lead Assessor:</b>	
<b>Reason for EIA:</b>			
<b>Purpose/aim(s):</b>			
<b>Intended benefits <i>(if any)</i>:</b>			
<b>Persons/group(s) affected <i>(i.e. Tenants, Employees)</i>:</b>			
<b>Has there been any consultation? <i>(i.e. with relevant groups &amp; stakeholders)</i></b>			

## How to Score:

As part of the assessment it is useful to score the scale of the impact (whether it be positive or negative). As you consider the protected characteristics in the table below, please consider the relevance versus proportionality and note the score in the table.

**Score the impact on equality outcomes:** High (3), Medium (2), Low (1)

**Score the relevance:** Very likely (3), Possible (2), Unlikely (1)

	Likelihood - Very Likely (3)	Likelihood - Possible (2)	Likelihood - Unlikely (1)
High Impact (3)	9	6	3
Medium Impact (2)	6	4	2
Low Impact (1)	3	2	1

				Protected Characteristic Impacted:		
Impact (Please Tick ✓)			Score	<input type="checkbox"/> Religion / Belief	<input type="checkbox"/> Disability	<input type="checkbox"/> Age
Positive	Neutral	Negative		<input type="checkbox"/> Pregnancy / Maternity	<input type="checkbox"/> Race	<input type="checkbox"/> Sexual Orientation
				<input type="checkbox"/> Marriage / Civil Partnership	<input type="checkbox"/> Sex	<input type="checkbox"/> Gender Reassignment
Please explain reason for impact rating & give examples of any evidence/data used						
Action to address any negative impact (i.e. adjustments / monitoring / actions to mitigate)						

## Next steps

Having considered the potential and/or actual impacts, you should be in a position to make an informed judgement on next steps. There are four main steps that you can take:

### Option 1: No major change

Your assessment demonstrates that the proposal is robust. The evidence shows no potential for unlawful discrimination and that you have taken all opportunities to advance equality of opportunity and foster good relations, subject to continuing monitoring and review. **Submit this document to LT for final approval before proceeding.**

### Option 2: Adjust the proposed action

This involves taking steps to remove any barriers, to better advance equality or to foster good relations. You may also decide to introduce additional measures to reduce or mitigate any potential negative impact. Ensure these are documented in the table above.

*Remember that it is lawful under the Equality Act to treat people differently in some circumstances, for example taking positive action where there is a need for it. It is both lawful and a requirement of the general equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.* **Submit this document to LT for final approval before proceeding.**

### Option 3: Continue the proposed action

This means that you are proposing to adopt or continue with the course of action, despite the potential for adverse impact. In the 'Next Steps' table below you should clearly set out the justifications for doing this, and how you believe that decision is compatible with your obligations under the duty. In cases where you believe discrimination is not unlawful because it is objectively justified, it is particularly important that you record what the objective justification is for continuing, and how you reached this decision. **Submit this document to LT for final approval before proceeding.**

### Option 4: Stop and remove the proposed action

If there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposed action altogether. If this proposal leads to unlawful discrimination it should be removed or changed. For guidance on what is unlawful discrimination, refer to the Commission's [Codes of Practice](#) on the Equality Act concerning employment, goods and services and equal pay. **Please speak to your line manager to review next steps.**

**Please tick accordingly:**

Option 1

Option 2

Option 3

Option 4

**Conclusion**

**Proposed next steps & any required justification for proceeding:**

**Proposed timescales:**

<b>Assessment Date:</b>	
<b>LT Review Date:</b>	
<b>LT Decision:</b>	