



People Policies

Equal Opportunities & Inclusiveness Policy

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1. Our Commitment

Argyll Community Housing Association believes in, and is committed to, the principle of equality of opportunity. The Association recognises its responsibilities as a service provider and employer to encourage the fair treatment of all individuals and to tackle social inclusion. It also recognises the benefits this brings to the community, the Association and its employees.

This Policy is intended to assist the Association to put this commitment into practice. Compliance with this policy should ensure that employees, Board and Area Committee members do not commit unlawful acts of discrimination.

2. The Law

It is unlawful to discriminate directly or indirectly in recruitment or employment on grounds of sex, gender, reassignment, pregnancy, colour, race, nationality, ethnic or national origins, sexual orientation or religion or belief, or because someone is married or is a civil partner.

It is unlawful to treat someone less favourably on grounds of disability that others without that disability are or would be treated, unless the less favourable treatment can be justified, or to fail to make reasonable adjustments to overcome barriers to employment caused by disability.

It is unlawful to discriminate unjustifiably on the grounds of age in relation to employment. Discrimination after employment may be unlawful, e.g. in refusing to give a reference or in the form of reference given.

It is unlawful to discriminate directly or indirectly in the provision of goods, facilities or services to customers on grounds of sex (which may include gender reassignment), pregnancy, religion or belief, sexual orientation, colour, race, nationality or ethnic or national origins.

It is unlawful to discriminate, without justification, on the grounds of disability or to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services.

Some types of harassment or bullying will be unlawful discrimination. It is unlawful to victimise someone because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

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The leading statutory authority in relation to Equal Opportunities and Inclusiveness are attached at Appendix 1 and Types of Unlawful Discrimination is attached at Appendix 2 of this policy document.

3. Policy Statement

We are committed to ensuring that in everything we do, no one is treated in a less favourable manner on any grounds including sex, sexual orientation, marital status, religion, race, disability, age, social origin, language, personal attributes, beliefs or opinions.

We oppose all forms of discrimination, either direct or indirect, and aim to eliminate all forms of discriminatory practices, while promoting measures to combat the effects. We are also committed to ensuring that everything we do is founded on fairness, quality and opportunity for all.

We will ensure that we reinforce these commitments at the highest level through the decision making processes, strategies and operational plans for the Association.

4. Organisational Aims

As a service provider:

- To ensure our policies and procedures recognise and reflect equal opportunities
- To respond to equality issues in service delivery and provision, while seeking to identify factors of our operation which may disadvantage certain groups from the type or level of service received and address these
- To provide information in formats, methods and locations which reflect the needs of the service users
- To ensure that all service delivery points comply with the provisions of the Disability Discrimination Act 1995
- To ensure that all current and prospective tenants are able to access housing that is suitable for any needs in relation to physical disability or illness. These needs will be taken into account in housing allocations, adaptations to existing properties and in the planning and design of new housing
- To ensure that our allocation policies ensure that no applicant for housing is unfairly discriminated against on the basis of sex, sexual orientation, marital status, religion, race, disability, age, social origin, language, personal attributes, beliefs or opinions.

As an employer:

- To work towards a culture of fairness for all employees

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- To have a workforce which is representative of the differences within our local community
- To ensure employment opportunities are open to all
- To ensure that employment decisions are discrimination free
- To raise awareness amongst employees of equality issues
- To ensure employees adopt and promote equal treatment for all

5. Membership and Governance

We will seek to ensure that the composition of the Board and Area Committees are representative of inclusiveness within the communities served by the Association. We will specifically target representatives of groups that are reflected in our body of tenants but are under-represented on committee structures.

6. Employment of Staff

The Association will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Only where necessary will disability and personal or home commitments form the basis of employment decisions.

The Association will consider any possible indirect discriminatory effect of its standard working practices, including the number of hours to be worked, the times which these are to be worked and the place at which work is to be done, when considering requests for variations and will refuse such requests only if it considers it has good reasons, unrelated to any prohibited ground of discrimination for doing so. The Association will comply with its obligations in relation to statutory requests for contract variations under the relevant legislation. The Association will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Places of work will be accessible to staff. Where staff have particular needs in relation to working arrangements such as equipment, hours of work or dietary requirements, they will not be discriminated against on the basis of these.

The Association will monitor the ethnic, gender and age composition of the existing workforce and applicants for jobs (including promotion) and the number of people with disabilities within these groups and will consider and take any appropriate action to address any problems which may be identified as a result of the monitoring process.

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The Association cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the Association may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group which the Association identifies as being under-represented in particular jobs.

7. Harassment

Discriminatory harassment, either by staff, tenants, Board and Area committee members or contractors, will be dealt with through procedures laid out by the association. Allegations of such harassment will be dealt with promptly.

8. Consultation and Communication

As part of our commitment to consult and communicate with tenants, we will ensure that our methods for doing so do not exclude any individuals.

Consultative and tenant involvement activity carried out by the organisation will ensure that the principles outlined below are taken into account:

- Religious and cultural requirements including religious holidays, dietary requirements and cultural practices
- Accessibility of venues and service delivery points
- Translation requirements, including the provision of translated materials or interpretation facilities.
- The needs of people with disabilities, including accessible venues and material.

These principles will also apply to the publication of written material by the Association. All publications will be available in other languages and formats on request. We will promote the availability of different formats to tenants.

A specific aspect of consultation will be to build relations with potentially disadvantaged groups to identify areas where our service is insufficient and to discuss service improvements.

9. Contracts and Procurement

Contracting opportunities will be publicly advertised in accordance with relevant legislation.

Contractors will be required to have up to date equal opportunities policies and/or demonstrate equal opportunities in delivery of any activities on behalf of the Association.

10. Equal Opportunities Monitoring and Training

Staff, Board and Area committee members will undergo equal opportunities training on a regular basis. All new staff and committee members will receive equal

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opportunities training during the first six months of their appointment. This training will ensure that all staff and committee members are aware of the policy of the Association and their responsibilities within this.

In accordance with our complaints policy, we will put in place a procedure for registering and taking action on complaints in relation to equal opportunities.

This policy will be accompanied by an Action Plan to be reviewed on a yearly basis. This Action Plan will outline activity in relation to monitoring activity, staff training and monitoring complaints on the grounds of discrimination. The review will identify any areas where action is required and if modifications to the policy are necessary.

The Association will monitor the profile of service uptake, applicants for vacancies, staff, Board and Area committee composition through gathering monitoring information. This information will be reviewed on a yearly basis and further investigation and action will be taken where it would appear to be necessary.

The findings and recommendations of the annual review will be reported to the Board of Management.

All employees, Board and Area committee members have a collective responsibility for ensuring the Association operates in an equitable way. The ultimate responsibility for ensuring equal opportunities is adhered to lies with the Chief Executive.

Allegations of a breach of this policy by staff, Board or Area committee members will be dealt with promptly and disciplinary procedures used as appropriate where there is evidence that unfair or unlawful discrimination has taken place.

11. Inclusiveness

Equal opportunities are often seen as meaning treating everyone in exactly the same way. To provide real equality of opportunity, people often need to be treated differently in ways that are fair and tailored to their needs. Arguably, the social justice and business case arguments for inclusiveness are complementary. Unless people are treated fairly at work they will feel less than fully committed and will therefore under-perform. Inclusiveness takes equality forward.

There are many reasons for going beyond what is required by legislation and introducing equalities and inclusiveness policies, which include supporting people issues and corporate reputation. Organisations which follow them are also more likely to find it easier to comply with increasingly complex legal obligations, not least because inclusiveness will be embedded in their cultures.

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Appendix 1

Leading Statutory Authority

Disability Discrimination Act 1995

Disability discrimination Act 2005

Race Relations (Amendment) Act 2000

Race Relations Act 1976

Sex Discrimination Act 1975

Civil Partnership Act 2004

Equality Act 2006

Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005 SI 2005/2114

Disability Discrimination Act 1995 (Amendment) Regulations 2003 SI 2003/1673

Employment Equality (Religion or Belief) Regulations 2003 SI 2003/1660

Employment Equality (Sexual Orientation) Regulations 2003 SI 2003/1661

Employment Equality (Age) Regulations 2006 SI 2006/1031

Race Relations Act 1976 (Amendment) Regulations 2003 SI 2003/1626

Race Relations Act 1976 (Statutory Duties) Order 2001 SI 2001/3458

Employment Equal Treatment Framework Directive 2000/78/EC

Equal Treatment Directive 2006/54/EC

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Appendix 2

Types of Unlawful Discrimination

Direct discrimination is where a person is treated less favourably than another in comparable circumstances on a prohibited ground. An example of direct sex discrimination would be refusing to employ a woman because she was pregnant. Unlike other forms of discrimination, direct discrimination on the grounds of age can be justified.

Indirect discrimination is where a provision, criterion or practice is applied which is such that it would be detrimental of a considerably large proportion of the relevant group to which the individual belongs to than to others, which is not objectively justifiable and which is to the individual's detriment. An example of indirect sex discrimination could be requiring everyone to work full time unless there is a good reason, unrelated to sex, as to why the particular job has to be done on a full-time basis, since requiring everyone to work full time will normally adversely affect a higher proportion of women than men.

Harassment is where there is unwanted conduct related to one of the prohibited grounds which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, or is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

Failure to make reasonable adjustments is where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage.

Victimisation is where someone is treated less favourably than others because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.