

EQUALITY, DIVERSITY & INCLUSION POLICY

Version as adopted at the 14/06/21 Board meeting

1. Policy

- 1.1 Transform Scotland is committed to encouraging equality, diversity and inclusion among our workforce and preventing and eliminating unlawful discrimination, harassment and bullying in the workplace. The aim is for our workforce to be truly representative of all sections of society, and for each employee to feel respected and able to give their best. The organisation is also committed to preventing unlawful discrimination against customers or the public. In particular, the organisation adheres to the Equality Act 2010 and is committed to promoting equal treatment irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.
- 1.2 Transform Scotland is committed to:
 - Preventing direct or indirect discrimination, victimisation, bullying or harassment.
 - Encouraging, managing and valuing diversity in the workforce.
 - Promoting a positive and harmonious working environment where all staff are treated with respect and dignity and in which no form of bullying, discrimination, victimisation or harassment will be tolerated.
 - Fulfilling all legal obligations under the relevant legislation and associated codes of practice.
 - Taking any necessary positive or affirmative action, including setting of goals and timetables.
- 1.3 Transform Scotland recognises that equality, diversity and inclusion in the workplace is not only good management practice but also makes sound business sense. This policy will help all workers to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.
- 1.4 All staff and volunteers are required to ensure their behaviour is consistent with this policy. We also require that clients, customers, partners and suppliers be made aware of this policy and operate within it.
- 1.5 Transform Scotland will review the policy at least every three years to help ensure it reflects good practice and new legal and regulatory developments.

2. Unlawful Discrimination

- 2.1 Unlawful discrimination is a barrier to equality, inclusion and human rights and is unacceptable to Transform Scotland.
- 2.2 Equality, diversity and inclusion are part of a human rights framework. The Human Rights Act 1998 incorporates the European Convention on Human Rights 1952 into UK domestic law.
- 2.3 Discrimination does not necessarily occur as a result of a conscious decision. There are subtle and unconscious ways of unlawfully discriminating. These can arise from making general assumptions about the capabilities, characteristics and interests of a particular group and from applying requirements, conditions or criteria without considering whether they advantage or disadvantage particular groups. We therefore need to take care to avoid all forms of unlawful discrimination and requirements, conditions or criteria. We should be alert to micro-inequities which are cumulative, sometimes subtle behaviours that result in discrimination, exclusion,

demotivation and alert to unconscious bias. We will examine any such behaviours brought to our attention on a case by case basis and will seek to address cases of unconscious bias in an even-handed manner, ensuring that the impact, intent and interpretation of these actions are considered.

- 2.4 Stereotypes have the potential to lead to unlawful discrimination and so should be carefully examined and if necessary, challenged. Stereotypical and potentially offensive language and terminology should be avoided.
- 2.5 Whilst positive discrimination remains generally unlawful within the UK, the Equality Act 2010 does provide for, among other things, positive action measures. Positive action aims to promote equality by improving outcomes for groups who are under-represented or disadvantaged. In these instances, it is possible to encourage specific groups to take advantage of employment opportunities, or to provide training and development for them.
- 2.6 The focus of positive action is on redressing systemic, historical or institutional discrimination by encouraging the participation of under-represented or disadvantaged groups, or providing development opportunities so they can compete equally. Positive discrimination is recruiting or promoting, or generally giving preference to a person solely because they belong to a specific, and usually, under-represented group.

3 Anti-racism

- 3.1 We will stand against racism (cause) and inequality (effect). Transform Scotland will maintain zero-tolerance to racism and ensure that our workforce and wider stakeholders are in no doubt about our message. Change in the workplace can influence wider societal change, which can influence positive change in the workplace. Change is needed in both areas to create lasting racial equality and inclusion.

4 Recruitment and Selection

- 4.1 Transform Scotland is opposed to all forms of unfair and unlawful discrimination. All full-time, part-time, permanent and temporary workers (paid and volunteers), and job applicants (actual or potential), will be treated fairly. Transform Scotland will avoid unlawful discrimination in all aspects of employment including recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment, discipline, selection for redundancy and dismissal. Recruitment, employment, promotion, training, pay or any other benefit will be on the basis of aptitude and ability.
- 4.2 All staff should be encouraged to consider how equality, diversity and inclusion can add value to their work. Evaluation, reporting and moderation of performance should be based solely on evidence, not on stereotypes or assumptions about staff, such as women's mobility or length of future service, or the suitability of staff of particular ethnic origins to undertake specific jobs. Unconscious bias should be guarded against.
- 4.3 Advertisements, whether internal or external (this includes all media - e.g. printed and online - leaflets, posters and other aids, visual or non-visual) must not indicate or appear to indicate an intention to unlawfully discriminate.
- 4.4 Transform Scotland will not confine our advertising to areas or publications which would unlawfully exclude or disproportionately reduce the number of applicants of a particular age, minority community, gender, marital or civil partnership status, sexual orientation, religion or belief, political opinion, race/ethnicity, disability and/or carer status.
- 4.5 All advertisements for Transform Scotland jobs or volunteer positions should reflect our commitment to equality, for example through the following statements:
 - Transform Scotland is committed to equality, diversity and inclusion.
 - We welcome applications from all sections of the community.
 - We guarantee an interview to disabled candidates who meet the essential criteria.

5 Equality and Pay

- 5.1 We have a commitment to a pay system that is transparent and based on objective criteria. We are committed to equal pay, free from gender or other unlawful bias, for the same or broadly similar work (that is, for work that rates as equivalent and for work of equal value) and to regular equal pay audits.

6 Bullying and Harassment

- 6.1 Bullying and harassment are misuses of power and should not be a part of our working culture or practices and this policy requires each member of staff to guard against all harassment and support a dignifying work environment.
- 6.2 Bullying is offensive, intimidating, malicious and/or insulting behaviour, or an abuse or misuse of power, that undermines, humiliates, or injures the recipient.
- 6.3 Harassment, in general, is unwanted conduct affecting someone's dignity. It can be related to age, disability, ethnicity/race, gender, religion or belief, sexual orientation, or any personal characteristic of the individual. It may involve persistent incidents or an isolated one. The crucial aspect is that the actions or comments are deemed to be demeaning and unacceptable to the recipient and create a hostile environment.
- 6.4 Bullying and harassment can manifest in a variety of ways, including by one member of staff to another of a different or equivalent level/pay band, or by one group of staff to an individual member of staff or an external contact. If bullying or harassment involves issues of gender including transgender, sexual orientation, marital including civil partnership status, carer responsibility, race/ethnicity, religious belief, political belief, age or disability, relevant legislation under the Protection from Harassment Act 1997 may apply.

7 Implementation

- 7.1 The Director has specific responsibility for the effective implementation of this policy. Transform Scotland expects all staff and volunteers to adhere to the policy and help create the equal, diverse and inclusive environment which is its objective. Transform Scotland also has a responsibility to protect its employees from harassment by third parties including customers and clients.
- 7.2 In order to implement this policy we will ensure that the policy is communicated to all staff and volunteers, through induction training, reference in staff handbooks and other documents. Should further training be required this will be arranged. Job applicants will be informed of the content of the Equality, Diversity and Inclusion Policy.
- 7.3 Breaches of this policy will be regarded as misconduct and could lead to disciplinary proceedings.

8 Monitoring and Review

- 8.1 Monitoring and evaluation help us assess the effectiveness of this policy. We will monitor this through the collection and analysis of statistical data on employees and applicants. This data will cover such of the protected characteristics defined in paragraph 1 as the company deems appropriate. Any personal information will be stored and processed securely and confidentially in line with the requirements of the Data Protection Act 2018.

9 Complaints

- 9.1 We will take all complaints of bullying, harassment, victimisation and unlawful discrimination seriously irrespective of whether they have been made by colleagues, service users, suppliers, visitors or members of the public.

- 9.2 We view all complaints as potential misconduct, which means that they will be dealt with under our grievance and disciplinary procedures. This means we will take appropriate action as set out in those procedures. If it is found that gross misconduct has taken place, then this could lead to dismissal.
- 9.3 Complaints about sexual harassment may be treated both as an employment rights matter and a criminal matter, such as in sexual assault allegations.
- 9.4 We want all our colleagues to be aware that they are protected from harassment under the Protection from Harassment Act 1997, not just those with a protected characteristic. Harassment in these circumstances is a criminal offence.

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Appendix 1: Definitions

Equality - Equality in the workplace means equal job opportunities and fairness for employees and job applicants. You must not treat people unfairly because of reasons protected by discrimination law ('protected characteristics'). For example, because of a person's sex, age or race.

Diversity - Diversity is the range of people in your workforce. For example, this might mean people with different ages, religions, ethnicities, people with disabilities, and both men and women. It also means valuing those differences. To avoid bullying, harassment or discrimination, you should make sure:

- your workforce and managers understand what is protected by discrimination law.
- what's expected under discrimination law is actually happening in your workplace.
- you make changes if what's expected is not happening, for example stepping up staff training.
- your workforce and managers understand what the benefits can be of having a range of people with different backgrounds.

Inclusion - An inclusive workplace means everyone feels valued at work. It lets all employees feel safe to:

- come up with different ideas.
- raise issues and suggestions to managers, knowing this is encouraged.
- try doing things differently to how they've been done before, with management approval.
- an inclusive workplace can help lower the risk of bullying, harassment and discrimination.

Useful links:

Equality:

<https://www.acas.org.uk/discrimination-and-the-law>

Diversity:

<https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity/factsheet>

Inclusion:

<https://www.acas.org.uk/if-youre-treated-unfairly-at-work>

<https://www.acas.org.uk/improving-equality-diversity-and-inclusion>

<https://www.britishcouncil.me/en/equal-opportunity>

<https://www.gov.uk/guidance/equality-act-2010-guidance>

Anti-racism:

<https://www.cipd.co.uk/knowledge/fundamentals/relations/diversity/anti-racism-strategy>

<https://www.bath.ac.uk/guides/how-to-be-an-anti-racist-and-white-ally/>

Protected Characteristic:

The Equality Act 2010 refers to the nine groups who are protected from discrimination because of a characteristic they share i.e. age, sex, race, sexual orientation etc. This is a protected characteristic.

Discrimination:

This is where you treat a person or a group differently or unequally in comparison with other people or groups, based on a characteristic they have or that you think they have.

Unlawful Discrimination:

This is discrimination based on the protected characteristics listed in the Equality Act 2010. It includes: direct discrimination, indirect discrimination, discrimination arising from a disability and discrimination by perception or by association.

Direct Discrimination:

This is where someone is treated unfairly or unequally because of their protected characteristic. This could be not employing someone because they are black or because they are disabled.

Indirect Discrimination:

This is where organisation's practices, policies or procedures have the unintentional effect of disadvantaging people who share certain protected characteristics.

Discrimination by Perception:

This is where someone thinks that you have a characteristic and treats you less favourably, for example where an employer believes an employee is gay or is of a particular race, and treats him or her less favourably as a result.

Discrimination by Association:

This is where you're treated less favourably because a colleague, associate, family member or friend has a protected characteristic.

Harassment:

Unwanted behaviour related to a protected characteristic which has the purpose or effect of violating someone's dignity or which creates a hostile, degrading, humiliating or offensive environment.

Victimisation:

This is treating someone unfavourably because they have taken some form of action relating to the Equality Act, e.g. made a complaint under the Act or supported somebody who is doing so, such as appearing as a witness.

Reasonable Adjustment:

This is any change that we can make to the workplace or to working practices that could help prevent a disabled colleague being at a disadvantage. This could be equipment, a change to working hours, a change of office or anything else that Transform Scotland could reasonably do to help the employee continue in their post or help them return to work.

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