



Equality, Diversity & Human Rights Policy

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1. Our Aims

- 1.1 The Association values diversity and is committed to ensuring equality for all our members of staff and recognises the importance of eliminating discrimination, fostering good relations, and advancing equality of opportunity in our interactions with tenants, service users and the communities in which we work. We attach importance to equality and diversity and where possible work to create an environment that provides equality of opportunity for all individuals. We recognise that physical, personal, institutional, and cultural barriers to equality and diversity should be reduced or eliminated, wherever possible.
- 1.2 Further, we believe that we can only achieve our aims by contributing to a society where human rights are protected and respected. We recognise that we have a responsibility to respect human rights and the ability to contribute to human rights impacts.
- 1.3 This policy covers all aspects of our work including our policies, management, employment practices, housing provision and terms and conditions of service. It is endorsed by Management Committee (MC) and the Senior Leadership Team (LT).
- 1.4 This policy supports our commitment to uphold the equality requirements of the Scottish Social Housing Charter which states:
- “Social landlords perform all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services”.*
- The Charter also sets out that we, as a provider of social housing have a responsibility to establish the needs of different customers and deliver services that recognise and meet these needs.
- 1.5 Staff must treat all external contacts (members of the public, clients and employees working with stakeholders) and internal contacts (employees, volunteers, MC, agency staff etc) in a manner consistent with this policy whilst carrying out duties on behalf of the Association. This equally applies to staff using social media as it does for other forms of communication. When using social media, the lines between public and private, personal and professional are blurred. For advice on appropriate use of social media refer to the Email, Internet & Social Media Acceptable Use Policy or contact your line manager.

2. General Principles

- 2.1 The Association is committed to equality in its employment and operational practices. It is therefore the policy of the Association that all eligible persons shall have equal opportunity for employment and advancement based on their ability, qualifications and fitness for work. Accordingly, there will be no direct or indirect discrimination against any person on the grounds of the following, which are considered "protected characteristics" under the Equality Act 2010:
- age
 - disability
 - gender reassignment
 - marriage and civil partnership
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation
- 2.2 In addition to the protected characteristics specified in the Equality Act 2010, there will be no discrimination or indirect discrimination on the grounds of:
- care experience
 - caring responsibilities
 - gender identity
 - parental status
 - socio-economic disadvantage
 - trade union membership
- 2.3 There will be no direct or indirect discrimination on the grounds of political belief, perceived or actual, subject to the Association's Codes of Conduct.
- 2.4 The Association will, when developing and reviewing its policies, actively consider equality issues so that steps are taken to mitigate and remove bias and prevent discrimination.
- 2.5 If any member of staff or representative of the Association acts in a discriminatory way, such discrimination will be regarded as grounds for disciplinary action.
- 2.6 The Association will adopt inclusive employment practices. These will be designed to eliminate discrimination and encourage successful applications from people who belong to protected characteristic groups whilst ensuring adherence to the appropriate legislation and recognised codes of practice.
- 2.7 All staff are expected to treat others with respect in keeping with the requirements of this policy and our Dignity at Work Policy. All staff will be made aware of the requirements of this policy and our Dignity at Work policy and their individual responsibilities as part of the induction process. The overall responsibility for employment policies and practices relating to equal opportunities is allocated to the Chief Executive (CE). Line Managers have a

delegated responsibility from the CE for ensuring this policy is applied to all other operational practices.

2.8 The Association will ensure that all staff involved in decision making areas, for example, senior management, HR staff, managerial staff, those involved in recruitment and selection, supervisory staff and customer facing staff receive job appropriate training that provides them with the knowledge and skills to undertake their role in a way that promotes equality, tackles discrimination, and fosters good relations.

2.9 The Association is committed to complying with the requirements of the Equality Act 2010 and related legislation. We will continually endeavour to eliminate unlawful discrimination, promoting equality and fostering good relations between people who share a protected characteristic and those who do not.

2.10 The Association is committed to taking a Human Rights approach in its work. Human Rights include “civil and political” rights, such as:

- Freedom of expression
- Freedom of religion or conscience
- Freedom of assembly
- The right to a fair trial
- The right to privacy
- The right to vote

Human Rights also include “economic, social and cultural” rights, such as:

- The right for an adequate standard of living
- The right to adequate food, housing, sanitation and water
- The right to education
- Rights to work

2.11 Any staff member with responsibility for developing policy, procedures or practice should undertake an Equality and Human Rights Impact Assessment (EHRIA). An EHRIA is a tool designed to help assess and evidence that our policies, practices and decisions are fair, consistent, meet the needs of our staff, tenants and service users, and don't inadvertently discriminate against anyone. The EHRIA process enables the Association to demonstrate that we are meeting our obligations under Equality Act 2010 and taking steps to promote equality of opportunity, tackle discrimination and foster good relations.

2.12 Employment and workplace specific policies and practice that must consider equality, diversity and human rights include, but are not limited to:

- Recruitment & selection
- Promotion
- Training
- Performance review
- Flexible working
- Dignity at work
- Workplace design

- Travel and parking arrangements

2.13 The Association's provision of housing and related services should also consider equality, diversity, and human rights. Relevant policy and practice include, but are not limited to:

- Access to Information about the services of the RSL.
- Allocations policy.
- Policy and procedure relating to requests for repairs and the provision of maintenance services.
- Policy and procedure relating to cash collection and arrears.
- Infrastructure projects.

3. Monitoring

3.1 It is essential to monitor equality to enable the Association to:

- identify the nature and extent of any inequalities that exist at present in the Association,
- identify opportunities to improve and the effectiveness of any initiatives taken in this area,
- inform consultation with staff members, tenants, service users, and equality groups¹.

3.2 In doing so, the Association must take stock of the composition of the existing workforce and prospective employees, and consider recruitment, selection, appointment, and promotion decisions. This will be done in keeping with our Data Protection & Privacy Policy & Procedure.

3.3 The Association will encourage staff to participate in equality monitoring. We will treat equality monitoring data in an appropriately confidential manner so that staff can feel secure in disclosing this information. We will regularly communicate to staff how their information has helped the Association so that staff understand the value of data sharing.

3.4 The data recorded will provide the Association with the following:

- Statistical information.
- Information which may be required in the case of a grievance.
- Information which may be required to comply with legislation, including the Equality Act 2010.
- Information on ways to improve the recruitment and selection procedure.
- Information on ways to improve management decision-making.
- Information on ways to improve staff conditions generally.

3.5 To enable monitoring to take place, an equal opportunity monitoring form will be used in the recruitment of all staff both externally and internally. From time to

¹ Equality groups may operate locally or nationally and provide an opportunity for the Association to consult of with groups of people who share lived experience or can provide expertise. Appendix 2 provides a sample of national equality groups.

time it will be necessary to request that all staff update their staff record so that we can determine the characteristics of our current workforce. Statistical information will be reported to senior management on an annual basis to support evaluation of our people management and recruitment processes. The statistical information will not identify individual members of staff.

4. Recruitment and Selection

- 4.1 The Association has a Recruitment and Selection Policy in place and reference should be made to this document. In keeping with our commitment to equal opportunities, all vacancies, whether for a new post or the filling of a vacant post, will be advertised internally. A decision will be made in accordance with the Recruitment and Selection Policy on whether to advertise externally taking the needs of the Association into account.
- 4.2 All staff will be recruited, promoted, transferred and trained solely based on ability, job requirements and fitness for the job as defined in the job description and person specification.
- 4.3 A statement of intent with regard to ensuring equal opportunity and creating a diverse inclusive workplace will be included on recruitment application forms. This statement will be *“The Association is committed to ensuring equality of opportunity and creating an inclusive workplace that celebrates and values the unique contribution of every member of the team”*.
- 4.4 Appropriate and effective recruitment methods vary depending on the job role. However, key principles apply to inclusive recruitment, and it is important that at least one member of the recruitment panel is appropriately trained in all aspects of the recruitment process and has up-to-date awareness of best practice and has received diversity in recruitment training with an emphasis on ensuring equal opportunities.
- 4.5 The Association will monitor and review its Recruitment and Selection Policy and internal procedures in keeping with the specific duties under the Equality Act 2010 and emerging good practice and make changes as necessary to ensure that this policy and its procedures are fully effective.
- 4.6 Any member of staff selected to be involved in a recruitment process must consult the Association’s Recruitment and Selection Policy before commencing a recruitment exercise.

5. Terms and Conditions of Employment

- 5.1 Staff doing jobs of equal value will be treated equally with respect to pay and conditions of service. This applies equally to any benefits, facilities or services which are provided to staff including new and expectant parents, adoptive parents, parental leave, annual and special leave, and flexible working arrangements.

6. Training and Development

- 6.1 The Association has a Training and Development Policy. In keeping with our commitment to equal opportunities all staff are eligible for training and development. Training and development needs are considered through the performance review system. Requests for training and development can however be made at any time with the approval of line managers. We will continue to ensure that discrimination does not take place in access to training and development. We will consider individual circumstances to ensure fair practices for all staff by reviewing our training and development policies and analysing statistical information relating to training needs and requests for training.

7. Performance Review

- 7.1 The review of performance and checking in on the wellbeing of staff is an on-going process. Issues such as experience of domestic abuse, racism, harassment, caring responsibilities and other life stresses and experiences external to the workplace can impact on an individual's performance. Further, unconscious bias can also affect judgement regarding performance and behaviour.
- 7.2 The Association's performance review system is to be operated in keeping with our commitment to equality of opportunity. All staff should bear this commitment in mind when taking part in the performance review process.
- 7.3 All individuals with line management responsibilities will be required to undertake appropriate performance review training that supports our commitment to promote equality of opportunity and tackle discrimination.

8. Actions and responsibilities to implement meaningful policy

- 8.1 Everyone has a role to play in the effective implementation of this policy. The Association makes a commitment to equal, inclusive, and anti-discriminatory practice by:
- Developing and monitoring the awareness and understanding of issues concerned with equality of opportunity.
 - Recognising and evolving our own attitudes and assumptions.
 - Identifying and eliminating discriminatory practices.
 - Promoting positive language and attitudes amongst others.
 - Ensuring a commitment to equality in all contract specifications and other documentation with external bodies, speakers, consultants, contractors, employers, employees, tenants, service users, external stakeholders, and members of the communities in which we operate – this includes invitations to tender [ITTs], service level agreements [SLAs], conference contributions and organised events.
 - Ensuring tenancy agreements include clauses that specifically address our commitment to equality, diversity, and human rights. Further, all tenancy agreements will include specific reference to our commitment to

anti-racist practice and zero-tolerance of harassment or victimisation in any form.

- Establishing secure processes to gather, store and analyse equality information from prospective and current tenants and service users to aid monitoring and review.
- Providing relevant training and staff development opportunities.
- Providing information and resources on equality and diversity and good practice as required.
- Embedding actions to protect and promote the human rights of our staff, tenants and services users in all that we do.
- Monitoring and reviewing all aspects of this policy on an agreed regular basis.
- Offering appropriate learning and development on equality and diversity best practice.
- Conducting equality and human rights impact assessments.
- Being mindful of language and images used in internal and external communication.

8.2 All staff are responsible for:

- Ensuring the effective implementation of the Equality, Diversity and Human Rights Policy.
- Acting to prevent unfair and/or unlawful discriminatory incidents and being able to recognise and challenge unfair and/or unlawful discriminatory bias and stereotyping.
- Remaining up to date on job appropriate equality & diversity related matters.

8.3 The Association's MC is responsible for:

Ensuring that the Association complies with equality and human rights legislation, meets all its duties, and ensures that our policy and practice promotes equality for, and protects the human rights of, our staff, tenants and service users.

8.4 The CE is responsible for:

Giving a consistent and high-profile lead on equality, diversity, and human rights issues, promoting equality and diversity inside and outside the Association, and making sure that our strategic objectives are achieved in a way that actively considers equality, diversity, and human rights.

8.5 The LT is responsible for:

Achieving the agreed equality actions of the Association. Their role is to make sure that all staff members are aware of their responsibilities and that they receive support and training in carrying these out. Central to this is ensuring that each Manager produces, implements, monitors and reports back on the Association's equality obligations and the policy focusing on, and providing sufficient resources to achieve, the Association's agreed objectives related to equality, diversity, inclusion and human rights. LT are also responsible for

ensuring that resources are made available to deliver the proposed action points.

8.6 Managers are responsible for:

- Producing and monitoring operational activities relevant to equality and diversity.
- Implementing those operational activities relating to equality and diversity and achieving targets.
- Reviewing progress towards the achievement of these targets.
- Reporting progress to appropriate internal committees as required.
- Ensuring that all reports to committees identify relevant equality and diversity issues.

8.7 Line managers are responsible for:

- Being alert to the equality and diversity considerations in the recruitment, performance review and day-to-day treatment of the individuals working in their team.

8.8 The Head of Corporate Governance (HCG) is responsible for:

- Ensuring that fair and adequate arrangements exist for effectively handling and recording all aspects of the employment relationship including recruitment, selection, appointment and promotion.
- Ensuring that management are notified of best practice in respect of equality of opportunity at work.
- Equality, diversity and human rights training and development.
- Ensuring the systematic and confidential collection and analysis of equality and diversity related staffing data and taking appropriate action to improve any areas of concern.
- Reporting any data breaches to the Information Commissioner and reporting any potential breaches of the Equality Act 2010 to the Equality and Human Rights Commission (EHRC).

8.9 Annual reports to MC will specifically include the following information in respect of protected characteristics:

- The numbers of staff employed (permanent, temporary, and fixed term appointments) by grade and type of post.
- The numbers of applicants for employment and promotion.
- The numbers of staff receiving training and follow-up monitoring of progress or impact.
- The numbers of staff involved in grievance or dignity at work procedures.
- The number of staff who are subject to disciplinary procedures.
- The numbers leaving the employment of the Association.
- Statistical information regarding the profile of people accessing the services of the Association.
- Information regarding tenant and service user satisfaction.

- 8.10 There may be circumstances where such reports cannot be shared, or when data is suppressed. This would apply in circumstances where individuals could be identified.

9. Complaints of Discrimination

- 9.1 All complaints of discrimination, including harassment and victimisation will be taken seriously. As well as being potentially unlawful, such discrimination can greatly affect the morale and performance of staff. Accordingly, an investigation of all complaints of this type will be carried out quickly and properly by the Association in keeping with our policies.
- 9.2 Cases of workplace conflict can on occasion be resolved informally. However, any complaint that relates to a form of hate crime or harassment must be dealt with formally.
- 9.3 Further information can be found in the Dignity at Work Policy and Complaints Handling Procedure.
- 9.4 Member(s) of staff involved in complaints of discrimination, including harassment and victimisation, will be provided with sympathetic support and offered counselling.
- 9.5 Following an investigation action will be taken to redress the injury and discrimination suffered by the victim and may involve some or all the following:
- Taking disciplinary action against the harasser.
 - Changing reporting or working relationships.
 - Relocating the harasser, but with no material advantage.
 - Maintaining a record of all incidents for future analysis.
 - Changes to working arrangements to remove a discriminatory practice.
- 9.6 Regular monitoring and review of these procedures and the nature of the complaints will be undertaken by the HCG with reports prepared as appropriate for MC.
- 9.7 Staff wishing to bring a claim of harassment and line managers hearing a claim of harassment should follow the guidelines set out in the Grievance section of Terms and Conditions of Service or the Complaints Handling Procedure.
- 9.8 All members of staff are required to treat tenants, service users, colleagues and external contacts in a manner consistent with this policy when acting on Association business. Failure to do so will be regarded as grounds for disciplinary action by the Association. Any instances where it is alleged that there have been instances of discrimination, harassment or victimisation must be drawn to the attention of the relevant senior manager so that appropriate action can be taken in line with the relevant Association policy.

10. Review

- 10.1 This policy will be reviewed every 5 years and an entry will be maintained in the Association's Policy Review Schedule to indicate this.
- 10.2 Selecting the tick beside this document in Breathe HR confirms that the employee has understood any equality and diversity training they have attended and that they will comply with this Equality, Diversity and Human Rights Policy V4, which specifies their responsibilities as detailed above.

DEFINITIONS

Definitions below are those we will use at the Association and where appropriate are based on those outlined in the Equality Act 2010.

Discrimination

Discrimination is defined as actions that have the effect of treating staff less favourably on the grounds of characteristics such as age, disability, gender reassignment, gender identity, marital status, pregnancy and maternity or parental status, political belief, race, religion or belief, sex, sexual orientation, or socio-economic disadvantage. The following definitions constitute unacceptable behaviour in relation to discrimination and harassment under Association policies.

Direct Discrimination

This is where a person is treated less favourably than another due to a characteristic outlined above. In limited circumstances, employers can directly discriminate where there is an occupational requirement - this must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect Discrimination

This is where a provision criterion or practice is applied that applies to everyone, but particularly disadvantages people who share a characteristic outlined above and cannot be justified as a proportionate means of achieving a legitimate aim.

Harassment

This is where there is unwanted conduct, related to one of the characteristics outlined above, that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment will be viewed by the Association as being extremely serious and can be grounds for disciplinary action which may include dismissal.

Associative Discrimination

This is where an individual is directly discriminated against or harassed because either someone they know or someone they are associated with has a characteristic outlined above

Perceptive Discrimination

This is where an individual is directly discriminated against or harassed based on a perception that they have a characteristic outlined above when they do not, in fact, have that characteristic.

Victimisation

This occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under this policy, or because they are suspected of doing so. However, a staff member will not be protected from victimisation if they acted maliciously or made or supported an untrue complaint.

Failure to make reasonable adjustments

This is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Bullying, Mobbing and Gaslighting

Bullying at work is not defined with the purview of the Act but is often and misleadingly conflated with harassment. ACAS says that bullying may be characterised as: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.

Examples of bullying:

- Uncalled for, or unjustifiable criticism, particularly in front of others.
- Repeated humiliation or ridicule.
- Intentional and repeated misgendering² of an individual.
- Intentional and repeated mispronunciation³ of an individual's name.
- Refusing to speak to someone or using a third party to communicate.
- Excessive supervision or monitoring.
- Undermining an individual's decision.
- Removing responsibility and constantly giving individuals trivial or menial tasks.
- Repeatedly taking the credit for other people's work.
- Knowingly withholding information which an individual requires to do their job effectively.
- Setting individuals up to fail with impossible deadlines.
- Repeatedly refusing reasonable requests for time off.

Although bullying occurs more frequently when there is a power imbalance, it can occur between peers and from subordinates to their managers.

Mobbing, sometimes known as mass bullying, occurs when there is a malicious attempt by a group at work with the collusion or participation by bosses and administration, to emotionally destroy a person and force them out of the workplace through unjustified accusations, isolation, humiliation, general harassment, emotional abuse, and/or terror.

Gaslighting is the practice of psychological manipulation where a person or group seeks to undermine the credibility of a 'target' by making them question their memory, perception, or judgment with the effect of undermining confidence and self-esteem. The consequences for the victims of these actions can be devastating in terms of mental ill health, and inability to function effectively. The consequences for the employer can be significant in terms of an ineffective toxic culture, potentially hefty tribunal settlements and significant reputation damage.

² Refer to someone (especially a transgender person) using a word, especially a pronoun or form of address, that does not correctly reflect the gender with which they identify.

³ This behavior is often an observable racist action.

Further information

For more detailed information on equal opportunities employment legislation please refer to the legislation and guidance below:

- [Equality Act 2010](#)
- [Equality and Human Rights Commission Website](#)

Other useful legislation and guidance includes:

- [The Scottish Housing Regulator](#)
- [The Scottish Housing Charter 2019 Guidance for Landlords](#)
- [Employment Rights Act 1996 \(sections relating to maternity and dependent carer leave\)](#)
- [Human Rights Act 1998](#)
- [Race Relations \(Amendment\) Act 2000](#)
- [Protection from Harassment Act 1997](#)
- [Racial and Religious Hatred Act 2006](#)
- [Enterprise and Regulatory Reform Act 2013](#)
- [The Scotland Act 1998](#)
- [Scottish Human Rights Commission](#)
- [UK Government Equality Advisory Support Service](#)
- [Advisory, Conciliation and Arbitration Service \(ACAS\)](#)
- [Chartered Institute of Personnel and Development \(CIPD\)](#)
- [Chartered Institute of Housing](#)
- [The Scottish Government Equality Evidence Finder](#)
- [The Scottish Government BSL Plan](#)
- [The Scottish Government Gaelic Language Plan](#)
- [Equality & Human Rights Impact Assessment Guidance](#)

Example of National Equality Groups/Sources of Equality information:

- [Age Scotland](#)
- [Black and Ethnic Minority Information Service](#)
- [Bord na Gaidhlig](#)
- [Coalition for Race Equality and Rights](#)
- [Disability Equality Scotland](#)
- [Enable Scotland](#)
- [Equality Scotland \(Trust Housing\)](#)
- [Interfaith Scotland](#)
- [LGBT Youth Scotland](#)
- [Muslim Women's Resource Centre](#)
- [Positive Action in Housing](#)
- [Positive Action Training in Housing](#)
- [Scottish RSL for Mental Health](#)
- [Scottish Council of Jewish Communities](#)
- [Scottish Trans Alliance](#)
- [Scottish Women's Aid](#)
- [SHAKTI Women's Aid](#)
- [Stonewall Scotland](#)