

Hanover (Scotland) Housing Association Ltd

Statement of Policy on Equalities

1. Statement of Policy

- 1.1 Hanover (Scotland) Housing Association Ltd (the Association) is committed to providing equal opportunities in its role as a provider of housing and related services; care services, community alarm services and as an employer.
- 1.2 This policy should be read in conjunction with the Association's Equalities Strategy 2015-18, Statement of Policy on Racial Harassment (HCS/Pol/017), Statement of Policy on Dignity at Work (HR/Pol/001), Statement of Policy on Grievance (HR/Pol/027) and Statement of Policy on Recruitment and Selection (HR/Pol/029).

2. The Law

- 2.1 The objectives of this Policy are to eliminate unlawful discrimination* and promote equality of opportunities. In achieving these objectives, the Association will comply with the Equality Act (2010) and the nine "protected characteristics"; i.e.
 1. age;
 2. disability;
 3. gender reassignment;
 4. marriage and civil partnerships;
 5. pregnancy and maternity;
 6. race;
 7. religion;
 8. sex; and/ or
 9. sexual orientation.

The act also covers prohibited conduct of employees in;

- Discrimination

2.2 It is unlawful to discriminate against anyone at work because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or membership (or non membership) of a trade union.

2.3 The Association will ensure it monitors and takes actions against direct, indirect discrimination and discrimination arising from disability.

2.4 Reasonable adjustments will be made for disabled employees

2.5 Associative and perceptive discrimination and victimisation will be managed appropriately.

**Appendix A to this Policy outlines types of unlawful discrimination.*

3. Housing and Related Services

3.1 In the provision of housing and related services, the Association will seek to eliminate discrimination and ensure equality of opportunity and equality of treatment for all.

3.2 The Association will aim to:

- Ensure applicants for housing or the provision of services will be treated less favourably than any other applicant.
- Collect and monitor information on equality criteria from all those applying for housing or the provision of services to support the prevention of discrimination.
 - Ensure that our services are relevant and accessible to all.
- Support diversity by listening to and meeting the changing needs of our customers and have a inclusive decision making approach.
- Provide information on our website to tenants to promote equality, diversity and inclusion.

4. Employment

4.1 The Association will observe the Equality and Human Rights Commission (EHRC) Codes of Practice for Employment, as well as good practice guidance on equality and diversity, issued by the Scottish Federation of Housing Associations (SFHA).

4.2 The Association will aim to:

- ensure access to the widest labour market and seek to secure the best employees for its needs;
- ensure that no applicant or employee receives less favourable treatment and that, wherever possible they are given the support they need to attain their full potential; and
- achieve an ability-based workforce which is in line with the working population mix in the communities in which we work.
- recognise and use the skills, experiences, fresh ideas and perceptions brought to the Association by people with diverse backgrounds and cultures.
- Oppose and avoid all forms of unlawful discrimination. This includes pay and benefits, terms and conditions of employment,

dealing with grievances and discipline, dismissal, redundancy, leave for parents, requests for flexible working, selection for employment, promotion, training or other developmental opportunities.

- Partner external organisations, including voluntary and community groups when required to support the delivery of equalities and provide a range of documents to support translation of languages.
- Consider making any reasonable adjustments for a disabled worker in employment or for a job applicant.
- Communicate any circumstance when the Association can objectively justify discrimination.
- Take positive action and reasonably consider help to employees or job applicants who are at a disadvantage due to a protected characteristic, are under represented due to a protected characteristic or have special needs due to a protected characteristic.
- Ensure the Association is following equal pay guidelines when employees are conducting equal work.
- Provide equal training, development and promotion opportunities to employees including disabled employees.

4.3 To achieve the above aims the Association will:

4.3.1 Vacancy Advertising; where vacancies are advertised externally steps will be taken to ensure that knowledge of vacancies reaches under represented groups internally and externally. All vacancy advertisements will include an appropriate short statement on equality and diversity.

4.3.2 Recruitment and Selection; selection criteria (job description and person specification) will be kept under review to ensure that they are justifiable, based on non-discriminatory grounds and are essential for the effective performance of the job.

More than one person will be involved in the selection process, and the respective employees should have received training in recruitment skills, reasonable adjustments for disabled workers and equality and diversity awareness. Reasons for selection and rejection of applicants for vacancies will also be recorded and feedback provided by the chair of the recruitment panel upon request.

All disabled applicants who meet the minimum requirements criteria for the job will be guaranteed an interview for the post.

4.3.3 HR records; in order to ensure the effective operation of this Policy (and for no other purpose) a record will be kept of all employees' and job applicants' gender, age, sexual orientation, religious beliefs, ethnic origins and disability. Access to this information will be restricted in accordance with the data protection regulations.

4.3.4 Training; training will be provided to all existing Board members, Management and employees to help them understand their rights and responsibilities under the equalities and dignity at work policies and what they can do to help create a working environment free of discrimination/ bullying and harassment, victimisation and unlawful discrimination, promoting dignity and respect for all

5. Responsibilities

5.1 The **Committee of Management**, supported by the Chief Executive, is responsible for the conduct of the Association's business. This includes continuously driving forward improvements and reviewing Equality, Diversity and Inclusion through Business planning and corporate documentation.

5.2 The **Director of Organisational Services** is responsible for leading and updating the Association's equality agenda and strategy, with assistance from appropriate officers across departments as required.

5.3 **Tenants** have a clear duty within their 'Scottish Secure Tenancy Agreement' to have respect for others. The Association has made it a condition of its tenancy agreement that harassment or acting in an anti social manner by a tenant, those living with them or their visitors is a ground for breach of the agreement.

We will proactively ensure that the needs of vulnerable and marginalised groups are taken into account when services are designed and delivered, make adaptations to homes and carry out analysis of customer satisfaction relating to equalities and address any known issues.

5.4 **Every employee** is required to assist the Association to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

5.5 Employees can be held personally liable as well as, or instead of, the Association for any act of unlawful discrimination.

6. Discipline, Grievances and Complaints

- 6.1 If an employee considers that they have been unlawfully discriminated against, he/ she should use the Association's grievance procedure to make a complaint. If the complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.
- 6.2 The Association will take any complaint seriously and will seek to resolve any grievance that it upholds. The person(s) will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.
- 6.3 Acts of discrimination, dual discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Association's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.
- 6.4 Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.
- 6.5 The Association will deal with any sexual harassment claims under the Protection from Harassment Act 1997.
- 6.6 The Association's procedures for dealing with harassment are set out in the Statement of Policy on Anti Social Behaviour Orders and Statement of Policy on Racial Harassment. The Association will monitor anti social behaviour and harassment to highlight groups within the protected characteristics who may be particularly vulnerable.

7. Monitoring and review

7.1 This policy will be reviewed on a regular basis in the light of operating experience and/ or changes in legislation, but will also as a minimum be reviewed within a three-year cycle.

HSHA 24/91
3.5.91
HSHA 26/95
29.9.95
HSHA 24/97 i) e)
rev. 6.6.97
HSHA12/99
rev. 5.3.99
Rev HSHA 7/01 (iv)
20.03.01
Rev HSHA 7/04
19.3.04
Rev HSHA 62/04
10.12.04
Rev HSHA 25/06
7.7.06
Rev HR1 11/12(i)
23.2.12

Next review: Jan 2019

Types Of Unlawful Discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant or a refusal to consider a promotion when a female is on maternity leave.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Comparators in direct discrimination with a protected characteristic will not be treated worse than someone without that characteristic – for example equal pay between men and women doing equal work.

Both the employer and their employees can be held responsible and liable for their actions where they discriminate. **Indirect discrimination** is where a provision, criterion or practice is applied that appears on its face to be neutral in effect but has a disproportionate and disadvantageous impact on individuals who share a particular protected characteristic. An example of indirect discrimination would be having a policy on not letting employees work part-time. This would be potentially discriminatory as people with children or family responsibilities could be disadvantaged.

Employees are also protected from discrimination if absence occurs due to gender re-assignment.

An current employee will not be discriminated against due to a disability and reasonable adjustments will be considered for all disabled employees, employees who become disabled and applicants for new posts within the Association. **Harassment*** is where there is unwanted conduct, related to one of the protected characteristics that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

This also applies to sexual harassment of an employee and may also be a criminal matter to be reported to the Police. In addition, harassment under the Protection from Harassment Act 1997, which is not related to circumstances where harassment is limited relates to a protected characteristic, is a criminal offence.

Harassment of disabled employees will be a disciplinary offense and may constitute gross misconduct, which could lead to dismissal.

Associative discrimination* is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination* is where an individual is directly discriminated against or harassed based on a perception that he/ she has a particular protected characteristic when he/ she does not, in fact, have that protected characteristic.

Third-party harassment* occurs where an employee is harassed and the harassment is related to a protected characteristic by third parties such as clients, customers or contractors. An employer may be held liable if:

- the harassment occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- they were aware that the previous harassment has taken place; and
- they failed to take reasonable steps to prevent harassment from happening again.

**Applies to all protected characteristics other than marriage and civil partnership, and pregnancy and maternity)*

It is also illegal to make someone or tell someone to discriminate against, harass or victimise a certain individual or group.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint.

The employee is protected against raising concerns about discrimination and will not be negatively affected by this.

Vicarious liability is the legal basis whereby an employer may become legally liable for the acts of its employees or agents. This can apply even where the employer had no knowledge of the acts and where, if it had been aware, it would disapprove or have disapproved of the acts in question.