

JOINT NEGOTIATING COUNCIL FOR THE EDUCATION AND LIBRARY BOARDS

7 December 2006

**To: Chief Executives
Council Members
MSO/TUSO**

Joint Negotiating Council Circular No. 102 (Revised)

Equal Opportunities Policy

The Equal Opportunities Policy has been reviewed to take account of recent legislative changes.

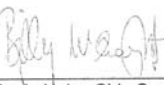
The Joint Secretaries of the Joint Negotiating Council for the Education and Library Boards have agreed the revised document.

A copy of the Equal Opportunities Policy is attached as an appendix to this circular.


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EQUAL OPPORTUNITIES POLICY

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This information can be made available, on request, in alternative formats including in large print, on computer disc, by e-mail, in Braille, on audio-cassette and in minority languages to meet the needs of those people who are not fluent in English.

¹ Definitions of the legislation used in this Policy are not a definitive statement of the law and where used are intended as guidance only.

1. GENERAL

1.1 The aim of this policy is to communicate the commitment of the Southern Education and Library Board to the promotion of equality of opportunity. It is the policy of the Southern Education and Library Board to provide employment equality to all irrespective of:

- gender, marital or family status;
- sexual orientation;
- transexuality;
- gender re-assignment;
- religious belief or political opinion;
- racial group²;
- age;
- disability;
- trade union membership or non-membership;
- criminal record.³

Selection for employment and advancement will be on the basis of suitability, qualifications and aptitude to carry out the duties of the post. This Policy applies to recruitment and selection, training and other benefits and facilities. The board will positively promote and rigorously observe the objectives and principles set out in this statement and is committed to implementing policies to promote equality of opportunity, fair participation and good relations in the board.

We recognise that the provision of equal opportunities in the workplace is not only good management practice, it also makes sound business sense.

2. LEGAL FRAMEWORK

2.1 This policy has been developed within the framework of current employment legislation. The board is committed to the promotion of equality of opportunity, fair participation and good relations and the prevention of unlawful discrimination. The board is opposed to all forms of unlawful discrimination, direct or indirect, against any person in the recruitment and selection process, in training or in any other way.

However, the existence of law cannot itself ensure that any policy of non-discrimination will work effectively. This will be achieved only if management and staff at all levels examine critically their attitudes to people and ensure that no trace of discrimination is allowed to affect their judgement. All staff should be aware of the forms which unfair

² Throughout this document the word 'racial group' is to be understood, in line with the Race Relations (NI) Order 1997, to include colour, race, nationality or ethnic or national origin. Irish Travellers are recognised by the Order as being members of a racial group.

³ A person's criminal record will be seen in the context of the post, ability to do the job and the responsibility of employers for child protection, for the care of funds, resources, the public and other employees. Only offences relevant to the post in question will be considered.

discrimination can take, guard against them and avoid any action, which might influence others to discriminate against them and avoid any action which might influence others to discriminate unfairly.

The board recognises its obligations under the:

- Equal Pay Act (NI) 1970 (as amended);
- Sex Discrimination (NI) Order 1976 (as amended);
- Fair Employment & Treatment (NI) Order 1998 (as amended);
- Race Relations (NI) Order 1997 (as amended);
- Disability Discrimination Act 1995 (as amended);
- Employment Equality (Sexual Orientation) Regulations(NI) 2003;
- Employment Equality (Age) Regulations (NI) 2006.

In addition, specific obligations are imposed on “public authorities”, including the board, in respect of the need to promote equality of opportunity and the desirability of promoting good relations under Section 75 of the Northern Ireland Act 1998. This policy is underpinned by a recognition of the importance for the board of equality of opportunity and good relations in the workplace. It is the board’s intention to comply with the spirit as well as the letter of the legislation.

- 2.2** The board is committed to preventing any form of direct or indirect discrimination or victimisation against any applicant, potential applicant, employee, trainees and students on work placements on grounds of his or her sex, marital status, sexual orientation, transsexuality, religious belief, political opinion, race, disability or age.

Direct discrimination means treating an individual less favourably on any of the above grounds. In the case of disability discrimination it also occurs where there has been a failure to comply with the duty to make reasonable adjustments for a person with a disability. In a small number of circumstances age discrimination may be permitted where an employer can demonstrate that such treatment is objectively justified.

Disability-related discrimination occurs when, for a reason that is related to a disabled person’s disability, an employer, without justification, treats the disabled person less favourably than others to whom that reason does not apply.

*Indirect discrimination*⁴ can generally be defined as applying a provision, criterion or practice which although applied equally to all, places a person or a group at a particular disadvantage which the board cannot show to be a proportionate means of achieving a legitimate aim.

⁴ The ‘equality group’ can be defined as being a group composed of persons of the same sex, marital status, religious belief, political opinion, race, sexual orientation.

Victimisation means treating a person less favourably than another because that person has asserted their rights under the anti-discrimination legislation or has helped another person to do so or has given information to the Equality Commission for Northern Ireland, or because it is suspected that the person might do any of these things.

2.3 Care must be taken to guard against more subtle and unconscious forms of discrimination which may not be immediately obvious. This may result from generalisations about the capabilities, characteristics, or interests of particular groups, which influence the treatment of individuals or groups. For example, preconceptions about their suitability for a particular post, level of management, location, training course or other development opportunities etc.

2.4 The board is committed to preventing discrimination in the form of harassment of any individual or group. Harassment may constitute unlawful discrimination under current anti-discrimination legislation.

Harassment means any behaviour, deliberate or otherwise, which is unwanted and offensive to an individual or group and which may violate an employee's dignity or create an intimidating, hostile, degrading, humiliating or offensive working environment.

2.5 The board will promote a supportive, good and harmonious work environment, free from material or behaviour likely to be offensive, provocative, or intimidating or in any way likely to cause apprehension to any employee. In accordance with this principle, the Policy and Code of Practice on Measures to Combat Harassment in the Workplace has been drawn up and agreed with the recognised Trade Unions and has been issued to staff. The board will promote and provide the necessary training relating to this policy.

2.6 Managers and supervisors must be seen to be impartial in their dealings with staff and ensure their conduct at all times accords with the Equal Opportunities Policy. They must take appropriate action to deal with any difficulties arising from a lack of impartiality by any member of their staff within their area of responsibility.

2.7 All employees are bound by this Policy to ensure that their behaviour at all times accords with the principles set out in the Equal Opportunities Policy. Breaches may be dealt with under the appropriate procedures.

3. IMPLEMENTATION

3.1 Management Arrangement

The Chief Administrative Officer⁵ with the assistance of the Equal Opportunities Officer⁶ is responsible for monitoring, co-ordinating and developing the policy under the direction of the Chief Executive. Heads of Departments, Branch Heads and Line Managers will ensure that staff for which they are responsible are aware of, and abide

⁵ For each Board to determine

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by this Policy. The Policy will be adopted at all levels of management. All staff employed by the board have a responsibility to accept their personal involvement in the application of the Policy.

3.2 Communicating the Equal Opportunities Policy

This Policy will be publicised throughout the board, distributed to existing staff and issued to new recruits. It will be reflected as appropriate in training courses and included as guidance to recruitment and selection panels. A summary of the Equal Opportunities Policy will be included in careers literature and will be issued to job applicants.

3.3 Monitoring and Affirmative Action

The composition of employees, applicants for employment and appointments will be monitored annually on the basis of sex, community background, marital status, race, disability and age. The purpose of regular monitoring is to provide the information required to measure the effectiveness of this Policy and provide an objective view on the existence and progress of equality of opportunity. To this end, an information system has been established to provide accurate and up-to-date information.

3.4 Policies and procedures in respect of employment and advancement will be periodically reviewed to maintain a system where individuals are treated solely on the basis of merit.

3.5 The board will take such affirmative action as is deemed lawful, appropriate and necessary to ensure equality of opportunity. Goals and timetables, where appropriate, will be set to measure progress which can reasonably be expected as a result of affirmative action.

3.6 The board will regard breaches of this policy as misconduct which may result in disciplinary action under the Disciplinary Procedure.

4. RECRUITMENT AND SELECTION

4.1 The board will ensure that advertisements do not indicate, or appear to indicate, an intention to discriminate in recruitment, selection or transfer. Advertisements must not be confined unjustifiably to areas or publications which would exclude or disproportionately reduce the numbers of applicants of a particular group as per paragraph 1.1 of this policy. Advertisements will include an equal opportunities statement.

4.2 Opportunities to obtain information on careers in the Boards/Staff Commission will be readily available to all existing and potential employees and all other interested parties.

4.3 Eligibility criteria for recruitment and selection must be related to ability to do the job and will be non-discriminatory. Eligibility criteria will be made known to prospective applicants.

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- 4.4 Applications must be submitted on official application forms and appointments will be made following a selection process, which provides for shortlisting and interview panels.
 - 4.5 Tests used in the selection process will be regularly reviewed to ensure they are job-related and do not unlawfully discriminate.
 - 4.6 Staff involved in the selection process must follow the Staff Commission's Code of Procedures on Recruitment and Selection. All staff involved in the recruitment and selection process will receive training in the board's Recruitment and Selection policies and procedures including equal opportunity awareness training. Decisions relating to the selection process and the reasons for such decisions will be recorded at each stage of the selection process. All documentation in relation to selection panels will be retained for a period of at least three years.

5. TRAINING

- 5.1 Staff will be provided with Equality Awareness training to ensure they are aware of current legislation and provided with guidance on the avoidance of discrimination. This will be included as appropriate in management and supervisory development programmes so that those staff with managerial and supervisory responsibility perform their duties with a full knowledge of the implications of the equal opportunities legislation.
- 5.2 All staff will be encouraged to take advantage of the training and career development opportunities available to enable them to develop the necessary skills and provide the opportunity for them to achieve their full potential.

6. STAFF APPRAISAL

Performance review within the board will be based solely on an objective assessment of the individual's capabilities, performance and potential. In accordance with the board's Policy and Code of Practice on the Employment of People with Disabilities, it is important to consider whether it is necessary or desirable to assure disabled employees that reasonable adjustments will be made to any aspect of the premises or work arrangements so as to prevent the disabilities reducing the employees' performances at work.

7. FINDING THE BALANCE – WORK-LIFE POLICIES IN PRACTICE

It is in the interests of the board that it retains trained staff. Management in consultation with staff representatives, should consider what steps can be taken, consistent with the justifiable needs of the service, to enable staff to reconcile their work with their domestic responsibilities. Staff should be made aware of existing provisions such as maternity leave, paternity leave, parental leave, adoption leave, job sharing, part-time working, flexible working hours, career breaks and leave for domestic, personal and family reasons.

Furthermore, under the 'family-friendly' policies of the Employment Act 2002 (the 2002 Act), working parents who are employees have new and additional rights, intended to allow them to be able to spend more time with their young children. The 2002 Act

extends rights under the maternity regime and introduces new statutory rights to paternity and adoptive leave and pay. Also, from 6 April 2003, employees with children aged under six or disabled children under 18, who have at least six months continuous service with the employer, have the right to request flexible working. The Board is under a statutory obligation to treat such applications seriously.

8. COMPLAINTS

8.1 The board is committed to this issue and will take prompt action to investigate any grievance concerning discrimination, harassment (which includes sexual, sectarian or racial harassment and harassment on grounds of disability) and sexual orientation, or maladministration. The procedures relating to complaints of harassment are laid down in the board's Policy Statement and Code of Practice on Measures to Combat Harassment in the Workplace.

8.2 These internal procedures do not replace or detract from the right of the employee to pursue complaints under the current anti-discrimination legislation. Help and advice in regard to such complaints is available from the Equality Commission for Northern Ireland, your trade union, the Labour Relations Agency, a solicitor or citizen's advice bureau. External discrimination complaints are pursued in the Industrial Tribunal or Fair Employment Tribunal. Individuals who feel they have been subjected to maladministration also have access to the Commissioner for Complaints. Individuals should check the time limits under which such complaints should be brought.

8.3 Every effort will be made to ensure that employees making complaints will not be victimised. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

9. AGREEMENT

This policy has been agreed by the board with the recognised Trade Unions within the Education and Library Service. It has also been agreed with the Staff Commission for Education and Library Boards and will be incorporated by the Staff Commission in their Code of Procedures for Recruitment and Selection.

The board acknowledges the support of the recognised Trade Unions and Staff Associations for the principle of equality of opportunity and their commitment to the content and implementation of this policy statement.

10. REGULAR REVIEW

The board is committed to a process of consultation with recognised Trade Unions and Staff Representatives on the policy and practices outlined in this statement. These will be regularly reviewed to ensure that the board's objectives on equality of opportunity are assessed and such affirmative action as is deemed lawful, appropriate and necessary will be taken.