

Equal Opportunities Policy

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Alternative Formats

This documentation can be made available in alternative formats such as large print, Braille, disk, audio tape or in an ethnic-minority language upon request. Requests for alternative formats can be made to the Probation Board using the following contact information:

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1. Introduction

- 1.1 PBNI recognises that all staff should be treated with respect and dignity in the workplace and as such, we are committed to providing a working environment that is free from discrimination, victimisation, harassment, bullying and inappropriate behaviour.
- 1.2 PBNI recognises that this policy in itself cannot ensure non-discrimination. This can only be achieved if staff, at all levels, critically examines their attitudes to people and ensures that no trace of discrimination is allowed to affect their judgment or influence others to discriminate unfairly.

2. Policy Statement

- 2.1 In line with our legal obligations as required under Section 17 of this policy, the Probation Board for Northern Ireland (PBNI) is committed to providing equality of opportunity. It is the policy of the Probation Board for Northern Ireland (PBNI) that, during the course of their employment, no employee will receive less favourable treatment or be discriminated against on the grounds of their sex including gender reassignment, pregnancy or maternity leave, marital or civil partnership status, sexual orientation, race or ethnic origin, religious belief, political opinion, national identity, age, disability or having or not having dependants
- 2.2 PBNI is opposed to all forms of unlawful and unfair discrimination. All job applicants, employees and others who work for us will be treated fairly and will not be unlawfully discriminated against (either directly or indirectly) or receive less favourable treatment on any of the above grounds. Decisions about recruitment and selection, promotion, training or any other benefit will be made on an objective basis and without unlawful discrimination.
- 2.3 The PBNI is an equal opportunities employer and welcomes applications for employment from all suitably qualified candidates.
- 2.4 PBNI will endeavour to ensure that our workplace and our employment policies and practices do not unreasonably exclude or disadvantage those of our job applicants and employees who have disabilities. To this end we will comply with the duty to make reasonable adjustments for those persons who have a disability as defined under the Disability Discrimination Act 1995.

3. Purpose and Aims

PBNI's equal opportunities policy aims to promote a workplace that is free from unlawful discrimination, victimisation, harassment, bullying and inappropriate behaviour.

4. **Policy Scope**

This policy applies to all:

- Job applicants and potential applicants
- Employees
- Board members
- Contract workers
- Students on work placements

5. **Policy Outcome (Commitments)**

- a) Promoting equality of opportunity and fair participation in employment for all persons.
- b) Promoting a good and harmonious working environment in which all persons are treated with respect.
- c) Preventing occurrences of unlawful direct discrimination, indirect discrimination, harassment and victimisation.
- d) Fulfilling legal obligations under the equality legislation and associated codes of practice.
- e) Taking lawful affirmative or positive action, where appropriate.
- f) Regarding all breaches of equal opportunities policy as misconduct which could lead to disciplinary proceedings.

6. **Definitions**

6.1 **What is discrimination?**

In the context of equal opportunities discrimination means being treated less favourably or unfairly for a reason related to a protected characteristic including:- sex including gender reassignment, pregnancy or maternity leave, marital or civil partnership status, sexual orientation, race or ethnic origin, religious belief, political opinion, national identity, age, or disability.

- 6.2 It is unlawful for an employer to unfairly discriminate against any employee: in terms of employment; in affording access to benefits or by refusing or deliberately omitting to afford access to benefits; or by subjecting him or her to dismissal or any other detriment on the grounds of a protected characteristic.

6.3 **Direct Discrimination**

Direct discrimination occurs when people are treated less favourably in their employment because of a protected characteristic.

6.4 **Examples**

- Refusing to offer a job to a person because of their religion.
- Refusing to offer employment or a particular post to a woman because she is pregnant.

- Not considering wheelchair users for a post which requires regular travel.
- Not offering overtime work on a Sunday to an employee with strong religious views on the assumption that they would be unwilling to work on a Sunday.

6.5 **Indirect Discrimination**

Indirect discrimination occurs when a requirement or condition is applied, which cannot be justified, which is harder for one group to meet than another and the people in that group consequently are placed at a disadvantage.

6.6 **Examples**

- Advertising a job vacancy in such a way that it is unlikely to be seen by all sections of the community.
- Applying eligibility criteria for a job, which cannot be justified, that is harder for one group to meet than another. For example, applying an upper age limit criterion for recruits to a job may discriminate against women because many of them seek to return to the labour market following a period out for childrearing purposes.
- Refusing, without justification, to allow a person to work part-time or job-share for family reasons in line with PBNi's Flexible Working Policy and Procedure.

6.7 Indirect discrimination is sometimes more difficult to identify than direct discrimination and people can practice it without any intent or appreciation that they have done anything wrong. However, absence of intent is not a valid defence if a case is taken to a tribunal. Nor does it provide much comfort to people who have suffered as a result of the discriminatory practice.

6.8 **Victimisation**

Victimisation means treating a person less favourably than others because that person has brought proceedings alleging discrimination; given evidence or information in a discrimination case; or taken any action in respect of a complaint under the relevant legislation.

6.9 **Examples**

- Transferring a person who is supporting a complainant to another location against his or her wishes on the grounds that other staff may refuse to work with him or her.
- The failure to protect an employee from retaliation or unpleasantness following a complaint may give rise to a further act of discrimination.

6.10 **Harassment**

Harassment can take many forms and may not always be easy to identify. Any unwanted behaviour which causes offence or makes a person feel uncomfortable may constitute harassment and may be unlawful.

6.11 Examples

- Displaying or circulating overtly sectarian, racially or sexually offensive material in the workplace;
- Making offensive remarks or so-called jokes about people because of their gender, disability, colour, racial origin, religious beliefs or political opinions;
- Bullying/oppressive behaviour or undermining behaviour;
- Verbal or physical threats;
- Sectarian abuse;
- touching, grabbing or brushing up against others;
- Innuendo, mockery, lewd jokes or lewd remarks;
- Intrusive questioning about someone's religious beliefs, political opinions, ethnic origins, marital status or sexuality.

6.12 Stereotyping

Unfair discrimination may result from attributing certain characteristics to people based on general assumptions about the capabilities and characteristics of particular groups.

6.13 Examples

- Believing that women with young children are less committed to work than other people.
- Believing that older people are less interested in promotion than younger people.
- Believing that people with disabilities have more time off with illness than other staff.

7. Policy Principles

7.1 In accordance with the anti-discrimination legislation PBNi undertakes not to unlawfully discriminate against any person on the grounds of:

- Sex;
- Pregnancy or maternity leave;
- Gender reassignment;
- Marital Status;
- Religious belief or political opinion;
- Race, colour, nationality, ethnic or national origins, being an Irish Traveller;
- Disability;
- Sexual orientation;
- Age.

8. Roles and Responsibilities

8.1 The Chief Executive has specific responsibility for the effective implementation of this policy and all employees must abide by the policy and help create a harmonious working environment where everyone's contribution is recognised.

- 8.2 All line managers are responsible for promoting equal opportunities in their respective work areas and for ensuring that business is conducted in keeping with the Equal Opportunities Policy.
- 8.3 Human Resources department/team supported by PBNI's Equality Manager is responsible for specialist advice on employment related equal opportunities matters and to act as a focal point for promoting and monitoring internal equal opportunities policies. It is everyone's responsibility to make sure that equality of opportunity is a reality in the day-to day workings of PBNI.
- 8.4 **Managers must:**
- a) comply with PBNI's Equal Opportunities Policy, Equality Scheme and equality legislation;
 - b) make sure that discrimination and harassment do not occur; particularly in work areas for which they are responsible;
 - c) treat seriously any equal opportunity issues which are raised;
 - d) be fully familiar with the Dignity at Work procedure - and make sure that appropriate action takes place if a complaint is made;
 - e) treat staff fairly and objectively in all areas including allocation of duties, performance management, training and development and the handling of grievances;
 - f) promote a harmonious working environment in which all workers are encouraged to apply their diverse talents and in which no worker feels under threat or intimidated; and
 - g) be proactive in challenging unacceptable behaviour.
- 8.5 **All staff must:**
- a) read and comply with the terms of this Policy;
 - b) notify an appropriate line manager if they believe they have been discriminated against or have witnessed such behaviour involving others;
 - c) make sure they do not make comments or behave in ways that others could find offensive;
 - d) challenge others from making comments or acting in ways which could cause offence;
 - e) treat people according to their individual needs;
 - f) be aware of the complaints procedures;
 - g) advise line managers or the Human Resources Department about any working practice or procedure which appears to be unlawful;
 - h) be aware that individuals can be held responsible for an act of discrimination, harassment or victimisation. This can result in:
 - disciplinary proceedings - which may in serious cases lead to dismissal;
 - Individual legal liability under equality legislation which could mean defending your actions before an Employment/Industrial or Fair Employment Tribunal.

9. Risks

Failure to comply with PBNl's Equal Opportunities policy could result in anxiety and distress for staff members resulting in increased levels of complaints using the Dignity at Work or Grievance policies and or breaches of employment law.

10. Costs

Costs associated with the effective application of this policy, include staff time and resource involved in developing training and in ensuring that all members of staff are aware of this policy through training activity.

11. Training and Communication Plan

11.1 For the policy to be effective, it must be adopted by all. In order to implement this policy we shall:

- a) communicate the policy to employees, job applicants and relevant others (such as contract or agency workers);
- b) incorporate specific and appropriate duties in respect of implementing the equal opportunities policy into job descriptions and work objectives of all staff;
- c) provide equality training and guidance as appropriate, including comprehensive induction training that will explain our Equal Opportunities, Grievance and Dignity at Work policies;
- d) ensure that those who are involved in assessing candidates for recruitment or promotion will be trained in non-discriminatory selection techniques;
- e) incorporate equal opportunities articles/communications into general communications practices (e.g., staff newsletter – Probation News, the Information Directory or Intranet);
- f) obtain commitments from other persons or organisations such as subcontractors or agencies that they too will comply with the policy in their dealings with our organisation and our workforce and
- g) ensure that adequate resources are made available to fulfil the objectives of the policy.

11.2 Equal opportunities must be recognised as something which applies to everybody and from which all can benefit.

12. Procedures and Guidance

12.1 There are people within the organisation who can help decide on the best means of addressing any issues or problems that exist and who can give confidential advice and support or be present at an interview.

These include:

- a) a work colleague
- b) your line manager
- c) Human Resources
- d) Equality Manager
- e) Trade Union representative

- 12.2 Individuals have the right to request a formal written explanation of treatment they believe to be discriminatory. If satisfaction is not achieved through a written explanation, a complaint under this policy should be pursued by way of the Grievance or Dignity at Work policies.
- 12.3 An employee who believes that they have suffered any form of discrimination, harassment or victimisation is entitled to raise the matter through the PBNI's Grievance or Dignity at Work Policies. All complaints of discrimination will be dealt with seriously, promptly and confidentially.
- 12.4 In addition to our internal procedures, employees have the right to pursue complaints of discrimination to an industrial tribunal or the Fair Employment Tribunal. However, employees wishing to make a complaint to a tribunal will normally be required to raise their complaint under our internal procedures in the first instance. Further advice on the Grievance or Dignity at Work policies can be obtained from Human Resources, intranet or your trade union representative.
- 12.5 Every effort will be made to ensure that employees who make 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.
- 12.6 Any candidate for employment within PBNI who feels they have been treated less favourably than another candidate has a right of appeal under PBNI's Recruitment Policy and Procedure.
- 12.6 At any stage employees/applicants have the right to seek advice and support from the Equality Commission for Northern Ireland, Equality House, 7 – 9 Shaftesbury Square, BELFAST BT2 7DP (telephone 028 90500600)

13. **Linkages and Legal Basis**

- 13.1 This policy should be read in conjunction with and is linked to PBNI's
- Dignity at Work Policy and Procedure
 - Grievance Policy and Procedure
 - Disciplinary Policy and Procedure
 - Recruitment Policy and Procedure.

13.2 It is the PBNI's policy to comply with its duties under the anti-discrimination legislation including:-

- a) Equal Pay Act (NI) 1970;
- b) Sex Discrimination (NI) Order 1976;
- c) Fair Employment & Treatment (NI) Order 1998;
- d) Disability Discrimination Act 1995;
- e) Race Relations (NI) Order 1997;
- f) Employment Equality (Sexual Orientation) Regulations (NI) 2003;
- g) Employment Equality (Age) Regulations (NI) 2006.

13.3 Section 75 of the Northern Ireland Act 1998 also places a statutory duty on the PBNI to have due regard to the promotion of equality and good relations internally and externally.

14. Monitoring and Evaluation

The effectiveness of the PBNI Equal Opportunities Policy will be under regular review and any amendments will be agreed with trade unions(s).

PBNI is registered with the Equality Commission for the purposes of Fair Employment and Treatment (NI) Order 1988. As such we are obliged to monitor the community background and sex of our job applicants and workforce. We are also obliged to review the composition of our workforce and our employment practices, and where appropriate, to consider affirmative action to promote fair participation between members of the Protestant and Roman Catholic communities.

15. Review

This policy will be reviewed four years from date of approval. Interim reviews may be prompted by feedback, and/or identified changes in practice/legislation

16. Breach of policy provision

A breach of this policy may be regarded as misconduct, which could lead to disciplinary action, in line with PBNI Discipline Policy.

17. References

17.1 Equal Pay Act (NI) 1970, and Sex Discrimination (NI) Order 1976
These laws prohibit discrimination and harassment on the grounds of sex; pregnancy and maternity leave; gender reassignment; being married or being a civil partner.

- 17.2 Fair Employment & Treatment (NI) Order 1998
This law prohibits discrimination and harassment on the grounds of religious belief and political opinion.
- 17.3 Disability Discrimination Act 1995
This law prohibits discrimination and harassment against disabled persons.
- 17.4 Race Relations (NI) Order 1997
This law prohibits discrimination and harassment on the grounds of race; colour; ethnic or national origins; nationality; including belonging to the Irish Traveller community.
- 17.5 Employment Equality (Sexual Orientation) Regulations (NI) 2003
This law prohibits discrimination and harassment on the grounds of sexual orientation.
- 17.6 Employment Equality (Age) Regulations (NI) 2006
This law prohibits discrimination and harassment on the grounds of age.
- 17.7 Section 75 of the Northern Ireland Act 1998
Designated public authorities (including PBNI), in carrying out their functions in Northern Ireland, are required to have due regard to the need to promote equality of opportunity between:
- persons of different religious belief; political opinion; racial group; age; marital status; sexual orientation; and
 - between men and women generally; and
 - between persons with a disability and persons without; and
 - between persons with dependants and persons without.

Also, public authorities are also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group.

- 17.8 Disability Discrimination (NI) Order 2006 Section 49A duties
PBNI is required to have due regard to the need to:
- promote positive attitudes towards disabled people, and
 - encourage participation by disabled people in public life.