

## Policy and Procedures

### Equality, Diversity and Human Rights Policy

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## **Equality, Diversity and Human Rights Policy**

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## **1. Introduction**

South Tyneside NHS Foundation Trust is committed to promoting human rights and providing equality of opportunity, not only in our employment practices but also in the way we provide services. The Trust aims to recognise and support people's individual needs. Striking a balance between the needs of the individual and the service requirements is a priority for the NHS, both to retain and motivate staff and to improve access and service quality.

## **2. Purpose**

This policy outlines the Trust's position on Equality, Diversity and Human Rights, its obligations under existing Equal Opportunities legislation and its intention to comply not only with the requirements but also the spirit of the legislation. We intend to create and maintain a climate in which Equality Diversity and Human Rights are a reality, both in our attitudes and our policies and practices

The Trust values and respects the diversity of our employees and the communities we serve. This policy requires all employees to work together to achieve a working environment that values equality, diversity and human rights. All employees need to treat each other fairly and with respect and understand the importance that we all have a responsibility to embrace and support this policy and must continue to challenge behaviour and attitudes that prevent us from achieving this. The co-operation and commitment of managers, employees and staff organisations is, therefore, essential to the successful implementation of the Trust's policy.

All staff employed by the Trust shall be made aware of the provisions of this policy and training will be provided for appropriate managers and supervisory staff. The Trust treats all complaints with due respect, confidentiality and fairness, and complaints of harassment or bullying will be dealt with in line with the Trust Bullying and Harassment at Work Policy (PP4).

## **3. Definition of Terms**

### **3.1 Equality**

Equality within the context of the policy is about the Trust fostering and promoting the right to be different, to be free from discrimination, and to have choice and dignity. It is also about valuing individual beliefs

### **3.2 Diversity**

The word diverse means "varied and different" so 'diversity' is more than equality. It is about valuing variety and individual differences and creating a Trust culture, environment and practices which respect and

value differences for the benefit of society, organisations and individuals.

### **3.3 Human Rights**

The key principle of Human Rights is that they belong to everyone and that everyone has a right to be treated with respect and dignity. There are also five core principles of human rights - fairness, respect, equality, dignity and autonomy (FREDA).

## **4. The Equality Act (2010)**

This describes different types of unlawful discrimination, and it also identifies the 9 protected characteristics that are covered by legislation against discrimination. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

## **5. Forms of Discrimination**

There are several forms of discrimination. These are explained below.

### **5.1 Direct Discrimination**

This results from treating a person less favourably on the grounds of sex, marital status, responsibility for dependants, race, colour, disability, ethnic origin religion, beliefs, sexual orientation, social & employment status, HIV status, gender realignment, political affiliation, trade union membership, age and nationality, as defined in the relevant legislation.

### **5.2 Indirect Discrimination**

This arises where a requirement or a condition, although applied equally to the groups mentioned above, has the effect of excluding or treating less favourably any of these groups, and cannot be shown to be justifiable (e.g. a height requirement which would preclude more women than men).

### **5.3 Victimization**

Usually occurs where a person is treated less favourably than another because he/she brought proceedings, given evidence or complained about the behaviour of someone who has been using harassing or discriminating behaviour against them or others.

#### **5.4 Harassment**

This is any unreciprocated or unwanted behaviour or otherwise, directed at an individual, which upsets, embarrasses, offends or affects their dignity at work and that might threaten an employee's job security or create an intimidating environment. (A more detailed definition of harassment is included in the Trust's Bullying and Harassment at Work Policy PP4). It is the effect on the recipient and not the intention of the perpetrator which characterises the behaviour or otherwise as unwelcome.

#### **5.5 Bullying**

Unwanted behaviour from one to another, which is based on unwarranted use of power or authority. In all cases it is the recipient who may define what is inappropriate behaviour. (A more detailed definition of bullying is included in the Trust's Bullying and Harassment at Work Policy PP4).

### **6. Roles and Responsibilities**

#### **6.1 The Trust Board**

The Trust Board will be responsible for promoting the values and culture where open and honest communication is encouraged between individuals, to help develop a safe and healthy working environment for all employees.

#### **6.2 The Chief Executive**

The Chief Executive is ultimately responsible for ensuring corporate governance within the Trust and therefore supports the Trust-wide implementation of this policy.

#### **6.3 The Executive Director of Personnel & Development**

The Executive Director of Personnel and Development will be responsible for ensuring the operation and monitoring of the policy on behalf of the Trust. It will, therefore, be their duty to ensure that staff receive proper guidance and training; that adequate records are established in line with the Trust Equality Strategy; that adequate monitoring and review of the policy is carried out.

#### **6.4 Personnel Department**

The Personnel department are responsible for;

- Raising awareness of the policy through training,
- Ensuring that all new Trust employees are made aware of the policy,
- Giving advice and support to managers and staff in relation to the policy.

#### **6.5 Managers and Supervisors**

Managers and other members of staff who act in a leadership role have a responsibility for setting the standards of acceptable behaviour expected of their staff. They can do this by setting a good example and treating all staff with dignity and respect. This includes acting with fairness and equality, and without discrimination. They are responsible for;

- Ensuring that staff are aware of the behaviour expected by them

- Challenging unacceptable behaviour
- Taking the appropriate course of action when made aware of any inappropriate behaviour displayed by their staff

## **6.6 Employees**

All employees have a responsibility to treat colleagues, patients and customers with respect and help create an environment that is free from discrimination or harassment of any kind. All employees have the right to be treated with dignity and respect. They are responsible for:

- Fulfilling the expected Trust standard regarding training requirements
- Making themselves aware of the policy and its requirements.
- Not discriminating or induce or attempt to induce other employees, staff organisations or management to practice unlawful discrimination.
- Not victimise or attempt to victimise individuals on the grounds that they have made complaints or provided information on discrimination.
- Not harass, abuse, bully or intimidate other employees under any circumstances.
- Report any concerns or incidents and challenge unacceptable behaviour in line with this policy

## **6.7 Staff Side Representatives**

Staff side representatives have a responsibility for treating all colleagues with dignity and respect, and this includes acting with fairness and equality, and without discrimination. They can help create an environment that is free from discrimination or harassment of any kind, by challenging unacceptable behaviour

## **7. Equality, Diversity and Human Rights Statement**

The Trust is committed to promoting human rights and providing equality of opportunity, not only in our employment practices but also in the way we provide services. The Trust also values and respects the diversity of our employees and the communities we serve. In applying this policy, the Trust will have due regard for the need to:

- Promote human rights
- Eliminate unlawful discrimination
- Promote equality of opportunity
- Provide for good relations between people of diverse groups
- Consider providing more favourable treatment for people with disabilities

This policy aims to be accessible to everyone regardless of age, disability (physical, mental health or learning disability), gender (including transgender) race, sexual orientation, religion or belief or any other factor which may result in unfair treatment or inequalities in health or employment.

- Policy details
- Education / Training requirements to implement the policy
- Monitoring arrangements

## 8. Monitoring & Review of the Policy

8.1 The Trust will, in partnership, monitor applications for, and use of, secondment on an on-going basis with a view to ensuring the fair and consistent application of this policy. The information to be gathered in this respect will include, but will not be exclusively limited to, the data collected by the Personnel Department. This information will be used as part of the review of the policy.

8.2 This policy will be reviewed every 3 years in conjunction with the Joint Consultative Group.

