EQUALITY, DIVERSITY, AND INCLUSION POLICY

Introduction

Nairn Improvement Community Enterprise is committed to the policy of equal treatment of all employees and applicants to promote a culture which actively values difference, recognising that people from diverse backgrounds can bring valuable insights to the workplace and enhance the way we do business.
Nairn Improvement Community Enterprise aims to be an inclusive organisation by recruiting, training, promoting and rewarding based on merit and irrespective of the Protected Characteristics detailed in the Equality Act 2010 (age, disability, gender reassignment, marriage or civil partnership, pregnancy & maternity, race (including colour, nationality, ethnic or national origins), religion or belief, sex or sexual orientation) or in relation to part-time status, trade union membership and political belief or affiliations.
Nairn Improvement Community Enterprise is therefore committed to providing equality of opportunity for all employees by:

- Preventing any form of direct, indirect, associative discrimination, or discrimination by perception, victimisation or harassment.
- Promoting a good and harmonious working environment where all individuals are treated with respect and dignity and in which no form of intimidation or harassment from colleagues, customers or clients will be tolerated.
- Fulfilling all legal obligations under relevant legislation and associated Codes of Practice where they apply.
- Exceeding legal requirements to ensure that every person will be treated with fairness, respect and in a way that is non-discriminatory.

You must be aware of the importance which Nairn Improvement Community Enterprise attaches to this policy and must ensure that you do not, by your actions, behaviour or attitude, directly or indirectly or unintentionally discriminate against any job applicants, employees, volunteers, customers or members of the community. Any act of discrimination will be treated as a disciplinary offence these will include, for example, discrimination in selecting, promoting or training, refusing to work with or for a person because of any of the reasons stated in paragraph one of this policy and harassment of any employee, customer or client.
This policy applies to all individuals working at all levels, Directors, trainees, home-workers, casual workers, volunteers, agency employees, contractors and all job applicants.

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Law and Legislation

The Human Rights Act 1998
Equality Act 2010
Adults with Incapacity (Scotland) Act 2000

DEFINITIONS AND THE ACTS

EQUALITY – the quality or state of being equal.
DIVERSITY – the condition of having or being composed of differing elements.
INCLUSION – the act of including.
DISCRIMINATION - the unjust or prejudicial treatment or unfair treatment based on a protected characteristic/

The Equality Act 2010

The Act provides a legal framework to protect the rights of individuals and advance equality of opportunity for all.

It has been designed to provide us with a discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

Following on from the information in the Equality Act, and in reference to this policy, it is law that no staff member, or applicant, stakeholder, professional or any visitor will be discriminated against for any of the following reasons:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage & civil partnership**
- **Pregnancy and maternity**
- **Race**
- **Religion or belief**
- **Sex**
- **Sexual Orientation**

The Human Rights Act 1998

This Act has been written in line with **The Universal Declaration of Human Rights** which are (more detail in the full Human rights act), that are relevant to the organisation**:**

- **We are all free and equal**. We should all be treated in the same way.
- **Don't discriminate.** These rights belong to everybody, whatever our differences.
- **The right to life.** We all have the right to life, and to live in freedom and safety.
- **No slavery – past and present**.
- **No Torture**.
- **We all have the same right to use the law.**
- **We are all protected by the law**.
- **Fair treatment by fair courts.**
- **No unfair detainment.**
- **The right to trial**.
- **Innocent until proven guilty**.
- **The right to privacy**. Nobody should try to harm our good name. Nobody has the right to come into our home, open our letters or bother us or our family without a good reason.
- **Freedom to move.**
- **The right to asylum**.
- **The right to a nationality**
- **Marriage and family**. Every grown-up has the right to marry and have a family if they want to. Men and women have the same rights when they are married, and when they are separated.
- **Your own things**. Everyone has the right to own things or share them. Nobody should take our things from us without a good reason.
- **Freedom of thought.** We all have the right to believe in what we want to believe, to have a religion, or to change it if we want.
- **Free to say what you want.** We all have the right to make up our own minds, to think what we like, to say what we think, and to share our ideas with other people.
- **Meet where you like**. We all have the right to meet our friends and to work together in peace to defend our rights. Nobody can make us join a group if we don't want to.
- **The right to democracy**.
- **The right to social security**. We all have the right to affordable housing, medicine, education, and child care, enough money to live on and medical help if we are ill or old.
- **Workers' rights**. Every grown-up has the right to do a job, to a fair wage for their work, and to join a trade union.

- **The right to play**. We all have the right to rest from work and to relax.
- **A bed and some food**. We all have the right to a good life. Mothers and children, people who are old, unemployed or disabled, and all people have the right to be cared for.
- **The right to education.**
- **Culture and copyright**. We all have the right to our own way of life and to enjoy the good things that "art," science and learning bring. Copyright is a special law that protects one's own artistic creations and writings; others cannot make copies without permission.
- **A free and fair world**. There must be proper order so we can all enjoy rights and freedoms in our own country and all over the world.
- **Our responsibilities**. We have a duty to other people, and we should protect their rights and freedoms.
- **Nobody can take away these rights and freedoms from us.**

(this information has been sourced from https://www.equalityhumanrights.com)

Equality can be described as breaking down barriers, eliminating discrimination and ensuring equal opportunity and access for all groups both in employment and to goods and services, the basis of which is supported and protected by legislation. It should be noted that this does not mean treating everyone 'the same'. What it does mean is recognising that everyone has different strengths and needs which need to be addressed to ensure everyone has the same opportunities to fulfil their own potential free from discrimination.

Diversity can be described as celebrating differences and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this everyone can feel valued for their contribution which is beneficial not only for the individual but for Nairn Improvement Community Enterprise.

Inclusion can be described as recognising the barriers that some groups are more advantaged than others, therefore, putting in place appropriate measures to eliminate these barriers to ensure equal opportunities are available to all.

Equality, Diversity and Inclusion are not inter-changeable but inter-dependent. There can be no equality of opportunity for all if differences are not recognised, valued, harnessed and taken into account. Nairn Improvement Community Enterprise will actively support Equality, Diversity and Inclusion to ensure all our employees are valued and treated with dignity and respect and encouraged to reach their full potential,

The key benefits of adopting an Equality, Diversity and Inclusion Policy are to:

- promote fairness in access to employment opportunities.
- attract employees and retain existing employees.
- gain a diversity of talent and experience.
- ensure that every employee has the opportunity to develop their potential.
- provide fair and equitable services to customers/clients.
- ensure legal compliance, particularly with regard to Nairn Improvement Community Enterprise's responsibilities under health and safety and the common law duty of care.

If you believe that you or one of your colleagues has suffered discrimination you must raise this immediately with your Manager.

TYPES OF DISCRIMINATION

Forms of Discrimination

Discrimination by or against a staff member is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally. This can then lead to Harassment and Victimisation.(see below for definitions)

Direct discrimination: when a person is treated less favourably than another because of one or more of the Protected Characteristics. A person being treated less favourably in relation to part-time status, trade union membership and political belief or affiliations may also be classed as discrimination.

Indirect discrimination is when the organisation has a particular policy or a way of working that applies to everyone but which puts people with a protected characteristic at a disadvantage. Indirect discrimination can be allowed if the organisation is able to show that it is justified (objective justification).

Associative Discrimination

This is where a person is discriminated against because they have an association with someone who has a particular Protected Characteristic. For example, a non-disabled person is discriminated against because of the action they need to take care of a disabled dependent.

Discrimination by Perception

Discrimination against a person because the discriminator **thinks** the person possesses a particular Protected Characteristic, for example, a person is not shortlisted for a job on the basis that the recruiter assumes the applicant does not have the

correct VISA to work in the UK as they have a foreign-looking name on their application form.

Harassment – is defined as unwanted conduct which can be physical, verbal or non-verbal that either violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It may be persistent or an isolated incident. It can take many forms, from relatively mild banter to actual physical violence.
A person may not always realise their behaviour constitutes harassment however they must recognise that what is acceptable to one person may not be acceptable to another. There may not be an intention to cause harm however the impact of a individual's actions may result in harm to another person.

Victimisation is when you are treated badly by another because you have made a complaint about discrimination of a protected characteristic.
Where an employee is treated poorly because they have supported another person who has a Protected Characteristic, that employee will have the same protection as if he or she had that Protected Characteristic.

Commitment to Equality, Diversity and Inclusion

Commitment

Equality, Diversity and Inclusion are at the heart of how we do business. We recognise the importance of making full use of people's talents and skills by creating an open and inclusive workplace culture where people from all backgrounds can work together with dignity and respect. We also recognise the importance of individuals feeling that they are being encouraged and developed to their full potential.
Steps we will take to ensure that we are fulfilling our responsibilities and promoting good practice include:

- Complying with legal obligations in a transparent manner.
- Assessing the impact of policies and practices to identify remove or mitigate any disadvantage to underrepresented groups.
- Taking measures to eliminate discrimination.
- Take positive action to redress any imbalances identified by the monitoring carried out.
- Fostering good relations between people who share a Protected Characteristic and those who do not.
- Promoting awareness and understanding of equality, diversity and inclusion matters among employees through policies, training and guidance.

- Ensuring that Nairn Improvement Community Enterprise's workplaces and events are as far as possible, welcoming and accessible to all.
- Making sure that reasonable adjustments are made, as appropriate, to enable people with disabilities to overcome barriers in the work environment.
- Ensuring that employees are provided with appropriate tools so that they feel confident to discuss equality, diversity and inclusion issues and raise any concerns they may have.

Responsibilities

Each employee and volunteer has a responsibility to ensure that the ethos of this policy is put into practice in all areas of work and any dealings with people external to Nairn Improvement Community Enterprise.

Managers at all levels are responsible for:

- Lead by example demonstrating and role-modelling acceptable standards.
- Supporting their employees and volunteers in meeting the aims of this policy.
- Ensuring that all employees and volunteers participate in the training provided.
- Taking practical steps to implement and support this policy.
- Ensuring that any complaints or grievances are dealt with fairly, in accordance with the organisation's Disciplinary Policy and Grievance Policy. (to be developed along with other HR policies as soon as we have paid employees in post to do so)
- Implementing the policy as part of their day-to-day management of employees and volunteers in applying employment policies and practices fairly and equitably.
- Ensuring equality, diversity and inclusion issues are addressed in performance.
- Ensuring vacant posts are advertised to a diverse range of potential candidates including particular groups that have been identified as disadvantaged or underrepresented in Nairn Improvement Community Enterprise and taking positive action to recruit disabled people by ensuring there are no unlawful barriers or unnecessary obstacles to applying or accessing equal opportunities, training, development, benefits and/or facilities.
- Effectively managing and dealing promptly when investigating issues relating to potential discrimination, including those matters concerning employees, members of the general public or other stakeholders.
- Ensuring all policy or service decisions that will change provisions, practices or policies and affect the workforce are Equality Impact Assessed and
- Being aware of any Action Plan set by the Senior Management Team or Directors and ensuring that this is embedded into the work of their department or project.

The Employees' Responsibilities

All employees including volunteers have a responsibility to guard against any form of discrimination and avoid any action which goes against the spirit of this policy. Employees at all levels must ensure that there is no discrimination in any of their decisions or behaviour. This includes the provision that you must:

- Implement the policy in your day-to-day work and your dealings with colleagues, partner agencies, contractors, customers and members of the public.
- Being aware of any Action Plan for your team and your part in its implementation.
- Ensure your behaviour is appropriate to the policy and that you treat people with respect and dignity.
- Not discriminate against other employees, volunteers or workers, and
- Notify your line Manager of any concerns with regard to the conduct of other employees, volunteers, customers, suppliers, the public or third parties.
- Suggest further ways that this policy can be further improved.

Commitments

Time off for Religious Observance

Nairn Improvement Community Enterprise will consider any request made for time off to observe particular religious commitments with sensitivity and sympathetically. For example, if you need to be home by a certain time on Friday or Saturday to observe the requirements of your faith, Nairn Improvement Community Enterprise will review your duties to see if it is feasible to accommodate this request. Where possible, such requests will be agreed and time may be taken as unpaid time off or made up at a different time which suits Nairn Improvement Community Enterprise.

If the work simply cannot be done at another time, then Nairn Improvement Community Enterprise will be unable to agree to the request as it would mean that the business operation would suffer. The same type of consideration will be given to practising Christians who may not wish to work on Sunday or refrain from working at Christmas or Easter.

Consideration will also be given to the locations and the timings of meetings and functions. Nairn Improvement Community Enterprise will treat employees' beliefs and religion with sensitivity. For example, locations for business meetings will be checked regarding alcohol if one of the individuals required to attend the meeting follows a doctrine which prevents him or her from attending meetings at such a place. The timing of routine meetings will, as far as possible, not be arranged when employees who follow a particular religion would be unable to attend due to that religion.

Some religions require their followers to pray at specific times during the day. Nairn Improvement Community Enterprise will allow time off for quiet prayer which can be taken at times convenient to the business and in a convenient place. This time will

be unpaid unless it can be made up at a time which is convenient to Nairn Improvement Community Enterprise.
If you request time off for religious practices, such requests will be treated with sensitivity, and your duties and the impact on the business considered carefully.
If you wish to make a request under this section of the policy, you should talk to your line Manager who will discuss your requirements to see if these can be accommodated.

Using Holidays
Sensitive consideration will be given to requests to take holiday (or unpaid leave or flexitime) to observe religious holidays. Wherever possible, Nairn Improvement Community Enterprise will agree to these requests. However, if Nairn Improvement Community Enterprise has a legitimate business reason for refusing any request then this will be the outcome as Nairn Improvement Community Enterprise is permitted to make these decisions based on the need to operate the business effectively. If requests are made with as much notice as possible being given it may be more likely that these can be accommodated and planned for in the business work schedule.

Religious and Cultural Dress
You may wear appropriate religious and cultural dress (for example, clerical collars, head scarves, skullcaps, turbans, burqa, hijab) unless it creates a health and safety risk to yourself or any other person, or otherwise breaches this policy.
For operational and health and safety reasons, you may have to be flexible in some circumstances. However, Nairn Improvement Community Enterprise's policy is to ensure that any such restrictions regarding clothing to be worn in an operational environment are genuine requirements on grounds of operational effectiveness or health and safety.
Where necessary management can give further information and guidance on cultural and religious dress in the workplace.

Recruitment and Selection
This is a key area where anti-discriminatory practice can make a difference. Nairn Improvement Community Enterprise must recruit the best person for each vacancy that arises.
All advertisements, job descriptions and the shortlisting and interview procedures should take cognisance of Nairn Improvement Community Enterprise's Equality, Diversity and Inclusion Policy. Please note that special consideration should be applied when drawing up the section relating to knowledge, skills and experience. The key points are to be objective, be clear about the role and avoid unfair assumptions (e.g. that women will have childcare issues).
Nairn Improvement Community Enterprise will undertake a periodic review of the Equal Opportunities Monitoring forms and any feedback or complaints arising during

the recruitment and selection process will help to amend any practices and make any necessary adjustments.

Learning and Development

Nairn Improvement Community Enterprise believe that all employees should be given the opportunity to undertake learning and development as part of Nairn Improvement Community Enterprise's commitment to continuous professional development.
Specific ways to encourage diversity through training and development include:

- Providing appropriate training for all employees involved in the recruitment and selection process and to those who may provide feedback to candidates.
- Offering Diversity training as part of the induction process and updating all employees on any changes to practices or legal framework affecting this policy.
- Having regular refresher training on diversity so that it is maintained as a crucial part of how Nairn Improvement Community Enterprise operates.
- Encouraging awareness of all areas of work/projects within Nairn Improvement Community Enterprise through initiatives including secondments, mentoring, attending presentations, collaborative working and development days
- Allowing all employees, the opportunity to fulfil their potential through ongoing development in accordance with the organisation's Performance Management procedures.

Disability Discrimination

The Disability Discrimination Act was passed in 1995 and is included in the Equality Act 2010. As well as dealing with issues that may occur in employment it also places an obligation on service providers to ensure that disabled people can use their services. This also means that reasonable adjustments have to be made to buildings so those physical barriers do not prevent disabled people from accessing services.
The installation and use of induction loops, text phones, appropriate use of colour contrast, low-level reception desks, and having information available in large print, tape or Braille can help to meet these requirements.
The Equality Act compels Nairn Improvement Community Enterprise to think about how it offers its services in ways that allow disabled people to have access as well as considering what needs to be done to facilitate the employment of disabled people.
Nairn Improvement Community Enterprise is committed to making every effort that should any employee become disabled they will stay in employment. Should a candidate with a disability apply for any vacancy within Nairn Improvement Community Enterprise, they will be considered on their ability not their disability.

Reasonable Adjustments due to Disability
If you have a condition that is regarded as a disability, Nairn Improvement Community Enterprise will be as flexible as possible by discussing any reasonable adjustments with you so that the workplace is comfortable and accommodates your requirements. This will also include any adjustments to the dress code followed by Nairn Improvement Community Enterprise.
If you would like to discuss any adjustments, you should talk to your line Manager in first instance.

Implementation, Monitoring and Review
While it is important to have a policy on Equality, Diversity and Inclusion, it is equally important to have a robust monitoring system with checks and balances in place so that any issues can be highlighted. This also allows management to identify where there may be areas of institutional discrimination happening which may not be as obvious as individual occurrences. A result of any monitoring will be published along with any action plan devised to address the imbalances shown.

Procedure for Dealing with a Complaint of Unlawful Discrimination
Complaints about, or reports of, discriminatory behaviour or harassment should be made through Nairn Improvement Community Enterprise Grievance procedure.
Complaints should be raised as soon as possible so that the matter can be dealt with quickly. The matter should be raised first with your line Manager. If this would cause embarrassment or if you feel it is inappropriate, for example, if your line Manager is the subject of the complaint, then the matter should be raised with a Director.

If you experience any discriminatory behaviour from a third party such as customers or clients, you should raise the matter immediately with your line Manager. The matter will be treated seriously, and the Manager will carry out a full investigation.

Accusation of Unlawful Discrimination
Any accusations of unlawful discrimination will be investigated fully by Nairn Improvement Community Enterprise. As part of the investigation, you will be given every opportunity to answer the allegation and provide an explanation of your actions. Once the investigation is complete, if Nairn Improvement Community Enterprise finds that no unlawful discrimination occurred, no further action will be taken. However, if Nairn Improvement Community Enterprise decides that your actions amount to unlawful discrimination, you may be subject to disciplinary action up to and including summary dismissal for gross misconduct.

If, after the investigation is complete, it is found that the claim was false or malicious, disciplinary action may be taken against the employee who raised the complaint. Equal opportunities practice is constantly developing as social attitudes and legislation change. Nairn Improvement Community Enterprise will keep its policies under review and will implement changes where these could improve equality of opportunity.

New Policy	Sept 2023	Hazel Clark & Mandy Lawson