

SPORT NORTHERN IRELAND

EQUAL OPPORTUNITIES POLICY

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1 Statement of policy

The aim of this policy is to communicate the commitment of the Chief Executive, Board of Directors and senior management team to the promotion of diversity, inclusion and equality of opportunity within Sport Northern Ireland. This includes creating and sustaining a harmonious workplace where we feel valued, respected and included. Our approach to attracting, recruiting, developing and retaining the very best people across all levels is based on three key principles:-

Equality – we promote equality of opportunity by seeking to remove barriers, eliminating discrimination and ensuring equal opportunity and access for all groups of people.

Diversity – we accept each person as an individual. Our success is built on our ability to embrace diversity – and we believe that everyone should feel valued for their contributions. By working together we will deliver the best possible service for our staff, partners and stakeholders.

Inclusion – we create a working culture where differences are not merely accepted, but valued; where everyone has the opportunity to develop in a way that is consistent with, and adheres to Sport Northern Ireland’s DNA values of Excellence, Integrity, Collaboration and Learning. Our aim is to be an organisation where people feel involved, respected and connected to our success.

1.1 It is our policy to provide employment equality to all, irrespective of:

- Sex, including gender reassignment
- Marital or civil partnership status
- Dependent responsibilities
- Religious belief or similar philosophical belief
- Political Opinion
- Race Group WHY HAVE WE REMOVED THE ADDITIONAL INFO?
- Disability
- Sexual orientation
- Age.

1.2 We are 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 discriminated against on any of the above grounds. Definitions of discrimination for the purpose of this policy can be found in Annex 1.

1.3 Decisions about recruitment and selection, promotion, training or any other benefit will be made objectively and without unlawful discrimination.

- 1.4 We recognise that the provision of equal opportunities and embracing diversity in the workplace are not only good management practice, it also makes sound business sense. People with different backgrounds, skills, attitudes and experiences bring fresh ideas and perceptions. Our equal opportunities policy will help all those who work for us to feel included, valued, respected and supported. Enabling us to develop them to their full potential. The talents and resources of the workforce will be utilised fully to maximise the efficiency of the organisation.

2 To whom does the policy apply?

Sport Northern Ireland will provide equality of opportunity to all persons irrespective of whether or not there are legislative provisions in place, which relate to certain groups. It is the responsibility of all staff to be aware of and to apply this policy. This policy applies to all:

- job applicants and potential applicants
- employees
- board members
- contract workers
- agency workers
- students on work placements.

3 Equality commitments

We are committed to:

- Promoting equality of opportunity for all persons
- Promoting a good and harmonious working environment in which all persons are treated with respect
- Create an inclusive working environment in which difference is recognised and valued
- Preventing occurrences of unlawful direct discrimination, indirect discrimination, harassment and victimisation
- Fulfilling all our legal obligations under the equality legislation and associated codes of practice (a summary of equality legislation can be found in Annex 2).
- Complying with our own equal opportunities policy and associated policies
- Implementing reasonable adjustments in the workplace to meet different work-related needs
- Taking lawful affirmative or positive action, where appropriate
- Regarding all breaches of equal opportunities policy as misconduct which could lead to disciplinary proceedings
- This policy is fully supported by senior management and has been agreed with NIPSA.

Our goal is to ensure that these commitments, reinforced by Sport Northern Ireland's DNA values of Excellence, Integrity, Collaboration and Learning, are embedded in our day-to-day working practice with our colleagues, partners and stakeholders.

4 Implementation

4.1 The Chief Executive and Senior Management have specific responsibility for the effective implementation of this policy. Each director and manager also has responsibilities and we expect all our employees to abide by the policy and help create the inclusive, diverse and equal environment which is its objective.

4.2 In order to implement this policy we shall:

- Communicate the policy to employees, job applicants and relevant others (such as board members, contract or agency workers, students on placements)
- Incorporate specific and appropriate duties in respect of implementing the equal opportunities policy into job descriptions and work objectives of all staff
- Provide equality training and guidance as appropriate, including training on induction and management courses
- Ensure that those who are involved in assessing candidates for recruitment or promotion will be trained in non-discriminatory selection techniques
- Incorporate equal opportunities notices into general communications practices (e.g., staff newsletters, intranet)
- 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
- Ensure that adequate resources are made available to fulfil the objectives of the policy.

Behaviours, actions or words that breach policy will not be tolerated and will be dealt with in line with Sport NI disciplinary policy. It is essential that:

- Everyone is aware of the policy, understands what it means and puts it into practice;
- Our employment policies and practices avoid any kind of unfair treatment or unlawful discrimination; and
- Individual differences are valued and respected.

5 Monitoring and Review

We will establish appropriate information and monitoring systems to assist the effective implementation of our equal opportunities policy, alongside ongoing commitments to our Section 75 duties including the implementation of our revised Equality Scheme and associated EQIAs and screenings. Under Section 75 Sport Northern Ireland currently monitors the workforce and applicants for Sport NI jobs in terms of:

- disability;
- race;
- age;

- men and women generally;
- sexual orientation
- marital; and
- dependant status.

Monitoring equality and diversity in the workforce enables Sport Northern Ireland to examine how our employment policies and processes are working and to identify areas where these appear to be impacting disproportionately on certain groups of staff. Monitoring can be done at a variety of different points in the employment cycle including recruitment, promotion, training, staff surveys, performance management, grievances and dismissals.

Equality and diversity monitoring can help to:

- recruit and retain the best - from the widest talent pool;
- create awareness – signalling the NICS commitment to creating a more inclusive work environment;
- improve productivity – valuing and supporting the diversity of people’s backgrounds and lifestyles is important in making the most of the contribution that they can bring to the organisation’s performance;
- identify and address any inequalities in the application of employment practices;
- build reputation – research shows that the best performing organisations are those that invest most on promoting equality and diversity in the workplace; and
- meet obligations under equality legislation

Annex 3 provides more information on why this information is collected, and Annex 4 details confidentiality of monitoring information.

The effectiveness of our equal opportunities policy will be reviewed regularly to look for differences between groups, identify trends over periods of time and to investigate the reasons for these differences; with action taken as necessary. For example, where monitoring identifies an under-representation of a particular group or groups, we shall develop an action plan to address the imbalance, once more in conjunction with any actions attaching to our revised Equality Scheme. Our Equal Opportunities Policy will be reviewed every three years from date of approval. Interim reviews may be prompted by feedback, and/or identified changes in practice or legislation.

6 Complaints

6.1 Employees who believe that they have suffered any form of discrimination, harassment or victimisation are entitled to raise the matter through the agreed grievance procedure. A copy of this procedure is available from the Director of Human Resources. All complaints of discrimination will be dealt with seriously, promptly and confidentially.

6.2 In addition to our internal procedures, employees have the right to pursue complaints of discrimination to an industrial tribunal or the Fair Employment Tribunal under the following anti-discrimination legislation: Further information on Equality Legislation can be found in Annex 2.

- Sex Discrimination (Northern Ireland) Order 1976, as amended
- Disability Discrimination Act 1995, as amended
- Disability Discrimination (NI) Order 2006
- Race Relations (Northern Ireland) Order 1997, as amended
- Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003, as amended
- Fair Employment and Treatment (Northern Ireland) Order 1998, as amended
- Employment Equality (Age) Regulations (Northern Ireland) 2006
- Equal Pay Act (Northern Ireland) 1970, as amended
- Section 75 of the Northern Ireland Act 1998; and
- Trade Union and Labour Relations (Northern Ireland) Order 1995.

However, employees wishing to make a complaint to a tribunal will normally be required to raise their complaint under our internal grievance procedure first¹.

6.3 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.

Date:

Signature: Chief Executive

Signature: (trade union or workplace representative)

¹ For further information on the statutory disciplinary, dismissal and grievance procedures, see www.lra.org.uk or advisory publications of the Department for Employment and Learning at www.delni.gov.uk

7 Further information

The Equality Commission can provide advice and guidance on promoting equality of opportunity in the workplace and further information on a range of equality issues. For further information please contact:

Equality Commission for Northern Ireland

Equality House

7-9 Shaftesbury Square

Belfast BT2 7DP

Tel: 028 90 500 600 (Reception/Switchboard)

Email: information@equalityni.org

8 ANNEX 1

Definitions of Discrimination for the Purpose of this Policy Statement

8.1 **Direct Discrimination** - treating a person less favourably than another person is, or would be treated in similar circumstances, on the grounds of sex, family and marital status, religious belief and race, for a reason, relating to a person's disability, sexual orientation or any other ground. Direct Discrimination arises, for example, where a less favoured female candidate has better qualifications and /or experience than a successful male candidate.

8.2 **Indirect Discrimination** - can occur where a provision, criterion or practice is applied equally to all but which puts persons of a particular religious belief, political opinion, race, disability, nationality or ethnic/national origins, sexual orientation at a particular disadvantage, and which cannot be shown to be a proportionate means of achieving a legitimate aim.

In order to establish a complaint of indirect discrimination an applicant must show the following:

- that a requirement or condition has been applied;
- that the said requirement or condition adversely impacts against the person because of his/her religious belief, political opinion, sex, family and/or marital status, race, nationality, disability, sexual orientation, ethnic/national origin or age;
- that the applicant has suffered detriment by reason of being unable to comply with the condition or requirement.

8.3 **Disability Discrimination** - Disability discrimination occurs when, for a reason related to their disability, a disabled person is treated less favourably than other people, and this treatment cannot be justified. It also occurs when an employer fails to comply with the duty to make a reasonable adjustment in relation to the disabled person, and the failure cannot be justified. An employer cannot justify less favourable treatment if, by making a reasonable adjustment, it would remove the reason for the treatment. More recently, UK case law has further established the principle of associative discrimination in relation to disability discrimination, such that caring responsibilities associated with an individual with a disability may need to be given due consideration by an employer when making decisions on, for example, special leave arrangements.

8.4 **Victimisation** - treating one person less favourably than another because that person:-

- has asserted rights under the Sex Discrimination (NI) Order 1976, the Equal Pay Act (NI) 1970, the Fair Employment and Treatment (NI) Order 1998, the Employment Equality (Sexual Orientation) Regulations (NI) 2003, the Employment Equality

(Age) Regulations (NI) 2006, the Race Relations (NI) Order 1997, the Disability Discrimination Act 1995; or the Employment Rights (NI) Order 1996; or

- has helped another person to assert such rights; or
- has given information to the Equality Commission; or
- alleges discrimination on any of the grounds outlined in paragraph 1.1; or
- assists another person to complain of discrimination.

8.5 Unconscious Discrimination

It is recognised that discrimination may be subtle and unconscious and may not easily be perceived. This discrimination may result from assumptions about the capabilities, characteristics or the interests of a particular group, which are likely to influence the treatment of individuals or groups. It may also take the form of applying conditions or requirements to the disadvantage of particular groups.

Unconscious discrimination may show itself in many ways. Some examples are:-

- staff may be directed into particular types of work on the basis of general assumptions without sufficient regard to the particular attributes and abilities of individuals;
- assumptions about the ability of certain groups of staff to supervise may be allowed to affect recruitment or promotion to supervisory positions;
- the allocation of work, and the recruitment and promotion of individuals into particular posts, may be affected by assumptions about the reactions of other staff and/or members of the public;
- the organisation of the work day or a failure to recognise the particular needs of certain groups of employees may make it difficult for them to combine their domestic and work responsibilities.

8.6 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.

8.7 Complaints

Complaints of sex/marital status, race/nationality/ethnic/national origin, sexual orientation, age and disability discrimination should be lodged with the industrial tribunal within three months from the date of the alleged act of discrimination.

In respect of equal pay, the complaint can be lodged at any time while the person is in the job or within six months of leaving the job.

Complaints to a fair employment tribunal must be lodged within three months from which a complainant first knew, or might reasonably have known, of the act of discrimination or within six months from the date when the act occurred, whichever is earlier.

9 ANNEX 2

Equality Legislation

The main pieces of employment equality legislation in Northern Ireland are:

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.
Disability Discrimination Act 1995	This law prohibits discrimination and harassment against disabled persons. It also requires employers and service providers to make reasonable adjustments in the workplace and in recruitment/promotion.
Disability Discrimination (NI) Order 2006	Increases the scope of legislation to include more people with disabilities. For example, people diagnosed with cancer, HIV and multiple sclerosis (MS), but not yet showing signs of their illness, will now be protected by disability legislation. The Order also imposes a new duty to promote positive attitudes towards disabled people and encourage their participation in public life.
Race Relations (NI) Order 1997	This law prohibits discrimination and harassment on grounds of race; colour; ethnic or national origins; nationality; belonging to the Irish Traveller community.
Fair Employment and Treatment (NI) Order 1998	This law prohibits discrimination and harassment on grounds of religious belief and political opinion.
Section 75 of the Northern Ireland Act 1998.	Places a duty on public authorities to consider equality of opportunity and good relations between different groups in policy making.
Employment Equality (Sexual Orientation) Regulations (NI) 2003	This law prohibits discrimination and harassment on grounds of sexual orientation.
Employment Equality (Age) Regulations (NI) 2006	This law prohibits discrimination and harassment on grounds of age.
Employment Rights (NI) Order 1997	Outlaws discrimination on the grounds of trade union membership.
Protection from Harassment (NI) Order 1997	Outlaws stalking, but may also apply to harassment in the workplace.
Equality Act (Sexual Orientation) Regulations (NI) 2006	Outlaws discrimination on the grounds of sexual orientation in the provision of goods, facilities and services, education and public functions.
Trade Union and Labour Relations (NI) Order 1995	Regulates trade unions and outlines employees' rights with regard to trade union engagement.

10 ANNEX 3

Why does Sport Northern Ireland collect monitoring information?

Community Background

The Fair Employment and Treatment (NI) Order 1998 outlaws discrimination on the basis of religious belief or political opinion. The Order also requires the NICS to submit an annual monitoring return to the Equality Commission for Northern Ireland. This takes the form of a statistical return, providing information on the gender and community background composition of all people working in the NICS at the 1 January each year. Information is also provided on applicants, new appointments, leavers and promotees during the previous 12 months. The same legislation requires the NICS to carry-out an in-depth review every 3 years to determine if Protestants and Roman Catholics are enjoying fair participation in employment. The results of this review, known as Article 55 Review, are published on the DFP internet site. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons of different religious belief and political opinion. Following guidance issued by the Equality Commission in 2007, the NICS has decided to use “community background” information as a proxy for political opinion.

Gender

The Sex Discrimination (NI) Order 1976 (as amended) makes it unlawful to discriminate against an individual on the grounds of his or her sex. Information on gender is also provided in the annual statutory monitoring return, as required by the Fair Employment and Treatment (NI) Order 1998. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between men and women generally.

Disability

The Disability Discrimination Act 1995 (DDA) provides protection for disabled persons against discrimination on the grounds of disability. The DDA defines 14 (Version 2.0) Equality, Diversity and Inclusion in the NICS disability as a “physical or mental impairment, which has a substantial and long term adverse effect on a person’s ability to carry out normal day-to-day activities.”

The person must be affected in at least one of the respects listed in the DDA:

- mobility;
- manual dexterity;
- physical coordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;

- perception of risk or physical danger;
- taking part in normal social interactions; or
- forming social relationships.

The Disability Discrimination (NI) Order 2006 made some changes to the definition of disability and ensured that people with HIV, cancer and multiple sclerosis are deemed to be covered by DDA as soon as they are diagnosed.

Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons with a disability and persons without.

Race

The Race Relations (NI) Order 1997 makes it unlawful to discriminate on grounds of colour, race, nationality or ethnic origin. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons of different racial group(s).

Age

The Employment Equality (Age) Regulations (NI) 2006 makes it unlawful for employers and others to discriminate on grounds of age. Section 75 of the Northern 15 (Version 2.0) Equality, Diversity and Inclusion in the NICS Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons of different ages and age groups.

Sexual Orientation

The Employment Equality (Sexual Orientation) Regulations (NI) Order 2003 makes it unlawful for employers, and others, to discriminate on the grounds of sexual orientation. In order to monitor the effectiveness of NICS policies information is gathered on sexual orientation. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons of different sexual orientation.

Marital Status

The Sex Discrimination (NI) Order 1976 (as amended), makes it unlawful to discriminate against married persons and civil partners in employment. Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons of different marital status, married persons and civil partners.

Dependants Status

Section 75 of the Northern Ireland Act 1998 requires Public Authorities, in carrying out their functions in NI, to have due regard to the need to promote equality of opportunity between persons with dependants and persons without.

11 ANNEX 4

Confidentiality of Monitoring Information

Information collect from monitoring is subject to the General Data Protection Regulations Act 2018 (GDPR).

The following general principles will be applied to all individual monitoring information: -

- individual monitoring information will be afforded a high degree of confidentiality;
- misuse of monitoring information will be viewed as a disciplinary offence; and
- individual monitoring information will only be disclosed to members of staff or officials of a trade union, members of which are employed in the NICS, if it is necessary to do so for the appropriate discharge of their duties and responsibilities.

In addition to the above internal safeguards on the protection of equality monitoring information generally, the confidentiality of community background monitoring information is protected through Regulations made under the Fair Employment and Treatment (Northern Ireland) Order 1998. These make it a criminal offence, subject to specific exceptions, for an employer or employee to disclose information on the community background of an individual which has been obtained, or is used, for the purpose of monitoring under the Fair Employment and Treatment (Northern Ireland) Order 1998. The exceptions permitted include the disclosure of individual community background monitoring information to members of staff or to Trade Union officials if it is necessary to do so for the appropriate discharge of their duties and responsibilities; the Equality Commission for NI and the Labour Relations Agency. They also permit the disclosure of individual monitoring information in connection with any actual or prospective proceedings before a Tribunal.