

Northern Ireland Audit Office

Equal Opportunities Policy

NIAO Policy Statement on Equal Opportunities

The Northern Ireland Audit Office (NIAO) is committed to the promotion of equality of opportunity.

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

- Gender including gender reassignment,
- marital or civil partnership status;
- having or not having dependents;
- religious belief or political opinion;
- disability;
- race or ethnic origin;
- nationality;
- sexual orientation;
- age.

We are opposed to all forms of unlawful and unfair discrimination. All employees and job applicants (actual or potential) will be treated fairly and selection for employment, promotion, training or any other benefit will be on the basis of ability, qualifications and aptitude for the work.

We recognise that the provision of equality of opportunity in the workplace is not only good management practice, it also makes sound business sense. This policy will help all employees to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Office.

We are committed to:

- preventing any form of direct or indirect discrimination, harassment or victimisation;
- promoting equal opportunities for men and women;
- promoting equal opportunities for people of all religions and none;
- promoting equal opportunities for people with disabilities;
- promoting equal opportunities for ethnic minorities;
- promoting equal opportunities for people of different sexual orientation;

- promoting a good and harmonious working environment where all employees are treated with respect and dignity and in which no form of intimidation or harassment will be tolerated;
- fulfilling all legal obligations under the relevant legislation and associated Codes of Practice.

Breaches of our equal opportunity policy will be regarded as misconduct and could lead to disciplinary proceedings.

This policy is fully supported by Management and has been agreed with Trade Union Side.

Promoting Equality

NIAO is fully committed to the effective promotion of equality of opportunity in all its employment policies and procedures and to creating an environment where all staff are valued and encouraged to develop to their full potential. This is incorporated in the Purpose Statement of the Office which is attached as **Appendix 1**.

Preventing discrimination

There is a legal framework to protect individuals from unfair discrimination. **Appendix 2** provides some information on equality law in Northern Ireland, while **Appendix 3** defines discrimination in the context of equality legislation.

Employers must comply with the law which prohibits discrimination on the grounds of sex, marital status, religious belief, political opinion, disability, colour, race, nationality, ethnic or national origin, or sexual orientation. This means we must do all we can to ensure that our employees do not discriminate unlawfully against others during the course of their employment.

You should be aware therefore that you have a duty not to break the law and not to help anyone else to do so. **You can be held personally liable 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;
- defending your actions before an Industrial Tribunal or Fair Employment Tribunal.

Implementation

In order to implement the NIAO policy on equal opportunities we will ensure that:

- it is communicated to all staff, through the Office Intranet, training, display on the Equal Opportunities noticeboard etc, and made known to job applicants;
- appropriate training and guidance will be provided to all staff. In particular, this will include ensuring that:
 - managers and those with supervisory responsibilities are aware of their responsibilities; and
 - all those involved in assessing candidates for recruitment or promotion are trained in non-discriminatory recruitment and selection techniques;
- employment policies and procedures (recruitment, training, staff reporting etc) are kept under review;
- where appropriate, lawful affirmative/positive action measures are developed. These measures are available to us in certain circumstances, for example where there is under-representation of a particular group; and
- an information system is developed and maintained to assist the effective implementation of this policy.

The Directorate of Division A has specific responsibility for the effective implementation of the equal opportunity policy.

We expect all of our staff to abide by the policy and help create the equality environment which is its objective.

- You must not unlawfully discriminate against fellow workers (including contractors, consultants and temporary appointments) or outside contacts;
- You must take care not to cause embarrassment or offence to others and treat all NIAO staff, clients and the public with equal respect and courtesy.

- You should inform your manager or the Equal Opportunities Officer of any working practice or procedure which may lead to unfair treatment.

The existence of law cannot of itself ensure that any policy of non-discrimination will work effectively. This will be achieved only if staff at all levels examine critically their own attitudes and beliefs and guard in particular against unintentional discrimination against others.

Staff with managerial or supervisory responsibilities have a key role to play in meeting the objective of the equal opportunity policy. As a manager you have the same responsibility as other staff to comply with the provisions set out above but have an added responsibility to:

- set a good example to others;
- make every effort to ensure that discrimination and harassment do not occur, particularly in work areas for which you are responsible;
- treat staff fairly and objectively. As part of your job you may have responsibility for decisions on recruitment and promotion, work allocation, staff appraisal, training and development and other employment related matters. You should ensure that you comply with Office procedures in these areas, and with this policy and equality law;
- ensure that those for whom you are responsible are aware of this policy and its workings;
- treat seriously any equal opportunities issues which appear to arise or are raised and ensure that appropriate action is taken in accordance with Office procedures.

This policy and its implementation will be reviewed on a regular basis, in consultation with Trade Union Side.

Monitoring and Review

The provision of equality of opportunity will be monitored through the collection and analysis of relevant statistical data. We will also monitor our workforce composition and undertake periodic reviews as required by Article 55 of the Fair Employment and Treatment (Northern Ireland) Order 1998.

Complaints

Staff who believe that they have suffered any form of discrimination, harassment or victimisation are entitled to raise the matter through the agreed procedures, which are available from the Personnel Officer. All complaints of discrimination will be treated seriously and dealt with as promptly and confidentially as possible.


These internal procedures do not replace or detract from the right of employees to pursue complaints under the Sex Discrimination (Northern Ireland) Order 1976, the Disability Discrimination Act 1995, the Race Relations (Northern Ireland) Order 1997 and the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 to an industrial tribunal or, under the Fair Employment and Treatment (Northern Ireland) Order 1998, to a Fair Employment Tribunal. Staff should be aware that time limits apply to legal proceedings.

The Equality Commission for Northern Ireland also provides advice and guidance to employers and individuals on their rights and obligations under the law (website www.equalityni.org).

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

Contact

You can address any questions, queries or suggestions relating to the policy to the NIAO's Equal Opportunities Officer in strictest confidence.



N I A O
Northern Ireland Audit Office

Our purpose...

PROMOTING BETTER USE OF PUBLIC MONEY

through independent professional scrutiny

underpinned by our commitment to:

- integrity
- equality
- openness
- innovation

to make a
difference for
the people of
Northern Ireland



Appendix 2

The Main Legislation Governing Equality of Opportunity in Northern Ireland

The Fair Employment and Treatment (Northern Ireland) Order 1998 (as amended) outlaws discrimination on grounds of religious belief and/or political opinion in the areas of employment, the provision of goods, facilities and services, the sale or management of land and property, further and higher education, and partnerships and barristers. It is unlawful for an employer to discriminate in matters such as recruitment and selection, promotion, and training etc. The 1998 Order places a duty on employers to consider the appropriateness and practicability of affirmative action including goals and timetables if an under-representation of one community is identified within the workforce.

The Sex Discrimination (Northern Ireland) Order 1976 (as amended) outlaws discrimination on the grounds of sex in the areas of employment, vocational training, education, the provision of goods, facilities and services, and housing. It also makes it unlawful to discriminate against married people in employment. Positive action is permitted under the Order.

The Equal Pay Act (Northern Ireland) 1970 (as amended) requires employers to give equal treatment to men and women in respect of pay and other terms and conditions of employment.

The Disability Discrimination Act 1995 makes it unlawful for an employer to discriminate on the grounds of disability. This applies to a range of employment matters including recruitment and selection, promotion, training and dismissal. In order to help a disabled person to do the job, employers are required to consider what changes they could make to the workplace or to the way the work is done, and make any changes which are reasonable. The Act also makes it unlawful for people who provide goods, facilities or services to the public and those selling, letting or managing premises to discriminate against disabled people in certain circumstances.

The Race Relations (Northern Ireland) Order 1997 (as amended)

outlaws discrimination on grounds of colour, race, nationality or ethnic or national origin in the areas of employment, goods, facilities and services, education, housing and accommodation, and management and disposal of premises. It is unlawful for the employer to discriminate in matters such as recruitment and selection, the terms and conditions of employment and access to benefits (opportunities for promotion, training etc). Positive action is permitted under the Order.

The Northern Ireland Act 1998 established the Equality Commission for Northern Ireland and requires public authorities, in carrying out their functions, powers and duties, 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 or sexual orientation;
- men and women generally;
- persons with a disability and persons without; and
- persons with dependents and persons without.

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

The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003

makes it unlawful for employers and others to treat people less favourably than others because of their sexual orientation in the areas of employment and training. Positive action can be taken in certain circumstances.

Equality of opportunity is also protected by European Community law.

What is discrimination?

Direct Discrimination occurs when a person is treated less favourably than another on the grounds of their sex, marital status, religious belief, political opinion, disability, colour, race, nationality, ethnic or national origin, or sexual orientation.

For example the following types of conduct could constitute unlawful direct discrimination:

- Not offering the best candidate at interview a job because of their religion;
- Denying a woman a job because she is pregnant;
- Not considering wheelchair users for a posting which requires regular travel;
- Subjecting someone to sexual or racial harassment.

Indirect Discrimination occurs where a provision, criterion or practice is applied, which although equally applied to others, has the effect of disadvantaging a particular group of people, and cannot be justified. The following situations might give rise to indirect discrimination:

- Requiring higher language standards or qualifications than are necessary for the safe and effective performance of a job;
- Refusing, without justification, to allow a person with childcare responsibilities to work part-time or to jobshare.
- Confining a job advertisement, without justification, to areas or publications which would exclude or disproportionately reduce the number of applicants from a particular group.

Victimisation occurs when a person is treated less favourably than others because that person has, for instance, complained of alleged discrimination or has assisted someone to do so; an example would be dismissing an employee for making an allegation of discrimination which had been made in good faith and was not false.

Harassment is unwanted conduct related to age, disability, marital or family status, sex, sexual orientation, race or ethnic origin, religious belief or political opinion affecting the dignity of women and men at work or

creating an intimidating, hostile, humiliating, disturbing or offensive environment. This can include unwelcome physical, verbal or non-verbal conduct. NIAO has a separate Harassment Policy.