

## 1 PURPOSE

- 1.1 The Transport Executive's Equality and Diversity strategic aims are to become an exemplary Equality and Diversity employer; to become an exemplary Equality and Diversity provider of services; to contribute to social inclusion through the provision of public transport for all; to mainstream Equality and Diversity into all the Transport Executive's strategy and policy formation.
- 1.2 The Transport Executive is committed to providing equal opportunities and diversity in all its employment practices and provision of all its services. The Transport Executive is committed to ensuring and promoting the equal treatment of all employees and service users.
- 1.3 This policy aims to ensure that individuals are treated equally and fairly.
- 1.4 The Transport Executive and UNISON recognise that groups of people within the community can be disadvantaged because of their gender, disability, race and ethnicity, age, sexual orientation, religion or beliefs or for other reasons listed in Appendix B. Individuals could be disadvantaged or discriminated against by the way our services are structured and delivered, by the decisions which we take in our various regulatory functions or by our actions as an employer. As a result people may be denied access to services or the consideration to which they are entitled.
- 1.5 The disadvantages that people experience may be due to direct, indirect or institutional discrimination. These terms are defined in more detail in section two.

## 2 GENERAL PRINCIPLES AND DEFINITIONS

- 2.1 The Transport Executive recognises that discrimination is not acceptable on any grounds. It seeks to create a climate which is underpinned by the understanding of discrimination and oppression.

- 2.2 It is recognised that discrimination can take many forms including:

Direct Discrimination – treating one person less favourably than others because of their race, sex or disability for example.

Indirect Discrimination – creating a condition, term of employment or requirement of service delivery, which cannot be justified, and which, in practice, prevents people from certain groups from receiving an equal service or opportunity.

Institutional Racism/ Institutional Discrimination – the collective failure of an organisation to provide an appropriate and professional service or an employment condition to people because of their race, sex and disability.

Harassment – individuals or groups of individuals who are harassed or abused because of their race, sex or disability.

Victimisation – can arise from two situations. Firstly, where a person is treated less favourably because they have, or it is suspected that they will, pursue their rights to equality in service delivery or employment via the complaints procedures and/or legal proceedings. Secondly we acknowledge that a witness involved in a discrimination case may also be discriminated against or victimised by others and treated less favourably.

Many conscious and unconscious acts of discrimination are influenced by prejudice and stereotyping both of which give rise to unfair and unlawful discriminatory practices. Therefore being able to challenge yourself as well as others is an important part of anti-discriminatory practice.

Prejudice – involves making a pre-judgement about something or someone before experiencing or fully understanding the true circumstances of the situation. It can lead to the development of discriminatory attitudes about certain kinds of people, produce negative views about different lifestyles, different value systems, standards of behaviour and the value we place on other people's right to choose to be different.

Stereotyping – involves the pre-judgement of people based on stereotypical information and making generalised assumptions about a person or a group. These assumptions are often based on false or misleading information.

### 3 RESPONSIBILITIES

The co-operation of all employees is essential for the success of this policy, however, the overall development, implementation and responsibility of the policy lies with the Director General, the Management Board and Line Managers.

Employees referred to in this document, includes all those employed on a full-time, part-time, job-share, casual or temporary basis, and all other persons who are acting on behalf of the Transport Executive, including contractors and consultants.

#### 3.1 The Transport Executive's Responsibility

The Transport Executive has a responsibility to the community it serves. In undertaking this, the Transport Executive will endeavour to ensure that:

- All services provided by the Transport Executive should be accessible and useful to every citizen within our transport region regardless of individual circumstances.
- Discrimination on the grounds of gender, age, race, colour, ethnic origin, religious belief, disability, marital status, sexual orientation or any other reason which cannot be shown to be justified, will not be tolerated.

#### 3.2 Line Manager's Responsibility

It is every Line Manager's responsibility to ensure that the promotion and continuation of equality in both employment and access to service provision are met. In addition Line Managers are expected to:

- Ensure that their services are, as far as practicable, responsive to different community and individual needs.
- Meet particular, reasonable needs of individuals in our community who wish to access our services.
- Be responsible for communicating this policy to all employees and ensuring that all employees are fully aware of their individual responsibilities and of the Transport Executive's legal responsibilities with regard to Equality and Diversity and make the Transport Executive's services available to all.

#### 3.3 Individual Responsibility

All employees have a general responsibility to comply with equality legislative codes of practice, and with this policy. They should also observe the guidelines aimed at ensuring non-discriminatory behaviour at work or with customers.

When an employee is undertaking his/her working duties or responsibilities and witnesses a discriminatory incident, he/she has a duty of care to other employees and members of the public to challenge the behaviour and practice. Please refer to section eleven 'Making an Equality Complaint'.

### 4 EQUAL OPPORTUNITIES AND THE LAW

4.1 The Transport Executive will endeavour to eliminate all discrimination, both direct and indirect, against everyone regardless of individual circumstances, in promotion of its services and in its employment practices, work and procedures. This policy has been developed within a framework of existing legislation and codes of practice. The framework of relevant legislation is detailed at Appendix A.

4.2 In addition, the Transport Executive will endeavour to comply with the codes of practice relating to equal opportunities, including guidance available from:

- Equal Opportunities Commission
- Commission for Racial Equality
- Disability Rights Commission
- ACAS: Advisory, Conciliation and Arbitration Service
- Disability Rights Code of Practice
- Age Discrimination Code of Practice

In framing this policy, the implications and findings of the MacPherson inquiry into the death of Stephen Lawrence have been considered.

European and United Kingdom legislative frameworks regarding equal opportunities, employment and health and safety issues have also been taken into account in formulating our Human Resources policies.

### 5 VALUING AND MANAGING DIVERSITY

5.1 The Transport Executive recognises the need for equality and diversity in its approach to employment. Employing individuals from a wide range of backgrounds should enable us to have a greater understanding of service requirements over a broader range of issues and should provide the range of skills necessary to meet changing demands and agendas.

5.2 The organisation will endeavour to ensure that applications for jobs are canvassed as widely as possible in order to establish a workforce that is genuinely representative of the local community.

## 6 ACCESS TO SERVICES

The Transport Executive will endeavour to ensure that its services and those provided by its partners, contractors and consultants on our behalf, are equally accessible to all people, free from prejudice and unfair discrimination and sensitive to the needs of local communities. The organisation will ensure that:

- Services delivered are flexible and responsive, target appropriate needs and wherever possible, remove barriers which may deny access.
- Decision-making is open and visible to members of the community (always respecting confidentiality and legal restrictions).
- Where contracts or tenders for the provision of goods or services are entered into, the organisation requires compliance with equality legislation and good practice.

## 7 PARTNERSHIP

Where the Transport Executive enters into partnerships with other organisations, it will ensure that they have an inclusive equal opportunities policy and that in working together it is ensured that the way the partnership operates and the services provided in partnership, comply with this policy.

## 8 BEST VALUE

8.1 In reviewing our services, the standard Best Value procedures and methodology will be assessed in terms of equal opportunities to ensure that no service unfairly discriminates against members of the local community.

8.2 With regard to the Best Value framework, equal opportunities will be:

Challenged – to ensure that the design and delivery of a service will meet the need of all communities within the Transport Executive's remit.

Consulted – to ensure that the consultation process is inclusive and accessible to all members of the community.

Compared – generic benchmarking standards (i.e. the equality standard) will be used and integrated into the Best Value Review procedures.

Competed – equal opportunities and Best Value should over time produce fairness and equality in service delivery across all services whether in-house, contracted out or provided in partnership with others.

8.3 The Equality Forum will continue to set and monitor targets, plans and policies relating to equal opportunities within the Transport Executive in order to address under representation in certain groups. This includes any Best Value Performance Indicators relating to equality issues which may be included in the Best Value Plan.

## 9. EMPLOYMENT AND TRAINING

### 9.1 Employment

The Transport Executive is committed to eliminating unlawful discrimination from all aspects of its employment practices. Subject to the Transport Executive's over-riding consideration of protecting children and vulnerable people we are committed to eliminating unlawful discrimination from all aspects of our employment practices. We will seek to:-

- Provide equality of opportunity to all applicants and prospective applicants by eliminating potential discriminatory practice from recruitment and selection procedures.
- Eliminate unfair discrimination from the employment opportunities offered to existing employees, by ensuring that all employees are treated for permanent promotion on the basis of their merits, abilities and skills and are given the opportunity to progress within the Transport Executive.
- Eliminate unfair discrimination in the provision of training and development opportunities, so that all individuals can realise their full potential and contribute to the aims and objectives of the organisation.
- Recognise that certain groups may experience discrimination in employment and seek to take positive action when inequality becomes apparent.
- Take positive action with a view to ensuring that our workforce at all levels reflects the communities it serves.
- Educate all employees about this policy, their individual responsibility and of their right to protection from discrimination, harassment or victimisation.
- Treat failure to comply with the policy as a potential disciplinary offence.

9.2 Learning and Development Opportunities

The Transport Executive acknowledges that the successful implementation of equality and opportunity in both employment and service delivery lies with its employees. The organisation will therefore promote enhanced awareness of unfair discrimination or potentially discriminatory practice, attitudes and behaviour so that they can be identified and eliminated. We will also endeavour to ensure that:

- all personnel engaged in selection and promotion will understand equal opportunities issues.
- all employees undertake learning and development relevant to their role and will ensure that no one is refused on the grounds identified in Appendix B.
- all employees take relevant learning and development in equal opportunities issues to raise awareness, understanding and the importance of equal opportunities.
- the content of all learning and development courses reflects the Transport Executive's commitment to Equality and Diversity.
- course materials and learning and development delivered by external providers is evaluated and assessed to ensure that it complies with this policy.

10 CONTINUOUS DEVELOPMENT

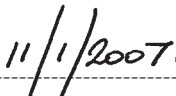
- 10.1 It is acknowledged that this is not a static document and that it will require ongoing review. Changes to this document may be required as the policy becomes more operational. Amendments to this document will also be required in line with changes to existing and future legislation.
- 10.2 This policy shall also be used in conjunction with other policies, guidelines and practices. Equality and Diversity underpins all of the Transport Executive's functions and therefore, a need may arise to adapt in accordance with internal and external working practices and relationships.
- 10.3 The responsibility for updating and monitoring the success of this policy will lie initially with the Transport Executive's Equality Forum who will report recommendations to Management Board. As a minimum this will take place annually or as the need arises.

11 MAKING AN EQUALITY COMPLAINT

- 11.1 An employee who feels they have been unfairly treated or discriminated against within the scope of this policy, should raise the matter through the Transport Executive's Grievance Procedure. For a service user who feels they have been unfairly treated within the scope of this policy should raise the matter through the normal complaints procedure or feedback channels.
- 11.2 Any act within the course of an employee's employment, which is deemed to be unfair or discriminatory to another employee, member of the public, group or organisation or including the giving of instructions which may bring about pressure on other employees to discriminate, may be treated as potential gross misconduct under the Transport Executive's Disciplinary Procedure
- 11.3 Partners, contractors and consultants will be made aware of the Transport Executive's Diversity Policy and the information they need to provide, should customers or service users wish to make a formal complaint to the Transport Executive. It is anticipated that any complaints from customers or service users will be made firstly to the service provider. Detailed information about the complaint and copies of notes of the complaint should be made available to the Transport Executive, if it is anticipated that the complaint will be passed to the Transport Executive.

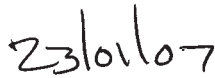
For and on behalf of UNISON

  
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Chair, Branch Committee

  
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Date

For and on behalf of South Yorkshire Passenger Transport Executive

  
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Passenger Services Director

  
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Date

## Appendix A

The Diversity Policy has been developed within a framework of existing legislation and codes of practice. The framework of relevant legislation is detailed below.

- Rehabilitation of Offenders Act 1974
- Sex Discrimination Acts 1975 and 1986
- Race Relations Act 1976 and the Race Relations Amendment Act 2000
- Equal Pay Act 1970 and Amendments 1983
- The Public Order Act 1986
- Employment Act 1989
- The Disability Discrimination Act 1995
- Human Rights Act 1998
- Protection from Harassment Act 1997
- Part Time Worker Regulations 2000
- The Employment Equality (Age) Regulations 2006
- The Employment Equality (Religion or Belief) Regulations 2003 and the Equality Act 2006.
- The Employment (Sexual Orientation) Regulations 2003.

## Appendix B

### Possible Reasons for Discrimination

As a result of the aforementioned Acts detailed at Appendix A, possible reasons for discrimination are listed below:-

- Age
- Sex
- Sexual Orientation
- Disability
- Unrelated criminal convictions
- Colour
- Race/Ethnic origins
- Nationality
- Employment status
- HIV status
- Marital status
- Religious status
- Political beliefs
- Trade Union activities
- Commitments as a carer
- Responsibilities for dependants
- Part time working