



# Diversity Policy

EP06 / April 2018



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## Version control

Version number	Author/Owner	Approver	Date updated/ reviewed
<b>01</b>	<b>Head of HR</b>	<b>CEO</b>	<b>April 2018</b>

The purpose of this policy is to ensure that all Transport for the North's (TfN) employees are treated equally and fairly. TfN is committed to providing equal opportunities and diversity in all its employment practices and provision of all its services and is committed to ensuring and promoting the equal treatment of all employees and service users.

## **1. Introduction**

TfN 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 mainstream Equality and Diversity into all TfN's strategy and policy formation in line with the Equality Act 2010.

TfN recognise that groups of people within the community can be disadvantaged because of their protected characteristics. The protected characteristics that are covered by the Equality Act 2010 are age, disability, sex, sexual orientation, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race and religious belief.

Individuals could be disadvantaged or discriminated against by the way our services are structured and delivered, by the decisions which we take 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.

The disadvantages that people experience may be due to direct discrimination, indirect discrimination, discrimination by association, discrimination by perception, harassment and victimisation. These terms are defined in more detail in section two.

## **2. General Principles and Definitions**

TfN 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.

It is recognised that discrimination can take many forms including:

- **Direct Discrimination** – Direct discrimination can occur by treating someone less favourably than another person because of a protected characteristic
- **Indirect Discrimination** – Indirect discrimination can occur when you have a condition, rule, policy or even a practice in an organisation that applies to everyone but particularly disadvantages people who share a protected characteristic
- **Discrimination by Association** - Direct discrimination against someone because they associate with another person who possesses a protected characteristic
- **Discrimination by Perception** - discrimination against someone because others think they possess a particular protected characteristic.

- **Harassment** – Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”
- **Victimisation** – Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so.

Further information on the protected characteristics covered under the different types of discrimination is detailed in Appendix A.

### **3. Responsibilities under the Public Sector Equality Duty**

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 Operating 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 TfN, including contractors and consultants.

#### ***TfN’s Responsibility***

TfN has a responsibility to the community it serves. In undertaking this, TfN will endeavour to ensure that it complies with the Public Sector Equality Duty. The Equality Duty has 3 main aims and requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic and people who do not share it
  - This involves in-particular the need to:
    - Tackle prejudice
    - Promote understanding.

#### ***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 TfN's legal responsibilities with regard to Equality and Diversity and make TfN's services available to all.

### *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 ten 'Making an Equality Complaint'.

## **4. Equal Opportunities and the Law**

TfN will endeavour to eliminate all discrimination of any kind 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 the Equality Act 2010 and the Public Sector Equality Duty as part of this Act.

HR & Skills Representatives will set and monitor targets, plans and policies relating to equal opportunities within TfN in order to address under representation in certain groups. and ensure that TfN complies with the Equality Act 2010 and the Public Sector Equality Duty.

## **5. Valuing and Managing Diversity**

TfN 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.

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**

TfN 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 TfN enters into partnerships with other organisations, it will seek to 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. Employment and Training**

### *Employment*

TfN is committed to eliminating unlawful discrimination from all aspects of its employment practices. Subject to TfN'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 equally for permanent promotion on the basis of their merits, abilities and skills and are given the opportunity to progress within TfN
- 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.

### *Learning and Development Opportunities*

TfN 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 learning and development because they hold one or more of the protected characteristics
- 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 TfN'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.

## **9. Continuous Development**

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.

This policy shall also be used in conjunction with other policies, guidelines and practices. Equality and Diversity underpins all of TfN's functions and therefore, a need may arise to adapt in accordance with internal and external working practices and relationships.

The responsibility for updating and monitoring the success of this policy will lie initially with HR & Skills Team who will report recommendations to the Operating Board.

## **10. Making an Equality Complaint**

An employee who feels they have been unfairly treated or discriminated against within the scope of this policy should raise the matter through TfN's Grievance Policy. Service users who feel they have been unfairly treated within the scope of this policy should raise the matter through the normal complaints procedure or feedback channels.

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 including the giving of instructions which may bring about pressure on other employees to discriminate, may be treated as potential gross misconduct under TfN's Disciplinary Policy.

Partners, contractors and consultants will be made aware of TfN's Diversity Policy and the information they need to provide, should customers or service users wish to make a formal complaint to TfN. 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 TfN, if it is anticipated that the complaint will be passed to TfN.

## **Appendix A - Protected Characteristics Covered By Legislation**

**Direct Discrimination** – Age, Disability, Gender Reassignment, Race, Religion, Sex, Sexual Orientation, Marriage and Civil Partnership, Pregnancy or Maternity

**Discrimination by Association** - Age, Disability, Gender Reassignment, Race, Religion, Sex, Sexual Orientation

**Discrimination by Perception** - Age, Disability, Gender Reassignment, Race, Religion, Sex, Sexual Orientation

**Indirect Discrimination** – Age, Disability, Gender Reassignment, Race, Religion, Sex, Sexual Orientation, Marriage and Civil Partnership

**Harassment** - Age, Disability, Gender Reassignment, Race, Religion, Sex, Sexual Orientation

**Victimisation** – Age, Disability, Gender Reassignment, Race, Religion, Sex, Sexual Orientation, Marriage and Civil Partnership, Pregnancy or Maternity

**Note:** The menopause is not specifically a protected characteristic under the Equality Act 2010. However, for the purposes of all TfN policies and procedures will be afforded the same standard of protection/status.



[info@transportforthenorth.com](mailto:info@transportforthenorth.com)  
0161 244 0888

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Transport for the North  
Level 6, Town Hall Extension,  
Lloyd Street  
Manchester  
M2 5DB