

# ELECTORAL OFFICE FOR NORTHERN IRELAND



## EQUAL OPPORTUNITIES POLICY

October 2008

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## INTRODUCTION

This Policy deals with equal opportunities within the Electoral Office for NI (EONI) but it is essential that equal opportunities is seen as an integral part of many wider personnel policies and procedures; it must therefore be incorporated in the development and implementation of all relevant policies and procedures. Everyone has a responsibility for ensuring that equality of opportunity is a reality in EONI. This Policy does not cover in detail those aspects of equal opportunities included in other related documents, which are available in the NICS Staff Handbook, ie:

- ‘Equal Opportunities - A Guide for All Staff’;
- ‘Code of Practice on the Employment of People with Disabilities in the NICS’ & Guidance for Line Managers.

These documents must be accessed at <http://handbook.nics.gov.uk/index> and read in conjunction with this Policy and EONI’s Good Relations Strategy (TRIM Ref: 2008/005746).

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

- gender, marital or family status
- religious belief or political opinion
- disability
- race or ethnic origin (includes travellers)
- nationality
- sexual orientation
- age

We are opposed to all forms of unlawful and unfair discrimination. All full-time and part-time employees and job applicants will be treated fairly and selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability. We are committed to providing effective and accessible services to the community we serve and ensuring equality of opportunity to customers from all sections of the community.

## **1. AIMS**

1.1 The aim of this policy is to communicate the commitment of the Chief Electoral Officer and Management Board to the promotion of equality of opportunity in EONI. Equality of opportunity in employment is not only a legal obligation, but also a clear policy priority for EONI. In order to serve the people of Northern Ireland effectively and secure the confidence of the whole community, EONI seeks to provide equality of opportunity and fair participation in employment for all sections of the community.

1.2 EONI's aim to be a good equal opportunities employer is further underscored by the need to provide a high quality, value for money service. Our policy will aim to help all employees to develop their full potential and staff resources will be fully utilised to maximise the efficiency of the organisation.

1.3 EONI will continue to promote an organisational ethos and environment that contributes positively to the achievement of equality of opportunity and fair participation. In so doing, EONI's core values of integrity, objectivity, accountability, political impartiality, service to the public, recruitment, selection and promotion on merit, and the development and appreciation of staff shall continue to drive the organisation.

## **2 POLICY STATEMENT**

EONI policy statement on equality of opportunity is as follows:

'EONI is committed to providing equality of opportunity. It is our policy that all eligible persons shall have equal opportunity for employment and advancement on the basis of their ability, qualifications and aptitude for the work. Everyone has a right to equality of opportunity and to a good and harmonious working environment and atmosphere in which all workers are encouraged to apply their diverse talents and in which no worker feels under

threat or intimidated. This right is protected in many instances by legislation.

In order to provide a high quality service to the people of Northern Ireland EONI needs to recruit, retain and promote the best available people. Our equal opportunities policy is central to this strategy. We aim to foster a culture that encourages every member of staff to develop their full potential and which rewards achievement. Creating a working environment where individual differences are valued and respected enables all staff to give of their best and helps us to respond more effectively to the needs of the people we serve.

EONI seeks to maintain the confidence of the whole community. It will continue to promote equality of opportunity and fair participation within the framework of the law and will strive to achieve a workforce that is broadly representative of the society which it serves.

It is the responsibility of all staff to be aware of and to apply this policy. Both Management and NIPSA are fully committed to the policy and will endeavour to ensure its full implementation.'

### **3. IMPLEMENTATION OF THE POLICY**

3.1 The Chief Electoral Officer has specific responsibility for the effective implementation of this policy. Both the Assistant Chief Electoral Officers, all managers and supervisors also have responsibility and we expect all of our employees to abide by the policy.

3.2 For equality of opportunity to be an integral part of everyday working practice in EONI, all staff must be aware of their own responsibilities and accountable for their own actions in helping to achieve this. Staff should, therefore, be aware of the role they must play in promoting a good and harmonious working environment in which no-one feels under threat or intimidated and in which all staff are equally valued and protected. This

will be communicated to all staff through induction training, team briefings and staff handbook. Any behaviour, intentional or otherwise, on the part of any individual or group of staff which may give offence to another employee or group of employees because of their religion, political opinion, sex, marital or family status, sexual orientation, age, race or disability is not acceptable.

#### **4. AFFIRMATIVE ACTION**

4.1 Where monitoring of staff and/or job application rates indicates that there may be under-representation of one or more of the equal opportunity groups, EONI may take affirmative action to address this. Affirmative action may be defined as a mechanism for change and is essentially any lawful action designed to secure fair participation and its continuation.

4.2 Affirmative action is permitted under Articles 48 and 49 of the Sex Discrimination (Northern Ireland) Order 1976, Section 72 to 76 (inclusive) of the Fair Employment and Treatment (Northern Ireland) Order 1998 and Part VI of the Race Relations (NI) Order 1997. Such affirmative action can include lawful positive action advertising which seeks only to encourage members of the under-represented sections of the community to apply for posts in which they are currently under-represented.

4.3 Affirmative action is not positive discrimination. Positive discrimination is illegal. The principle of selection and promotion on merit is the underlying basis for recruitment to, and advancement within, EONI.

#### **5 DIGNITY AT WORK**

5.1 EONI's Harassment and Bullying Policy is available on TRIM Ref: 2007/005160. It aims to make staff aware of the types of behaviour that might cause offence, to highlight the sources of information and

assistance which are available and the procedures for dealing with inappropriate behaviour.

## **6. MONITORING**

6.1 Equal opportunities monitoring for EONI is carried out by the HR Section. A primary purpose of monitoring is to provide EONI with a tool by which to measure the success of its equal opportunities policies and practices.

6.2 As required under the terms of the Fair Employment and Treatment (Northern Ireland) Order 1998, an annual monitoring return is submitted to the Board then to the Equality Commission. It includes statistical data on community background and gender of the workforce, applicants and appointees to EONI.

6.3 For the purposes of monitoring community background EONI has adopted the 'Direct Question' method. This asks applicants and employees to state whether they have a Protestant or Roman Catholic community background or neither.

6.4 Progress on the implementation of this policy and any equal opportunities and positive action initiatives will be considered by the Management Board, as appropriate.

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

- a.** individual monitoring information, as with all personal information held on an individual's personnel record, will be afforded a high degree of confidentiality;
- b.** misuse of monitoring information will be viewed as a disciplinary offence; and

c. individual monitoring information will only be disclosed to members of staff or officials of a Trade Union if it is necessary to do so for the appropriate discharge of their duties and responsibilities.

6.6 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.

6.7 Within EONI, individual monitoring data on community background is held on computer together with other equality monitoring information such as age, sex, disability, race, etc. Specific computer procedures, employing stringent levels of security, are used to restrict and control access to the community background part of the computer record. Other equality monitoring information held as computer records will also be afforded a high degree of confidentiality with access restricted to those whose duties make it necessary for them to have it.

## **7. COMPLAINTS**

7.1 Any member of staff who feels that they have not been treated in accordance with EONI's equal opportunities policy has the right to make a complaint under the procedures outlined in the Harassment & Bullying Policy or internal grievance procedure. Job applicants may use EONI's Complaints Procedure which is available on [www.eoni.org.uk](http://www.eoni.org.uk). All complaints of discrimination will be dealt with seriously, promptly and confidentially.

7.2 These internal procedures do not replace or detract from the right to pursue complaints to a Tribunal.

## **8 DISCLOSURE OF INFORMATION IN CONNECTION WITH ACTUAL OR PROSPECTIVE PROCEEDINGS BEFORE THE FAIR EMPLOYMENT/ INDUSTRIAL TRIBUNAL**

8.1 Subject to certain exceptions relating to disclosure of home addresses and security-related information, EONI will, where justified, provide full disclosure of all relevant and necessary information to complainants or prospective complainants under anti-discrimination legislation. Staff concerned will be informed before any of their personal data is disclosed and they will be given an opportunity to make representations against disclosure before any final decision is taken.

8.2 Under anti-discrimination legislation a person who believes that they have been unlawfully discriminated against in employment can complain to the Fair Employment Tribunal (FET) or an Industrial Tribunal (IT). That person can then seek information pertinent to the complaint from the person or the organisation against whom the complaint is made. This is usually done by way of a questionnaire. The complainant can either act independently or with the assistance of the Equality Commission, a legal advisor, or some other advisor or friend including a Trade Union representative. Tribunals can draw adverse inferences from a refusal to reply to a questionnaire, or from evasive or late replies; and can compel employers to furnish particulars, or discovery of documents, which they hold to be necessary for the fair disposal of a case.

8.3 As a committed equal opportunity employer, EONI will comply with anti-discrimination legislation and will co-operate within the law with complainants and the Equality Commission, with a view to the fair resolution of complaints.

8.4 Among the information that may be required to be released to complainants is equal opportunities monitoring information on the candidate field and those involved in selection, together with other information and documentation considered relevant. Typically, but not exclusively, the latter can include information and papers available to members of selection panels such as application forms, annual reports and related board documentation.

8.5 Under the Fair Employment (Monitoring) Regulations (Northern Ireland) 1999 it is an offence for an employer or an employee to disclose monitoring information on the perceived religious affiliation of individuals, except where statutorily authorised to do so. However, the Regulations specifically provide that it is not an offence to release monitoring information for the purpose of, or in connection with, any actual or prospective proceedings before the FET.

## **9 FAMILY FRIENDLY POLICIES**

9.1 EONI seeks to develop working arrangements and an environment conducive to the effective pursuit of business needs while taking due account of the interests and circumstances of staff. It is recognised that many staff have domestic commitments and there are a number of policies and procedures, which have a clear equal opportunities dimension including flexible working, part-time working, job-sharing, career breaks, maternity/paternity leave and categories of special leave.

## **10. AGREEMENT**

This Policy has been agreed with NIPSA and will be regularly reviewed.

**Signed:** Douglas Bain CBE TD Advocate  
Chief Electoral Officer for NI

**Signed:** Robin McClelland  
on behalf of NIPSA

**Dated:** 22 October 2008

**Dated:** 24 October 2008

**EQUAL OPPORTUNITIES LEGISLATION**

- Equal Pay (Northern Ireland) Act 1970 (amended 1984).
- Sex Discrimination (Northern Ireland) Order 1976 (amended 1988).
- Disability Discrimination Act 1995.
- Race Relations (Northern Ireland) Order 1997.
- Fair Employment and Treatment (Northern Ireland) Order 1998.
- Fair Employment (Monitoring) Regulations (Northern Ireland) 1999.
- Northern Ireland Act 1998.
- Human Rights Act 1998.
- Equality (Disability, etc) (Northern Ireland) Order 2000.
- Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003.

**NICS Publications**

- Equal Opportunities - A Guide For All Staff.
- NICS Code of Practice on the Employment of People with Disabilities.
- Equal Opportunities Complaints Procedures: Guidance on Good Practice for Departments.

NICS publications are available from the HR Officer or can be accessed on <http://handbook.nics.gov.uk/content/equal/documents/chapter-1-equal-opportunities.pdf>

**Other Publications**

- A Code of Practice - Removing Sex Bias from Recruitment and Selection.
- Code of Practice - Fair Employment in Northern Ireland.
- Code of Practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability (ISBN 0337094357).
- Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment - For Employers, Part 2.
- Code of Practice on Equal Pay (ISBN 0906646847).

Publications on a wide range of equality issues are available from the Equality Commission for Northern Ireland and many of these can be downloaded from the Equality Commission's website. The Equality Commission can be contacted at:

Equality Commission for Northern Ireland  
Equality House  
7-9 Shaftesbury Square  
BELFAST  
BT2 7DP

Telephone: (028) 9050 0600  
E-mail: [information@equalityni.org](mailto:information@equalityni.org)  
Website: [www.equalityni.org](http://www.equalityni.org)