



POLICIES

DIVERSITY POLICY AND PROCEDURE

ISSUED: July 2004

Review due: July 2007

CONTENTS

1. INTRODUCTION
2. STATEMENT OF INTENT
3. STONEWALL HOUSING AS A LESBIAN AND GAY PROJECT
4. BLACK AND MINORITY ETHNIC STRATEGY
5. GENDER STRATEGY
6. DISABILITY STRATEGY
7. EMPLOYMENT POLICY
8. HARASSEMENT STRATEGY
9. MONITORING AND EVALUATION

1. Introduction

- 1.1. Stonewall Housing is committed to equality of opportunities, both as an employer and as a service provider.
- 1.2. Stonewall Housing recognises the need to adopt positive policies to take account of past and present discrimination against certain groups and individuals in society.
- 1.3. Stonewall Housing aims to work within the legal context of the Disability Discrimination Act (1995), the Equal Pay Act (1970), the Race Relations Act (1976), the Rehabilitation of Offenders Act (1974), the Sex Discrimination Act (1975), Sex Discrimination Regulations (Gender Reassignment 1999), Employment Equality (sexual orientation) Regulations 2003, Human Rights Act 1998, Employment Equality (Sexual Orientation) Regulations 2003 and other statutes as and when introduced.
- 1.4. All staff, Management Committee members and volunteers must adhere to, and promote Stonewall Housing's Diversity Policy. This is a condition of service for staff, and of recruitment for Management Committee members and volunteers.
- 1.5. Stonewall Housing is committed to providing training to staff and Management Committee members to enable them to adhere to this policy.
- 1.6. Information on Stonewall Housing's Diversity Policy will be made available to all tenants and users of the advice service.
- 1.7. This policy will operate in conjunction with other Stonewall Housing policies, for example staff recruitment, performance and grievance policies, allocations policy, confidentiality policy and harassment policy.
- 1.8. This policy applies to all areas of Stonewall Housing's work, including:
 - the provision of housing and related services
 - the provision of housing advice, information and advocacy services
 - recruitment, employment and training
 - employment of contractors and consultants.

2. Statement of Intent

- 2.1. Stonewall Housing recognises that certain groups and individuals are discriminated against as a result of their race, gender, sexuality, age, physical abilities caring responsibilities, immigration status, class, HIV status, religion and cultural or ethnic origins.
- 2.2. We recognise that discrimination can be direct (e.g. offensive language, actual or threatened violence, policies or practices that explicitly disadvantage one group with respect to another, use of offensive imagery such as posters, badges etc) or indirect (e.g. policies or practices which in effect, if not intent, disadvantage one group with respect to another) and can occur at personal, organisational and institutional levels.
- 2.3. Stonewall Housing believes that such discrimination is wrong and is committed to ensuring its policies and practices reflect the organisation's commitment to equality and valuing diversity.

- 2.4. Stonewall Housing is committed to providing its services and information in forms and by means within our existing resources that are accessible to our tenants, applicants and service users.

3. Stonewall Housing as a lesbian, gay, bisexual and transgender (LGBT) project

- 3.1. Stonewall Housing exist as a means of recognising and tackling the specific experiences of LGBT people in need of housing. We are committed to tackling heterosexism, homophobia, biphobia and transphobia.
- 3.2. Stonewall Housing aims to provide a safe and supportive environment for LGBT people, and a means of obtaining positive peer support in terms of sexuality and gender orientation.
- 3.3. All tenants and service users should identify as lesbian, gay, bisexual or transgender on entry to the project/service.
- 3.4. Identification as lesbian, gay, bisexual or transgender is an essential criterion for Management Committee members and volunteers, and certain staff working directly with tenants and clients. An understanding or experience of the discrimination faced by LGBT people is an essential criterion for other staff members.
- 3.5. Stonewall Housing will have a zero tolerance to all negative comments centred on an individual's gender or sexual orientation whether transgender, homosexual, bisexual, or heterosexual.

4. Black and Minority Ethnic Strategy

- 4.1. Stonewall Housing is committed to achieving racial, cultural and religious equality. We recognise our duties under the Race Relations Act 1976 and related codes of practice and undertake to strive for equality in service provision and employment.

We will achieve this by:

- 4.2. Promoting equality and diversity in our relationships with other organisations, and positively supporting organisations that are representative of the Black and Minority Ethnic communities.
- 4.3. Preventing discrimination (direct and indirect) in the allocation of housing and support services through improved access, recognising diversity and difference
- 4.4. Preventing discrimination (direct and indirect) in the provision of housing advice, information and advocacy through open access to services recognising diversity and difference.
- 4.5. Managing the provision of housing and related services in a diverse way; being sensitive to the specific needs of Black and Minority Ethnic communities, encouraging participation and equality and by taking action to eliminate harassment and anti-social behaviour.
- 4.6. Increasing the levels of Black and Minority Ethnic people in the workforce through operating flexible, diverse, open and non-discriminatory employment practices and policies, using positive action measures where appropriate.
- 4.7. Improving the representation of Black and Minority Ethnic communities on the Management Committee through taking positive steps to encourage Black and Minority Ethnic LGBT people to join.
- 4.8. Promoting a wider commitment to equality and diversity through relationships with contractors and consultants. Through using suppliers from Black and Minority Ethnic communities and those who can demonstrate a good employment record within Black and Minority Ethnic communities.

- 4.9. Encouraging access for Black and Minority Ethnic communities to training and employment opportunities for staff and service users.

5. Gender Strategy

- 5.1. Stonewall Housing is committed to achieving gender equality. We recognise our duties under the Sex Discrimination Act 1975 and related legislation and codes of practice and undertake to strive for equality in service provision and employment. This includes recognising the need for equality for transgendered individuals.

We will achieve this by:

- 5.2. Preventing discrimination (direct and indirect) in the allocation of housing and support services through improved access and operating within a framework that recognises the needs of LGBT people.
- 5.3. Preventing discrimination (direct and indirect) in the provision of housing advice, information and advocacy through open access to services and operating within a framework that recognises the needs of LGBT people.
- 5.4. Striving to create an environment that is free from harassment and sexist language and behaviour.
- 5.5. Ensuring we have a workforce that is open and accessible to all genders through operating flexible, diverse, open and non-discriminatory employment practices and policies, using positive action measures where appropriate.
- 5.6. Improving the representation of women on the Management Committee by taking positive steps to encourage lesbians, bisexual and transgender women to join.
- 5.7. Requiring all contractors to provide satisfactory evidence of their commitment to gender equality.
- 5.8. Encouraging access to training and employment opportunities for staff, volunteers and service users of all genders.

6. Disability Strategy

- 6.1. Stonewall Housing is committed to achieving equality for disability, eliminating disadvantage experienced by people living with disabilities and discrimination on the grounds of disability. We recognise that people living with disabilities are disadvantaged by an environment and by social attitudes that reflect principally the needs of non-disabled people. We further recognise that the operation of our services can reduce this disadvantage. We therefore commit ourselves to the objective of making our services, facilities and resources equally accessible and equally useful to people living with or without disabilities.

We will achieve this by:

- 6.2. Recognising our responsibilities under the Disability Discrimination Act 1995.
- 6.3. Striving to provide services that are relevant to the needs of people living with disabilities.
- 6.4. Making sure our services and documentation are accessible and available to all people living with disabilities.

- 6.5. Modifying whenever possible our procedures or equipment to make full use of an individual's ability and adapt our facilities as necessary where possible to accommodate people living with disabilities.
- 6.6. Requiring contractors to be aware of our commitment to disability equality.
- 6.7. Continuing to employ, whenever practicable, employees who become disabled during their employment, and to assist in their retraining.
- 6.8. Guaranteeing people living with disabilities an interview for any vacancy for which they meet the minimum criteria.

7. Employment Policy

- 7.1. Stonewall Housing aspires to a diverse workforce which generally reflects the LGBT communities, and which has the skills and understanding to undertake our mission and objectives in providing a quality service responsive to individual and community needs.

In order to bring about this strategy we undertake to:

- 7.2. Provide full and fair consideration for all job applications
- 7.3. Provide training for employees prior to taking part in recruitment and selection
- 7.4. Provide sufficient training and support to meet our employee's needs in recognising and discharging their responsibilities, within our resources.
- 7.5. Wherever possible modifying employment practices and procedures to reduce barriers experienced by members of disadvantaged social groups in seeking, and during, employment.
- 7.6. Assisting all our employees to realise their full potential by ensuring that they receive fair consideration of their training and career development needs and opportunities.
- 7.7. Regularly review all our recruitment, selection and training procedures to ensure they are fair and reflect best practice.

8. Harassment Strategy

- 8.1. Stonewall Housing will not tolerate any form of harassment or bullying of or by its service users, staff, volunteers or Management Committee.

We will achieve this by:

- 8.2. As an employer -

- 8.2.1. Aiming to ensure that all employees treat each other with dignity and respect.
- 8.2.2. Aiming to ensure that all employees are protected from harassment within the work place
- 8.2.3. Accepting the right of everyone to be different and the value this diversity brings to our workforce in reflecting and providing services for the LGBT communities.

- 8.3. As a service provider -

- 8.3.1. Aiming to ensure that all service users are treated with respect and dignity

- 8.3.2. Developing a working environment and customer service where harassment is known to be unacceptable and where individuals can feel confident enough to bring complaints without fearing prejudice.
- 8.4. Stonewall Housing will treat all complaints of harassment and bullying seriously and staff and customers will be supported by using detailed harassment procedures which are set out in a separate Harassment Policy.

9. Monitoring and Evaluation

- 9.1. Stonewall Housing is committed to monitoring and evaluating its performance in relation to this policy on a continuous basis. The aim is to produce regular reports on performance that will be considered and used to develop policy and services.
- 9.2. The following reports will be produced annually:
 - 9.2.1. Harassment cases - number of complaints and outcomes.
 - 9.2.2. Use of the Housing Advice, Information and Advocacy Service - breakdown of service users by gender, sexuality, ethnic origin, race, age and disability.
 - 9.2.3. Housing Management Service - breakdown of housing applicants, current tenants and resettled tenants by gender, sexuality, ethnic origin, race, age and disability.
- 9.3. These reports will be drawn up by team managers and the Director, and will be circulated to all staff and presented to the Management Committee.

Appendix 1

LEGAL CONTEXT FOR EQUAL OPPORTUNITIES

The Race Relations Act 1976

This Act defines what is lawful and unlawful in the treatment of members of minority ethnic groups.

- Section 20 - makes it unlawful for anyone providing services or facilities to the public to discriminate on racial grounds. Discrimination may be direct (less favourable treatment) or indirect (applying conditions, which cannot be justified, which have a disproportionately adverse affect on a particular racial group).
- Section 21 - makes it unlawful to discriminate on racial grounds when deciding who can apply for or receive an offer of accommodation.
- Section 5(2) - allows employers to appoint members of particular racial groups to posts whose holders provide persons of that racial group with personal services promoting their welfare, which can be most effectively provided by members of that same group.
- Section 35 - makes lawful any act done to afford persons of a particular racial group access to facilities or services to meet the special needs of persons of that group in regard to training, welfare or education. Thus, support services in a project catering for persons from a particular ethnic background might be tailored for the specific requirements of those persons even though this might discriminate against persons from a different background.

The Disability Discrimination Act 1995

This Act introduced new laws and measures aimed at ending the discrimination faced by disabled people and gave them new rights in the areas of employment, access to goods, facilities and services and buying or renting land or property.

The Act makes it unlawful for disabled people to be treated less favourably if this treatment is for a reason relating to the person's disability and cannot be justified. The Act provides a definition of disability that includes anyone who has a physical or mental impairment that has a substantial and long-term (more than 12 months) adverse affect on their ability to carry out normal day to day activities.

There has to be an effect in one of a number of areas listed within the Act, including mobility, manual dexterity, speech, hearing, eyesight, memory or ability to learn, concentrate or understand. The Act

also obliges Stonewall Housing to make "reasonable" adjustments to policy, practices or working environments so as to prevent disabled people from being denied access to employment with the organisation. The Act does not prevent service providers from giving disabled people preferential treatment (eg: putting a disabled person at the top of a housing waiting list).

The Sex Discrimination Act 1975

This Act makes it unlawful to discriminate on grounds of sex or marital status in recruitment, promotion and training. This includes when a person of one sex is treated less favourably on grounds of sex than a person of the other sex would have been treated in the same circumstances.

It also includes indirect sex discrimination where a requirement or condition is applied equally to men and women, but the proportion of one sex that can satisfy the condition is much smaller than the proportion of the other sex. Unless it can be proven that the condition is essential for the job, indirect discrimination may have taken place. It has also been established that discrimination against part-time workers may constitute indirect discrimination against women because nationally, and in most organizations, the majority of part-time workers are women. A third type of discrimination covered by the Act is victimization. This occurs when an individual suffers discrimination because they have exercised their rights under the Act. Further info on this Act can be found at: www.eoc.org.uk

The Sex Discrimination (Gender Reassignment) Regulations 1999

These regulations were introduced to amend the Sex Discrimination Act 1975 to provide limited protection to transsexuals and those undergoing gender reassignment in the area of employment and vocational training only. Further info on this Act can be found at: www.northernconcord.org.uk/equal-ops.htm

The Employment Rights Act 1996

Those relevant to this policy include:

- The right not to be unfairly dismissed. A dismissal is automatically unfair if it is for a reason related to pregnancy, childbirth, maternity leave, parental leave or time off for dependents.
- The right to maternity leave and paid time off for ante-natal care. The right to unpaid time off to care for or to arrange care for dependants where the dependant is ill, injured, assaulted, gives birth or dies, if arrangements for the care of a dependant break down or if there is an unexpected incident involving a child at school.
- The right to be offered suitable alternative work on not substantially less favourable terms and conditions if a legislative requirement or a health and safety recommendation prohibits a woman from doing her usual job because she is pregnant, has recently given birth or is breastfeeding.
- The right to be suspended on full pay if a woman is unable to do her usual job on maternity grounds as described above and no suitable alternative work is available.

The Protection from Harassment Act 1997

This Act is the main legislation dealing with harassment. It creates two criminal offences of harassment and also authorises civil courts to award damages and make injunctions in harassment cases. Though it was passed primarily because of concern about stalking the wording of the Act allows it to be used to cover other types of harassment as well.

The Act makes it an offence for a person to pursue a course of conduct which amounts to harassment of another and which he/she knows or ought to know amounts to harassment. The Act defines harassment as causing alarm and distress and states that a "course of conduct" must involve conduct on at least two occasions. Further info on this Act can be found at:

www.harassment-law.co.uk/protect.htm

The Equal Pay Act 1970

This Act serves to eliminate discrimination in the terms of employment between men and women. It implements the Equal Pay Directive 77/117 and covers all contractual terms relating to, but not confined to, pay. This Act covers all employees, including freelance workers, whether on full time, part time, casual or temporary contracts and regardless of service. Further info on this Act can be found at:

www.womenandequalityunit.gov.uk

The Equal Treatment Directive 75/207

This directive provides that there should be no discrimination on grounds of sex, either directly or indirectly, nor by reference to marital or family status, in access to employment, training, working conditions, promotion or dismissal.

Employment Equality (Sexual Orientation) Regulations 2003

This regulation will protect lesbian, gay and bisexual workers against being treated less favourably than their heterosexual colleagues.

The new law will mean that an employer cannot:

- Lawfully refuse to employ someone, nor can they decide to dismiss someone because they are lesbian, gay or bisexual;
- Refuse access to training, or to promotion because of sexual orientation;
- Deny to lesbian, gay or bisexual workers the benefits (facilities & services) they offer to heterosexual employees (e.g. access to insurance schemes, travel concessions, social events).
- Give an unfair reference when someone leaves the organisation, because they are a lesbian, gay man or bisexual.
- Victimise someone by treating them less favourably if they have complained about or alleged discrimination, or given evidence in such a case

- Discriminate indirectly. This happens when the employer sets out a particular provision, criterion or practice that everyone has met, but one group cannot meet so easily (lesbian or gay employees)

Exceptions

Currently the employer may:

- Deny a same-sex partner access to a benefit if they specify that this benefit - such as occupational pension survivor's benefit - is restricted to married partner only.
- Discriminate where there is a genuine occupational requirement, which is a 'genuine, determining and proportionate' reason for requiring the employee to be a particular sexual orientation
- Discriminate if the employment 'is for the purpose of an organised religion' and a particular sexual orientation is required to comply 'with the doctrines of the religion' or 'to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers'.

For more information: www.worksmart.org.uk