



## MS Society Equal Opportunities and Inclusion Policy

### Purpose and scope

1.1 The Multiple Sclerosis Society's Code of conduct sets out the standard of behaviour expected from all involved in the Society. We aim to treat all people involved with the MS Society fairly.

1.2 The aims of this policy are to ensure that the MS Society complies with relevant legislation and does not discriminate within the MS Society against

- Trade union officials or
- People with the protected characteristics of
  - age
  - disability
  - gender
  - gender reassignment
  - marriage and civil partnership
  - race
  - religion or belief
  - sexual orientation

In addition, the Society will not discriminate against people on the grounds of

- class
- caring responsibilities
- health and HIV status
- parental status
- political opinion
- spent criminal convictions

1.3 The policy also sets out our commitment to using the appropriate legal or disciplinary action in relation to employees and volunteers who do not comply with the policy and the measures to implement it.

This policy applies to all employees, volunteers, members, suppliers and users of services.

### 1.4 Definitions

Definitions of unlawful discrimination etc can be found in appendix one.

### 1.5 Responsibilities

The co-operation of all those who access the Society's services, who are employed by or volunteer for the Society, is essential for the success of this policy. Behaviour or actions against the spirit and/or the letter of the laws on which this policy is based will be treated seriously and appropriate action will be taken.

- The Board of Trustees have overall responsibility for monitoring and reviewing implementation of the policy throughout the Society.

- The Chief Executive and Directors are responsible for providing leadership in the promotion of the policy and securing compliance with the policy.
- Directors' and Heads of Department are responsible for the promotion, development, implementation, monitoring, prioritisation and review of the equal opportunities policy including the agreement and provision of reasonable adjustments for employees.
- Councils, regional and branch committee members are responsible for implementing this policy in the nations, regions and branches providing relevant monitoring data as required.

1.6 Employees' and volunteers' responsibilities are to contribute to an inclusive environment by valuing and respecting each other and to:

- ensure that no one is harassed, bullied or victimised
- support and respect the high standards of conduct promoted by the organisation
- report unfair or offensive treatment.

## **2. Employee recruitment**

2.1 We aim to treat all applicants fairly by ensuring that:

- the recruitment and selection process makes clear our commitment to equal opportunities and will be carried out fairly, with the selection process conducted solely to determine the individual applicant's ability to meet the criteria for the job
- all job adverts will include an equal opportunities statement
- all job descriptions state the Society's equality and diversity position.

### **2.2 Positive action on recruitment**

It is now lawful, where there is a dead heat between two preferred candidates, to offer the role to a candidate with a 'protected characteristic' that is underrepresented in the workforce. The 'protected characteristics' are: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, sex, sexual orientation, race, religion and belief.

2.3 To carry out positive action in recruitment, there must be evidence of under representation in either a department or the Society as a whole. If any department wishes to consider positive action in their recruitment they must seek advice from HR before starting the recruitment process.

### **2.4 Disabled applicants**

As a leading provider of products and services for people with MS, the Society aims to meet the highest standards in relation to the recruitment and retention of disabled employees.

2.5 The Society has fulfilled the criteria required to use the Employment Service's Disability Symbol ('the double tick standard'), and is committed to interview all applicants with a disability who meet the minimum criteria for a job vacancy.

2.6 The Society will ensure that reasonable adjustments are made to the selection process to ensure that disabled candidates are able to take part fully.

### 3. Employees

3.1 We aim to treat all employees fairly and equally, by ensuring that:

- this policy is made known to employees via the Induction programme
- all employees have equal access to contractual terms and conditions, training and career development
- appropriate training and guidance are provided, particularly for relevant decision-makers, to ensure that they understand their responsibilities and to support them in the application of this policy.

#### 3.2 Disabled Employees

The Society is committed to supporting disabled employees with reasonable adjustments

- that will enable them to carry out their role effectively. Reasonable adjustments as
- defined by the law aim to remove barriers that prevent disabled people from integrating
- into the workplace and fulfilling their duties to their full potential.

#### 3.3 Employees with caring responsibilities

The Society is committed to supporting employees with caring responsibilities through our flexible working policy.

#### 3.4 Performance management

The Society ensures equality and diversity issues are 'mainstreamed' by including equality and diversity performance objectives in the appraisal system for Directors and Heads of department.

3.5 The Society will consider reasonable adjustments when addressing performance management issues.

#### 3.6 Dignity at work

We will take all reasonable steps to provide an environment where all employees are treated with respect and dignity. The Dignity at work policy and procedures specifically address issues of bullying and harassment in the work place and the Society provides dignity at work training and guidance to staff and managers. Unacceptable behaviour is managed through the grievance and disciplinary process.

#### 3.7 Problems

Any unlawful discriminatory behaviour, including harassment or bullying by individuals or groups, will be taken seriously and could be regarded as grounds for disciplinary action and may result in dismissal.

3.8 Employees who have a concern regarding unfair discrimination at work may use the formal [Grievance procedure](#) to make a complaint.

### 4. Volunteering

4.1 We aim to treat all volunteers fairly and equally, by ensuring that:

- this policy is made known to all volunteers
- appropriate training and guidance are provided, particularly for relevant decision-makers, to ensure that they understand their responsibilities and to support them in the application of this policy
- the recruitment and selection process makes clear our commitment to equal opportunities and will be carried out fairly. Where there is a selection process, it will

be used solely to determine the individual applicant's ability to meet the criteria for that role.

- all volunteer role descriptions will include equal opportunities criteria relevant to the role.

#### 4.2 **Problems**

Any unlawful discriminatory behaviour, including harassment or bullying by individuals or groups, will be regarded seriously.

4.3 Volunteers should use the 'Resolving Volunteer Issues and Complaints' policy to address any complaints regarding unfair discrimination.

### 5. **Support groups**

5.1 The Society recognises and supports the diversity amongst our user groups. Specific support groups for the Asian community (Asian MS), for those in the armed forces (Mutual Support) and for gay, lesbian, bisexual and transgender people (GLAMS) are supported by the Society.

5.2 The Society also supports the work of other groups not directly affiliated to the Society, for example the Shane Project, which works with Black, African Caribbean people and Rishon which works with Jewish people.

5.3 The Society is open to the establishment of other self-organised support groups and seeks to increase the relevance of existing mainstream services to an increasingly diverse client base.

### 6. **Services**

6.1 We aim to ensure that our services including premises, facilities, information, technology, materials, products and health care are available and accessible to all users.

### 7. **Monitoring**

7.1 In order to monitor how well the Society is meeting its legal obligations and putting this policy into practice, the MS Society uses the following systems:

#### 7.2 **Employee equality profile**

We capture the equality profile of employees (anonymously) to enable us to monitor the diversity composition of our workforce and identify trends.

#### 7.3 **Recruitment and selection**

In order to review the fairness of our recruitment processes, the following criteria are monitored through the recruitment and selection process:

- Age
- Disability
- Gender
- Criminal Convictions
- Ethnic Origin

#### 7.4 Performance Measures

The work and conduct of employees is reviewed bi-annually through the appraisal system and monitored on a regular basis by line managers. Employees who do not adhere to the Society’s equal opportunities policy will be held in breach of the organisation's disciplinary procedure and may be subject to disciplinary action.

#### 7.5 Employee and volunteer opinion surveys and other feedback

The views and opinions of employees, volunteers and users of services are used to assess the quality of service delivery. These views are captured using various formal and informal methods such as surveys, testimonials, compliments, complaints and consultation meetings.

#### Relevant legislation

- The Equalities Act 2010
- Equal Pay Act (Northern Ireland) 1970
- Sex Discrimination (Northern Ireland) Order 1976
- Disability Discrimination Act 1995
- Race Relations (Northern Ireland) Order 1997
- Fair Employment and Treatment (Northern Ireland) Order 1998
- Northern Ireland Act 1998
- Equality (Disability, etc.) (Northern Ireland) Order 2000
- Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003
- Disability Discrimination (Northern Ireland) Order 2006
- Employment Equality (Age) Regulations (Northern Ireland) 2006
- The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006

#### Other relevant policies

- Recruitment and Selection policy and procedure
- Disciplinary policy and procedure
- Grievance policy and procedure
- Dignity at work policy and procedure
- Resolving Volunteer Issues and Complaints’ policy

Policy agreed	June 2010
Revised policy agreed By EG	28 March 2012
Policy amended /updated	December 2013
Policy reviewed	December 2016
Policy to be reviewed	On a three year review cycle 2020

## Appendix one

### Protected characteristics

Under the Equality Act 2010, the following are 'protected characteristics':

- Age
- Disability
- Gender Reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnerships
- Pregnancy and maternity.

### Types of Discrimination: definitions

#### Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination below), or because they associate with someone who has a protected characteristic (see associative discrimination below).

#### Associative discrimination

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. It applies to race, religion, or belief and sexual orientation, age, disability, gender reassignment and gender.

#### Perceptive discrimination

This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and gender. It applies even if the person does not actually possess that characteristic.

#### Indirect discrimination

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.

Indirect discrimination applies to age, race, religion, or belief, gender, sexual orientation, marriage and civil partnership, disability and gender reassignment.

## **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”.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

## **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. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Under the Equality Act there is no longer a need to compare treatment of a complaint with that of a person who has not made or supported a complaint under the Act.