

1 PURPOSE

- 1.1 South Yorkshire Passenger Transport Executives (SYLTE) 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 SYLTE's strategy and policy formation in line with the Equality Act 2010.
- 1.2 SYLTE is committed to providing equal opportunities and diversity in all its employment practices and provision of all its services. SYLTE 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 SYLTE and UNISON 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 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 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

- 2.1 SYLTE 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 – 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 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 SYPTE, including contractors and consultants.

3.1 SYPTE's Responsibility

SYPTE has a responsibility to the community it serves. In undertaking this, SYPTE 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; and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

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 SYPTE's legal responsibilities with regard to Equality and Diversity and make SYPTE'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 SYPTE will endeavour to eliminate all discrimination types 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.

5 VALUING AND MANAGING DIVERSITY

- 5.1 SYPTE 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

SYPTE 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 SYPTE 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 SYPTE’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 SYPTE in order to address under representation in certain groups, and ensure that SYPTE complies with the Equality Act 2010 and the Public Sector Equality Duty

9. EMPLOYMENT AND TRAINING

9.1 Employment

SYPTE is committed to eliminating unlawful discrimination from all aspects of its employment practices. Subject to SYPTE’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 SYPTE.
- 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

SYPTE 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 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 the SYPTE'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 SYPTE'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 SYPTE's Equality Forum who will report recommendations to Management Board.

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

For and on behalf of UNISON

Chair, Branch Committee

Date

Secretary, Branch Committee

Date

For and on behalf of South Yorkshire Passenger Transport Executive

Director General

Date

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