



NYCI Equality Policy

Mission Statement

NYCI aims through its member organisations and its representative role to empower young people to participate in society as fulfilled confident individuals. NYCI's work is based on principles of equality, justice and equal participation for all. In achieving our aims we seek a society in which young people are valued citizens who can make a meaningful contribution to their community.

Section I: General Principles

- NYCI is committed to promoting equality of opportunity throughout the organisation, the employment of all staff, the participation of programme users/clients of its services, the involvement of volunteers and the membership of Board, management and other committees.

- NYCI is committed to ensure that no person is treated less favourably than another on grounds of:
 - Gender;
 - Marital status;
 - Disability;
 - Race;
 - Colour;
 - Ethnic or national origin;
 - Membership of the Traveller community;
 - Antibody status;
 - Sexual orientation;
 - Socio-economic status;
 - Age;
 - Political or religious belief;
 - Responsibility for dependants;
 - Trade Union membership;
 - Criminal conviction or
 - Recovering from Addiction.

- NYCI is committed to prevent any form of discrimination, inequality or denial of equal opportunity, whether direct or indirect against staff, prospective staff members, volunteers, members or prospective members of Board, management and other committees and against programme users/clients of any of its services; this will include relationships with casual visitors, independent contractors and others with whom NYCI is in contact.
- NYCI is committed to ensure that it fulfils its legal obligations under the existing equality legislation.
- NYCI pledges itself to the development of an equality training programme, which will seek to redress imbalances with NYCI practices and procedures where they exist, and will continue to promote equality of opportunity in all NYCI's activities in order to foster a genuine culture of equality.
- NYCI seeks to actively demonstrate its celebration of diversity and its commitment to equality by placing these tenets central to all the policies, processes and procedures of the organisation.

Section II: Aims & Objectives of the Equality Policy

Employment and Equal Opportunity

- The aim of the policy is to promote equality of employment opportunities by ensuring that all employment practices are operated on the basis of the relevant qualifications, merits, abilities and potential of individuals and are free from any criteria which cannot be justified by the demands of the post.
- Specifically, the objectives of the policy are:
 - To ensure that all employees of NYCI are recruited, selected, trained, given access to relevant work experience, promoted and otherwise treated on the basis of their relevant merits and abilities;

- To ensure that all job applicants are treated on the basis of their merits and abilities;
 - To ensure that all staff of NYCI are aware of their responsibilities as Officers, Managers and employees under the provision of relevant statutes and NYCI policy;
 - To ensure by monitoring and revising employment practices that these do not directly or indirectly discriminate against or result in the unfair treatment of any member of staff;
 - To promote a harmonious working environment based on mutual respect, which is free from sexual and other forms of harassment or bullying within which employees are encouraged to develop their full potential in the interests of the individual and NYCI;
 - To identify the means by which these objectives can be achieved.
-
- It is NYCI policy that the principles and practices of equality of opportunity should apply to all conditions of service of NYCI's employees including recruitment, placement, selection, promotion, career development, training, pensions and special leave entitlements.
 - No NYCI employee will be penalised or treated less favourably in the pursuit of action, supporting action or giving notice of intention to take or support action under equality legislation.
 - All NYCI employees and service providers are required to comply with this policy and are responsible for ensuring its practical application. Breach of any aspect of this policy will be treated as misconduct under the organisation's disciplinary procedures.

Section III: Responsibilities of NYCI as an Employer and Service Provider

- It is recognised that responsibility for ensuring the provision of equality of opportunity rests primarily with NYCI as an employer and service provider.
- The Board of NYCI is responsible for the management and control of all the affairs of NYCI, subject to the Constitution of NYCI. The Board has appointed an Equality Steering Committee charged with the responsibility for the development and monitoring of policies and practices in relation to equal opportunities.
- The Staff sub-committee is responsible to the Board for ensuring that all employment policies and practices of NYCI reflect both the provisions of the legislation and NYCI's policy in relation to equal opportunities. The Director is responsible for the design, development, implementation and review of personnel policies and practices including the introduction of measures for the achievement of specific objectives in relation to equal opportunities. The Gender Equality Officer will ensure that statistics are provided, as required, to enable the effectiveness of the policy to be monitored.
- All staff of NYCI who have a responsibility for other staff, in a supervisory or management capacity have a particular responsibility for promoting equality of opportunity and ensuring that the policy is effectively implemented.
- NYCI makes the following commitments to ensure the effectiveness of the policy:
 - To consult with staff representatives, staff members, volunteers, where appropriate and practicable, on issues relating to equal opportunities and to endeavour to get the involvement and commitment of NYCI as a whole;
 - To ensure that the policy is made known to all staff;
 - To provide information, training and guidance for NYCI staff, as required, to enable them to understand and discharge their responsibilities in legislation and within NYCI policy;
 - To examine and regularly review employment procedures and practices to ensure that they continue to reflect and promote NYCI's policy on equal opportunities;
 - To ensure that staff or job applicants who feel they have been unfairly treated because of their gender, marital status, disability, race, colour, ethnic or

national origin, antibody status, socio-economic status, age, political or religious belief, criminal conviction status, membership of the Traveller community, trade union status, or recovering from an addiction status can have their complaints investigated by means of accessible, fair and speedy procedures.

Section IV: Responsibility of NYCI staff

- It is recognised that individual employees acting on behalf of NYCI have responsibilities in law and in regard to NYCI's policy for assisting in the prevention of unfair discrimination.

- In particular, individual employees:
 - Are required to co-operate with any measures introduced by NYCI to promote equal opportunities;
 - Must not themselves, either directly or indirectly, discriminate against fellow employees or job applicants or harass or intimidate them in any way.

Section V: Policy Implementation

Introduction

NYCI staff/service providers and management will take responsibility for ensuring information flows to maintain our capacity to implement this policy and will take part in equality and equal opportunity training where appropriate and necessary.

Responsibility

The Director and Board of Management have specific responsibilities for the effective implementation of this policy. Managers and staff also have responsibilities under this policy and we expect all to abide by the policy and help create the equality environment that is its objective.

NYCI ensures:

- The effective implementation of this policy.
- That all its staff are familiar that such a policy is in place and how it operates.
- That any service recipient of NYCI is familiar that such a policy is in place and how it operates.

Section VI: Implementation and Review

Employment Practice / Recruitment and Selection. NYCI as an employer and service provider should:

- Make known its commitment to a policy of equality of opportunity throughout the organisations' structures.

- Regularly review the recruitment and selection process by providing appropriate training for all those involved in assessing candidates and training on NYCI's obligations and responsibilities as a service provider.
- Ensure that all recruitment methods and publicity material such as literature, advertisements and in house publications reflect the equality of opportunity policy, and also by positively encouraging under – represented groups to apply
- Ensure that all recruitment positions in NYCI are open to suitably qualified applicants and that candidates are assessed objectively on their merits.
- Ensure that applicants themselves are involved in evaluating the recruitment and selection process
- Ensure that recruitment panels will have an equal representation of women and men.
- Ensure that all persons who conduct or participate in the interview selection process should receive special equality training in non- discriminatory recruitment methods.

Staff Development Policy

This will be achieved by reviewing NYCI's staff development policies to ensure adherence to equal opportunities principles and practice. Covering the following areas:

- Induction – All new employees in their induction should be familiarised with the Equality Policy
- Training – All employees including, senior managers line managers and supervisors need to receive training on the equality policy, equality principles, legislation and case law.
- Communications – A review needs to take place of all NYCI's current and future literature (staff Handbooks, in house newsletters, statements, policy documents) to ensure that they reflect an equal opportunities ethos. All written documents must be equality-proofed before release or publication. There is also a need to ensure that non-discriminatory language is used in all written and verbal communication within and from the organisation.
- Review of Personnel practices and procedures - There will be a need to review particular personnel and work practices. There may be a need for positive action

initiatives to reduce barriers and tradition gender and discriminatory divisions.

Review all jobs to ensure that they carry equal pay entitlements for work of equal value.

- Introduce new policies: Family friendly and work life balance working arrangements should be provided to the maximum extent possible, consistent with the effective and efficient operation of the organisation. Staff availing of these arrangements should not be placed at a disadvantage.
- Career Development – All progression and career development opportunities must work from an ethos of equality
- Disciplinary Issues – These procedures need to reflect an equality ethos.

Programmes and Practice

This will be achieved by ensuring:

- That the programmes offered by NYCI are both responsive and relevant to the needs of young people as covered under the grounds of: gender, marital status, disability, race, colour, ethnic or national origin, membership of the traveller community, antibody status, sexual orientation, socio-economic status, age, political or religious belief, responsibility for dependants, trade union membership, criminal conviction or recovering from an addiction status.
- That programmes within NYCI that offer a quality mark standard should include equality as one of their criteria. That the services offered reflect the diversity of backgrounds, values and cultures of its users.
- That staff introduce issues into the programmes which seek to challenge negative stereotypes and confront behaviour and attitudes which condone or promote prejudice and discrimination.
- That all policy areas reflect the organisation's ethos of working from an equality perspective.

Work Environments. NYCI must ensure:

- That the buildings in which we operate are accessible, warm, friendly well lit and inviting to all sectors of the community that we work with.

- That the images we portray within the building are positive, challenge negative stereotypes and take into account the diversity of backgrounds and cultures and lifestyles of the people who use the centre.
- That the work environment is free from any type of harassment, sexual harassment and bullying.

Publicity

This will be achieved by ensuring that:

- All publicity for the organisation must be commensurate with the aims and ethos of this NYCI's equality policy
- The published annual report of NYCI should include a section detailing the progress achieved.

Monitoring

- The overall responsibility for the monitoring and evaluating the effectiveness of the policy lies with Equality Steering Committee and the Equality Officers in NYCI.
- A formal internal evaluation will occur at least annually.
- There may however be occasions when the group will meet more regularly to discuss specific sections of the policy, or to monitor new appointments etc.

Equality Programme

This policy will be supported by a programme of activities worked out in consultation with the Board of NYCI and staff to ensure the removal of all barriers, procedures and attitudes and behaviour that inhibit equal opportunity. This programme will include training for line managers.

Information and Resources

- NYCI will prioritise the allocation of resources, both in terms of staff and finance to ensure the implementation and monitoring of the policy.

Section VII: Complaints Procedure

Breach of policy

Breach of any aspect of this policy will be treated as serious misconduct under the organisation's disciplinary procedures. If such a breach is not covered under the organisations' existing disciplinary procedures it will be introduced.

Internal Complaints Procedure

NYCI's policy on equal opportunity is central to NYCI's internal complaints procedures and other internal policies.

External Complaints Procedure

Attention should also be drawn to the external complaints procedure which individuals can resort to if they are not satisfied either with how the complaint or grievance has been dealt with internally or the outcome.

There are a series of steps recommended by the Equality Authority to be followed if you feel that you have been discriminated against.

Step 1

Initially a complaint should be raised with the employer. This provides an opportunity for resolution between the parties. If however the employee is not satisfied with the employer's response the next step is to consider contacting the Equality Authority or a trade union or a solicitor.

Step 2

Free advice is available from the Equality Authority to anyone who believes that he/she may have experienced discriminatory treatment in relation to employment or vocational training. Persons contacting the Authority with regard to alleged discrimination are advised of their general position under the relevant legislation. Decisions regarding representation are made by the Authority, taking account of its priorities.

The Authority will ask complainants to complete a questionnaire at this stage of the enquiry. This helps the Authority to identify the basis of the complaint and decide on the best course of action. The Authority has an in-house legal service.

Step 3

If an alleged act of discrimination becomes the subject of an investigation, the complainant must decide on the next stage. Legal representation before an Equality Officer or Equality Mediation Officer of the Director is not required by legislation. The individual may represent him/herself or may be represented by a trade union, solicitor or the Equality Authority.

In some instances, complaints can be resolved by the Authority without the involvement of the legal process. The Authority may in the first instance endeavour to achieve a settlement between the parties. The Authority may provide or engage legal representation for a client free of charge. The Labour Court cannot make an award for costs of private legal representation.

Step 4

The Employment Equality Act 1998 also established the Office of Director of Equality Investigations. The office is separate to the Equality Authority, and has quasi-legal functions with regard to investigating cases taken under equality legislation. After assistance/representation has been granted the Authority may refer the case to the Director. The Director may refer it to the Equality Mediation Officer unless either party objects, in which case an investigation is conducted by an Equality Officer (dismissals are dealt with in the first instance by the Labour Court).

At the conclusion of an investigation the Director will issue a decision that is enforceable through the Circuit Court. A person who may have been discriminated against on the gender ground may opt to seek redress through the Circuit Court. In such a case, the normal ceiling on awards of the Circuit Court will not apply and it may order compensation as appropriate in the case.

Step 5

All decisions of the Director may be appealed to the Labour Court within 42 days of issue. The Labour Court will issue legally binding determinations. Determinations may be appealed to the High Court on a point of law. The Labour Court may refer questions as to the interpretation of EU Law or Secondary Legislation to the European Court of Justice.

In equal pay cases, an award of equal pay and arrears in respect to a period not exceeding the preceding three years. In other cases, equal treatment and compensation of up to a maximum of two years pay.

In dismissal cases, the Labour Court may order re-instatement or re-engagement with or without compensation.

Victimisation

It is unlawful to penalise an employee for taking action pursuant to the enforcement of the legislation, for example, referring an equality claim or giving evidence in proceedings under equality legislation.

Time Limits

Complaints under the Employment Equality Act 1998 must be brought within six months of the last act of discrimination. Different time limits may apply in equal pay disputes.

Section VIII: Legislative Framework

The legal position regarding equality and non-discrimination is grounded primarily in two recent pieces of legislation: The Employment Equality Act 1998 and the Equal Status Act 2000.

The Employment Equality Act, 1998

The Employment Equality Act 1998 outlaws discriminatory practices in relation to and within employment. The legislation applies to:

- Public and private sector employment
- Employment agencies
- Vocational training bodies
- The publication of advertisements
- Trade unions and professional bodies
- Full-time and part-time workers and
- Collective agreements

The Act prohibits direct and indirect discrimination and victimisation in employment on nine grounds. The nine grounds are:

- Gender
- Marital status
- Family Status
- Sexual orientation
- Religion
- Age
- Disability
- Race
- Membership of the Traveller Community

All aspects of employment are covered including:

- Equal pay
- Access to reemployment
- Vocational training
- Conditions of employment
- Work experience
- Promotion and
- Dismissal

The Equal Status Act, 2000

The Equal Status Act 2000 promotes equality; prohibits certain kinds of discrimination (with some exceptions); prohibits sexual harassment and harassment on the nine discriminatory grounds listed below.

- Gender ground: man, woman or transsexual
- Marital status ground: single, married, separated, divorced or widowed.
- Family Status ground: pregnant or the resident primary carer
- Sexual Orientation ground: gay, lesbian or bisexual
- Religion ground: different religious belief, background, outlook or none
- Age ground: different ages (this does not cover people under 18 years of age)
- Disability ground: this is broadly defined including people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
- Race ground: a particular race, skin colour, nationality or ethnic origin.
- The Traveller Community ground: people who are commonly called Travellers.

DEFINITIONS

Discrimination

Within the Equal Status Act, three specific forms of discrimination are named: Direct Discrimination; Indirect Discrimination; and Discrimination by Association.

Direct Discrimination: happened where a person is treated less favourably specifically on one of the nine discriminatory grounds.

Indirect Discrimination: is more subtle and harder to prove and happens where there is less favourable treatment in effect. It happens where people are refused a service not explicitly on account of a discriminatory reason but because of a practice or requirement that they found hard to satisfy. If the practice or requirement is found to have the effect of excluding a large amount of the protected group from the service, then the service provider would have indirectly discriminated, if the practice or requirement is not reasonable.

Discrimination by Association: this happens where a person associated with another person (belonging to the specified groups) is treated less favourable because of that association.

Sexual Harassment

Within the Equal Status Act, sexual harassment is defined as taking place where a person subjects the victim to an act of physical intimacy or any request for sexual favours from the victim, or subjects the victim to any act or conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of written words, pictures or other material.

To constitute sexual harassment the actions must:

1. Be unwelcome to the victim and could reasonably be regarded as offensive, humiliating, or intimidating.
2. The victim must be treated differently because of the rejection of or submission to such actions or where it would be reasonably anticipated that the victim would be so treated but was not in fact so.

Harassment

Harassment is similar to sexual harassment but without the sexual connotation. Harassment takes place where a person subjects the victim to an unwelcome act, request or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material. The harassment must be based on one of the nine discriminatory grounds.

Workplace Bullying

The Act does not deal with bullying on its own but only bullying as it relates to one of the nine discriminatory grounds listed previously.