

EYEMOUTH MUSEUM TRUST LTD.

Equality, Diversity and Human Rights Policy

Approved by: Executive Board

Effective date: 18.7.23

Review date: 18.7.26

This policy applies to

This Policy applies to all employees, volunteers and Executive Board members.

Policy Summary

This policy details our commitment to equality, diversity and human rights and to ensuring a consistent approach in promoting these throughout the organisation in all aspects of our work in compliance with legal, regulatory and best practice requirements.

Equalities

This policy provides the guiding framework for our approach to equality, diversity and human rights in the application of our policies and practice. It addresses the nine protected characteristics in the Equality Act 2010, the provisions of the Human Rights Act 1998 and the Scotland Act 1998.

Privacy

This document fully complies with General Data Protection Regulations (2018). Actions and initiatives to collect data in support of policy implementation will comply with GDPR requirements.

Compliance

Relevant legislation and regulations

The Equality Act 2010

Human Rights Act 1998

The Scotland Act 1998

The Scottish Commission for Human Rights Act 2006

1.0. PURPOSE

- 1.1 Eyemouth Museum Trust Ltd (the Trust is committed to promoting an environment of respect, understanding, encouraging diversity, promoting human rights and eliminating discrimination by providing equality of opportunity for all.
- 1.2 This statement of policy acknowledges the Equality Act 2010 and aims to ensure that employees, volunteers, Executive Board members, museum visitors, customers and other stakeholders are treated with fairness and respect and not discriminated against on any of the 9 protected characteristics:
- Age (which may relate to a person's age or age group at any stage of life)
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race (including colour, nationality, and ethnic or national origin)
 - Religion and belief (and no belief)
 - Sex
 - Sexual orientation
- 1.3 We recognise the Articles of the European Convention on Human Rights, as integrated into the Human Rights Act 1998, and the supplementary protocols.
- 1.4 We are committed to ensuring that our policies and procedures promote equality and recognise human rights and will adopt a consistent approach across all areas of our work, including recruitment and retention of employees, procurement and contractual arrangements with contractors and suppliers, consultants and service providers and in our partnerships with other agencies.
- 1.5 We recognise the necessity of balancing rights in certain circumstances, where certain rights have a limited nature and need to be balanced against the rights and freedoms of others.
- 1.6 EMT opposes all forms of unlawful discrimination and will take a zero-tolerance approach and take appropriate action against any individual or organisation displaying such behaviour.

2.0 PRINCIPLES

- 2.1 We believe that equality is not about treating everyone in the same way but recognises that people's needs are met in different ways.
- 2.2 We are committed to valuing and managing people's differences to enable our employees, volunteers and Executive Board members to contribute and realise their full potential in their roles. We recognise that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit the Trust and its members.

2.3 We support the upholding of human rights as the basic rights and freedoms that belong to every person in the world, from birth until death, and that are defined and protected by law. We support the promotion of basic rights based on shared values like dignity, fairness, equality, respect and independence.

2.4 We aim to operate with the following principles:

- Ensure integration with equality and diversity practices into all our work and activities.
- Promote a culture that respects and values each other's differences and promotes dignity, equality and diversity.
- Meet all relevant equality and diversity law and guidance.
- Collect data as far as is practicable to enable appropriate service and access to employees, volunteers, members and visitors.
- Work in partnership with other organisations to achieve and promote our commitment to equality and diversity.
- Provide training on Equality and Diversity to employees, volunteers and governing body members.

3.0 OBJECTIVES

3.1 The policy will comply with legal, regulatory and best practice requirements including:

- The Equality Act 2010
- Human Right Act 1998

3.2 We aim to ensure that no person, group of persons or organisation who engage with us or who requires a service, assistance or advice from us, or who is employed by or serves us in any capacity (such as Executive Board members, volunteers, contractors, and anyone supporting our work in a voluntary capacity, is treated less favourably than any other person, group of persons or organisation – put more simply, anyone who has any contact with the Trust.

3.3 As an employer, we are committed to:

- Ensuring that employees are treated with fairness and respect by each other and by members of the public, Executive Board members, volunteers and service providers or suppliers.
- Making sure we implement fair and just employment practices ensuring that no job applicant or employee will receive less favourable treatment on any grounds.
- Ensuring people are recruited to our staff, Executive Board, volunteer group and other groups solely on the basis of their own merit, experience, ability and potential and in line with the Trust's culture, governance and operational needs.

3.4 We are committed to:

- Ensuring that our visitors and customers are spoken of and treated with fairness, dignity and respect by staff, volunteers, Executive Board members, partners and each other.

- Being non-judgemental about people in relation to their protected characteristics or other personal characteristics or circumstances that could lead to unfair discrimination.
- Complying with equality duties in relation to the services we provide.
- Growing our knowledge and understanding of our customers so that we can better provide appropriate and accessible services and communications

3.5 As a partner and purchaser, we will work with others to ensure they understand and share our commitment and that their approach is supportive of this.

4.0 APPROACH AND METHOD

4.1 Our policy will be implemented using the following approaches:

4.2 Equality, Diversity and Human Rights Action Plan:

We will develop a plan with actions and initiatives to implement this policy and to monitor our progress. The plan will be updated annually and will include developing an approach to data collection, communication methods, and staff, volunteer and Executive Board training, as well as specific initiatives.

4.4 Zero tolerance:

We will not tolerate behaviours or actions which are discriminatory and undermine the dignity of the individual. We will investigate any allegations of breaches and take action to stop this in the manner appropriate to the breach and who displays the behaviour e.g. if this is a contractor, member, volunteer or employee.

4.5 Everybody's responsibility:

The Executive Board is responsible for implementation of this policy. Individual responsibilities within this may be delegated, however everyone within the Trust is responsible for contributing to equality, diversity and human rights in how they lead, manage and behave.

5.0 EQUALITIES MONITORING

5.1 We will gather information to help us assess the degree to which this policy achieves our objectives in relation to equality, diversity and human rights, and include this in a statement within our Executive Board's Annual Report.

6.0 COMPLAINTS AND APPEALS

6.1 The Trust has a policy of zero tolerance as far as discriminatory practices and breaches of equal opportunities are concerned.

6.2 **Employees and agents**

Employees may raise a concern in relation to themselves or others. Any allegation against an employee will be investigated thoroughly by an independent person appointed by the Chairperson or as delegated. Informal or formal action may be taken under the employee terms and conditions of service and related policies and

procedures, should the investigation determine that there has been a breach of this policy. In these situations, it could potentially lead to dismissal from the Trust.

6.3 Before any investigation relating to an employee commences, the Trust will seek advice from an HR advisor and/or its employment lawyers.

6.4 **Executive Board and Volunteers**

If the allegation is made against a member of the Executive Board or a volunteer, this should be reported to the Chair who will decide how this should be investigated in line with the Code of Conduct. The procedure for managing potential breaches of the Code of Conduct should be followed, including consideration of appointment of an independent investigator.

6.5 Should an investigation show the allegation to have foundation, the procedure for dealing with breaches of the Code of Conduct should be followed.

6.6 **Visitors or other customers**

In the event that a visitor(s) or other customer(s) displays unacceptable behaviour towards employees, volunteers, Executive Board members or fellow visitors, we will consider initiating appropriate action e.g. restricting access to the premises, reporting the matter to Police Scotland; or reviewing communication arrangements with the Trust.

6.7 **Contractors and other service providers**

In breaches of this policy by contractors or service providers, we will consider the level and severity of the breach and the potential for any recurrence to inform our decision on what action should be taken. The ultimate sanction would be that we seek to terminate the contract.

7.0 **POLICY AVAILABILITY**

7.1 The policy will be made available to all employees, volunteers and Executive Board members.

7.2 The policy will also be made available publicly on our website.

7.3 To help combat indirect discrimination due to information formats being inaccessible to some people, we will provide information to employees, volunteers, members, Executive Board members or customers in special formats as required or requested.

7.4 Please note that it is impractical to have all possible formats available immediately. Our commitment therefore relates to the ability and willingness to produce documents in the formats required (or an interpreter if requested) within a period of 10 working days or as reasonably practicable.

8.0 **REVIEW**

8.1 The Trust will review this policy at least every 3 years.

APPENDIX 1 Legislation and regulatory requirements and guidance

The Equality Act

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaces previous anti-discrimination law with a single Act, making the law easier to understand and strengthening protection in some situations.

The Equality Act 2010 (The Act) is the main piece of legislation relating to equalities. It was passed by the Westminster Government and therefore applies throughout the UK. It has two main aims:

- to harmonise previous pieces of anti-discrimination legislation;
- to strengthen and extend the law in a number of respects.

These areas in the Act of most relevance to the Trust are:

- protected characteristics (See Section 1 of this policy)
- the definitions of unlawful discrimination (see Appendix 2)
- the disability related aspects
- the provision of goods, facilities and services
- positive action and the genuine occupational requirements
- employment related matters and pay reviews
- the duties to advance equality

APPENDIX 2 TYPE OF DISCRIMINATION AND OTHER EQUALITY DEFINITIONS

The Equality Act outlines types of discrimination. An eight category of institutionalised discrimination is defined below.

1. Direct Discrimination

This is less favourable treatment of an individual or group, because of a protected characteristic. An example of this would be to refuse to employ somebody because they had an impairment, which had no relevance to their ability to carry out the job they had applied for.

2. Associated Discrimination

This is direct discrimination against someone because they are associated with another person who possesses a protected characteristic. For example, a non-disabled person is discriminated against because they need to take care of a disabled dependent.

3. Perceptive Discrimination

This is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to. For example, a person is not shortlisted for a job on the basis that the recruiter assumes the applicant does not have the correct visa to work in the UK as they have a perceived foreign name on their application form.

4. Indirect Discrimination

This is when an apparently neutral requirement or condition impacts adversely or has a disproportionate effect on a particular equality group. An example of this could be a policy, practice or procedure that applies to everyone in the same way but might disadvantage a particular group and which cannot be objectively justified in relation to the job or service.

5. Harassment

This occurs when a person engages in unwanted conduct which is related to a protected characteristic, and which has the purpose or the effect of (i) violating the dignity of another person or (ii) creating for that person an intimidating, hostile, degrading, humiliating or offensive environment. An example might be displaying a sexist calendar on a wall where this makes the workplace an offensive place to work for any employee. The intention of the perpetrator is irrelevant, it is the impact on the individual which determines whether harassment has taken place.

6. Harassment by a Third Party

As an employer, the Trust is potentially liable for the harassment of their employees or customers by people they do not themselves employ, for example a contractor or consultant.

7. Victimisation

This occurs when someone faces discrimination because she or he has made an allegation of unlawful discrimination or because of assisting or supporting a complainant. An example might be refusing to consider someone for a promotion because they gave evidence on behalf of a colleague who made a complaint of unlawful race discrimination.

8. Institutionalised Discrimination

This was first defined in the context of racism and exemplified in the Macpherson report on the inquiry into the death of Stephen Lawrence as “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviours which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.”

Other Equality Definitions and Considerations

a) Equality

Is making sure people are treated fairly and given fair chances.

Equality is not about treating everyone in the same way, but recognises that their needs are met in different ways. Equality focuses on those areas covered by the law, and described as the 9 protected characteristics of race, sex, disability, age, gender reassignment, marriage & civil partnership, pregnancy & maternity, religion or belief and sexual orientation.

b) Diversity

Is about valuing individual differences. We are committed to valuing and managing people’s differences to enable all employees, members and friends to contribute.

We recognise that people with different backgrounds, skills, attitudes and experiences can bring fresh ideas and perceptions that will benefit the Trust and its members.

c) Protected Characteristics

The grounds on which discrimination claims can be made:

Age, disability, gender reassignment, marriage, and civil partnership, pregnancy & maternity, race, religion or belief, sex, and sexual orientation.

d) Failure to make Reasonable Adjustments

Where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage, e.g. physical environment, attitudes, policies and/or procedures.