
Policy Title:	Staff Equality
Description:	Policy developed in the context of the Employment Equality Acts 1998-2015 and Equal Status Acts 2000-2015 which prohibit direct and indirect discrimination, sexual harassment, harassment and victimisation in relation to nine equality grounds
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Staff Equality Policy

1. Context

The Marino Institute of Education (MIE) is committed to promoting equality in all aspects of its activity: employment, education and service provision. MIE is committed to non-discrimination for students, staff and service users in relation to all of the nine grounds specified in equality legislation.

1.1. The nine equality grounds are: (See [Definitions](#)).

- i. Gender
- ii. Marital or civil status
- iii. Family status
- iv. Sexual orientation
- v. Religion
- vi. Age
- vii. Disability
- viii. Race and Ethnicity
- ix. Membership of the Traveller community

MIE's commitment can apply to groups outside the nine grounds of equality legislation and MIE is fully committed to the ongoing implementation of these commitments.

2. Purpose

This policy is developed in the context of the [Employment Equality Acts 1998-2015](#) and [Equal Status Acts 2000-2015](#) which prohibit direct and indirect discrimination, sexual harassment, harassment and victimisation in relation to nine equality grounds. The [Employment Equality Acts](#) prohibit discrimination in employment – regarding recruitment, promotion, pay and other conditions of employment. The [Equal Status Acts](#) prohibit discrimination in access to and provision of services or accommodation, and discrimination by educational establishments. Other legislation may relate to one or more of the nine

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equality grounds and the relevant Acts are taken into account in MIE's policy development and practices.

This policy reflects MIE's commitment to meet its obligations under all of the aforementioned Acts, and also its commitment to be proactive in promoting equality in the spirit of the Acts.

3. Benefits

The concept of equality is central to MIE's ethos of academic and service excellence. MIE is committed to recruiting and retaining the most talented students and staff, and to ensuring that its students and staff reach their full potential. The promotion of equality does not restrict academic debate or other forms of respectful free speech within MIE – on the contrary, it welcomes a diversity of voices in the field and encourages all to contribute to the Institute's life. Implementation of this policy is key to MIE's success.

4. Principles

- 4.1. MIE will seek to identify any barriers to full participation in MIE's life as a student, staff member or service user, and take action to redress these as appropriate.
- 4.2. MIE will take positive action measures to support particular groups who may be disadvantaged or under-represented in accessing education, employment or career progression where appropriate.
- 4.3. MIE strives to be inclusive of all in the MIE community and will seek to accommodate diversity in service provision where practicable.

This policy applies to:

- i. All employees, all applicants for employment, and all those who work on behalf of MIE (e.g. contractors) and relates to all areas of employment practice including [recruitment](#) and selection, training and development, progression (including promotion), pay, employment conditions and retention.
- ii. All service users, visitors, customers and clients of MIE, and relates to all services provided by MIE.

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- 4.4. MIE seeks to embed equality in its planning processes so as to ensure that an equality perspective is incorporated into all MIE's activities and policies. This will mean taking into account the impact of business, academic or development strategies on staff, students and service users from across the nine equality grounds as part of the usual decision-making process.
 - 4.5. Each area that provides a service, including academic services, has the responsibility to ensure the service provided upholds the commitments outlined in this policy.
 - 4.6. Heads of Departments and others in positions of authority should seek to ensure that the Staff Equality Policy is upheld in their areas.
 - 4.7. All staff play a role in implementing this policy and are expected to familiarise themselves with its contents. Non-compliance with this policy will be considered a breach of MIE governance, and may be referred to the President or Head of Department, depending on the level of non-compliance.
 - 4.8. MIE seeks to ensure that students, staff and service users with a disability have as complete and equitable an access to all services and facets of MIE's life as can reasonably be provided. MIE is committed to a programme of improving the physical access of facilities and to providing accessible information.
 - 4.9. MIE seeks to create an environment where students, staff and service users with disabilities can discuss what their needs are, and MIE will seek to make reasonable accommodations for those needs that are disclosed to them. Staff may contact the Human Resources Department in order to discuss their needs and to access relevant supports.
 - 4.10. Materials produced by MIE will be provided in a relevant and accessible manner to students, staff and service users across the nine equality grounds.
 - 4.11. Advertising and marketing strategies will be non-discriminatory and will communicate MIE's commitment to equality and diversity.
 - 4.12. MIE will seek to ensure that other companies from whom it has contracted to receive goods and services are aware that this policy is in place and that these

companies are expected to comply with it. Business contracts will reflect this requirement. Breach of this policy will constitute grounds to suspend the contract.

- 4.13. MIE will seek to provide high-quality services in an inclusive, accessible and flexible manner to the diversity of the student, staff and service user population.
- 4.14. MIE will seek to accommodate the diversity of students, staff and service users from across the nine equality grounds and other under-represented groups by:
- i. Actively identifying and addressing student, staff and service user needs across the nine grounds and from other under-represented groups. Various data, feedback and consultation methods will be used for this purpose.
 - ii. Providing reasonable accommodation for students, staff and service users with disabilities and providing integrated access to services where practicable.
 - iii. Exploring barriers to participation for students, staff and service users.
 - iv. Taking positive action measures to promote equality of opportunity for disadvantaged persons where necessary.
 - v. Ensuring flexibility in the operation of systems and services.
 - vi. Embedding inclusiveness within all activities and academic practices.

5. Definitions

Please note that these definitions are guidelines only and should not be taken as legal advice.

5.1. Equality Grounds

- i. Gender: a person's identity as a man, woman or non-binary gender identity. Discrimination relating to a person being transgender or having intersex status is covered by this ground.
- ii. Civil status: single, married, separated, divorced, widowed, civil partner, former civil partner.
- iii. Family status: pregnant, a parent of a person under 18 years, or the resident primary carer or parent of a person with a disability;

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- iv. sexual orientation: a person's preference in sexual partners, which may include but is not limited to such categories as gay, lesbian, bisexual, heterosexual or asexual;
 - v. Religion: different religious belief, background, outlook or none;
 - vi. Age: this applies only to people over 16;
 - vii. Disability: this is broadly defined including people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions
 - viii. Race and ethnicity: a particular race, skin colour, nationality or ethnic origin;
 - ix. Membership of the Traveller community: people who are commonly called Travellers, who are identified both by Travellers and others as people with a shared history, culture and traditions, identified historically as a nomadic way of life on the island of Ireland.

5.2. Discrimination

Discrimination is prohibited and has a specific meaning in the Employment Equality Acts and Equal Status Acts. Discrimination can be direct, indirect, by association or imputation.

- i. Direct discrimination – direct discrimination is defined as the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine equality grounds.
- ii. Indirect discrimination – indirect discrimination happens when there is less favourable treatment in effect or by impact. It happens when people are, for example, refused employment or training not explicitly on account of a discriminatory reason but because of a provision, practice or requirement which they find hard to satisfy. If the provision, practice or requirement puts people who belong to one of the grounds covered by the Acts at a particular disadvantage, then the employer will have indirectly discriminated, unless the provision is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

- iii. Discrimination by association - Discrimination by association happens where a person associated with another person (belonging to the nine equality grounds) is treated less favourably because of that association.
- iv. Discrimination by imputation - Discrimination by imputation occurs when a person is discriminated against on the basis of any of the nine equality grounds which is imputed to them (i.e. they are thought to fit into that ground).

5.3. Harassment

- i. Harassment, in the Equality Acts, is any form of unwanted conduct related to any of the nine discriminatory grounds that has the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.
- ii. Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature.

In both cases the unwanted conduct may include acts, requests, spoken words, gestures or the production, display or circulation of written words, pictures or other material. The emphasis is on the effect of the unwanted conduct on the recipient, not on the intention of the perpetrator.

There are other forms of bullying and harassment which are not included in the Acts, but which are covered by other legislation such as the [Unfair Dismissals Acts](#), the [Safety, Health and Welfare at Work Act 2005](#), Civil Law and Criminal Law.

5.4. Positive Action

The Equality Acts allow for preferential treatment or the taking of positive measures which are bona fide intended to

- i. Promote equality of opportunity
- ii. Cater for the special needs of persons or a category of persons who, because of their circumstances, may require facilities, arrangements, services or assistance.

The Equality Acts do not allow for positive discrimination except in certain specified circumstances.

5.5. Prejudice

Prejudice is a negative judgment, conviction or opinion formed beforehand or without knowledge or examination of the facts. It may be directed towards a group or an individual of that group.

5.6. Reasonable Accommodation of People with Disabilities

In service provision ([Equal Status Acts 2000-2015](#)). A person selling goods or providing services, a person providing accommodation, educational institutions and clubs must do all that is reasonable to accommodate the needs of a person with a disability. This involves providing special treatment or facilities in circumstances where, without these, it would be impossible or unduly difficult to avail of the goods, services, accommodation etc.

However, they are not obliged to provide special facilities or treatment when this costs more than what is called a nominal cost. What amounts to nominal cost will depend on the circumstances such as the size and resources of the body involved.

5.7. In employment ([Employment Equality Acts 1998-2015](#))

Nothing in the Act requires an employer to recruit or promote a person who is not fully competent and fully available and capable of undertaking the duties attached to the position. For the purposes of the Act, a person who has a disability is considered fully competent and capable on reasonable accommodation (referred to as appropriate measures) being provided by the person's employer. An employer is obliged to take appropriate measures to enable a person who has a disability:

- i. To have access to employment
- ii. To participate or advance in employment
- iii. To undertake training unless the measures would impose a disproportionate burden on the employer.

5.8. Appropriate measures are practical measures to adapt the employer's place of business including:

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- i. The adaptation of premises and equipment
- ii. Patterns of working time
- iii. Distribution of tasks
- iv. The provision of training or integration resources.

The employer is not obliged to provide any treatment, facility or thing that the person might ordinarily or reasonably provide for himself or herself.

In determining whether the measures would impose a disproportionate burden, account is taken of the financial and other costs entailed, the scale and financial resources of the employer's business, and the possibility of obtaining public funding or other assistance.

5.9. Stereotyping

Stereotyping is when characteristics conventionally associated with a particular group are applied to the individuals perceived to be of that group. Stereotypes are generalisations; they may be ill-informed; and they can be either positive or negative.

5.10. Vicarious Liability

Employers are liable for discriminatory acts of an employee in the course of his or her employment, unless they can prove that they took reasonably practicable steps to prevent the conduct.

6. Policy

The Staff Equality Policy applies to all employees of MIE. All MIE employment practices and procedures will be reviewed regularly to ensure that they comply with this policy.

6.1. [Recruitment and Selection](#)

In relation to recruitment and selection, MIE will:

- i. Seek to recruit from as wide a talent pool as possible and will proactively ensure that its recruitment activity is inclusive.
- ii. Not discriminate directly or indirectly against any applicant or candidate to employment in relation to any of the nine equality grounds.

- iii. Select candidates on the basis of merit – ensuring the candidate with the talent, skills, competencies and experience most suited to the post is selected.
- iv. Identify and remove any unnecessary barriers that might impede the application or selection of an eligible candidate, across all nine equality grounds.
- v. Develop inclusive recruitment practices that acknowledge the diversity of applicants and candidates to MIE.
- vi. Provide a flexible service and facilitate communication between applicants and recruitment staff.
- vii. Seek information on the diversity profile of employment applicants to ensure that MIE is attracting a representative sample of people from different backgrounds.
- viii. Seek feedback and consult with applicants or other interest groups to ensure quality of service.
- ix. Ensure transparency of recruitment procedures.

6.2. Advertising

- i. Ensure that job descriptions and advertisements do not directly or indirectly exclude any potential applicant or include any unnecessary requirements that would unfairly exclude an applicant in relation to any of the nine equality grounds.
- ii. Ensure that advertisements reach candidates across all nine equality grounds (by advertising in a variety of media for example).

6.3. Interviews

- i. Use an agreed and objective system of rating candidates (by experience, skill, qualifications etc., as relevant).
- ii. Assess any medical test required in relation to the specific duties of the job.

- iii. Employees who disclose a disability will be provided with reasonable accommodation as outlined in the [Employment of People with Disabilities Policy](#).

6.4. Training and Development

In relation to training and development, MIE will:

- i. Ensure that every employee has equal access to training and development opportunities regardless of any of the nine equality grounds.
- ii. Seek to ensure that programmes provided are inclusive and accommodate the diversity of staff.
- iii. Mainstream equality issues in training programmes where relevant.

6.5. Progression

In relation to progression, MIE will:

- i. Ensure that all staff enjoy equal access to progression and promotional opportunities regardless of any of the nine equality grounds.
- ii. Monitor promotional processes and outcomes regarding gender (and other equality criteria where appropriate) in order to ensure equality of opportunity in career progression in MIE.
- iii. Remove any identified barriers to progression for particular groups of staff under the nine equality grounds, and, where appropriate, implement measures to redress imbalances.

6.6. Retention and Wellbeing

In relation to retention and wellbeing, MIE will:

- i. Seek to retain and develop talent in its diverse staff from across all nine equality grounds.
- ii. Make every effort to retain employees who develop a disability, as per the [Employment of People with Disabilities Policy](#).
- iii. Provide equal access to work-life balance policies and benefits as appropriate.

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- iv. Provide access to MIE's Employee Assistance Programme as widely as possible.
- v. Give consideration throughout all industrial relations matters ([grievances](#), [disciplinary](#) matters etc.) to accommodating diversity across the nine equality grounds.

6.7. Feedback

MIE will actively seek feedback on the implementation of this policy from staff and service users. This feedback will inform future development and implementation of the policy.

7. Responsibility

Particular responsibility for the implementation of this policy lies with Human Resources.

8. Related Documents

- 8.1. [Recruitment Policy](#)
- 8.2. [Employment of People with Disabilities Policy](#)
- 8.3. [Problem Solving / Grievance Policy](#)
- 8.4. [Disciplinary Policy](#)
- 8.5. [Employment Equality Acts 1998-2015](#)
- 8.6. [Equal Status Acts 2000-2015](#)
- 8.7. [Unfair Dismissals Acts](#)
- 8.8. [Safety, Health and Welfare at Work Act 2005](#)