

Equality and Human Rights Screening Template

Conflict, Bullying and Harassment in the Workplace Policy and Procedure

The NIGALA is required to address the 4 questions below in relation to all its policies. This template sets out a proforma to document consideration of each question.

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?
(minor/major/none)
2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?
3. To what extent is the policy likely to impact on good relations between people of a different religious belief, political opinion or racial group?
(minor/major/none)
4. Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

SCREENING TEMPLATE

See [Guidance Notes](#) for further information on the 'why' 'what' 'when', and 'who' in relation to screening, for background information on the relevant legislation and for help in answering the questions on this template.

1. INFORMATION ABOUT THE POLICY OR DECISION

1.1 Title of policy or decision

Conflict, Bullying and Harassment in the Workplace Policy and Procedure.

1.2 Description of policy or decision:

- **What is it trying to achieve (aims and objectives)?**
- **How will this be achieved (key elements)?**
- **What the key constraints (for example financial, legislation or other)?**

Aims and Objectives of the Policy

The document provides guidance to managers and employees in relation to Conflict, Bullying and Harassment, and seeks to provide all staff, particularly those with responsibility how to handle conflict, bullying and harassment issues in line with best practice and employment law and to create and maintain a safe and harmonious, positive and enabling working environment for all. The document is designed to:

- Ensure consistency of approach within NIGALA
- Provide a mechanism to facilitate prompt resolution of issues that may arise
- Prevent bullying and harassment of all staff members including agency workers

How will this be achieved?

This will be achieved by promoting a working environment which is safe,

harmonious, positive and characterised by fair treatment, strong teamwork, open communication, personal accountability and development opportunities.

Key Constraints

Disability Discrimination Act 1995

Employment Equality (Sexual Orientation) Regulations (NI) 2003

Equality Act (Sexual Orientation) Regulations (NI) 2006

Employment Equality (Age) Regulations (NI) 2006

1.3 Main stakeholders affected (internal and external)

Those primarily affected by the policy are:

- Current NIGALA employees – both those who are experiencing Conflict, Bullying and Harassment and those accused of committing Conflict, Bullying and Harassment.

External

- Trade union representatives.
- NIGALA Agency workers
- Statutory Enforcement bodies such as the Equality Commission for NI, Commission for Racial Equality, Fair Employment and Industrial Tribunal

NB: The above list is not exhaustive

1.4 Other policies or decisions with a bearing on this policy or decision.

- **What are they?**

- Working Well Together Policy
- Zero Tolerance Policy
- Disciplinary Policy
- Grievance Policy
- Capability Procedure
- Social Media Policy
- Equality Scheme

- Code of Conduct for Staff
- Department Circulars
- Legislative changes
- **Who owns them?**
 - NIGALA, HSC, DoH, NI Assembly

2. CONSIDERATION OF EQUALITY AND GOOD RELATIONS ISSUES AND EVIDENCE USED

2.1 Data Gathering

What information did you use to inform this equality screening? For example previous consultations, statistics, research, Equality Impact Assessments (EQIAs), complaints. Provide details of how you involved stakeholders, views of colleagues, services users, staff side or other stakeholders.

- NIGALA staff data at March 2019
- Census data 2011
- Gender Identity Research and Education Society (GIRES)
- NI Life and Times survey data 2016
- CarersNI data
- Engagement with section 75 groups – BSO conducted this via Joint Negotiating forums and other meetings with representation of the section 75 groups. Policy development explored through Tapestry: The Staff Disability Network.
- Rainbow Project Research and Publications
- Research reports
<https://www.cipd.co.uk/knowledge/fundamentals/emp-law/harassment/factsheet>

A kick off workshop was held in February 2017 by BSO with a range of stakeholders including trade unions and management. In April/May 2017 a series of focus groups with staff took place across a number of Trusts. Extensive consultation with a range of stakeholders on the draft policy happened from September 2017 to December 2018.

2.2 Quantitative Data

Who is affected by the policy or decision? Please provide a statistical profile. Note if policy affects both staff and service users, please provide profile for both.

Category **What is the makeup of the affected group (%)? Are there any issues or problems? For example, a lower uptake that needs to be addressed or greater involvement of a particular group?**

Gender

NIGALA staff data at March 2019:

Male	15.38%
Female	84.62%

Census 2011 figures for NI report just over 50% of the 16-64 age group is female whilst 49.52% is male.

Transgender Data: The GIRES estimate the number of gender nonconforming employees and service users, based on the information that GIRES assembled for the Home Office in 2011 and subsequently in 2014.

- Gender variant to some degree 1%
- Have sought some medical care 0.025%
- Having already undergone transition 0.015%

The number who have sought treatment seems likely to continue growing at 20% per annum or even faster. Few young people present for treatment despite the fact that most gender variant adults report experiencing the condition from a very early age. Yet, presentation from treatment among youngsters is growing even more rapidly (50% p.a.). Organisations should assume that there may be nearly equal numbers of people transitioning from male to female (trans women) and female to male (trans men).

	<p>Applying GIRES figures to NI population (using NISRA mid-year population estimates for June 2016) N=1 862,100:</p> <ul style="list-style-type: none"> ▪ 18,621 people who do not identify with gender assigned to them at birth; ▪ 466 likely to have sought medical care; ▪ 279 likely to have undergone transition. 																																																					
Age	<p>NIGALA staff data at March 2019:</p> <table border="1" data-bbox="411 667 831 1122"> <tr><td>16-24</td><td>0%</td></tr> <tr><td>25-29</td><td>0.00%</td></tr> <tr><td>30-34</td><td>1.54%</td></tr> <tr><td>35-39</td><td>6.15%</td></tr> <tr><td>40-44</td><td>4.62%</td></tr> <tr><td>45-49</td><td>10.77%</td></tr> <tr><td>50-54</td><td>20.00%</td></tr> <tr><td>55-59</td><td>23.08%</td></tr> <tr><td>60-64</td><td>26.15%</td></tr> <tr><td>>=65</td><td>7.69%</td></tr> </table> <p>2011 Census figures for NI are as follows:</p> <table border="1" data-bbox="411 1249 1019 1832"> <tr><td>0-15</td><td>379,378</td><td>20.95%</td></tr> <tr><td>16-19</td><td>101,589</td><td>5.61%</td></tr> <tr><td>20-24</td><td>126,036</td><td>6.96%</td></tr> <tr><td>25-29</td><td>124,044</td><td>6.85%</td></tr> <tr><td>30-44</td><td>373,943</td><td>20.65%</td></tr> <tr><td>45-49</td><td>347,687</td><td>19.21%</td></tr> <tr><td>60-64</td><td>94,346</td><td>5.21%</td></tr> <tr><td>65-74</td><td>145,593</td><td>8.04%</td></tr> <tr><td>75-84</td><td>86,740</td><td>4.79%</td></tr> <tr><td>85-89</td><td>21,187</td><td>1.17%</td></tr> <tr><td>90 and over</td><td>10,141</td><td>0.56%</td></tr> </table>	16-24	0%	25-29	0.00%	30-34	1.54%	35-39	6.15%	40-44	4.62%	45-49	10.77%	50-54	20.00%	55-59	23.08%	60-64	26.15%	>=65	7.69%	0-15	379,378	20.95%	16-19	101,589	5.61%	20-24	126,036	6.96%	25-29	124,044	6.85%	30-44	373,943	20.65%	45-49	347,687	19.21%	60-64	94,346	5.21%	65-74	145,593	8.04%	75-84	86,740	4.79%	85-89	21,187	1.17%	90 and over	10,141	0.56%
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Religion	<p>NIGALA staff data at March 2019:</p> <table border="1" data-bbox="411 1933 1096 2027"> <tr><td>Neither</td><td>1.54%</td></tr> <tr><td>Not assigned</td><td>6.15%</td></tr> </table>	Neither	1.54%	Not assigned	6.15%																																																	
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Perceived Protestant	4.62%
Perceived Roman Catholic	4.62%
Protestant	26.15%
Roman Catholic	56.92%

Population - Census 2011 figures on religion:

Catholic	738,033	40.76%
Presbyterian Church in Ireland	345,101	19.06%
Church of Ireland	248,821	13.74%
Methodist Church in Ireland	54,253	3%
Other Christian (including Christian related)	104,380	5.76%
Other Religions	183,164	10.11%
Religion not stated	122,252	6.75%

Political Opinion

NIGALA staff data at March 2019:

Broadly Nationalist	1.54%
Other	0%
Broadly Unionist	1.54%
Not assigned	90.77%
Do not wish to answer	6.15%

NI Population Statistics * (Census 2011)

British only	722,379	39.89%
Irish only	457,482	25.26%
Northern Irish only	379,267	20.94%
British and Irish only	11,877	0.66%
British and Northern Irish only	111,748	6.17%
Irish and Northern Irish only	19,132	1.06%
British, Irish and Northern Irish only	18,406	1.02%
Other	90,572	5.00%

When asked about political opinion, data from the Northern Ireland Life and Times Survey shows that:

	<p>Unionist 29%; Nationalist 24%; Neither 46%; Other/don't know 2%.</p>																
<p>Marital Status</p>	<p>NIGALA staff data at March 2019:</p> <table border="1" data-bbox="411 479 1096 887"> <tr> <td>Divorced</td> <td>0%</td> </tr> <tr> <td>Married/Civil Partnership</td> <td>58.46%</td> </tr> <tr> <td>Other</td> <td>4.62%</td> </tr> <tr> <td>Separated</td> <td>0%</td> </tr> <tr> <td>Single</td> <td>21.54%</td> </tr> <tr> <td>Unknown</td> <td>15.38%</td> </tr> <tr> <td>Widow/er</td> <td>0%</td> </tr> <tr> <td>Not Assigned</td> <td>0%</td> </tr> </table> <p>NI Population Statistics * (2011)</p> <ul style="list-style-type: none"> ▪ 47.56% (680,840) of those aged 16 or over were married ▪ 36.14% (517,359) were single ▪ 0.09% (1288) were registered in same-sex civil partnerships ▪ 9.43% (134,994) were either divorced, separated or formerly in a same-sex partnership ▪ 6.78% (97,058) were either widowed or a surviving partner 	Divorced	0%	Married/Civil Partnership	58.46%	Other	4.62%	Separated	0%	Single	21.54%	Unknown	15.38%	Widow/er	0%	Not Assigned	0%
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<p>Dependent Status</p>	<p>NIGALA staff data at March 2019:</p> <table border="1" data-bbox="411 1561 944 1713"> <tr> <td>Yes</td> <td>4.62%</td> </tr> <tr> <td>Not assigned</td> <td>92.31%</td> </tr> <tr> <td>No</td> <td>3.08%</td> </tr> </table> <p>NI Census Statistics</p> <ul style="list-style-type: none"> ▪ 11.81% (213,863) of the usually resident population provide unpaid care to family members, friends, neighbours or others because of long-term physical or 	Yes	4.62%	Not assigned	92.31%	No	3.08%										
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- mental ill-health/disabilities or problems related to old age.
- 3.11% (56,318) provided 50 hours care or more.
- 33.86% (238,129) of households contained dependent children.
- 40.29% (283,350) contained a least one person with a long – term health problem or a disability

Carers NI Statistics:

- 1 in every 8 adults is a carer
- There are approximately 207,000 carers in Northern Ireland
- Any one of us has a 6.6% chance of becoming a carer in any year
- One quarter of all carers provide over 50 hours of care per week
- People providing high levels of care are twice as likely to be permanently sick or disabled than the average person
- 64% of carers are women; 36% are men.

Disability

NIGALA staff data at March 2019:

Yes	1.54%
Not assigned	16.92%
No	81.54%

NI Population Statistics*

More than one person in five (300,000) people in Northern Ireland has a disability.

Census 2011 data for the population as a whole highlights a wide range of disabilities and long-term conditions, taking on board, however, that some of these will be less prevalent amongst younger age brackets. The data is not yet available broken down by age group.

Long-term health problem or disability			
	All usual residents		Number
Northern Ireland	1,810,863	Day-to-day activities limited a lot	215,232
		Day-to-day activities limited a little	159,414
		Day-to-day activities not limited	1,436,217

Type of long-term condition	% of population
Deafness or partial hearing loss	5.14
Blindness or partial sight loss	1.7
Communication Difficulty	1.65
Mobility of Dexterity Difficulty	11.44
A learning, intellectual, social or behavioural difficulty.	2.22
An emotional, psychological or mental health condition	5.83
Long – term pain or discomfort	10.10
Shortness of breath or difficulty breathing	8.72
Frequent confusion or memory loss	1.97
A chronic illness (such as cancer, HIV, diabetes, heart disease or epilepsy).	6.55
Other condition	5.22
No Condition	68.57

Data from the Health Survey NI (2017) revealed that of the NI population:

- 42% longstanding illness (30% limiting and 12% non-limiting illness)
- Males: limiting longstanding illness 27%; non-limiting longstanding illness 12%
- Females: limiting longstanding illness 33%; non-limiting longstanding illness 12%;

	<ul style="list-style-type: none"> Prevalence of disability increases with age. Limiting longstanding illness increases from 15% among young adults aged 25-34 years to 61% among those who are 75 plus years. 																																																			
Ethnicity	<p>NIGALA staff data at March 2019:</p> <table border="1" data-bbox="411 521 1007 824"> <tr> <td>Not assigned</td> <td>89.23%</td> </tr> <tr> <td>White</td> <td>10.77%</td> </tr> <tr> <td>Other</td> <td></td> </tr> <tr> <td>Black African</td> <td></td> </tr> <tr> <td>Indian</td> <td></td> </tr> <tr> <td>Chinese</td> <td></td> </tr> </table> <p>NI Population Statistics* (Census 2011)</p> <table border="1" data-bbox="411 922 1235 1581"> <thead> <tr> <th></th> <th>N</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>White</td> <td>1778449</td> <td>98.21%</td> </tr> <tr> <td>Chinese</td> <td>6303</td> <td>0.35%</td> </tr> <tr> <td>Irish Traveller</td> <td>1301</td> <td>0.07%</td> </tr> <tr> <td>Indian</td> <td>6198</td> <td>0.34%</td> </tr> <tr> <td>Pakistani</td> <td>1091</td> <td>0.06%</td> </tr> <tr> <td>Bangladeshi</td> <td>540</td> <td>0.03%</td> </tr> <tr> <td>Other Asian</td> <td>4998</td> <td>0.28%</td> </tr> <tr> <td>Black Caribbean</td> <td>372</td> <td>0.02%</td> </tr> <tr> <td>Black African</td> <td>2345</td> <td>0.13%</td> </tr> <tr> <td>Black other</td> <td>899</td> <td>0.05%</td> </tr> <tr> <td>Mixed</td> <td>6014</td> <td>0.33%</td> </tr> <tr> <td>Other</td> <td>2353</td> <td>0.13%</td> </tr> </tbody> </table>	Not assigned	89.23%	White	10.77%	Other		Black African		Indian		Chinese			N	%	White	1778449	98.21%	Chinese	6303	0.35%	Irish Traveller	1301	0.07%	Indian	6198	0.34%	Pakistani	1091	0.06%	Bangladeshi	540	0.03%	Other Asian	4998	0.28%	Black Caribbean	372	0.02%	Black African	2345	0.13%	Black other	899	0.05%	Mixed	6014	0.33%	Other	2353	0.13%
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	<p>There is disputed data relating to the estimated size of the LGBT population in Northern Ireland. For the purposes of costing the Civil Partnership Act the UK Government estimate between 5-7% LGBT people in the population. The Office of National Statistics estimates 1.5-2% of the adult population are LGBT, however this document is disputed by numerous LGBT organisations.</p>
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2.3 Qualitative Data
What are the different needs, experiences and priorities of each of the categories in relation to this policy or decision and what equality issues emerge from this? Note if policy affects both staff and service users, please discuss issues for both.

Category	Needs and Experiences
Gender	Individuals working in areas or teams dominated by a gender other than their own may lack the confidence to raise or pursue a complaint under bullying and harassment. Those who are transgender may also find it more difficult to raise a complaint, with concerns about confidentiality regarding their gender status.
Age	Younger members of staff may lack experience in recognising or confidence to report harassment.
Religion	There is no data to suggest that there are specific needs or experiences arising within this category.
Political Opinion	There is no data to suggest that there are specific needs or experiences arising within this category.
Marital Status	Employees who do not have the support of a spouse or partner may lack the confidence in bringing forward a complaint of bullying and harassment.
Dependent Status	There is no data to suggest that there are specific

	needs or experiences arising within this category.
Disability	Individuals with sight problems will have specific requirements with regards to communication of the policy. Also, those with learning difficulties may require additional support in order to get an understanding of how the policy works and the processes involved.
Ethnicity	It is recognised that cultural differences exist between different ethnic groups, and that staff from minority ethnic groups may be reluctant to report incidents of bullying and harassment. People who do not speak English as a first language may have additional communication needs.
Sexual Orientation	Some LGB staff may be less likely than heterosexual staff to report instances of harassment, particularly if it relates to harassment on grounds of sexual orientation as they may have concerns about having to disclose their sexual orientation.

<p>2.4 Making Changes</p> <p>Based on the equality issues you identified in 2.2 and 2.3, what changes did you make or do you intend to make in relation to policy or decision in order to promote equality of opportunity?</p>	
<p>In developing the policy or decision what did you do or change to address the equality issues you identified?</p>	<p>What do you intend to do in future to address the quality issues you identified?</p>
<p>Disability:</p> <p>Ensure that this policy (and others) is in accessible formats for e.g. size 14 for those who are partially sighted and consideration given to all those</p>	<p>For all issues identified under Section 75 it is important that this policy is shared with all, and targeted with the section 75 groups. Therefore communication is key when this policy is released. NIGALA will gather data in</p>

<p>with disabilities. Also, all staff are to be made aware of the policy, through such avenues as Awareness Sessions. There may be a need for support and any reasonable adjustments to practice to ensure a fair hearing.</p> <p>Age:</p> <p>Younger members of staff may lack experience or confidence to report incidents of conflict, bullying and harassment, and therefore the policy states clearly what constitutes incidents of conflict bullying and harassment and gives examples.</p> <p>Sexual orientation:</p> <p>In order to give LGB people more confidence in reporting incidences of conflict, bullying and harassment, sexual orientation is clearly defined as a protected Equality Group in the definition of Harassment. Moreover, the policy states that Line managers have a specific responsibility in the prevention and resolution of conflict, bullying and harassment. They are responsible for creating a safe, harmonious and enabling working environment, setting a good example for other staff members to follow, intervening when conflict arises and ensuring that their teams are aware of their obligations and relevant policies.</p>	<p>regards on all incidences of bullying and harassment (victims and harassers) and gather equality data in order to monitor the progress of this policy and procedure.</p> <p>To ensure the ongoing effectiveness of this policy and procedure, a review will be undertaken at regular intervals, and not more than 3 years from the date of implementation.</p>
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Ethnicity:

It is recognised that cultural differences exist between different ethnic groups, and that staff from minority ethnic groups may be reluctant to report incidents of conflict, bullying and harassment. The policy explicitly states that harassment on is unacceptable behaviour, and there is a possibility of criminal proceedings should Harassment occur. The policy places a responsibility on Line Managers in prevention and resolution of conflict, bullying, or harassment.

Any additional communication needs of those who do not speak English as a first language will be considered and translation services available if requested.

Marital status:

Employees who do have the support of a spouse or partner may lack the confidence in bringing forward a complaint of bullying and harassment. However, the policy emphasises all employees' play a vital role to play in the creation, promotion and maintenance of a good harmonious working environment. Other sources of support include confidential counselling provided via the

<p>employee assistance programmes.</p> <p>Gender:</p> <p>In some scenarios a Conflict, Bullying and Harassment policy may provide the support for those working in areas that may be dominated by other genders, i.e. where they are the minority. Examples of different forms of Conflict, Bullying and Harassment are described in the policy. Also, for those who are transgender, the policy is clear in that all complaints will be dealt with seriously, promptly and confidentially. The policy aims to have a positive impact in that it provides a mechanism for the prompt resolution of issues that may arise and to prevent future recurrence through on going monitoring arrangements.</p>	
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<p>2.5 Good Relations</p> <p>What changes to the policy or decision – if any – or what additional measures would you suggest to ensure that it promotes good relations? (Refer to guidance notes for guidance on impact.)</p>		
Group	Impact	Suggestions
Religion	The NIGALA is committed to provided equality of opportunity, and strives to promote a good and harmonious working environment where every	Ensure that this policy is shard and promoted throughout the organisation to ensure every section 75 group are made are of Conflict, Bullying and

	employee is treated with respect and dignity and in which no one feels threatened or intimidated because of their age, disability, marital or civil partnership status, political opinion, race, religious belief, sex (including gender reassignment), sexual orientation, with/without dependants.	Harassment Policy and Procedure in order to feel protected should they be a victim of same and that there is prompt resolution of issues that they may arise and to prevent future recurrence through ongoing monitoring arrangements.
Political Opinion	As above	As above
Ethnicity	As above	As above

3. SHOULD THE POLICY OR DECISION BE SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT?

A full equality impact assessment (EQIA) is usually confined to those policies or decisions considered to have major implications for equality of opportunity.

How would you categorise the impacts of this decision or policy? (Refer to guidance notes for guidance on impact.)

Please tick:

Major impact	
Minor impact	✓
No further impact	

Do you consider that this policy or decision needs to be subjected to a full equality impact assessment?

Please tick:

Yes	
No	✓

Please given reasons for your decisions:

Issues for any of the section 75 groups highlighted in this screening have been mitigated against. Implementation of this policy will give support and offer an avenue for those employees to explore should they be subject to any bullying and harassment.

The NIGALA will monitor its implementation.

4. CONSIDERATION OF DISABILITY DUTIES

4.1 In what ways does the policy or decision encourage disabled people to participate in public life and what else could you do to do so?

How does the policy or decision currently encourage disabled people to participate in public life?	What else could you do to encourage disabled people to participate in public life?
N/A	

4.2 In what ways does the policy or decision promote positive attitudes towards disabled people and what else could you do to do so?

How does the policy or decision currently promote positive attitudes towards disabled people?	What else could you do to promote attitudes towards disabled people?
Disability is a key equality category covered by this policy. Reasonable adjustment will be considered for staff with disability to their needs are met in the outworkings and practical application of the policy in line with related NIGALA policy.	

5. CONSIDERATION OF HUMAN RIGHTS

5.1 Does the policy or decision affect anyone's Human Rights? Complete for each of the articles.	
Article	Yes/No
Article 2: Right to Life	No
Article 3: Right to freedom from torture, inhuman or degrading treatment or punishment.	No
Article 4: Right to freedom from slavery, servitude and forced or compulsory labour.	No
Article 5: Right to liberty and security of person.	No
Article 6: Right to a fair and public trial within a reasonable time.	No
Article 7: Right to freedom from retrospective criminal law and no punishment without law.	No
Article 8: Right to respect for private and family life, home and correspondence.	No
Article 9: Right to freedom of thought, conscience and religion.	No
Article 10: Right to freedom of expression.	Yes
Article 11: Right to freedom of assembly and association.	No
Article 12: Right to marry and found a family.	No
Article 14: Prohibition of discrimination in the enjoyment of the convention rights.	No
1 st protocol Article 1: Right to a peaceful enjoyment of possessions and protection of property.	No
1 st protocol Article 2: Right of access to education.	No

If you have answered no to all of the above please move on to Question 6 on Monitoring.

5.2 If you have answered yes to any of the Articles in 5.1, does the policy or decision interfere with any of these rights? If so, what is the interference and who does it impact upon?			
List the Article Number	Interfered with? Yes/No	What is the interference and who does it impact upon?	Does this raise legal issues?* Yes/No
10	Yes	Inhibited in line with promoting harmonious working environment.	

*It is important to speak to your line management on this and if necessary seek legal opinion to clarify this.

<p>5.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy or decision.</p> <p>Ensure staff complete their Making A Difference eLearning modules and read any appropriate documentation circulated.</p>
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6. MONITORING

6.1 What data will you collect in the future in order to monitor the effect of the policy or decision on any of the categories (for equality of opportunity or good relations, disability duties and human rights)?		
Equality & Good Relations	Disability Duties	Human Rights
This will be monitored through conflict, bullying and harassment issues either formally or informally, raised by employees from any of the section 75 groups.		

Approved Lead Officer:

Sean Brown

Position:

Head of Corporate Services

Date:

16 September 2019

Policy/Decisions Screened
by:

Sinéad Casey

Any request for this document in another format or language will be considered.