

Equality, Good Relations and Human Rights SCREENING

The Health and Social Care Board is required to consider the likely equality implications of any policies or decisions. In particular it is asked to consider:

- 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 or 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 or none)
- 4) Are there opportunities to better promote good relations between people of a different religious belief, political opinion or racial group?

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.

As part of the audit trail documentation needs to be made available for all policies and decisions examined for equality and human rights implications. The screening template is a pro forma to document consideration of each screening question.

For information (evidence, data, research etc) on the Section 75 equality groups see the Equality and Human Rights Information Bank on the BSO website: <http://www.hscbusiness.hscni.net/services/1798.htm>

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)**

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

- ensure consistency of approach across HSCB.
- 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? (key elements)**

Promoting a working environment which is safe, harmonious, positive and characterised by fair treatment, strong teamwork, open communication, personal accountability and development opportunities.

- **what are the key constraints? (for example financial, legislative or other)**

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)

For example staff, actual or potential service users, other public sector organisations, voluntary and community groups, trade unions or professional organisations or private sector organisations or others

Those primarily affected by the policy are:

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

External

- Trade union representatives.
- HSCB Agency Staff
- 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? (This list is not exhaustive)**

Working Well together Policy

Zero Tolerance Policy

Disciplinary Policy

Grievance Policy

Capability Procedure

Social media Policy

Equality, Diversity and Inclusion Policy

Equality Scheme

Joint Declaration of Protection/Good Relations Strategy

Code of Conduct for Staff

Department of Health circulars

Legislative changes

- **who owns them?**

HSCB, 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, service users, staff side or other stakeholders.

Statistics:

- HSCB Staff Monitoring Data
- Organisation wide staff equality data
- Census data (2011)
- Gender Identity Research and Education Society (GIREs)
- Northern Ireland Pooled Household Survey (NIPHS) tables, published 2017
- Northern Ireland Life and Times Survey 2016
- Northern Ireland Health Survey (published 2018)
- NISRA Mid Year Population Estimates
- Carers NI data
- Regional Conflict Bullying and Harassment monthly meetings took place to discuss and construct policy and procedure.
- Data from the past 5 years of actual and alleged Conflict, Bullying and Harassment. Please refer to section 2.2
- Engagement with representatives of all Section 75 Groups, this was conducted via Joint Negotiating forums (JNF) and other meetings with representation of the section 75 groups. Policy development was also explored with the Tapestry Network
- Rainbow Project Research and Publications.
- Research Reports <https://www.cipd.co.uk/knowledge/fundamentals/emp->

[law/harassment/factsheet](#)

A BSO workshop was held in February 2017 with a range of stakeholders, including trades 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 Sept 2017 right through to Dec 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. Also give consideration to multiple identities.

Category	<i>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?</i>			
	HSCB Baseline Data December 2018			
Gender		HSCB	PHA	BSO
	Male	25.15%	21.12%	43.76%
	Female	74.85%	78.88%	56.23%
	Mid-year NISRA population estimates suggest the size of the resident population in Northern Ireland at 30 June 2016 is estimated to be 1.862 million people. Just over half (50.9 per cent) of the population were female, with 946,900 females compared to 915,200 males. (2017)			
Age		HSCB	PHA	BSO
	16-24	0.41%	0.93%	2.73%
	25-29	3.30%	5.90%	8.19%
	30-34	7.01%	12.11%	13.10%
	35-39	14.64%	13.04%	13.80%
	40-44	14.85%	15.84%	14.92%
	45-49	17.53%	20.81%	15.48%
	50-54	20.41%	15.53%	13.80%
	55-59	16.29%	11.80%	11.55%
	60-64	4.12%	3.42%	5.39%
	>=65	1.44%	0.62%	1.05%
	Mid-year population estimates published by NISRA in 2017 show that: 0-19 yrs (inclusive) = 483,978 (26.0% of all NI population); 20 – 34 yrs = 366,619 (19.7%); 35 – 49 yrs = 370,263 (19.9%); 50 - 64 yrs = 343,522 (18.4%); 65 – 74 yrs = 166,059 (8.9%); 75 – 89 yrs = 118,965 (6.4%); 90+ yrs = 12,731 (0.7%).			

Community Background		HSCB	PHA	BSO
	Perceived Protestant	4.12%	5.59%	2.17%
	Protestant	30.93%	5.59%	25.84%
	Perceived Roman Catholic	1.44%	5.59%	2.87%
	Roman Catholic	44.95%	5.59%	34.31%
	Neither	1.24%	5.59%	1.47%
	Not assigned	17.32%	5.59%	33.26%
Census 2011 shows that of the population in NI: • 45.14% (817, 424) of the population were either Catholic or brought up as Catholic. • 48.36% (875, 733) stated that they were Protestant or brought up as Protestant. • 0.92% (16, 660) of the population belonged to or had been brought up in other religions and Philosophies. • 5.59% (101, 227) neither belonged to, nor had been brought up in a religion.				
Political Opinion		HSCB	PHA	BSO
	Broadly Nationalist	2.47%	0.93%	1.89%
	Other	2.27%	5.28%	1.89%
	Broadly Unionist	1.65%	1.86%	2.10%
	Not assigned	89.69%	88.20	91.32%
	Do not wish to answer	3.92%	3.73%	2.8%
Data from the Northern Ireland Life and Times Survey (2016) show that the general political opinion of the Northern Ireland population is: Unionist 29%; Nationalist 24%; Neither 46%; Other/ don't know 2%.				
Marital Status		HSCB	PHA	BSO
	Divorced	3.51%	1.86%	2.45%
	Mar/CP	61.86%	53.73%	47.9%
	Other	0.82%	0.62%	0.77%
	Separat	1.65%	0.62%	0.98%
	Single	15.46%	18.32%	19.12%
	Unknwn	16.70%	23.91%	27.73%
	Widw/R		0.62%	0.91%
Dependent Status		HSCB	PHA	BSO
	Yes	12.99%	8.07%	7.14%
	Not assigned	83.92%	86.34%	89.08%
	No	3.09%	5.59%	3.785
	Data from the NI Health Survey (2018) show that 17% respondents were carers: 21% of women and 13% of men. Census data (2011) shows that 238,094 households (33.9% of all NI households) have responsibility for dependent children.			

Disability		HSCB	PHA	BSO
	No	69.48%	67.70%	52.38%
	Not assigned	27.84%	31.37%	46.71%
	Yes	2.68%	0.93%	0.91%
	Given that a large proportion of staff data relating to gender is unassigned, population data from the last Census 2011 shows that: • 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 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.			
Ethnicity		HSCB	PHA	BSO
	Not assigned	60.62%	75.78%	78.50%
	White	39.18%	24.22%	21.43%
	Other			
	Black African			
	Indian			0.07%
	Chinese	0.21%		
Sexual Orientation	The most recently published population-based data (Northern Ireland Pooled Household Survey (NIPHS) tables; published 2017) suggests that in 2014/15 the ethnic breakdown in Northern Ireland was: Ethnicity White 98.2% (1,409,000); All other Ethnicities 1.8% (26,000)			
		HSCB	PHA	BSO
	Do not wish to answer	0.41%	1.86%	0.7%
	Not assigned	87.63%	87.27%	90.34%
	Opposite sex	11.34%	9.32%	8.26%
	same sex	0.41%	1.55%	0.63%
	Both sexes	0.21%		0.07%
	Although there are no accurate population statistics on sexual orientation, it is however estimated that between 5% and 10% of the population would identify as lesbian, gay or bisexual.			

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. Also give consideration to multiple identities (such as single parents for example).

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.

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2.4 Multiple Identities

Are there any potential impacts of the policy or decision on people with multiple identities? For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people.

NO

2.5 Making Changes

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 the policy or decision in order to promote equality of opportunity?

<i>In developing the policy or decision what did you do or change to address the equality issues you identified?</i>	<i>What do you intend to do in future to address the equality issues you identified?</i>
Disability: 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 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.	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. HSCB will continue to gather data in regards on all incidences of Bully and harassment (victims and harassers) and gather equality data in order to monitor the progress of this policy and procedure To ensure the on-going effectiveness of this policy and procedure, a review will be undertaken at regular intervals,

Age: 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. Sexual orientation: 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. 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	and not more than 3 years from the date of implementation.
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Managers in prevention and 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 employee assistance programmes. Gender: 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.	
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2.6 Good Relations

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)

Group	Impact	Suggestions
Religion	The Health and Social Care Board (HSCB) is committed to providing equality of opportunity, and strives to promote a good and harmonious working environment where every employee is treated with respect and dignity and in which no one feels threatened or intimidated because of his or her age, disability, marital or civil partnership status, political opinion, race, religious belief, sex (including gender reassignment), sexual orientation, with dependants or without dependants	Ensure that this policy is shared and promoted throughout the organisation to ensure every section 75 group are made aware of Conflict, Bullying and Harassment Policy (C,B&H) in order to feel protected should they be victim of C, B&H and that there is prompt resolution of issues that may arise and to prevent future recurrence through on-going 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?

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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)

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

Please tick:

Major impact	
Minor impact	X
No further impact	

Please tick:

Yes	
No	x

Please give 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 HSCB 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?

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

<i>How does the policy or decision currently promote positive attitudes towards disabled people?</i>	<i>What else could you do to promote positive attitudes towards disabled people?</i>
Disability is a key equality category covered by this policy. Reasonable adjustments ^s will be considered for <u>those</u> staff with <u>a</u> disability to <u>ensure</u> their needs are met, in the out workings and practical application of the policy. <u>in line with related HCB policy.</u>	

(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	N
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment	N
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour	N
Article 5 – Right to liberty & security of person	N
Article 6 – Right to a fair & public trial within a reasonable time	N
Article 7 – Right to freedom from retrospective criminal law & no punishment without law	N
Article 8 – Right to respect for private & family life, home and correspondence.	N
Article 9 – Right to freedom of thought, conscience & religion	N
Article 10 – Right to freedom of expression	Y
Article 11 – Right to freedom of assembly & association	N
Article 12 – Right to marry & found a family	N
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights	N
1 st protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property	N
1 st protocol Article 2 – Right of access to education	N

*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	No

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

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.

Ensure staff complete their Making a Difference ELearning modules and read the appropriate documentation circulated. Ensure their behaviours accords with the principles laid down in the Equality, Diversity and Inclusion policy and other related policies. Read relevant published information via the following mediums below:

- Corporate Communications
- Awareness Sessions
- Staff inductions
- Publish on intranet
- Posters

(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 and good relations, disability duties and human rights)?

Equality & Good Relations	Disability Duties	Human Rights
This will be Monitored via Conflict, Bullying and Harassments issues, either formally or informally, raised by any employees from any of the Section 75 groups	Quarterly report to HSCB on incidents and/or trends	Quarterly report to HSCB on incidents and/or trends

Approved Lead Officer: Patricia Crossan

Position: Interim Head of Corporate Services

Date: 7/05/2019

Policy/Decision Screened by: Helena Doherty

Please note that having completed the screening you are required by statute to publish the completed screening template, as per your organisation's equality scheme. If a consultee, including the Equality Commission, raises a concern about a screening decision based on supporting evidence, you will need to review the screening decision.

**Please forward completed template to:
Equality.Unit@hscni.net**

Any request for the document in another format or language will be considered.
Please contact the Equality Unit:

2 Franklin Street; Belfast; BT2 8DQ; Email: Anne.Basten@hscni.net or karen.beattie@hscni.net; Phone: 028 9536 3814/ 9536 3023