



# EQUALITIES, DIVERSITY, AND INCLUSION POLICY

Referred to as Appendix A in the Fèis Rois Business Plan 2025 - 28



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# 1. Statement of policy and purpose of policy

- 1.1 Fèis Rois is committed to encouraging equality, diversity, and inclusion among our workforce, and eliminating unlawful discrimination.
- 1.2 The aim is for our workforce to be truly representative of all sections of society and our participants, and for each employee to feel respected and able to give their best.
- 1.3 The organisation - in providing goods and/or services and/or facilities - is also committed against unlawful discrimination of participants or the public.
- 1.4 Fèis Rois is committed to equal opportunities for all staff and applicants.
- 1.5 It is our policy that all employment decisions are based on merit and the legitimate business needs of the organisation. The Employer does not discriminate on the basis of race, colour or nationality, ethnic or national origins, sex, gender reassignment, sexual orientation, marital or civil partner status, pregnancy or maternity, disability, religion or belief, age or any other ground on which it is or becomes unlawful to discriminate under the laws of Scotland (referred to as **Protected Characteristics**) or the UK.
- 1.6 The relevant legislation relating to this policy is the Equality Act 2010.
- 1.7 Our intention is to enable all our staff to work in an environment which allows them to fulfil their potential without fear of discrimination, harassment or victimisation. Fèis Rois' commitment to equal opportunities extends to all aspects of the working relationship, including freelancers, as follows:
  - recruitment and selection procedures
  - terms of employment, including pay, conditions and benefits
  - training, appraisals, career development and promotion
  - work practices, conduct issues, allocation of tasks, discipline and grievances
  - work-related social events; and
  - termination of employment and matters after termination, including references.
- 1.8 This policy is intended to help Fèis Rois achieve its equality, diversity and anti-discrimination aims by clarifying the responsibilities and duties of all staff in respect of equal opportunities and discrimination. Fèis Rois will promote effective communication and consultation with staff concerning equal opportunities by regular training, team meetings, and briefings.
- 1.9 The principles of non-discrimination and equal opportunities also apply to the way in which staff treat freelancers, volunteers, guests/visitors, participants, suppliers and former staff members.
- 1.10 This is a statement of policy only and does not form part of your contract of employment. This policy may be amended at any time by Fèis Rois, in its absolute discretion.
- 1.11 This policy is linked to the Fèis Rois Equality, Diversity and Inclusion Action Plan.

# 2 Who is responsible for equal opportunities?

- 2.1 Achieving an equal opportunities workplace is a collective task shared between Fèis Rois and all our staff. This policy and the rules contained in it therefore apply to all staff of Fèis Rois irrespective of seniority, tenure and working hours, including all employees, managers and officers, consultants and contractors, freelance tutors, trainees, homeworkers and fixed-term staff and any volunteers or interns (referred to as **staff**).
- 2.2 The Chief Executive has overall responsibility for this policy and for equal opportunities and discrimination law compliance in the workplace and the Chief Executive has been appointed as the person with day-to-day operational responsibility for these matters.
- 2.3 All Staff have personal responsibility to ensure compliance with this policy, to treat colleagues with dignity at all times and not to discriminate against or harass other members of staff, guests/visitors, participants, suppliers and former staff members. In addition, staff who take part in management, recruitment, selection, promotion, training and other aspects of career development (referred to as **managers**) have special responsibility for leading by example and ensuring compliance.
  - Managers will receive appropriate training in equal opportunities and must take all necessary steps to:
  - promote the objective of equal opportunities and the values set out in this policy
  - ensure that their own behaviour and those of the staff they manage complies in full with this policy
  - ensure that any complaints of discrimination, victimisation or harassment (including against themselves) are dealt with appropriately and are not suppressed or disregarded.





## 3 What is discrimination?

Discrimination occurs in different ways, some more obvious than others. Discrimination on the grounds of any of the Protected Characteristics is prohibited by law, even if unintentional, unless a particular exception applies.

### 3.1 Direct discrimination

Direct Discrimination is less favourable treatment because of one of the Protected Characteristics. Examples would include refusing a woman a job as a chauffeur because you believe that women are not good drivers or restricting recruitment to persons under 40 because you want to have a young and dynamic workforce.

Direct discrimination can arise in some cases even though the person complaining does not actually possess the Protected Characteristic but is perceived to have it or associates with other people who do. For example, when a person is less favourably treated because they are (wrongly) believed to be homosexual or because they have a spouse who is Muslim.

### 3.2 Indirect discrimination

Indirect discrimination arises when an employer applies an apparently neutral provision, criterion or practice which in fact puts individuals with a particular Protected Characteristic at a disadvantage, statistically, and this is unjustified. To show discrimination the individual complaining also has to be personally disadvantaged. An example would be a requirement for job candidates to have ten years' experience in a particular role, since this will be harder for young people to satisfy. This kind of discrimination is unlawful unless it is a proportionate means of achieving a legitimate aim.

### 3.3 Victimisation

Victimisation means treating a person less favourably because they have made a complaint of discrimination or have provided information in connection with a complaint or because they might do one of these things.

### 3.4 Harassment

Harassment is defined as unwanted conduct related to a relevant Protected Characteristic (within the Equality Act 2010) which has the effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Unlawful harassment may involve conduct of a sexual nature, or it may be related to age, race, colour or nationality, ethnic or national origins, sex, gender reassignment, sexual orientation, disability, religion or belief, pregnancy or maternity.

Harassment can arise in some cases even though the person complaining does not actually possess a Protected Characteristic but is perceived to have it (for example, when a person is harassed because they are (wrongly) believed to be homosexual) or



associates with other people who possess a Protected Characteristic (for example, because they have a spouse who is Muslim).

A person may also be subject to harassment even if they were not the intended target. For example, a person may be harassed by a sexist joke about a different gender if it created an offensive environment for them to work in.

#### Harassment may include:

- use of insults or slurs based on a Protected Characteristic or of a sexual nature or other verbal abuse or derogatory, offensive or stereotyping jokes or remarks;
- physical or verbal abuse, threatening or intimidating behaviour because of a Protected Characteristic or behaviour of a sexual nature;
- unwelcome physical contact including touching, hugging, kissing, pinching or patting, brushing past, invading personal space, pushing, grabbing or other assaults;
- mocking, mimicking or belittling a person's disability, appearance, accent or other personal characteristics;
- unwelcome requests for sexual acts or favours; verbal sexual advances, vulgar, sexual, suggestive or explicit comments or behaviour;



- repeated requests, either explicitly or implicitly, for dates;
- repeated requests for social contact after it has been made clear that requests are unwelcome;
- comments about body parts or sexual preference;
- displaying or distributing offensive or explicit pictures, items or materials relating to a Protected Characteristic or of a sexual nature;
- shunning or ostracising someone, for example, by deliberately excluding them from conversations or activities;
- 'outing' or threatening to 'out' someone's sexual orientation (i.e., to make it known);
- explicit or implicit suggestions that employment status or progression is related to toleration of, or acquiescence to sexual advances, or other behaviour amounting to harassment;
- racists, sexist, homophobic or ageist jokes, and stereotypical remarks about a particular ethnic or religious group or gender;
- posters, graffiti, obscene gestures, flags and emblems; and
- isolation from normal work or study places, conversations or social events.

**Other important points to note about harassment:**

- a single incident can amount to harassment;
- behaviour that has continued for a long period without complaint can amount to harassment;
- it is not necessary for an individual to intend to harass someone for their behaviour to amount to harassment;
- it is not necessary for an individual to communicate that behaviour is unwelcome before it amounts to harassment; and
- the onus is on each individual to be certain that their behaviour and conduct is appropriate and is not unwanted and in the case of doubt, you must refrain from such conduct.

### 3.5 Disability discrimination

This could be direct or indirect discrimination and is any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

## Disabled persons

- 4.1 Any staff member who considers that they may have a disability is strongly encouraged to speak with the Chief Executive, particularly if they experience difficulties at work because of their disability so that any reasonable adjustments to help overcome or minimise difficulties can be discussed. For these purposes, disability includes any physical or mental impairment which substantially affects your ability to perform day to day activities and has lasted (or is likely to last) more than 12 months. Disclosure of this information will be treated in confidence, if you wish it to be, so far as is reasonably practicable and we will do our best to handle matters sensitively and to ensure that you are treated with dignity and with respect for your privacy.
- 4.2 We will consult with you about whether adjustments are needed to avoid you being disadvantaged and may ask you to see a doctor appointed by us, to advise on this. We will seek to accommodate your needs within reason. If we consider a particular adjustment unreasonable, we will explain why and try to find an alternative solution.
- 4.3 Managers with responsibility for managing a member of staff who they know or think to be disabled should speak to the Chief Executive to ensure that all relevant duties are complied with.



## 5 Making employment decisions fairly

**5.1** As noted above, Fèis Rois will recruit employees and make other employment decisions concerning promotion, training, dismissal and related issues on the basis of objective criteria.

**5.2** Managers should only stipulate criteria or conditions for employment decisions (including job selection, promotion and redundancy) which are based on a legitimate business need, and which do not go further than is needed to satisfy that need. If you are in any doubt about whether particular criteria or conditions are indirectly discriminatory or justifiable, then please speak to the Chief Executive.

### Recruitment

**5.3** Managers involved in recruitment must:

- specify only recruitment criteria that are relevant to the job, reflect genuine business needs and are proportionate. More than one person should be involved in shortlisting of applicants wherever practicable;
- ensure that vacancies are advertised to a diverse audience and try to avoid informal recruitment methods that exclude fair competition. In very rare cases, it may be legitimate and necessary to restrict recruitment to a particular role to certain groups, but it is essential that this is discussed with the Chief Executive so that appropriate steps can be taken to ensure compliance with the Equality Act 2010;
- review job advertisements carefully to ensure that stereotyping is avoided and that particular groups are not unjustifiably discouraged from applying;
- not ask applicants about health or disability before a job offer is made (other than in exceptional circumstances and after having been approved by the Chief Executive). If necessary, a job offer can be expressed to be conditional upon satisfactorily passing a medical check.
- not ask candidates about any Protected Characteristic if the question may demonstrate an intention to discriminate. For example, candidates should not be asked about current or future pregnancy, childcare or related matters; and
- not make assumptions about immigration status based on appearance, accent or apparent nationality;
- so far as reasonably practicable, keep a written record of their reasons for relevant decisions.

**5.4** Fèis Rois is legally required to verify that all employees have the right to work in the UK. Prior to starting employment, all employees must produce original documents to our satisfaction, irrespective of nationality. Information about the documents required is available from the Chief Executive.

**5.5** As part of our recruitment process Fèis Rois monitors applicants'

- Sex
- Sexual orientation

- Ethnic group
- Disability
- Age

We do this to assess the effectiveness of our measures to promote equal opportunities and to help us identify and take appropriate steps to avoid discrimination, under-representation and potential disadvantage and improve diversity. Provision of this information is voluntary, and the information is kept in an anonymised format solely for the purposes stated here. The information will not be used as part of any decision-making process relating to the recruitment or employment of the person providing the information. Our recruitment policies must be reviewed at regular intervals to ensure people are being treated fairly and according to ability and merit.

**5.6** To encourage applications from diverse candidates, Fèis Rois invited applicants to apply in a format that is most comfortable for them. For example, this might be in the form of a short video instead of a written application.

### Staff training, career development and promotion

**5.7** Training needs may be identified during the normal appraisal process and at other times throughout the year. Appropriate training to facilitate progression will be accessible to all staff.

**5.8** All promotion decisions will be made on the basis of merit and according to proportionate criteria determined by legitimate business need.

**5.9** Staff diversity at different levels of the organisation will be kept under review to ensure equality of opportunity. Where unjustified barriers to progression are identified, these will be removed.

### Conditions of service

**5.10** Access to benefits and facilities and terms of employment will be kept under review to ensure that they are appropriately structured and that no unlawful barriers to qualification or access exist.

### Discipline and termination of employment

**5.11** Any redundancy selection criteria and procedures that are used, or other decisions taken to terminate employment, will be fair and not directly or indirectly discriminatory.

**5.12** Disciplinary procedures and penalties will be applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

### Discipline and termination of employment

**5.13** Part-time and fixed-term staff will be treated the same as full-time or permanent staff of the same position and enjoy no less favourable terms and conditions (pro-rata, where appropriate), unless different treatment is justified.



## 6. Treating participants fairly

**6.1** Participation at Fèis Rois events is encouraged by all staff to everyone, and we strive to make every effort to ensure that the experience is enjoyable and meets the needs of people with different characteristics. We believe that our work is all the stronger for having inclusive practices that meet people's differing needs. To support us in this aim, we undertake the following activities:

- monitoring the equality data of participants
- undertaking specific projects that focus on the needs of participants with protected characteristics. Please see separate EDI Action Plan.
- ensuring we listen to and respond to feedback from participants
- understand the wider arts and music sector in Scotland, and are responsive to emerging equality, diversity and inclusive practice and policy issues



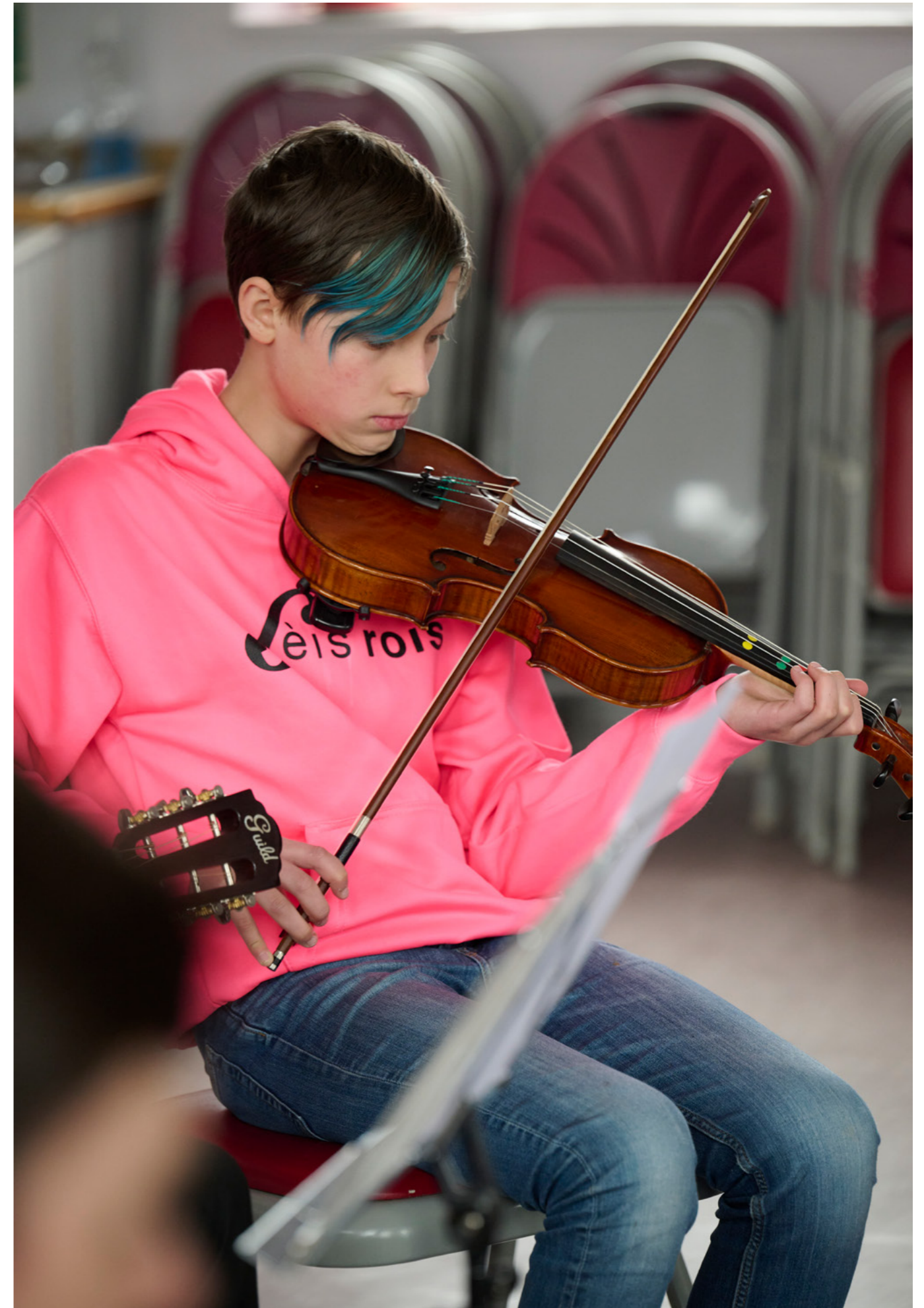
## 7. What to do if you encounter discrimination

- 7.1** If you believe that you have been the victim of discrimination, you should follow the Employer's Grievance Procedure, or the Fèis Rois Complaints Policy if you are a participant.
- 7.2** Every member of staff has a responsibility to combat discrimination if they encounter it. Staff who observe or are aware of acts that they believe amount to discrimination directed at others are encouraged to report these to the Chief Executive.
- 7.3** Any grievance or report raised about discrimination will be kept confidential so far as this is practicable. We may ask you if you wish your complaint(s) to be put to the alleged discriminator if disciplinary action appears to be appropriate. It sometimes may be necessary to disclose the complaint or take action even if this is not in line with your wishes, but we will seek to protect you from victimisation and, if you wish, we will seek to protect your identity. You should be aware that disciplinary action may be impossible without your co-operation or if you refuse to allow relevant information to be disclosed.
- 7.4** Staff who raise a complaint about or report discrimination in good faith will be protected from retaliation or victimisation. As long as you act in good faith, the fact that you have raised a complaint or report will not affect your position within Fèis Rois, even if the complaint is not upheld. Making a false allegation deliberately and in bad faith is a misconduct offence and will be dealt with in accordance with our disciplinary policy. Any member of staff who attempts acts of retaliation or victimisation may be subject to disciplinary action up to and including summary dismissal for gross misconduct.
- 7.5** If you make a complaint, it may be necessary to ask you, and others, to stay at home on paid leave while investigations are being conducted and the matter is being dealt with through the appropriate procedure. This may particularly be necessary in cases of alleged harassment but will only be done after serious consideration, and in the interests of ensuring a fair investigation.



## 8. Non-compliance with equal opportunities rules

- 8.1 Any breach of equal opportunities rules or failure to comply with this policy will be taken very seriously and is likely to result in disciplinary action against the offender, up to and including immediate dismissal.
- 8.2 Staff should also note that:
- in some cases, they may be personally liable for their acts of discrimination and that legal action may be taken against them directly by the victim of any discrimination; and
  - it may be a criminal offence intentionally to harass another employee.





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