



## PWYLLGOR DIWYLLIANT, POBL A DATBLYGU SEFYDLIADOL PEOPLE, ORGANISATIONAL DEVELOPMENT & CULTURE COMMITTEE

<b>DYDDIAD Y CYFARFOD: DATE OF MEETING:</b>	03 February 2022
<b>TEITL YR ADRODDIAD: TITLE OF REPORT:</b>	Equality, Diversity and Inclusion Policy
<b>CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:</b>	Lisa Gostling, Director of Workforce and Organisational Development (OD) (on behalf of Ros Jervis, Director of Public Health)
<b>SWYDDOG ADRODD: REPORTING OFFICER:</b>	Helen Sullivan, Head of Strategic Partnerships, Diversity and Inclusion

**Pwrpas yr Adroddiad** (dewiswch fel yn addas)

**Purpose of the Report** (select as appropriate)

Ar Gyfer Penderfyniad/For Decision

### ADRODDIAD SCAA

#### SBAR REPORT

##### Sefyllfa / Situation

The Equality, Diversity and Inclusion Policy expired in December 2020 and an updated policy is being presented for approval prior to publication. The People, Organisational Development & Culture Committee (PODCC) is asked to note that this is also being presented to the Staff Partnership Forum on 1<sup>st</sup> February 2022.

The Policy has been developed in conjunction with an Equality, Diversity and Inclusion Task and Finish Group. In addition, comments have been incorporated following feedback received from staff networks and as a result of wider engagement through the use of Global email. A one page information poster has been developed to promote the Policy and provide a summary of the contents to support implementation.

An equality impact assessment has been undertaken for this Policy.

PODCC is asked to approve the Policy for publication and note the supporting information poster.

##### Cefndir / Background

Hywel Dda University Health Board (HDdUHB) must operate in line with the requirements of equality and human rights legislation. The Equality Act 2010 dictates that it is against the law to discriminate against anyone who has a listed protected characteristic.

The Public Sector Equality Duty requires that public sector bodies have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

In line with HDdUHB's values and principles, the Policy sets out the expectations upon all staff to comply with, whilst also outlining specific roles for:

- The Board.
- The Director of Workforce and Organisational Development.
- Senior Managers.
- Staff.
- Procurement and Commissioning Staff.
- Equality and Diversity Team.
- Recruitment Team.
- Trade Unions and Staff Side Representatives.
- Patient and Public Engagement / Patient Experience Teams.
- Communications Team.

### **Asesiad / Assessment**

HDdUHB believes that all forms of unlawful discrimination are wrong and recognises that some groups and individuals are more at risk of experiencing unfair discrimination in employment and when accessing public services. HDdUHB acknowledges the importance of complying with equality and human rights legislation and is committed to undertaking any necessary steps to identify and address exclusion, discrimination, harassment, victimisation, marginalisation and exploitation of groups and individuals. In all activities, HDdUHB will seek and use opportunities to advance equality and foster good relations between those who share protected characteristics and those who do not, for the benefit of all.

HDdUHB will demonstrate a positive approach to being an inclusive employer and providing equitable services. It will work to ensure that equality, diversity and human rights principles are understood, owned, valued and demonstrated by the Board members, staff and those who provide services on behalf of the organisation.

HDdUHB recognises that discrimination and harassment can occur at any time. This Policy will support HDdUHB to implement its values and principles, comply with equality and human rights legislation and eliminate discrimination and harassment. It outlines the steps it will take to address non-compliance and procedures for those who feel that they have been victims of discrimination

The Policy sits alongside HDdUHB's Equality Impact Assessment Policy and Procedure (153) which provides support and guidance for staff on identifying and implementing mitigating actions to prevent discrimination and harassment of any kind.

### **Argymhelliad / Recommendation**

The People, Organisational Development & Culture Committee is requested to approve the Equality, Diversity and Inclusion Policy for publication and note the supporting information leaflet which has been developed to support implementation of the Policy.

<b>Amcanion: (rhaid cwblhau)</b> <b>Objectives: (must be completed)</b>	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	3.17 Approve workforce and organisational development policies and plans within the scope of the Committee.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not applicable
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	All Health & Care Standards Apply
Amcanion Strategol y BIP: UHB Strategic Objectives:	All Strategic Objectives are applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: <a href="#">Hyperlink to HDdUHB Well-being Objectives Annual Report</a>	2. Develop a skilled and flexible workforce to meet the changing needs of the modern NHS 4. Improve Population Health through prevention and early intervention, supporting people to live happy and healthy lives 5. Offer a diverse range of employment opportunities which support people to fulfill their potential 8. Transform our communities through collaboration with people, communities and partners

<b>Gwybodaeth Ychwanegol:</b> <b>Further Information:</b>	
Ar sail tystiolaeth: Evidence Base:	<ul style="list-style-type: none"> <li>• Public Sector Equality Duty</li> <li>• Equality Act 2010</li> <li>• Gender Recognition Act 2004</li> <li>• Welsh Language Measure 2011</li> <li>• Human Rights Act 1998</li> <li>• Socio-economic Duty (Wales)</li> <li>• Wellbeing of Future Generations (Wales) Act 2015</li> <li>• The Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018</li> </ul>
Rhestr Termiau: Glossary of Terms:	Included within the body of the report.
Partion / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Diwylliant, Pobl a Datblygu Sefydliadol: Parties / Committees consulted prior to People, Organisational Development & Culture Committee:	ENFYs LGBTQ+ (Lesbian, Gay, Bisexual, Transgender and Queer or Questioning) Staff Network Black Asian Minority Ethnic Staff Network All Staff via Global Email Staff Partnership Forum

<b>Effaith: (rhaid cwblhau) Impact: (must be completed)</b>	
<b>Ariannol / Gwerth am Arian: Financial / Service:</b>	None.
<b>Ansawdd / Gofal Claf: Quality / Patient Care:</b>	The Policy aims to eliminate all forms of discrimination and promotes equality and inclusivity, thus improving quality and patient care.
<b>Gweithlu: Workforce:</b>	This Policy aims to eliminate all forms of discrimination and promotes equality and inclusivity for all those who work for, and on behalf of HDdUHB.
<b>Risg: Risk:</b>	Discrimination towards service users can have a serious impact upon an individual's health and wellbeing and can result in poor outcomes of care. Discrimination towards staff can have a serious impact upon workforce culture and productivity.
<b>Cyfreithiol: Legal:</b>	HDdUHB could face legal action if found to be acting in a discriminatory way towards service users, staff, stakeholders and 3 <sup>rd</sup> parties.
<b>Enw Da: Reputational:</b>	Incidents of discrimination are often reported in local and national press and can cause reputational damage to HDdUHB.
<b>Gyfrinachedd: Privacy:</b>	HDdUHB should be mindful of confidentiality and privacy regulations when dealing with personal equality data of service users and employees.
<b>Cydraddoldeb: Equality:</b>	An equality impact assessment has been undertaken for this policy and no negative impacts were identified.

# Equality, Diversity and Inclusion Policy

Policy Number	133	Supersedes	133 V1, V2, V3 & V4	Classification	Corporate
Version	Date of EqIA	Approved by	Date of approval	Date made active	Review date
V3	14.06.2017	BPPAC	19.12.2017	21.12.2017	19.12.2020
V4		PPPAC	27.08.2020	15.09.2020	27.02.2021
		Extended	29.10.2020	10.11.2020	31.07.2021
V4		PODCC Extended	13.10.2021	28.10.2021	31.03.2022

## Brief Summary of Document

This document states Hywel Dda University Health Board's (HDdUHB) commitment to eliminating any inequalities that may exist in the context of employment, service delivery, partnership working, contractors and outside agencies. It reflects HDdUHB's values and aims to ensure that all staff and service users are treated in accordance with those values, creating an inclusive environment where everyone is treated fairly and equitably.

## Scope

This Policy applies to everybody who works for, or on behalf of, the HDdUHB.

## To be read in conjunction with

- HDdUHB Strategic Equality Plan and Objectives
- 130 - All Wales Dignity at Work Policy
- 995 - All Wales Respect and Resolution Policy
- 435 - All Wales Staff to Raise Concerns Procedure
- 768 - Managing Attendance at Work Policy
- 128 - Maternity, Adoption and Paternity Leave Policy
- 894 - Putting Things Right Management and Resolution of Concerns Policy
- 982 - Incidents, Near Miss and Hazard Reporting Policy
- 153 - Equality Impact Assessment Policy

Owning Committee / Group	People, Organisational Development & Culture Committee (PODCC)
Executive Director	Ros Jervis, Director of Public Health

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## Introduction

Within Wales, public sector bodies must operate in line with the requirements of equality and human rights legislation. Hywel Dda University Health Board (HDdUHB) has adopted a set of values and principles and will take a proactive approach to meeting its obligations and duties in relation to equality.

The Equality Act 2010 dictates that it is against the law to discriminate against anyone because of:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- sexual orientation

These are called 'protected characteristics'. It is common for individuals to have more than one protected characteristic and therefore, they may find themselves at increased risk of experiencing disadvantage and inequality. For example, an individual may be of ethnic minority origin, gay and have a disability. This is known as 'intersectionality'.

Discrimination can come in one of the following forms:

- direct discrimination - treating someone with a protected characteristic less favourably than others
- indirect discrimination - putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage
- discrimination by association – when someone is treated unfairly because either someone they know or someone they are associated with has a certain protected characteristic.
- harassment - unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them
- victimisation - treating someone unfairly because they've complained about discrimination or harassment

In Wales, public sector bodies also have a legal duty to consider the impact of their decisions upon those who experience socio-economic disadvantage and those who speak Welsh as these individuals are also at risk of discrimination.

As one of the largest employers and healthcare providers within Wales, there is much that the health board can do to help eliminate discrimination, harassment and victimisation in order to reduce inequality within our communities.

## Policy Statement

HDdUHB believes that all forms of unlawful discrimination are wrong and recognises that some groups and individuals are more at risk of experiencing unfair discrimination in employment and when accessing public services. HDdUHB acknowledges the importance of complying with equality and human rights legislation and is committed to undertaking any necessary steps to identify and address exclusion, discrimination, harassment, victimisation, marginalisation and exploitation of groups and individuals. In all our activities, the health board will seek and use opportunities to advance equality and foster good relations between those who share protected characteristics and those who do not, for the benefit of all.

HDdUHB will demonstrate a positive approach to being an inclusive employer and providing equitable services. We will work to ensure that equality, diversity and human rights principles are understood, owned, valued and demonstrated by the Board Members, staff and those who provide services on behalf of the organisation.

Attracting and retaining a diverse workforce, listening to and responding to what our service users tell us will enable us to become an employer of choice, utilising the best skills and expertise to deliver equitable services in a truly person-centred environment.

## Scope

This Policy applies to everybody who works within HDdUHB and to everyone who provides goods and services on their behalf. They are expected to conduct their business in a way that reflects the Policy aims and objectives. This Policy also applies to all functions undertaken and to policies developed or adopted by HDdUHB.

## Aim

The aims of the Policy are:

- to encourage staff to implement a values-based approach when carrying out their duties and to be proactive in creating an inclusive environment where everyone is treated fairly and equitably; and
- to ensure that equality and diversity considerations underpin both the recruitment, employment and development of staff and the development and delivery of healthcare services.



## Objectives

The aims will be achieved by:

- Promoting, embedding and implementing the health boards values and principles;
- Achieving a representative leadership reflecting the wider society;
- Attracting, recruiting, developing and retaining a diverse workforce that can deliver high quality, person-centred services that are fair, accessible, appropriate and responsive to individual needs;
- Supporting all members of our local communities in applying for employment within HDdUHB;
- Monitoring recruitment practices to ensure that systems are open, accountable and fair and that protected groups are not potentially disadvantaged;
- Ensuring that learning and development environments are non-discriminatory and that all staff have the opportunity of career development;
- Ensuring that procedures and the working environment encourage staff to report incidents of discrimination, victimisation or harassment and that there is assurance for staff that complaints will be dealt with appropriately, efficiently and effectively;
- Ensuring that accessible mechanisms are in place to facilitate dialogue with and feedback from staff, patients, service users, carers, partner organisations and the general public; and
- Ensuring that all HDdUHB policies and practices comply with equality and human rights legislation and Codes of Practice.

## Roles and Responsibilities

**The Board** will:

- Influence the culture of the organisation in how they set strategic direction, review performance and ensure good governance of the organisation;
- Ensure that a corporate and co-ordinated approach to equality and diversity exists and that the requirements of this policy are implemented in full;
- Ensure that there are effective working practices in place in relation to equality, diversity and human rights;
- Scrutinise proposals and reports presented to Board with due regard to Public Sector Equality Duties; and
- Ensure that the health board compiles, publishes and reports on equality issues in line with the requirements of equality legislation and statutory duties.

**The Director of Workforce and Organisational Development** will ensure that:

- Equality considerations are built into employment policies and procedures and provide a supportive environment;
- Employment policies and practice are fair and equitable;
- Staff have access to appropriate training and guidance through which managers and staff are made aware of equality, diversity and inclusion issues and of their responsibilities in relation to colleagues, patients, visitors and the wider community;
- Ensure that the Workforce and Organisational Development Teams analyse workforce equality information periodically and identify any positive actions which need to be taken;
- Reports on equality issues relating to employment are prepared and are scrutinised by relevant Committees and the Board before publication, this will include an Annual Gender Pay Gap Report, a Black Asian Minority Ethnic Pay Gap Report and the General Annual Workforce Equality Report;
- Information gathered in the Annual Workforce Equality Report is appropriately analysed and results are reported to the Board to assist with assessing the effectiveness of the policy ensuring that any identified areas of concern in relation to workforce issues are appropriately addressed;
- All complaints and concerns from staff and alleged breaches of this policy are dealt with seriously, sensitively, confidentially and in a timely manner;
- Workforce and Organisational Development Teams adopt a pro-active approach to eliminating discrimination, advancing equality and celebrating diversity across HDUHB, particularly when engaging with staff; and
- Workforce and Organisational Development teams engage effectively with staff, including Staff Networks in order to ensure the needs of protected groups are being met.

**The Recruitment Team** will:

- Offer advice and support to appointing managers on inclusive recruitment initiatives, such as guaranteed interview schemes, support with application and interview procedures, and targeted recruitment campaigns for persons with a protected characteristic; and
- Actively encourage and promote inclusive recruitment procedures to staff across HDdUHB.

**The Equality, Diversity and Inclusion Team** will:

- Promote and support staff to embed this policy across all HDdUHB functions and services;

- Provide appropriate advice, support and guidance to managers and staff on equality, diversity and inclusion matters;
- Develop, implement, and review the Strategic Equality Plan and Objectives;
- Produce regular update reports for relevant Committees and the Board to provide assurance, escalate any identified risks and recommend solutions;
- Advise, assist and provide positive support to all staff in the development and implementation of policies, procedures and working arrangements to meet the aims and objectives of this policy and those of the Equality Impact Assessment Policy; and
- Assist HDdUHB to create and maintain an inclusive environment across all sites and departments;
- Facilitate a range of staff networks for those with a protected characteristic to offer them a supported space to discuss concerns, promote good practice and provide an opportunity to comment on policies and plans to ensure that strategic plans promote inclusivity and eliminate discrimination;
- Source, develop and deliver specialised equality, diversity and inclusion training to increase knowledge and awareness in order to better support staff and service users in the workplace.

**Trade Unions and Staff Side Representatives** will:

- Offer support to staff in situations where concerns have been expressed and encourage staff to report their concerns through the appropriate channels and procedures where necessary. They will work in partnership with managers to tackle discrimination, prejudice and harassment at work.

**Public and Patient Engagement / Patient Experience Team** will:

- Explore ways to effectively engage with patients and service users to provide accessible mechanisms for dialogue and feedback; and
- Review feedback and identify and escalate any equality, diversity and inclusion issues via the appropriate channels.

**The Communications Team** will:

- Ensure that information for staff, patient, service users, and the general public is provided bilingually in Welsh and English and in alternative accessible formats as required;
- Include images that reflect the full diversity of the population and will use language that is appropriate for the communities involved; and
- Provide guidance to staff and ensure that all communications will be produced in line with accessibility regulations.

**Procurement and Commissioning Staff** will:

- Build equality considerations into the organisation's relationships with suppliers and ensure equal opportunity is given to tenders from a diverse range of suppliers; and
- Ensure that due regard is given to Public Sector Equality Duties through each stage of the procurement process and in monitoring our contracts with third parties. All suppliers of goods and services on behalf of HDdUHB will be expected to demonstrate a commitment to eliminating discrimination, advancing equality and fostering good relations between diverse groups.

**Senior Managers** will:

- Lead by example by promoting and implementing HDdUHB's values and principles to ensure equality of opportunity, promoting respect and dignity as everyone's right, whether staff, patient, service user, carer or member of the public;
- Adopt a pro-active approach to eliminating discrimination, advancing equality and celebrating diversity in their working environment;
- Ensure that staff are appropriately trained to carry out their responsibilities under this Policy as identified via the PADR process and Professional Codes of Conduct;
- Ensure that staff who raise concerns relating to unfair treatment, discrimination, harassment or bullying are appropriately advised and supported and that appropriate action is taken to address their concerns; and
- Deal with breaches of this Policy sensitively and appropriately.

**Staff** are required to:

- Act in ways that are in accordance with this Policy and HDdUHB's values;
- Act fairly and compassionately, treat other people as individuals respond to their needs and respect others' privacy and dignity;
- Ensure they do not discriminate, harass or intimidate others;
- Take account of their own behaviour and its effects upon others;
- Undertake mandatory equality and diversity training and any additional equality and diversity training as identified by their line manager or within their PADR; and
- Inform their line manager if they become aware of any behaviour that undermines equality and diversity.

Staff are not expected to induce or attempt to induce other employees, staff representatives or managers to unfairly discriminate against individuals or groups. Staff must not harass, abuse, or intimidate other employees, patients, service users, or any other member of the public they encounter, whether on or off HDdUHB premises.

Each employee is responsible for their own professional and personal behaviour and there is a requirement for all employees to conduct themselves in a manner that does not cause offence to another person or bring the organisation into disrepute, intended or otherwise.

Any employee who fails to observe the provisions of this Policy or who discriminates against or harasses another employee, applicant for employment, patient/service user or member of the public will be subject to disciplinary action which could result in dismissal.

## Complaints

All complaints of discrimination or harassment related to any of the grounds set out in this Policy irrespective of whether the complaint is made by an employee, manager, service user or any other relevant third party, will be treated seriously.

Any employee who feels that they have been treated unfairly in connection with any aspect of their employment may raise their complaint through the All Wales Respect and Resolution Policy without fear of victimisation.

Staff who are considering a complaint under this Policy may raise their concerns in confidence and with support from the Staff Psychological Wellbeing Service.

Any prospective employee or other workers not directly employed by HDdUHB, service users and members of the public wishing to make a complaint in relation to equality, diversity and inclusion should do so in line with HDdUHB's Putting Things Right Policy and procedures.

## Discipline

Any complaints received in relation to equality, diversity or human rights will be addressed on an individual basis and appropriate action taken.

Proven acts of discrimination will be treated as disciplinary offences and dealt with in accordance with HDdUHB's Disciplinary Policy.

## Monitoring Compliance

Implementation of this Policy will be monitored by the Equality, Diversity and Inclusion Team and others who are responsible for reviewing the development and implementation of Workforce and Organisational Development policies which relate to the protected characteristics in line with the requirements of equality and human rights legislation.

Service delivery and employment policies and practices will be continuously reviewed against the aims of this Policy and must undergo Equality Impact Assessment and/or a full Health Impact Assessment.

## References and Related Guidance

- Equality Act 2010
- Gender Recognition Act 2004
- Welsh Language Measure 2011
- Human Rights Act 1998
- Socio-economic Duty (Wales)
- Wellbeing of Future Generations (Wales) Act 2015
- The Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018

## Find out More

For further information please contact the Equality, Diversity and Inclusion Team on 01554 899055 or email [Inclusion.HDD@wales.nhs.uk](mailto:Inclusion.HDD@wales.nhs.uk)

For information and advice on inclusive recruitment please contact the Head of Recruitment by emailing [Sally.Owen4@wales.nhs.uk](mailto:Sally.Owen4@wales.nhs.uk) or [Rachel.Thomas28@wales.nhs.uk](mailto:Rachel.Thomas28@wales.nhs.uk)

## Appendix A

### Useful Websites and Links to Further Information

[Home Page | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://equalityhumanrights.com)

[Stonewall Cymru](https://www.stonewallcymru.org)

[Race Council Cymru \(RCC\) | Promotion of equality Community Cohesion, and diversity by the elimination of discrimination on the grounds of race, gender, disability, sexual orientation or religion.](https://www.racecouncilcymru.org)

[Age Cymru | We are the national charity for older people in Wales. \(ageuk.org.uk\)](https://www.ageuk.org.uk)

[Home. - Disability Wales](https://www.disabilitywales.org)

[RNID in Wales - RNID](https://www.rnid.org.uk)

[Wales Council for Deaf People - Supporting People with Hearing Loss \(wcdeaf.org.uk\)](https://www.wcdeaf.org.uk)

[Wales / Cymru - RNIB - See differently](https://www.rnib.org.uk)

[Diverse Cymru Homepage | Diverse Cymru](https://www.diverse.org.uk)

[We are the Women's Equality Network Wales - Womens Equality Network Wales \(wenwales.org.uk\)](https://www.womens-equality-network-wales.org.uk)

[Welsh Language Commissioner](https://www.welshlanguagecommissioner.org)

[The Socio-economic Duty: guidance and resources for public bodies | GOV.WALES](https://gov.wales)

[Home - Armed Forces Covenant](https://www.armedforcescovenant.org)

[We're here to make life better for carers - Carers UK](https://www.carersuk.org)

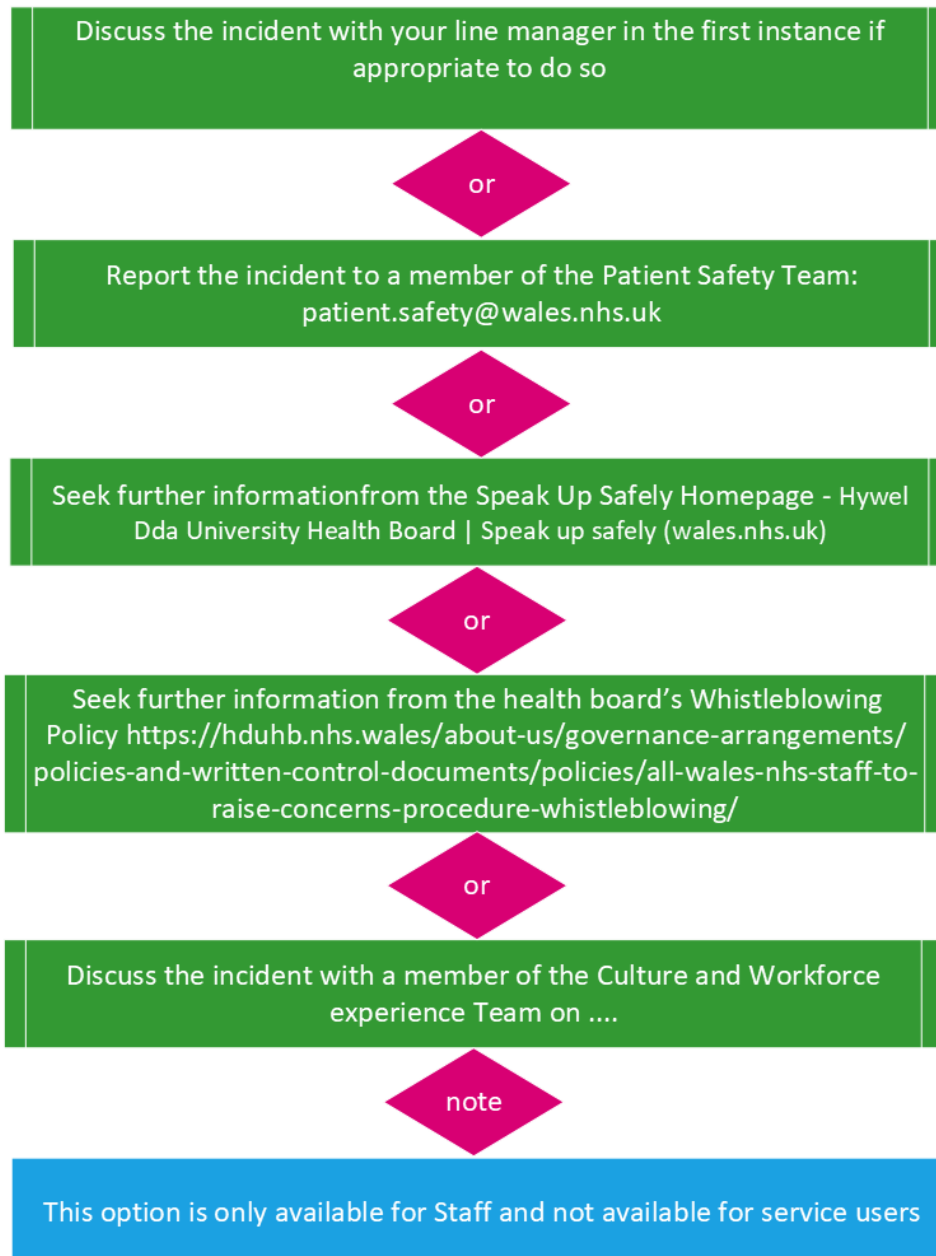
[Home - Children's Commissioner for Wales \(childcomwales.org.uk\)](https://www.childcomwales.org.uk)

[The Older People's Commissioner for Wales \(olderpeoplewales.com\)](https://www.olderpeoplewales.com)

[Chwarae Teg charity leading gender equality in Wales](https://www.chwarae.org)

## Appendix B

Have you witnessed any form of discrimination, been the victim of discrimination or suspect discrimination in the workplace aimed towards yourself, a colleague or a service user?  
Please consider the following options;







## What is the Equality, Diversity and Inclusion Policy and why do we need one?

This policy reflects the health board's values and principles and our continued belief that all forms of unlawful discrimination is wrong. We acknowledge that some groups and individuals are more at risk of experiencing unfair discrimination in employment and when accessing healthcare services. The health board and its employees have a responsibility to ensure that:

- Our services are fair and accessible to everyone
- We are a fair and equitable employer of choice with a diverse and culturally competent workforce
- We recognise and celebrate the diversity of our communities and respond to people's needs.

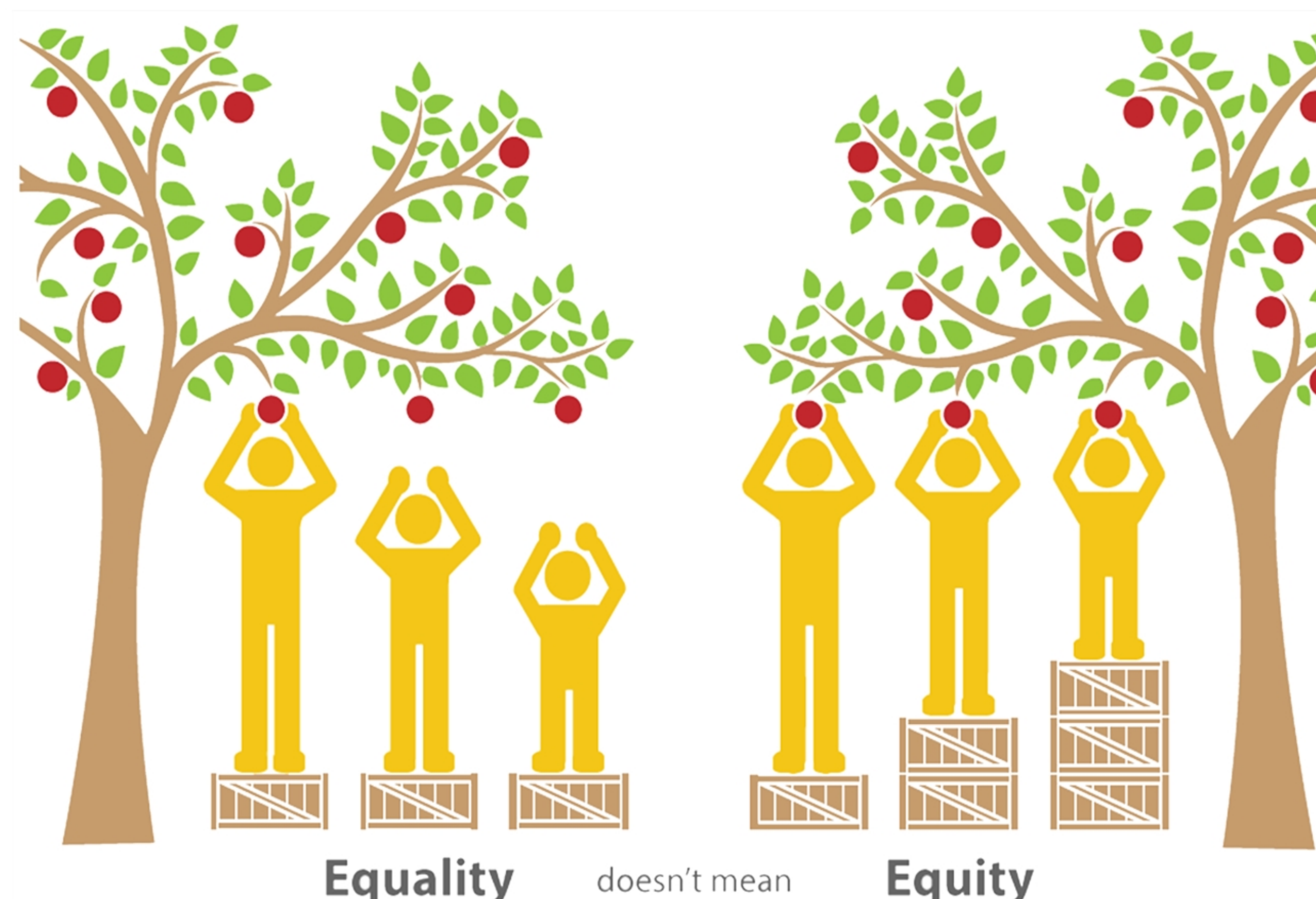
## Who is this policy for?

This policy applies to everyone who works for, or on behalf of, the health board

## What do I need to do?

All staff have a responsibility to:

- Be kind, compassionate and treat others with dignity and respect.
- Be polite and considerate of the feelings, wishes and beliefs of others
- Demonstrate empathy towards others
- Promote equality of opportunity for all and ensure that no one receives less favourable treatment or is put at an unfair disadvantage.
- Actively seek to eliminate discrimination, bullying and harassment.



## What should I do if I experience or witness discrimination and harassment in the workplace?

All complaints of discrimination, bullying and harassment will be taken seriously and dealt with in accordance with health board policies and procedures. Any employee who feels that they have been treated unfairly should raise the matter via the Healthy Working Relationships Representatives and refer to the Respect and Resolution Policy.

## Where can I find out more?

Read the policy in full [here](#).

For further information on equality, diversity and inclusion, including information on legislation please visit our [intranet page](#).

