

EQUALITY, DIVERSITY AND INCLUSION POLICY

Date policy adopted: 02/08/2022 (Replaces previous Equality Statement adopted October 2016)

Date of last review: 04/09/2024

1. Purpose and Scope

The Scottish Road Works Commissioner (SRWC) is committed to encouraging equality, diversity and inclusion amongst their workforce, and eliminating discrimination. This policy aims to support the SRWC (and their employees) to maintain values and act in a way that is professional at all times, as well as working in an organisation where every member of staff feels comfortable and valued, and free to contribute fully and to the best of their ability. This policy also applies to engagement with the wider public, particularly in reference to the road works community of undertakers and roads authorities, who interact with the work of the SRWC on an ongoing basis.

2. Policy Statement

The SRWC aims to make all practices as inclusive as possible and the implementation of this policy will help to ensure that work is conducted in a way that is transparent and accessible to people from all sections of society. All people, including employees and those who interact with the work of the SRWC will be treated as individuals and with respect, dignity, fairly and without bias. This is in commitment to meeting the requirements of the Equality Act 2010 and as such unfair discrimination, victimisation or harassment will not be tolerated.

Definitions of discrimination and protected characteristics, as defined by the Equality Act 2010, are provided in Appendices 1 and 2 respectively.

3. Implementation, monitoring and review of the policy

Overall responsibility for policy implementation, monitoring and review lies with the SRWC. Everyone covered by the scope of the policy is obliged to adhere to, and facilitate implementation of the policy. Appropriate action will be taken to inform all new and existing employees and others covered by the scope of the existence of the policy and their role in adhering to it. The policy will be reviewed every 2 years or should a change to legislation require it. The policy will be made available on the SRWC website.

4. Scottish Road Works Commissioner's Commitment

The Scottish Road Works Commissioner commits to:

- Promote equality, diversity and inclusion in areas such as employment, organisational governance, management and procurement, as well as in the delivery of our work.
- Create a working environment free of bullying, harassment, victimisation and unlawful discrimination.
- Make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the organisation.
- Make decisions concerning staff based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act).
- Promote dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.
- Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees, customers, suppliers, visitors, the public and any others in the course of the organisation's activities.
- Review employment practices and procedures when necessary to ensure fairness, and also update them and the policy to take account of changes in the law.
- Monitor the make-up of the workforce regarding information such as age, sex, ethnic background, sexual orientation, religion or belief, and disability in

encouraging equality, diversity and inclusion, and in meeting the aims and commitments set out in the equality, diversity and inclusion policy.

5. Transport Scotland Sponsor Team

The Transport Scotland Sponsor Team will meet with staff biennially and on an ad hoc basis as required. This will provide an alternative route for staff to report any instances of unfair or discriminatory behaviour.

6. Expectations

It is expected that all employees will:

- Support and cooperate with this policy to promote equality, celebrate diversity and build inclusion into their day to day work;
- Develop and maintain positive working relationships with their colleagues and others who they may come into contact with through the course of their work by treating everyone with dignity, respect, fairly and without bias;
- Read and understand the contents of this policy and talk through any queries or concerns that they may have in relation to the content of it with the SRWC.
- Report behaviour that they believe to be unlawful or discriminatory in line with the Grievance Policy.
- If the complainant believes there is discrimination relates to a protected characteristic, this should be stated in the complaint.
- Recognise that they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public

It is expected that those who interact with the work of the SRWC will:

- treat employees with respect, dignity, fairly and without bias
- if they believe that they have been treated in a manner that is unfair or discriminatory, make a complaint in line with the SRWC Complaints Policy and Procedure.

7. Breaches of the Policy

Anyone who does not comply with this policy, and is directly employed by SRWC, may be subject to disciplinary action as set out in the Disciplinary Procedures.

Where someone who interacts with the work of the SRWC is considered to be not applying this policy in respect of their interaction with employees, unacceptable behaviour actions may be applied, e.g. removal of service, refusal to interact in person etc.

Appendix 1: Definition of discrimination

Discrimination can take a variety of different forms, all of which fall within the scope of this policy:

- Direct discrimination occurs when one person is treated less favourably than another without justification and the reason for that less favourable treatment is related to a protected characteristic as defined by the Equality Act 2010.
- Indirect discrimination is the use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the practice, provision or criterion cannot be objectively justified.
- Harassment occurs where an employee is subjected to unwanted conduct that violates their dignity or creates an environment that they perceive to be intimidating, hostile, degrading, humiliating or offensive.
- Victimisation occurs where an employee is treated less favourably as a result of making a complaint.

Appendix 2: Definition of a protected characteristic

There are nine protected characteristics detailed in the Equality Act 2010, these are:

- Age
- Disability (including association with someone with a disability)
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

In addition, and although not set out specifically in the 2010 Act, this policy will also apply to the characteristics of:

- Gender identity
- Working pattern
- Caring responsibility
- Trade union membership