

DIVERSITY POLICY

Diversity is central to our brand.

We believe the world is a rich and diverse place full of interesting cultures and people, who should be treated with respect and from whom there is a great deal to learn.

We are the world's local bank.

We all make stereotypical assumptions about the way people look, skin colour, gender roles, facial disfigurement, accent, etc. This can adversely effect the level of service we provide to our staff and/or our customers. To be a truly customer driven organisation we must overcome the attitudinal barriers that can be created by these assumptions and make adjustments and changes to the way we do things; to the way we think and behave.

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Introduction

All employees have a responsibility to implement the company's diversity policy and to ensure that it is known and adhered to by everyone.

Diversity is about recognising and valuing the contribution that individuals from different backgrounds, race and cultures can make in the workplace, and enabling

them to make this contribution without unlawful discrimination, harassment or victimisation. Diversity enables individuals to maximise their contribution and, as a result, help to make the company a business success.

In an increasingly diverse society, having a diverse work force will also help the company to maximise its business opportunities in the community. So, apart from anything else, equality of opportunity makes good business sense.

It is also about good management practice, and managers, by their behaviour and example, in their dealings with customers and staff, should be exemplars of the value and importance of good diversity.

Policy

We seek to employ a workforce which reflects the diverse community at large, because we value the individual contribution of people, irrespective of sex, age, marital status, disability, sexuality, race, colour, religion or belief, ethnic or national origin.

We will treat all the company's employees with dignity and respect and we will provide a working environment free from unlawful discrimination, harassment or victimisation on the grounds of sex, age, marital status, disability, sexuality, race, colour, religion or belief, ethnic or national origin.

We will not tolerate acts which breach this policy and all instances of such behaviour, or alleged behaviour, will be taken seriously, be fully investigated and may be subject to the relevant disciplinary procedures.

We will make every effort, if an existing employee becomes disabled, to retain them within the workforce, wherever reasonable and practicable. We will provide reasonable adjustments to the workplace or environment for disabled people as appropriate.

We will install facilities for people with disabilities in existing premises, whenever practicable to do so. Whenever we invest capital in new or refurbished premises, every practical effort will be made to provide for the needs of staff and customers with disabilities.

We will provide banking products and services to our customers and clients without any form of unlawful discrimination.

This policy has the endorsement of MUBE and GWU.

Business Benefits

Equality of opportunity is not a 'nice to have' but an integral part of our business which can provide competitive advantage by maximising staff potential and business potential. The business benefits include:

- a good public relations image
- diversity of culture, skill and experience
- community benefits
- a committed and motivated workforce
- good management practice
- fewer discrimination cases and savings on associated legal costs.

Conversely, the consequences of inequality of opportunity are:

- reduced recruitment 'pool'
- de-motivated employees
- poor management practice
- higher risk of discrimination cases and legal costs
- higher risk of internal complaints, investigations grievances and associated costs.

Diversity and the Law

The main laws are:

- Equality for Men and Women Act, 2003
- Employment and Industrial Relations Act, 2000
- Equal Opportunities (Persons with Disability) Act, 2000

These make it unlawful in employment and in providing goods, facilities and services to discriminate directly or indirectly on grounds of sex, marital status, race, colour, ethnic or national origin, sexuality, religion or belief or disability. Everyone must comply with the legislation and ignorance of the law is no defence.

Discrimination

Unfair discrimination in employment results from prejudice, misconception and stereotyping and prevents individuals realising their full potential. It can be direct, indirect, intentional or unintentional. The only acceptable form of discrimination in the company is on a person's ability to do the job.

Direct Discrimination

This occurs when a person is treated less favourably than others, on grounds of sex, marital status, race, sexuality, religion or belief or disability in circumstances which are the same, or not materially different. Examples are:

- encouraging only men to study for professional qualifications
- not promoting someone who is from an ethnic minority background (equally qualified) because 'they would not fit in'.
- not recruiting an individual who is undergoing gender reassignment because 'the situation would be difficult to manage'.

Indirect Discrimination

This occurs when a condition/requirement which applies to all people in practice cannot be complied with by certain groups (e.g. race or sex) and which is not justifiable, and which, whilst appearing fair, has discriminatory affects. Examples are:

- setting an age limit for certain management jobs, (fewer employees would be eligible because of family career breaks).
- using word of mouth recruitment solely, to fill vacancies tends to perpetuate 'status quo' and excludes certain groups.

Disability Discrimination

This occurs when an employer treats a disabled person less favourably than others for a reason related to their disability and such treatment is not justified. For example not appointing a disabled person to a job because of a general belief that they could not do the job.

However, discrimination may, in some circumstances, be justified if the reason is **material** and **substantial**. For example, if the disabled person does not possess the skills required for the job.

An employer is also under a duty to provide any 'reasonable accommodation' that may enable the disabled person to do the job required, see Equal Opportunities (Persons with Disabilities) Act 2000

Positive Discrimination

If someone from an under-represented group (e.g. race or sex) is recruited simply because of their sex or race this would be positive discrimination and is unlawful. The only exception to this is under the Equal Opportunities (Persons with Disabilities) Act, where it can **sometimes** be lawful to treat disabled people **more** favourably, for example, it may be possible to waive a required qualification, if a disabled person can demonstrate their ability/competence by other means.

Positive Action

This allows the effects of past discrimination to be overcome by training and encouragement for under-represented groups. Positive action is allowed by the Equality for Men and Women Act 2003. An example of positive action in our organisation is the women's Springboard Programme.

Dignity at Work

All colleagues and customers should be treated with dignity and respect and we all have a responsibility to provide a supportive working environment.

No form of harassment, victimisation or bullying will be tolerated or condoned, and all complaints of such behaviour will be properly and fairly investigated. Such behaviour is gross misconduct under the relevant disciplinary procedures, and may also be an unlawful act of direct discrimination breaching the European Union's Code of Practice protecting the Dignity of Women and Men at Work

Harassment

Harassment is any form of behaviour that is unwanted, unwelcome and unreciprocated by the recipient, irrespective of the intentions of the perpetrator. It takes many forms: spoken words, gestures, or the production, display or circulation of written words, pictures or other material, which in respect of that person is based on sexual discrimination and which could reasonably be regarded as offensive, humiliating or intimidating to such a person e.g. jokes, comments, suggestions, actions, abuse, ridicule, physical contact, verbal or non-verbal (e.g. printed material). Such behaviour may be persistent or an isolated incident.

What matters is how it feels to the individual. Unwanted behaviour of this kind is never a joke or harmless fun.

Harassment is usually sexual or racial, but it may also be related to disability, age, sexuality, belief or religion. It can occur for no identifiable reason because someone takes a dislike to another person. Bullying behaviour (e.g. using an intimidating or destructive management style) is also harassment.

Sexual Harassment

Sexual harassment is any kind of unwelcome sexual advances, requests for sexual favours, or other conduct of a sexual nature which leaves the individual feeling threatened or compromised. It is also any harassing conduct based on the gender or sexuality of the recipient.

There are usually three kinds of sexual harassment and the following examples are not exhaustive:

Non-Verbal:

- gestures
- staring/leering
- invading personal space
- pin-ups
- offensive publications
- offensive letters/memos
- unsolicited and unwanted gifts.

Verbal:

- language of a suggestive or explicit nature
- unwanted propositions
- jokes of a sexual or explicit nature
- use of "affectionate" names
- requesting sexual favours
- questions or comments of a personal nature.

Physical:

- deliberate body contact
- an act of physical intimacy
- indecent exposure
- groping/fondling.

Racial Harassment

Racial harassment is any behaviour (e.g. remarks, racially explicit statements, graffiti, jokes) of a racist nature aimed at any individual or group from a different ethnic background which leaves them feeling threatened or compromised.

Nearly all ethnic minority groups encounter harassment because of stereotypical and incorrect assumptions because they appear to be different. The following are examples of racial harassment which are not exhaustive:

Non-Verbal:

- offensive gestures
- facial expressions
- offensive publications
- offensive letters/memos/e-mails
- racist graffiti
- threatening behaviour.

Verbal:

- racist comments/abuse
- racist jokes/ridicule
- derogatory "nicknames"
- verbal threats.

Physical:

- jostling
- assault.

Disability Harassment

Disability harassment is any behaviour (e.g. derogatory remarks, personal questions, patronising behaviour, staring, ostracising, mimicking) which leaves a disabled person or group of disabled people feeling threatened or compromised.

Some disabled people do not complain about harassment because of lower self-esteem and the difficulties of finding and keeping employment. Examples (not exhaustive) of

disability harassment are given below:

Non-Verbal:

- mimicking the affect of a disability
- disregarding wishes or feelings
- ostracising or 'freezing out'
- ignoring
- staring.

Verbal:

- making fun of a disability
- mimicking a speech impairment
- use of inappropriate terms, e.g. 'cripple' or 'spastic'
- inappropriate personal questions/comments about a disability
- belittling or patronising comments/nicknames.

Physical:

- moving a wheelchair without the user's agreement
- practical jokes e.g. hiding a disability aid
- touching a visually impaired person (to annoy).

Bullying

Bullying usually results from the misuse of status power. However it can also result from the misuse of any form of individual power (such as physical strength, personality or age) or, collective power (e.g. through strength of numbers).

It is recognised that there is a difference between feeling bullied, and being bullied. An individual may experience feelings similar to those of harassment, for example feeling compromised or threatened, if they are being corrected or reprimanded by management. However, provided that the correction or reprimand is carried out reasonably, and in an appropriate and constructive manner, this would not constitute bullying.

Bullying is more than a strong, firm, or authoritarian management style: it is destructive rather than constructive; it is criticism of the person rather than their mistakes; it publicly humiliates rather than privately corrects; and results in the individual feeling threatened or compromised.

The following is a (not exhaustive) list of examples of bullying:

Non-Verbal:

- ostracising or freezing out
- withholding essential information/training/resources
- setting impossible objectives (i.e. to ensure failure)
- unreasonably changing objectives/priorities
- allocating work/duties/responsibilities unreasonably
- deliberate wrongful attribution of blame
- excessive supervision/detailed checking of work.

Verbal:

- shouting, swearing, abuse, malicious gossip/nicknames
- public reprimand/humiliation, ridicule, sarcasm
- singling out or victimisation
- belittling or patronising comments
- persistent reminders of past failings
- invading personal privacy/unnecessary and intrusive home phone calls.

Physical:

- striking or hitting
- grabbing a person or their clothes
- pushing, jostling or prodding
- practical jokes or initiations
- rifling, damaging or stealing personal possessions.

Victimisation

Victimisation is treating an individual less favourably than others because they have complained about, brought proceedings/given evidence against, or rejected the advances of, someone who has harassed or discriminated against them.

An example is the staff member who rejects the unwelcome sexual advances of her / his boss, (sexual harassment) and because of this her / his life is made difficult by being over critical of their work, expecting twice as much from them than is possible and giving them an unsatisfactory performance rating.

Or

A staff member complains that their line manager is bullying them and they end up being bullied even more.

Handling Complaints

Many victims of discrimination, harassment or victimisation do not complain, for a variety of reasons:

- they hope it will stop
- they are embarrassed
- they do not wish to be considered a 'trouble maker'
- they fear victimisation
- they do not want to get anyone into trouble
- they fear they will be told it was self-provoked
- they do not think they will be taken seriously
- they do not believe any action will be taken
- they fear they will not be believed
- they fear it will make matters worse.

When the harasser is in a more senior position, the victim does not complain because they fear for their job security.

A potential problem may manifest itself in a variety of ways; as a direct complaint, through a third party, or one's own suspicions. Whatever the source, the matter must be taken seriously and dealt with promptly. A report to your line manager or directly to Head of Diversity should be put up immediately. An initial assessment should be undertaken by an appropriate independent manager appointed by HR Department

Unlawful discrimination and harassment are examples of gross misconduct under the relevant disciplinary procedures which could result in dismissal, so it is important that the Initial Assessment and any subsequent Formal Investigation are both professional and fair.

All complaints of such behaviour will be taken seriously. Line managers should seek the advice from Head of Diversity or Head of HR

Recruitment and Selection

All applicants (internal or external) for a job should be considered only on their ability against fair, consistent criteria related solely to the job.

Stereotypical assumptions hinder objective decision making and removing them from recruitment and selection assists effective diversity. It will help to ensure that there is a current job and person specification which:

- is accurate
- has criteria that are realistic and relate specifically to the job
- does not over-state the requirements (potential indirect discrimination)
- does not imply certain groups of people would be preferable or unsuitable.

Advertising

- Whenever possible posts are advertised internally so all employees have an opportunity to apply.
- Check the advertisement contains only job-related criteria.
- Do not rely on 'word of mouth' advertising, so perpetuating the 'status quo'.
- Check that all images included in advertising literature reflects a balanced workforce (no stereotyped role, such as men as managers, women as cashiers).
- In external advertising always include the Diversity statement '**we are actively working towards equal opportunities**'

Short-listing

- Candidates should be short-listed strictly against the job criteria from information in the application form.
- Avoid making stereotypical assumptions about candidates.
- Always keep correspondence, applications, file notes and record valid reasons for all decisions made.

- In the event of a discrimination claim, all decisions at all stages of the recruitment/selection process may have to be justified at an Grievance Procedure / Industrial Tribunal
- Employment decisions, e.g. recruitment, promotion, re-deployment must take into account a disabled person's suitability with the benefit of any 'reasonable adjustments'.

Qualifications

- Ensure that only those qualifications required to do the job are asked for, do not look for any higher than those actually needed.
- Do not assume overseas qualifications are inferior to those in Malta.
- Do not add unnecessary qualifications to act as an additional 'filter' if not related to the job requirements.

Age

- Ensure there are no 'unwritten' age limits/bias.
- Age as a selection criteria is unsound and is not to be used.

Selection Tests

When it is necessary to use tests for selection processes

- Only tests approved by Head of HR will be used which will relate to job performance/ability to do or train for it. These will be validated to correlate with job performance and have no inherent sex/race bias.
- Tests will be administered only by trained personnel.
- Some people are unfamiliar with tests and may underperform (particularly older or ethnic minority candidates).
- Always give advance warning that a test will be given and what will be involved.
- Ask a disabled person if they require any additional support or equipment to enable them to perform effectively.

Interviewing

All recruiting managers should have been trained in recruitment processes and skills and have viewed the Equal Opportunities CD Rom

Avoid stereotypical assumptions, or biased questions. Do not ask questions of one group (sex/race) that are not asked of others. Ask only job criteria related questions and do not ask personal questions, unless specifically related to job need (e.g. it may be justified to ask 'will you be able to travel involving overnight stays on occasions?')

but you should not ask 'how would you arrange childcare?').

A system of criteria based questions to be asked of all candidates should be worked out to keep the interviews systematic, consistent and objective. Our selection procedures must be shown to have been applied consistently and fairly to all interviewees and our selection processes and documentation may be available for scrutiny in any discrimination claim at an Industrial Tribunal or during internal grievance procedures.

With disabled candidates, find out in advance what their 'access' needs at interview may be (e.g. interpreter, signer, wheelchair access, etc.). Focus on their ability in relation to the job and allow them to discuss anything they consider relevant, including their disability. Do not ask unnecessary or intrusive questions.

Career Development

Regular, open discussions about performance and prospects should be held with all employees, not only at the annual performance review and half-yearly progress review.

Consider and provide training and development for all established and fixed term employees (full-time and key-time, including pregnant employees - not to do so may be discriminatory).

Learning & Development

- Arrange induction training for all established and fixed term new (full-time and key-time) employees, including 'Equal Opportunities' CD ROM.
- Encourage employees to use LEAP and 'Equal Opportunities' CD ROM.
- Ensure each employee has a training/development plan and be familiar with the training available within the organisation, including, 'on-the-job' training, coaching, short term placements/secondments.
- Consult disabled employees about their training/development needs, including reasonable adjustments such as access/special equipment.
- Promote 'positive action' for people of potential in under-represented groups.
- Give as much notice of residential training as possible, for family/caring responsibility reasons and consider modular training as an alternative.
- Where necessary provide additional training for employees returning from adoption / maternity leave / childcare leave.

Performance Appraisal

Line Managers are to:

- Follow the company's policy, see section on HR Manual.

- Ensure objective and fair performance assessments for all employees supported by objective evidence.
- Discuss performance regularly, give recognition for a job 'well done', encourage those with less confidence and identify weaknesses as development needs.
- Encourage employees to assess themselves, then discuss together.

Promotion

- Check promotion opportunities are available for those with the necessary skills, ignoring irrelevant criteria (e.g. age, length of service) or assumptions about an individual's mobility.

Employing People with Disabilities

The Equal Opportunities (Persons with Disability) Act, 2000 gives disabled people rights in employment and requires employers to provide where necessary reasonable accommodations to enable disabled people to perform jobs

It is important not to make assumptions about what a disabled person can/cannot do and it is equally important to focus on their abilities rather than their disabilities.

In welcoming applications from disabled candidates:

- ensure external agencies know of the company's policy of employing people with disabilities
- develop community links with disability groups
- allow applicants to visit the workplace. If there are doubts about the individual's ability to do the job consult Head of Diversity or Head of HR
- if appropriate, consider flexible working (hours, location, work methods) to help a disabled person achieve their full potential
- if an existing employee becomes disabled, consider how they may be helped to continue in employment with the organisation, by other jobs, work aids/equipment and consult Human Resources at an early stage.

Adoption, Maternity Leavers and Child Care Leavers and Returners

The company wishes to encourage all employees to develop their full potential and to combine a career with raising a family for those who wish to do so. A very high percentage of employees return to the company from adoption, maternity leave or child care leave and there is a clear business benefit for the company in retained skills and continuity of experience.

It is important that managers are aware of an individual's rights with regard to adoption, maternity leave and child care leave and are fully conversant with the company's policy.

Contact Point

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