

## **The 9 Grounds on which Discrimination is Unlawful are:**

### **Gender**

A man, a woman or a transsexual person (specific protection is provided for pregnant employees or in relation to maternity leave)

### **Marital status**

Which means single, married, separated, divorced, or widowed.

### **Family status**

This means having responsibility either as a parent or as a person in loco parentis for someone below 18 years of age, or as a parent or resident primary carer for someone 18 years or over with a disability who requires a high degree of support and attention.

### **Age**

In general this means people in employment between the ages of 18 and 65; and people in vocational training between the ages of 15 and 65.

### **Disability**

This is broadly defined including people with physical, intellectual, learning, cognitive or emotional disabilities and a range of medical conditions

### **Race**

Includes race, colour, nationality, ethnic or national origin.

### **Sexual Orientation**

Gay, lesbian, bisexual or heterosexual; (The Court of Justice in PSV held that discrimination against a transsexual constituted discrimination on the grounds of sex.)

### **Religious Belief**

Includes religious background or outlook or lack of religious belief.

### **Membership of the Traveller community**

People who are commonly called Travellers, who are identified both by Travellers and others as people with a shared history, culture and traditions, identified historically as a nomadic way of life on the island of Ireland.

## **What is discrimination:?**

Discrimination is defined as less favourable treatment. A person is said to be discriminated against if he or she is treated less favourably than another is, has been or would be treated in a comparable situation on any of the 9 grounds.

### **Direct Discrimination:**

To establish direct discrimination, a direct comparison must be made, for example, in the case of disability discrimination the comparison must be between a person who has a disability and another who has not, or between persons with different disabilities.

### **Indirect Discrimination:**

Indirect discrimination occurs when practices or policies that do not appear to discriminate against one group more than another actually have a discriminatory impact. It can also happen where a requirement that may appear non-discriminatory.

### **Conflict of Interest:**

A conflict of interest arises when your private interests compete with your professional duties. A conflict of interest may arise, for example, if a board member influences the awarding of a contract to a company owned by a family member. It is legal to award a contract to the best qualified company, even if that company is owned by a relative, but the board member themselves could not be part of the decision making process. This would be a conflict of interest, because their own family would benefit financially from his position. A conflict of interest can also happen in relation to connections the board

member might have that are unrelated to family connections, but to do with others with whom he/she may have a business connection.

### **Conflict of Loyalty:**

This arises where a board member may be involved in board decisions and may be (or perceived to be) potentially influenced by considerations other than the best interests of the organisation. This might happen when the board member has come onto the board as a nominee of a particular group e.g. members in a particular county, a funding body, beneficiaries or staff. This situation may possibly cause the board member to think that they should act in the interests of the grouping which nominated them. However, in all cases, regardless of their route onto a board of directors, all board members should act in the interests solely of the organisation on whose board that they sit, rather than acting in the interests of the grouping which nominated them. Conflicts of loyalty may be sufficiently serious to amount to conflicts of interest.

## **The Governance Code: Principles of Good Governance**

We, \_\_\_\_\_ (the governing body),  
of \_\_\_\_\_ (name of organisation) commit to:

### **Principle 1.**

**Leading our organisation. We do this by:**

1. Agreeing our vision, purpose and values and making sure that they remain relevant;
2. Developing, resourcing, monitoring and evaluating a plan to make sure that our organisation achieves its stated purpose.
3. Managing, supporting and holding to account staff, volunteers and all who act on behalf of the organisation.

### **Principle 2.**

**Exercising control over our organisation. We do this by:**

1. Identifying and complying with all relevant legal and regulatory requirements;
2. Making sure that there are appropriate internal financial and management controls;
3. Identifying major risks for our organisation and deciding ways of managing the risks.

### **Principle 3.**

**Being transparent and accountable. We do this by:**

1. Identifying those who have a legitimate interest in the work of our organisation (stakeholders) and making sure that there is regular and effective communication with them about our organisation;

2. Responding to stakeholders' questions or views about the work of our organisation and how we run it;.
3. Encouraging and enabling the engagement of those who benefit from our organisation in the planning and decision-making of the organisation.

**Principle 4.**

**Working effectively. We do this by:**

1. Making sure that our governing body, individual board members, committees, staff and volunteers understand their: role, legal duties, and delegated responsibility for decision-making.
2. Making sure that as a board we exercise our collective responsibility through board meetings that are efficient and effective.
3. Making sure that there is suitable board recruitment, development and retirement processes in place.

**Principle 5.**

**Behaving with integrity. We do this by:**

1. Being honest, fair and independent;
2. Understanding, declaring and managing conflicts of interest and conflicts of loyalties;
3. Protecting and promoting our organisation's reputation.

We confirm that our organisation is committed to the standards outlined in these principles. We commit to reviewing our organisational practice against the recommended actions for each principle every year.

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**Chairperson of Board [Date]**

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**Secretary of the Board [Date]**