



## **BARTON-LE-CLAY PARISH COUNCIL EQUALITY AND DIVERSITY POLICY**

### **Introduction**

Barton-le-Clay Parish Council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination. The Council welcomes diversity in the workplace and in the Parish community. When considering employment or community initiatives, the Council will be mindful of the religious, cultural, or other considerations relating to diverse audiences.

This policy is intended to assist the Council put these commitments into practice. Compliance with this policy aims to ensure that acts of discrimination do not occur, whether in the workplace or in the delivery of the Council's activities.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. To this end the Council has adopted a detailed **Anti-Harassment and Bullying Policy**.

The law prohibits discrimination, whether directly or indirectly, in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Beyond the sphere of employment, the same "protected characteristics" and non-discriminatory legal obligations apply, across all aspects of the Council's activities.

This policy is applicable to all employees and to members of the Council. All are required to promote and adhere to the Council's commitment to Equality and Diversity. Failure to do so may result in Disciplinary action.

### **Policy**

It is Council policy to fully comply with the requirements and spirit of all laws relating to discrimination in the workplace, and the employment relationship. The Council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Likewise, Council policy is to be totally non-discriminatory in its offering and delivery of services, whether this be through the actions of its staff or the deliberations/decisions of the Council.

## **Equal opportunities in employment**

### Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

### Working practices

The Council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done. When considering requests for variations to these standard working practices it will refuse such requests only if the council considers it has good reasons, unrelated to any protected characteristic, for doing so. The Council will comply with its obligations in relation to statutory requests for contract variations. The Council will also endeavour to make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

### Equal opportunities monitoring

The Council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process. In the case of Disabilities, the Council will endeavour to make reasonable adjustments in order to accommodate the needs of any disabled employee, or potential employee. Such adjustments might include for example matters relating to the scope, method, process of work to be performed, or to the work environment or worktime schedule

### Training and awareness

The Council will ensure understanding of equality and diversity law and of associated Council policy by all those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

Likewise, the Council will raise the awareness of all staff engaged to work at the Council to help them understand their rights and responsibilities under the Council's **Anti-Harassment and Bullying Policy**. The intention is to enable them to help build and maintain an environment of Dignity at Work and ensure they know what to do should anything go wrong

## **Equal opportunities – in relation to people not employed by the council**

The Council will not unlawfully discriminate against, harass, or victimise any non-employee, regarding any matter relating to the provision of services or goods, nor otherwise.

With particular regard to Disability, the Council will comply with its statutory duty to make reasonable adjustments to overcome barriers to using services caused by disability. In so far as is reasonable, this duty includes the removal, adaptation or alteration of physical features, if these make it impossible or unreasonably difficult for disabled people to make use of services. In

addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### **Ensuring compliance**

The Council will put in place processes to audit compliance with all facets of its legal obligations and Policy relating to Equality and Diversity.

### **Privacy – in matters relating to Equality and Diversity**

Data. The Council treats all personal data collected for reviewing equality and diversity in accordance with its **Data Protection Policy**. Information about how data is used and the basis for processing is provided in the council's privacy notices.

Other. Any other information received by the Council for example relating to complaints/grievances will be held in strictest confidence and matters reliant on such information will be handled with the greatest sensitivity

### **Definitions:**

The following definitions are included as guidance for all to aid understanding and to support compliance with the intentions of Council policy.

#### Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

Reasonable adjustments. The requirement to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic. The employer is required to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

### **Responsibilities of employees and Councillors to support Equality and Diversity**

Every employee and Councillor is required to assist the Council meet the Policy and commitments contained in this document and other relevant Council policy documents. Individuals can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Those who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and may constitute gross misconduct leading to dismissal without notice. Matters will be dealt with under the council's disciplinary procedure, (or Code of Conduct in the case of a Councillor)

Employees should report any bullying or harassment by suppliers, visitors or others to the Clerk, Council Chair or Vice-Chair who will take appropriate action.

### **Grievances**

If you consider that you may have been unlawfully discriminated against, you should use the Council's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the Council's Anti-Harassment and Bullying policy.

The Council will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

### **Monitoring and review**

This policy will be reviewed by the Pay & Personnel Sub-Committee bi-annually to judge its effectiveness before being submitted to the Council for adoption. This is a non-contractual procedure which will be reviewed from time to time.