

Equality in employment policy

The councils reserve the right to revise, withdraw or replace the content of this policy at any time and to introduce new policies from time to time to reflect the changing needs of the organisations.

Policy statement

1. Both councils are committed to being equal opportunities employers and aim to promote equality of opportunity and avoid unlawful discrimination in all aspects of employment. This policy supports the councils' corporate equality objectives.
2. This policy is intended to assist the councils to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

The law

- it is unlawful to discriminate directly or indirectly in recruitment or employment on the grounds of 'protected characteristics', specifically age, sex, gender reassignment, pregnancy and maternity, race (including colour, nationality, and ethnic or national origins), disability, sexual orientation, religion or belief, or because someone is married or is a civil partner
- we are required to make reasonable adjustments to take account of a disabled person's impairments, even where that involves treating them more favourably
- we have a duty to provide reasonable adjustments to overcome barriers to employment caused by disability
- we have a duty to advance equality of opportunity between people who share a protected characteristic and those who do not
- we have a duty to foster good relations between people who share a protected characteristic and those who do not
- discrimination after employment may be unlawful, e.g. in refusing to give a reference or in the form of reference given
- some types of harassment or bullying will be unlawful discrimination. Please refer to the separate Dignity at Work policy
- it is unlawful to victimise someone because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

Types of unlawful discrimination

3. **Direct discrimination** is where a person is treated less favourably than another in comparable circumstances. An example of direct sex discrimination would be refusing to employ a woman because she was pregnant. Unlike the other forms of discrimination, direct discrimination on the grounds of age can be justified in certain circumstances if it is a proportionate means of achieving a legitimate aim. It may also be lawful to treat a disabled person more favourably than a non-disabled person.
4. Indirect discrimination may occur when an employer applies an apparently neutral provision, criterion or practice which puts workers sharing a protected characteristic e.g. sex, race or age at a particular disadvantage. An example of indirect sex discrimination could be requiring everyone to work full time unless there is a good reason, unrelated to sex, as to why the particular job has to be done on a full-time basis. Requiring everyone to work full time will normally adversely affect a higher proportion of women than men.
5. **Associative discrimination** is when someone is discriminated against because they are associated with another person who possesses a protected characteristic (for example discrimination against the parent of a disabled child).
6. **Perceptive discrimination** occurs when an individual is directly discriminated against because others think they possess a protected characteristic (for example discriminated against a heterosexual because they are mistaken for homosexual).
7. **Harassment** is where there is unwanted conduct related to one of the prohibited grounds which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, or is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct. Employees can also be harassed if they find behaviour that is not directed at them personally offensive. Employers can also be liable for harassment of their employees by third parties such as customers and clients.
8. **Failure to make reasonable adjustments** is where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage. For example, an employee who has severe dyslexia being denied the flexibility to work from home when necessary and practicable to help aid their concentration could be viewed as failing to make a reasonable adjustment.

9. **Victimisation** is where someone is treated badly as he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

Policy aims

10. The councils will advance equality of opportunity and avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
11. Job descriptions and person specifications will be limited to those requirements that are necessary for the effective performance of the job.
12. 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. This will help the councils to always recruit and retain the best person for the job.
13. Disability and personal or home commitments will not form the basis of employment decisions except where justified in order to meet the needs of the business.
14. The councils 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 and will refuse such requests only if the councils consider they have good reasons, unrelated to any prohibited ground of discrimination, for doing so.
15. The councils will comply with their obligations in relation to statutory requests for contract variations.
16. The councils will also make reasonable adjustments to their standard working practices to best support disabled job applicants and employees.
17. The councils will monitor a range of employment indicators according to the ethnicity, gender, disability, sexual orientation, religion and belief and age of employees. They will take appropriate action to address any significant under-representation or barriers which may be identified as a result of the monitoring process. The purpose of this monitoring is to help the councils ensure that their employment practices and opportunities are fair and accessible for all.
18. The councils will not discriminate in the selection of employees for recruitment or promotion, but may use appropriate lawful methods, including

lawful positive action, to address the under representation of any group in particular types or levels of job.

19. The councils will carry out equality impact assessments (EIAs) on their HR function in accordance with corporate EIA timetables and the development of any new policies / strategies.
20. The councils have a zero tolerance approach to harassment and victimisation (see the Dignity at Work policy).

Responsibilities

21. The chief executive of the councils' paid establishment has overall responsibility for ensuring that this policy is operated effectively. Each director is responsible for ensuring that equal opportunities are promoted within their portfolio.
22. It is the responsibility of the HR team to ensure that the policy is being monitored effectively and communicated to all job applicants and that managers are communicating policies effectively to employees.
23. Each manager is responsible for ensuring all employees are aware of their responsibility not to discriminate, promoting equality and diversity within the work place and ensuring that every employee complies with this policy.
24. Every employee is required to assist the councils to meet their commitment to provide equal opportunities in employment and avoid unlawful discrimination.
25. Employees can be held personally liable as well as, or instead of, the councils for any act of unlawful discrimination.
26. Acts of discrimination, harassment, bullying or victimisation against employees will be dealt with under the councils' disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Training

27. All members and employees will be made aware of this policy during their induction process. All new employees will attend general equality and diversity training which will also be offered to councillors..
28. The councils will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues and issues relating to pay and benefits are likely to arise.

Grievances

29. If you consider that you may have been unlawfully discriminated against, you may use the councils' grievance procedure to make a complaint or you may wish to talk to your HR business partner in the first instance.
30. The councils will take any complaint seriously and will seek to resolve any grievance which 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.

Equal Pay

31. The councils are committed to operating a pay and reward system which is transparent, based on objective criteria and free from bias. They will use an analytical job evaluation system to assess the demands of jobs and their place in the grading structure.
32. The councils also commit to reviewing pay every three years to ensure that there is no discrimination within the pay structure. They commit to provide clear information to all employees regarding our pay practices. If changes are required, the councils will implement them in consultation with the recognised trade union.
33. If you have a concern about equal pay you should, in the first instance, raise it with your line manager. Ideally, the matter will be dealt with informally although you may refer to the formal grievance procedure if an informal approach does not provide you with what you consider to be a satisfactory outcome.

Monitoring and review

34. The HR Manager is responsible for the effective implementation of this policy and for ensuring it is reviewed regularly. This will include an annual summary of equalities data relating to the councils' employees and potential employees which may result in amendments to this policy.
35. Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

Version 1 issued: August 2010
Version 2 issued: January 2012

Review Due: January 2015

Law relating to this document

- Equality Act 2010
- Civil Partnership Act 2004
- Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005 (SI 2005/2114)
- Human Rights Act 1998