

# Equality and Diversity in Employment Policy

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<b>Governance Committee</b>	<i>Policy and Strategy Committee</i>	<b>Date approved</b>	<i>insert date</i>
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<b>Strategic Alignment</b>
Priority: Improve North Lanarkshire’s resource base
Ambition statement: (23) Build a workforce for the future capable of delivering on our priorities and shared ambition

<b>Consultation process</b>		
<b>Stakeholders</b>	Contacts identified for each service	
	<i>Joint Trade Unions</i>	
	<i>Employee Equality Forum</i>	
<b>Distribution</b>		

## Change record

<b>Date</b>	<i>11/06/2020</i>	<b>Author</b>	<i>Audrey Cameron</i>
<b>Change made</b>	<i>Update in line with The Plan for North Lanarkshire and legislative and national policy changes</i>		

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## 1. Statement on Policy

1.1 The ***We Aspire*** vision for North Lanarkshire sets out the Council's commitment to make North Lanarkshire a place where everyone is given equality of opportunity, where individuals are supported, encouraged and cared for at each key stage of their life. That vision is integral to this policy which details the Council's approach to promoting and advancing equality in its employment practices both for prospective employees and existing employees. The policy applies to every aspect of employment, from recruitment through pay, access to facilities and employment benefits, discipline and grievance procedures to the end of the contractual relationship and beyond.

1.2 The Council's responsibilities for equality are broader than those characteristics protected by the Equality Act (2010), which are:

- age;
- disability;
- gender re-assignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief or non-belief;
- sex; and
- sexual orientation.

The Council recognise that individuals may face discrimination and harassment for other reasons including:

- health – state of health and physical or genetic characteristics;
- income, employment status or housing circumstance;
- social background – family circumstance or caring responsibilities;
- political beliefs;
- membership or non-membership of trade unions; or
- is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

In addition we understand that people's experiences of discrimination can vary due to intersectional characteristics, for example older and Black and minority ethnic women's experiences may be affected by not only sexism but also ageism and racism.

1.3 As a progressive employer the Council recognise the links between labour market inequality and societal inequalities and the role the Council plays as an employer in tackling those inequalities. In particular, as our workforce is predominantly female we have a strong commitment to addressing gender inequality as a cause and consequence of violence against women.

1.4 The aim of the policy is to:-

advance equality through employment opportunities;

ensure that no employee or job applicant receives less favourable treatment than any other because of a characteristic listed in 1.2;

ensure that employees or job applicants are assessed according to their capability to carry out a given job, giving due consideration to the requirement to make reasonable adjustments for disabled candidates, based on justifiable, objective criteria which are clearly related to the duties;

put in place positive action measures to address areas of under representation of particular groups in particular jobs and grades where appropriate and permissible by legislation ;

protect employees from being discriminated against, because of one or more of the protected characteristics that apply to them;

work with employees to tackle attitudes and behaviours that lead to discrimination for example ageism, sexism and misogyny, racism, homophobia and transphobia; disabilism, etc.

to apply relevant supportive employment procedures and practices and to continue to develop appropriate training programmes.

1.5 We will use the "social model of disability" as the basis for our work to promote equality of opportunity and to tackle discrimination against disabled people. This describes disability not as a medical issue, but one where disabled people face daily barriers in society such as attitudinal, environmental, institutional, information and communication barriers.

## 2. Scope of Policy

2.1 In developing and adopting employment policies, procedures and practices we will seek to advance equality and diversity in employment and eliminate discrimination, regularly reviewing their effectiveness in respect of the following key areas:

(a) **Recruitment**

All advertisements, job descriptions, person specifications etc. will comply with the terms of this policy and will be worded and displayed in ways designed to encourage applications from all suitable potential applicants. To this end, clear job descriptions and objective person specifications (using only necessary and relevant criteria to do the job) will be used.

The Council will actively encourage applications from underrepresented groups by promoting positive action measures for example displaying Happy to Talk Flexible Working on all job adverts; promoting vacancies to organisations representing those under-represented groups, etc.

Selection will be based on the extent to which candidates possess the criteria, properly laid down to fulfil the duties of the post. We will also ensure that employees and elected members involved in the recruitment process are given adequate and appropriate training. Candidates will only be assessed against relevant, clearly identified requirements for the job.

**(b) Employee Training and Development**

We will continue to encourage employees to undertake courses of study and training, where appropriate, and will ensure that selection for such courses shall be in the best interest of the service and applied on a fair and consistent basis.

All newly appointed employees will undergo mandatory training on their responsibilities under the Equality Act 2010 and the Public Sector Equality Duties.

**(c) Terms and Conditions of Employment**

We seek to ensure that employees are not discriminated against in terms of application of hours of work; pay grades; structures; transfers; arrangements to meet special needs or disabilities; facilities, benefits etc.

**(d) Standards of Conduct**

We will treat as misconduct any attempt on the part of an employee to harass, intimidate, victimise or abuse other employees or members of the public. The Council will ensure that every employee understands their responsibilities under the Council's Employee Code of Conduct and Dignity at Work Policy.

**(e) Grievance**

We seek to ensure that, where an employee is pursuing a grievance on any matter, fair consideration will be given to that grievance.

**(f) Discipline**

We seek to ensure that, where it is found necessary to invoke disciplinary procedures, fair and equitable treatment is applied to all employees concerned.

**(g) Termination of employment**

We seek to ensure no discrimination is suffered by employees in relation to dismissal, selection for redundancy, voluntary severance or retirement.

### **3. Principles of the Policy**

#### **3.1 Our Responsibilities**

It is recognised that responsibility for providing equal employment opportunities rests with the council as an employer and that the council has overall responsibility for ensuring the full implementation and monitoring of the policy.

**3.2** Executive Directors have a specific responsibility for the implementation and monitoring of equal opportunities within their own service and areas of work, albeit within the council procedures.

**3.3** The Head of People and Organisational Development will, in addition, have responsibility for:

- (a) ensuring the Equality and Diversity in Employment Policy is implemented and monitored.
- (b) co-ordinating, controlling and standardising policies, procedures and practices, and
- (c) the provision of necessary training and guidance for employees and elected members to achieve equality of opportunity in all areas of employment throughout the council.

**3.4** We make the following commitments to ensure effectiveness of the policy:

- (a) to consult, where appropriate, with relevant trade unions and other appropriate employee representative groups on the content, implementation and monitoring of the policy.
- (b) to ensure the policy is made known to all employees and job applicants and that employees are made aware of their responsibilities under the policy.
- (c) to provide training and guidance for employees as appropriate.
- (d) to examine and regularly review employment procedures and practices with a view to promoting equality of opportunity and eliminating discrimination.
- (e) to regularly monitor policy effectiveness and identify possible areas for action.

#### **3.5 Employee Responsibilities**

**3.5.1** Although the primary responsibility for ensuring equality of opportunity in employment rests with the council as an employer, the policy can only be truly effective if it has the commitment of all employees.

**3.5.2** Individual employees at all levels have responsibility under both legislation and the policy for assisting in the promotion of equality and the prevention of discrimination. In particular, individual employees:

- (a) are required to implement or comply with measures introduced by the council to promote equality of employment opportunities and eliminate discrimination.
- (b) must not harass, abuse, or intimidate other employees on any ground or otherwise act in a discriminatory manner.
- (c) must not discriminate against other employees of the council or job applicants.
- (d) must not induce or attempt to induce other employees or trade unions to practise discrimination.
- (e) are required to draw to the attention of management any suspected discriminatory acts or practices in contravention of the policy. This can be done informally by raising it with an appropriate senior officer, or formally through the council's grievance procedure or through the council's corporate complaints procedure.
- (f) must not victimise any individuals on the grounds that they have made complaints or provided information about discrimination or harassment.
- (g) must ensure that no actions are undertaken in their dealings with members of the public which could be held to be discriminatory in terms of the policy.

**3.6** Discriminatory acts or omissions committed by employees in the course of their employment will be viewed seriously and will normally result in disciplinary action being taken which may include dismissal.

#### **4. Monitoring**

The Council will maintain procedures and systems for monitoring and analysing the implementation of the policy. This includes collecting and analysing information on employees by protected characteristic in relation to:

- Composition of the workforce - applied, interviewed, appointed, promotions, development and retention.
- Occupational Segregation - vertical and horizontal
- Pay gaps
- Applications for flexible working
- Grievance and Discipline
- Dignity at Work

Results of this monitoring and analysis will be published regularly and at least every 2 years within the Council's Mainstreaming Equality Report.

#### **5. Redress**

**5.1** Any employee who considers that he or she is suffering, or has suffered unfair or unequal treatment, in contravention to this policy, may raise a complaint which will be dealt with in accordance with the agreed procedures for dealing with grievances.



A job applicant who is not an employee of the council should make their complaint known to the Chair of the selection panel.

## **6 Legislation**

**6.1** This policy was created taking into account and incorporating the following legislation:

- Equality Act 2010 and in particular the following Codes of Practice:
  - (a) Employment: Statutory Code of Practice (and supplements)
  - (b) Equal Pay: Statutory Code of Practice
- Human Rights Act 1998
- Rehabilitation of Offenders Act 1974 and Exceptions Order 1975

**6.2** The Equality Act 2010 recognises four forms of discrimination, namely direct discrimination, indirect discrimination, victimisation and harassment.

### **(a) Direct Discrimination**

This is when you are treated worse than another person or other people because:-

- you have a protected characteristic
- someone thinks you have that protected characteristic (known as discrimination by perception)
- you are connected to someone with that protected characteristic (known as discrimination by association)

Your circumstances must be similar enough to the circumstances of the person being treated better for a valid comparison to be made.

If you cannot point to another person who has been treated better, it is still direct discrimination if you can show that a person who did not have your protected characteristic would have been treated better in similar circumstances.

To be unlawful, the treatment must have happened in one of the situations that are covered by the Equality Act. For example, in the workplace or when you are receiving goods or services.

### **(b) Indirect Discrimination**

Indirect discrimination happens when there is a policy that applies in the same way for everybody but disadvantages a group of people who share a protected characteristic, and you are disadvantaged as part of this group. If this happens, the person or organisation applying the policy must show that there is a good reason for it.

(c) **Victimisation**

Occurs where a person is treated less favourably than others would be because he/she has complained or given information about alleged discrimination. The legislation provides that those who bring proceedings give evidence or information or allege a contravention of the Acts, are protected from victimisation unless the allegation is both false and made otherwise than in good faith.

(d) **Harassment**

Occurs when a person engages in unwanted conduct which is related to one or more of the relevant protected characteristics and which has the purpose or the effect of:-

- violating the dignity of another person or
- creating for that person an intimidating, hostile, degrading, humiliating or offensive environment.

The council's Dignity at Work policy aims to give employees a means of challenging harassment and bullying when experienced in the course of their employment.

**7. Links to other Council Policies and Strategies**

The Equality and Diversity in Employment Policy is not a stand-alone policy. It is the principle policy on how all other Council employment policies interact with our responsibilities in relation to equality.

Discipline Policy

Dignity at Work Policy

Employee Code of Conduct

Equal Pay Policy Statement

Equality and Diversity Policy

Gender Based Violence Policy

Grievance Policy

Managing Attendance Policy

Maternity Policy

Organisational Planning and Change Policy

Reasonable Adjustment Protocol

Smarter Working Policy

Special Leave Policy

Equality Strategy 2019-2024

Mental Health and Wellbeing Strategy

Workforce for the Future Strategy