

Equality and Diversity in Employment Policy

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Governance Committee		Date approved	
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Strategic Alignment
Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

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

Change record

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1. Statement on Policy

1.1 We are committed to the principle of equality and diversity in employment and embrace the spirit of the relevant legislation and codes of practice and recognise the need to ensure equality for our employees and prospective employees. This policy outlines our commitment, in conjunction with relevant trade unions, to eliminate discrimination and promote equality in employment. The terms of this policy are in accordance with the spirit and principles of the council's Equality and Diversity Policy.

1.2 The aim of the policy is:

- (a) to promote equality of employment opportunities.
- (b) to eliminate unfair, unlawful or inappropriate discrimination in employment in the council.
- (c) to ensure that no employee or job applicant receives less favourable treatment than any other on any grounds including the following:
 - age
 - gender and transgender identity
 - race, colour, nationality, national or ethnic origins including gypsy travellers,
 - disability,
 - health
 - religion or belief or non- belief, or other beliefs,
 - marital status,
 - civil partnership status
 - family circumstances or caring responsibilities,
 - sexual orientation,
 - income,
 - employment status or housing circumstances,
 - membership or non-membership of a trade union
 - or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.
- (d) to ensure that no employee or job applicant is placed at a disadvantage by requirements or conditions which have a disproportionately adverse effect on their racial group, gender or on people with disabilities and which cannot be shown to be justifiable on other grounds.

- (e) to provide positive action measures where appropriate and permissible by legislation. Positive Action is designed to get more under represented groups into a position where they will be the best candidates. Employers are allowed to give special encouragement to and provide specific training for the under represented groups to enable them to take advantage of employment opportunities. Selection must still be on merit as it does not guarantee an interview.
- (f) to 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.
- (g) to apply relevant supportive employment procedures and practices and to continue to develop appropriate training programmes.

1.3 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 promote equality and diversity in employment and eliminate discrimination, regularly reviewing their effectiveness in respect of the following key areas:

(a) Recruitment

We seek to ensure that all advertisements, job descriptions, person specifications etc. comply with the terms of this policy and are worded and displayed 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.

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.

(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.

(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 Assistant Chief Executives 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 Business, Organisational & People Solutions 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 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 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

4.1 We will develop and maintain procedures and systems for monitoring the implementation of the policy. This will involve the collection of relevant

information and statistics on the composition of the workforce and job applications. Results of this monitoring will be published, periodically.

4.2 It is intended that the composition of the workforce and job applicants will be monitored by means of information provided through voluntary self classification. This will be done via personal profiles and applicants monitoring forms and will include information on:

- (a) Gender
- (c) Disability
- (d) Ethnic Origin
- (e) Age

Such data will be used, solely, for monitoring purposes and arrangements will be made to protect the confidentiality of it.

5 Redress

5.1 Any employee who considers that he or she is suffering, or has suffered unequal treatment on the grounds of

- Age
- gender and transgender identity
- race, colour, nationality, national or ethnic origins including gypsy travellers,
- disability,
- health
- religion or belief or non- belief, or other beliefs,
- marital status,
- civil partnership status
- family circumstances or caring responsibilities,
- sexual orientation,
- income,
- employment status or housing circumstances,
- membership or non-membership of a trade union
- or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

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:

- Equal Pay Act 1970 as amended,
- Equality Act 2010
- Rehabilitation of Offenders Act 1974 and Exceptions Order 1975
- Human Rights Act 1998,
- Protection from Harassment Act 1997,
- Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Religion or Belief) Regulations 2003 and in particular, the following Codes of Practice:
 - (a) Code of Practice for the elimination of discrimination on the grounds of sex and marriage and the promotion of equality of opportunity in employment.
 - (b) Code of Practice, Gender Equality Duty
 - (c) Code of Practice for the elimination of racial discrimination and the promotion of equality for opportunity in employment.
 - (d) Code of Practice for the elimination of discrimination in the field of disabled persons or persons who have had a disability.
 - (e) Code of Practice on Equal Pay.
 - (f) Code of Practice on measures to combat sexual harassment.
 - (g) Code of Practice on Age Diversity in Employment.
 - (h) Disability Equality Duty Statutory Code of Practice (Scotland)

6.2 The legislation recognises three forms of discrimination, namely direct discrimination, indirect discrimination and victimisation.

- (a) Direct Discrimination

This occurs when a person is treated less favourably on the grounds of race, religion or belief or non- belief, sex or marital status or sexual orientation, or because of a disability than others are or would be treated, in the same or similar circumstances.

- (b) Indirect Discrimination

This occurs where an employer applies a provision, criterion or practice which has a disproportionately adverse effect on a certain racial group, or puts people of a particular religion, belief or non- belief, sexual orientation or gender, or married people or people who have a disability at a particular disadvantage.

(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.