

# Thurcaston & Cropston Parish Council

## Equality Policy

### INTRODUCTION

Thurcaston & Cropston Parish Council has committed itself to a policy of equality of opportunity in employment and to avoiding unlawful discrimination in employment and against customers.

Although the overall responsibility for achieving, promoting and providing equality of opportunity rests with the employer (the Council) employees at every level have a responsibility to own and promote the Policy. The active co-operation of Elected Members, and all employees is, therefore, essential for the success of the Council's Equalities Policy.

This document, therefore, outlines the Council's Equalities Policy, the Council's obligations under existing legislation and its intention to abide by and comply, not only with the requirements, but also the spirit of the legislation.

### EQUAL OPPORTUNITIES AND DIVERSITY IN EMPLOYMENT POLICY STATEMENT

Thurcaston & Cropston Parish Council positively supports the principle of equal opportunities in the provision of services and employment. It opposes all forms of unlawful or unfair discrimination.

Equality of opportunity means that service users, job seekers, contractors, suppliers and employees will be treated equally and fairly regardless of their protected characteristic.

The Council welcomes and values the diversity of its workforce, the people and the communities in the Borough, and of the people who use our services. The Council is seeking to ensure that through its policies, service delivery, employment, contracting and funding practices, we achieve the highest possible equality standards.

Thurcaston & Cropston Parish Council's Equalities Policy has been developed in accordance with Equality Act 2010.

### OUR COMMITMENT TO DIVERSITY

Thurcaston & Cropston Parish Council, in the delivery of its services and in its employment of staff, will be proactive in eliminating discrimination as a result of a protected characteristic .

Thurcaston & Cropston Parish Council will take all reasonable action to ensure disabled persons to have access to our services and to job opportunities that arise within the Council.

Thurcaston & Cropston Parish Council will respect the right of people to have a private and family life and to maximise their potential in all aspects of their lives.

Thurcaston & Cropston Parish Council will promote dignity and respect at work.

Thurcaston & Cropston Parish Council will promote and work towards creating a fairer community without discrimination and prejudice.

Thurcaston & Cropston Parish Council will promote Equality of Opportunity.

### THE LEGISLATION

The Equality Act 2010 is effective from 1 October 2010. The Act makes it unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality 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, eg refusing to give a reference for a reason related to one of the protected characteristics.

Subject to limited exceptions in some circumstances for religion or belief and sexual orientation, it is unlawful to discriminate directly or indirectly, harass or victimize a member of the public based on any of the protected characteristics in the provision of services or goods.

It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features 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.

## LIABILITIES

All employees must be aware of their legal obligations under existing legislation and that unlawful acts of discrimination could render the Council and employees liable to legal proceedings. However, it should be emphasized that employees may be held solely liable in civil proceedings for unlawful acts of discrimination if the Council can establish that it has taken such steps as are reasonably practicable to prevent acts of discrimination. This may also be the case if the act is neither authorized nor a means of doing an authorized act.

## DEFINITION OF TERMS AS USED IN THIS POLICY

### PROTECTED CHARACTERISTICS

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex (gender)
- Sexual Orientation

This policy document refers to five categories of discrimination which are defined as follows,

#### Direct Discrimination

A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

#### Associative Discrimination

A person (A) discriminates against another (B) if, because of A's association with another person who possesses a protected characteristic, A treats B less favourably than A treats or would treat others.

#### Perceptive Discrimination

A person (A) discriminates against another (B) if, because A perceives that B possesses a protected characteristic, A treats B less favourably than A treats or would treat others.

#### Dual Discrimination

A person (A) discriminates against another (B) if, because of a combination of two relevant protected characteristics, A treats B less favourably than A treats or would treat a person who does not share either of those characteristics

#### Indirect Discrimination

Arises where A applies a provision, criterion or practice (PCP) to B or to persons with whom B does not share the relevant protected characteristic. The PCP puts or would put persons with whom B shares the protected character-

istic at a particular disadvantage when compared with persons with whom B does not share the characteristic. When the PCP puts or would put B at that disadvantage and the PCP is not a proportionate means to achieving a legitimate aim.

In addition to these five areas of discrimination there is also,

#### Harassment

A person (A) harasses another (B) if A engages in unwanted conduct related to the protected characteristic which has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

There is no requirement that the complainant possesses the protected characteristic themselves and so this covers association and perception.

Harassment also includes the unwanted conduct of third parties.

#### Victimisation

Is unfair treatment where a person victimizes another person (B) if A subjects B to a detriment because either B does a protected act or A believes that B has done or may do a protected act.

A protected act is doing anything for the purpose of or in connection with the Equality Act and specifically includes bringing proceedings, giving evidence or information in connection with proceedings, making an allegation that another person has contravened the Act.

#### PROGRAMME OF ACTION

The following sections outline the steps which the Council will take to develop and implement good employment and human resource practices in pursuit of its Equalities Policy.

#### RECRUITMENT, SELECTION & PROGRESSION

All job advertisements will include the following statement:

'We are working towards being an Equal Opportunities Employer'

The Council will take steps to ensure that,

- all sections of the community and the Council's workforce are fully informed of job opportunities within the Council and are encouraged to apply
- the criteria for selection and progression are determined solely on the basis of the requirements of the job
- people are selected and appointed solely on the basis of their relevant, assessable experience and abilities
- all members of selection and interviewing panels will be trained in and expected to demonstrate an understanding of the Council's Equalities Policy
- all job descriptions and person specifications will make reference to the Equalities policies
- that a specific question to test the understanding of equalities is asked at interview or during the selection process.
- it is compulsory for all new employees to attend an equalities workshop as part of the induction process.

#### TRAINING AND DEVELOPMENT

The Council will,

- provide the training required to implement this Equalities Policy

- ensure that all employees will have equal and direct access to training and development opportunities regardless of their protected characteristic
- evaluate all training provision, both internal and external, to ensure it complies with this Equalities Policy
- The Council will develop and promote measures to increase the number of people with disabilities at all levels within its workforce.

The Council will develop a programme of measures to provide greater opportunities for people who need or wish to combine employment with other responsibilities.

#### RETENTION AND RETRAINING

The Council will endeavour to retain and retrain as necessary, employees who become disabled or whose disability deteriorates. These employees will be counselled to ensure that alternative job or retraining opportunities offered are in accordance with their wishes and the necessary procedures will be developed.

Retirement or dismissal on the grounds of ill health will only be considered in the last resort.

#### TERMS & CONDITIONS OF EMPLOYMENT

Observance of the Council's Equalities Policy is a condition of employment.

The Council will review existing locally determined terms and conditions of service to ensure that they do not discriminate and will amend and develop where necessary to bring them into line with its Equalities Policy.

The Council will take whatever action is open to it, in the consultative and negotiating process, to ensure that nationally determined terms and conditions of service do not discriminate and are in line with its own Equal Opportunities Policy.

#### DISMISSAL & REDUNDANCIES

The Council will ensure that dismissal and redundancy decisions are not made on the basis of a protected characteristic

#### DIGNITY AT WORK

The Council is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Some harassment is unlawful discrimination and serious harassment may be a criminal offence.

A single incident can be harassment if it is sufficiently serious.

Thurcaston & Cropston Parish Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

Employees have a right not to be victimized for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that is known to be untrue may lead to disciplinary action being taken against the complainant..

#### DISCIPLINE

Acts of discrimination, victimization and harassment as defined in this document, perpetrated by an employee of the Council against other employees, clients or members of the public will result in disciplinary action. This will also apply to employees who attempt to induce other employees to discriminate, victimize or harass.

Failure to comply with or adhere to the Council's Equalities Policy will be treated as a disciplinary offence.

## GRIEVANCES

The Council will treat seriously and take prompt action on any employee grievance concerning discrimination, victimization or harassment.

The Council will encourage the development of appropriate support systems and procedures for employees who wish to pursue such grievances.

In addition to the grounds covered by the existing grievance procedure, an employee who considers that she/he has been subjected to discrimination, victimization or harassment by another employee will have recourse to the grievance procedure.

## THE WORKING ENVIRONMENT

The Health and Safety at Work Act 1974, Section 2 (2), imposes on an employer the duty of the provision and maintenance of a working environment for employees that is, so far as is reasonably practicable, safe, without risk to health and adequate as regards facilities and arrangements for their welfare at work.

The Council will take steps to ensure that,

- it will provide a safe and accessible working environment for existing and potential employees
- it will provide equipment and facilities, including adaptations to the workplace to enable people with disabilities to develop their full potential
- action will be taken to protect employees who are at risk of violence while carrying out their duties.

## CONSULTATION

The Council will consult with all recognized Trade Unions representing its workforce to secure their support and co-operation in the promotion and implementation of its Equalities Policy.

The Council will seek to consult with all sections of the community in the furtherance of its Equalities Policy.

## IMPLEMENTATION OF THE POLICY

The Council will ensure that its Equalities Policy is implemented at all levels and locations within the Council.

Overall responsibility for implementation of the policy resides with the Parish Council (the employer).

Every employee is required to assist The Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimization against employees or customers are disciplinary offenses and will be dealt with under the Council's disciplinary procedure. Conduct of this type will often be gross misconduct which can lead to dismissal without notice.

## MONITORING

Monitoring is an essential and integral element of the Council's Equalities Policy. The Council will develop a comprehensive monitoring system in order to examine the effective implementation of its policy and to assess whether it is achieving its aims and objectives, and to plan future priorities and strategies.

## REVIEWING THE POLICY

No policy document is static and must be subject to changes. It is the Council's intention to keep this policy and its existing codes of practice, management guidelines, instructions, procedures, etc under review, to ensure that the Council's commitment to equality of opportunity as set out in its policy statement is adopted and implemented.

## IMPLICATIONS OF THE POLICY

The Policy applies to all those who are employed by the Council.

Elected Members will be expected to act in accordance with the Council's Equalities Policy.

In addition, the Council will seek to ensure that individuals, voluntary organizations, firms and institutions, acting on behalf of or as agents of the Council do not practice unlawful and unfair acts of discrimination.