



Equality in Employment Policy

July 2011 – March 2015

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Introduction

North Devon Council is committed to eliminating discrimination and encouraging diversity amongst our workforce. Our aim is that all employees feel respected and enjoy being in a comfortable work environment.

This document outlines the Council's policy for equality within the Council and applies to all employees.

North Devon Council is committed to providing high-quality services that everyone can use. As an employer, we value equality and want a workforce that reflects the community that we serve. Our Equality Policy is the document that will shape and guide our equality work. It is unacceptable that any employee should experience harassment or discrimination. As a Council, we take our responsibilities for promoting equality seriously.

Scope of this Policy

This policy forms part of the Council's overall Equality Scheme and it applies to all employees, and those providing services on behalf of and in partnership with the Council.

Equality legislation is in place to protect individuals. Central to this policy are the prevention of discrimination, victimisation and harassment against employees on any grounds and the promotion of good employee relations in respect of the following : (Please see Appendix 1 for definitions).

- Age
- Disability
- Gender
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or belief
- Sexual orientation

The new act also extends some of these protections to characteristics that previously were not covered by equality legislation. Employers now need to be aware of the seven different types of discrimination under the new legislation. (Please see Appendix 2 for definitions).

Our Commitments to Equality in Employment

The Council is working towards achieving a diverse workforce and offering equality of opportunity in employment, recruitment selection, training and development. We aim to ensure that the workplace is free from discrimination, victimisation or harassment of any kind.

The aim of this policy is:

- To show leadership and commitment in promoting equality and challenge and eliminate discrimination
- To ensure that equalities is mainstreamed and at the core of all employment matters
- To ensure fairness and consistency in working policies and practices
- To promote and implement equality of opportunity.

To meet these aims we will:

- Commit to the workplace being free of harassment, bullying and discrimination where everyone is treated with respect and allowed to develop at their full potential
- Have policies and procedures that comply with legislation and ensure existing policies and procedures are regularly reviewed and amended so they conform to any new legislation
- Ensure that equality and diversity is integrated throughout the culture of the Council
- Have service plans that integrate actions from our workforce plan profile
- Recognise and value the differences skills, abilities and experience people bring to the workplace
- Provide all employees with the training and development to enable us to achieve our equality objectives
- Ensure that no job applicant or employee receives less favourable treatment than another on any grounds or conditions, which cannot be justified
- Monitor and act upon adverse trends or inequalities in employment
- Ensure that equal pay is fully implemented
- Develop and monitor employment practices and tackle employment inequalities
- Ensure all job adverts make reference to our commitment to equality of opportunity and encourage applications from all sections of the community
- Record, analyse and monitor statistics relating to the workforce, recruitment and selection, internal promotion, disciplinaries and grievances, work-life balance applications, leavers, training and development
- Continue to develop and promote work/life balance initiatives to enable employees to achieve a better balance between home and work responsibilities.

Management and Employee Responsibilities

The success of this policy relies on the understanding and support of all employees and it is important that everyone takes account of the policy when managing employees or dealing with each other.

Managers are responsible for ensuring compliance with the policy and have a particular responsibility to comply, when:

- Recruiting new employees
- Making decisions about work-related opportunities, promotion and pay issues
- Managing performance, appraisals and the allocation of training
- Managing pregnant employees and those with dependent care responsibilities
- Managing change, including reorganizations and restructures
- Managing requests for flexible working and career breaks
- Managing attendance and/or absence issues
- Making selections for redundancy.

Employees are responsible for ensuring compliance with this policy and must not:

- Unfairly discriminate or harass against colleagues, other workers or job applicants
- Encourage their colleagues to treat others unfairly or to practice discrimination
- Victimise people who have made allegations or complaints of discrimination or who have been witnesses in cases of discrimination.

Human Resources are responsible for:

- Ensuring employment policies, procedures and practices reflect relevant employment legislation and best practice and are assessed for their equalities impact
- Providing advice on the application of this policy to managers and employees.

Compliance with the Policy

We all have a responsibility not to be offensive to colleagues or to participate in, condone harassment or unlawful discrimination of any kind. Complaints will be treated seriously and fully investigated.

If following an investigation there is evidence of discrimination, harassment or other breaches of this policy, then formal disciplinary proceedings will be instigated and this could result in dismissal from the Council.

Monitoring and Reviewing

As this policy forms part of the Council's Equality Scheme it will be reviewed under the same timescale, unless there is a change in employment legislation.

Any review will take into account the views of elected members, employees and trade unions.

Appendix 1 – Definitions

The Equality Act 2010 covers exactly the same groups of individuals that were protected by previous legislation. They are now referred to as 'protected characteristics'. The Act extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of the law.

Age

Where this is referred to, it refers to a person belonging to a particular age group for example 32 year olds or a range of ages for example 18 – 30 year olds. It protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it for example if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

Disability

The Act has made it easier for a person to show that they are disabled and protected by disability discrimination. Under the Act, a person is disabled if they have a physical or mental impairment, which has had a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

Gender

A man or a woman.

Gender reassignment (a process of transitioning from one gender to another)

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person under medical supervision to be protected – so a woman who decides to live as a man but does not undergo any medical procedures would be covered. It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

Marriage and civil partnership

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected. Marriage is defined as a 'union between a man and a woman'. Same sex couples can have their relationships recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal issues.

Pregnancy and maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and includes treating women unfavourably if they are breastfeeding. A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled.

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour and nationality (including citizenship) and ethnic or national origins.

Religion and belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (for example atheism). Generally, a belief should affect your life choices or the way you live for it to be included as a definition.

Sexual orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both the Act protects bisexual, gay, heterosexual and lesbians.

Appendix 2 Definition of types of discrimination

The new Act also extends protection to characteristics that were not previously covered by equality legislation. Employers now need to be aware of the seven different types of discrimination under the new legislation and these are:

Direct discrimination

This is where someone is treated less favourably than another person because of a protected characteristic.

Indirect discrimination

This can occur when you have a rule or a policy that applies to everyone but disadvantages a person with a particular characteristic.

Harassment

This is behaviour that is deemed offensive by the recipient. Employees can now complain of the behaviour they find offensive even if it is not directed at them.

Victimisation

This occurs when someone is treated badly because they have made or supported a complaint or grievance under the legislation.

Associated discrimination

This is direct discrimination against someone because they have associated with another person who possesses a protected characteristic (for example of associative discrimination might be a non-disabled employee who is discriminated against because of action she needs to take to care for a disabled dependent).

Discrimination by perception

This is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just perceived to. Perceptive discrimination already applied to age, race, religion or belief and sexual orientation and has been extended to cover disability, gender reassignment and sex.

Harassment by a third party

Employers are potentially liable for the harassment of their staff or customers by people they don't themselves employ, for example a contractor or a delivery person. An employer will only be liable if the harassment has occurred on at least two previous occasions, knows that it has taken place and has not taken reasonable steps to prevent it happening again.