

## Equality Policy

### **INTRODUCTION**

Boughton Monchelsea 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 Equality Policy.

This document, therefore, outlines the Council's 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**

Boughton Monchelsea 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.

Boughton Monchelsea Parish Council's Equality Policy has been developed in accordance with Equality Act 2010.

### **OUR COMMITMENT TO DIVERSITY**

Boughton Monchelsea 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 .

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

Boughton Monchelsea 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.

Boughton Monchelsea Parish Council will promote dignity and respect at work.

Boughton Monchelsea Parish Council will promote and work towards creating a fairer community without discrimination and prejudice.

Boughton Monchelsea 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 victimise 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 emphasised 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 authorised nor a means of doing an authorised 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
- 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 characteristic 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 victimises 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 intends to 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, or 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 and Progression

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 expected to demonstrate an understanding of the Council's Equality Policy
- all job descriptions and person specifications will make reference to the Equality Policy
- that a specific question to test the understanding of equalities is asked at interview or during the selection process. .

## **Training and Development**

The Council will,

- 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 that it complies with this Equality Policy

### **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 and Conditions of Employment**

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

### **Dismissal and 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.

All complaints relating to harassment will be investigated promptly in line with the Council's Harassment Policy. Boughton Monchelsea 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 victimised 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, victimisation 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, victimise or harass.

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

### **Grievances**

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

In addition to the grounds covered by the existing grievance procedure, an employee who considers that she/he has been subjected to discrimination, victimisation 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 seek to consult with all sections of the community in the furtherance of its Equality Policy.

## **IMPLEMENTATION OF THE POLICY**

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

Overall responsibility for implementation of the policy resides with the Council (the employer) the responsibility for day to day operation of the policy rests with the Clerk.

The Parish Council must ensure that all employees are aware of the policy and understand their role in its implementation.

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 victimisation against employees or customers are disciplinary offences and will be dealt with under the Company's disciplinary procedure. Conduct of this type will often be gross misconduct which can lead to dismissal without notice.

## **REVIEWING THIS POLICY**

No policy document is static and must be subject to changes. It is the Council's intention to keep this policy 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 Equality Policy.

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