

**SOUTH STAFFORDSHIRE COUNCIL**

**EQUAL OPPORTUNITIES'**

**POLICY**

Human Resources August, 2005  
MEO/TMR

## **EQUAL OPPORTUNITIES' POLICY**

### **1.0 Statement of Policy**

- 1.1 The Council is committed to equal opportunities in employment and service delivery, opposes all forms of unlawful and unfair discrimination. All employees, job applicants (actual or potential), and any other customer or service user of the Council will be treated fairly. Selection for employment, promotion, training, or any other benefit will be on the basis of aptitude and ability. The policy also applies equally to the treatment of customers, clients, and those tendering for business.
- 1.0 The commitment to equality of opportunity supports the Council's overall aim "To be a prosperous District with thriving communities" by providing access to services and facilities to all.
- 1.3 It is the Council's policy to provide equality in employment and service delivery irrespective of:
- Gender, marital status or family status
  - Religion or belief
  - Age
  - Disability
  - Race, ethnicity or nationality; and
  - Sexual orientation.
- 1.4 As a commitment to removing barriers to equal opportunities the Council is committed to taking positive steps including:-
- preventing any form of direct or indirect discrimination, harassment or victimisation;
  - promoting equal opportunities;
  - eliminate unlawful racial discrimination;
  - promoting good race relations between people of different racial groups;
  - promoting a good and harmonious working environment where all are treated with respect and dignity and in which no form of intimidation or harassment will be tolerated;
  - fulfilling all legal obligations under relevant legislation and associated Codes of Practice;
  - taking any necessary positive action, including setting goals and timetables.
- 1.5 The Council recognises that the provision of equal opportunities in the workplace is good management practice. The policy will help all employees to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.
- 1.6 Breaches of the equal opportunities policy and practice will be regarded as misconduct that may lead to disciplinary proceedings.

## **2. Definitions of Discrimination**

### **2.1 Direct Discrimination**

Generally direct discrimination consists of treating a person on grounds of race, sex, disability, sexual orientation or religion or belief less favourably than others are or would be treated in the same, or not materially different, circumstances. Examples include:-

- providing a service to someone on different terms because they are from one of the above groups
- refusing to serve a person
- the terms on which offers of employment are made
- refusing to offer employment.

### **2.2 Indirect Discrimination**

Indirect discrimination consists of an employer applying in any circumstances, on grounds of race, sex, disability, sexual orientation or religion or belief a provision, criterion or practice which, although applied equally to all groups, is such that a considerably smaller proportion of a particular group can comply with it and it can not be shown to be justifiable on other than these grounds. Examples include:-

- a rule about clothing or uniforms which disproportionately disadvantages a racial group
- requiring longer or wider experience, or qualifications, than are needed to carry out the duties of the post
- in recruitment to specify physical attributes, that are not genuine occupational requirements, that could exclude females or older persons from applying.

### **2.3 Harassment**

Harassment at work is a most pernicious form of abuse. It may be physical contact or violence, or it may take other forms. Possible examples include:-

- ridicule, offensive, intimidating or humiliating remarks
- exclusion from job-related conversations
- exclusion from work-related events
- unfair allocation of work
- offensive signs, pictures or calendars
- demands for sexual favours.

### **2.4 Victimisation**

Victimisation is where a person is treated less favourably because, for example, they have, or it is suspected they will, pursue their rights under the Equal Opportunities Policy via the grievance procedure and/or legal proceedings.

### **3. Implementation of the Policy**

3.1 The Council will regularly review its practices and procedures to ensure that they do not unlawfully discriminate against individuals or groups; whether directly or indirectly, and changes will be made where it is found that they are. The main areas of legislation are covered by the Equal Pay Act 1970, Race Relations Act 1976, Sex Discrimination Act, 1975 and 1986, Disability Discrimination Act 1995, Employment Relations Act 1999, Race Relations (Amendment) Act 2000, Human Rights Act 2000, Employment Equality (Religion or Beliefs) and (Sexual Orientation) Regulations 2003, or any other relevant legislation or code of practice.

1.0 In order to implement this policy, the Council will ensure that:

- The policy is communicated to all employees, through induction training, management training, team briefings, displays on notice boards, employee handbook, etc and made known to job applicants;
- Managers are aware of their responsibilities through appropriate training;
- An equal opportunities programme is developed which will include a range of initiatives, indicating, where appropriate, affirmative/positive action with targets and timetables.
- Appropriate training and guidance is provided. In particular, all those involved in assessing candidates for recruitment or promotion will be trained in non-discrimination recruitment and selection techniques;
- Consultation will take place with employee representatives on the implementation of this policy and any amendments to practice;
- All employees and job applicants are asked to complete a form denoting their sex, age, ethnic origin, and any disabilities. This form will only be used for the purpose of monitoring the effectiveness of this policy . It will not be used as part of the selection process and full confidentiality will be maintained;
- All service units undertake audits of service provision and formal monitoring to ensure that the authority's commitment to providing services fairly to all sections of the community is met.

### **1. Action to Eliminate Discrimination**

1.0 The Council aims to promote equality of opportunity for all existing and potential employees. By avoiding working and recruitment practices or arrangements that are discriminatory and engendering a working environment that develops good practice it eliminates prejudice and values diversity. All decisions relating to recruitment, training, promotion or termination will be made on a purely objective basis relating to the skills, knowledge, experience and ability of the individual.

The Council will take action to eliminate discrimination. This will include the following: -

#### 4.1.1 Recruitment

- All vacancies will be advertised in a way which does not discourage groups from applying for the post.
- Qualifications or conditions applied must be justifiable in terms of the demands of the job.
- Tests must be non-discriminatory and relate to purely the demands of the job.
- Training will be given to all involved in recruitment to ensure they understand, apply and actively promote this Policy.
- All applicants with disabilities, as defined within the Disability Discrimination Act, 1995, who meet the essential requirements for a job will be interviewed.

#### 4.1.2 Training and Development

- All employees will receive training as part of their induction to ensure they understand and implement all aspects of the Council's commitment to equality of opportunity.
- The Council will ensure that all employees have access to training, career development and promotional opportunities.
- Positive action, as allowed in legislation, may be taken in order to equip employees from disadvantaged groups with the necessary skills to enable them to compete effectively.

#### 4.1.3 Working Environment

Wherever possible, suitable access for employees with disabilities will be provided throughout all workplaces.

Wherever possible, the special needs of employees with disabilities will be met including providing adapted equipment and changes of working methods to help meet these needs.

#### 4.1.4 Harassment

The Council will not tolerate the harassment or victimisation of employees by others, whether they be other employees, clients, service users, or members of the public in any circumstances and will take appropriate action against the perpetrators. Harassment by employees of others will not be tolerated either.

- 4.2 The Council will adopt the Equality Standard for Local Government with a commitment to achieve Levels 1 and 2 by predetermined target dates.

## **5. Monitoring**

- 1.0 The Chief Executive has overall responsibility for ensuring the aims of the Council, within this policy, are met and that it is being applied effectively.
- 2.0 In order to evaluate the effectiveness of the policy, monitoring is essential. By collecting and analysing information on employees, potential employees and service users, the Council will be able to identify whether its aims are being met. Monitoring will therefore take place in terms of ethnic origin, gender, age, marital status, disability, etc, where appropriate, particularly on:-
- the composition of the workforce so as to measure the effectiveness of equal opportunities policies and practices;
  - applicants for jobs so as to assess the effectiveness of recruitment practices; and
  - auditing provisions of service and monitoring service usage by service units so as to confirm that the Council's commitment to providing services fairly to all sections of the community is being met.
- 3.0 On a day-to-day basis the Head of Human Resources has responsibility for implementing the policy, ensuring adequate monitoring procedures are in place and advising the Chief Executive on appropriate measures to be taken. This will include, where necessary, working with managers, employees and employee representatives to review how the policy is working in practice, ensuring employees and managers are aware of their obligations within the policy, and that appropriate training has been provided.
- 4.0 The Head of Human Resources will report at least annually to the Chief Executive on the progress being made, having specific regard to:-
- analysing the information provided by the monitoring processes;
  - assessing this against the objectives of the Equal Opportunities' Policy to identify how the Policy is working in practice;
  - putting forward suggestions for remedying any failures;
  - assessing the success of such remedies.
- 5.5 Annual reports will be made to the Council through the Local Joint Committee on monitoring arrangements and recommending action where appropriate.

## **6. Positive Action**

- 1.0 It is unlawful to discriminate positively (for example by employing women or members of a minority ethnic group) just because monitoring reveals a shortfall in a particular area. The Council, however, may take positive action to encourage people from a particular sex or racial group or who are disabled to apply for jobs, or to give them suitable assistance so that they can be

considered for certain vacancies. Such positive action may be taken when monitoring reveals an imbalance in particular categories of employees, or in applicants for jobs.

## **1. Dealing with Complaints of Discrimination**

- 1.0 It is essential for those who feel they have been discriminated against to have an opportunity to challenge the actions about which they feel aggrieved.
- 2.0 If an employee suffers discrimination from another employee they should report the matter immediately to their Head of Service. If the Head of Service is party to the discrimination then the employee should report to the appropriate member of Management Team or if preferred to Human Resources. The Head of Service or member of Management Team will determine what action is appropriate. This may involve initiating the Council's Disciplinary Procedure.
- 3.0 If an employee is discriminated against by a non-employee, e.g. service user, member of the public, contractor, councillor, etc. they should inform their Head of Service immediately who will decide on the appropriate action.
- 4.0 Should an employee who believes they have been discriminated against be dissatisfied with actions taken by their Manager they have the right to raise a grievance under the Council's Grievance Procedure.
- 5.0 The Council will take action against any employee if he or she is found to have been discriminating against service users, members of the public, contractors, councillors, or any non-employee. This may be dealt with through the Council's Disciplinary Procedure and any non-employee should use the Council's Complaints Procedure to bring it to the attention of the authority.

## **8. Conditions of Service and Employment**

- 8.1 Employees are obliged to respect and act in accordance with this Policy and failure to do so shall be cause for disciplinary procedures to be initiated which could result in dismissal.
- 8.2 All job applicants will be made aware of the Policy.

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