

Dumbleton Parish Council

# Equality and Diversity Policy

Adopted 16/11/2022  
To be reviewed every two years  
or on change of legislation

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## OUR COMMITMENT

Dumbleton Parish Council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the Council to put this commitment into practice. Compliance with this policy should also ensure that councillors and employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

## THE LAW

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste 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, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The Council will not discriminate against or harass a member of the public 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.

## TYPES OF UNLAWFUL DISCRIMINATION

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person’s dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

**Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

## **EQUAL OPPORTUNITIES IN EMPLOYMENT**

The Council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

### **Recruitment**

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

### **Working practices**

The Council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Council considers it has good reasons, unrelated to any protected characteristic, for doing so. The Council will comply with its obligations in relation to statutory requests for contract variations. The Council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

## **EQUAL OPPORTUNITIES MONITORING**

The Council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The Council treats personal data collected for reviewing equality and diversity in accordance with the data protection policy. Information about how data is used and the basis for processing is provided in the Council's privacy notices.

### **Dignity at work**

The Council has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

### **People not employed by the Council**

The Council will not discriminate unlawfully against those using or seeking to use the services provided by the Council.

You should report any bullying or harassment by suppliers, visitors or others to the Council who will take appropriate action.

## **TRAINING**

The Council will raise awareness of equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The Council will raise awareness of all staff engaged to work at the Council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. The Council may be able to provide additional training to councillors and managers to enable them to deal more effectively with complaints of bullying and harassment.

## YOUR RESPONSIBILITIES

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 Council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

An employee should inform their manager or equivalent if they are preparing to undergo gender re-assignment. This will allow the employee and the manager to agree a process for successful support and management that takes into account the individual's views on how to proceed. Sensitive and considered discussions can identify and resolve potential areas of difficulty and conflict before they arise. It is therefore important at an early stage to agree a process. The use of the action plan is optional, and the level of detail entered is purely a matter for the individual. The individual and manager may use it as a reminder of the possible steps which gender reassignment may take, and may fill it in together as the individual's plans for gender reassignment emerge. Under no circumstances should this information be passed to anyone else without the express permission of the individual undergoing gender reassignment.

An employee may be appointed who changed gender before commencing employment. They are not required to declare that they have changed gender and any suggestion that a person is not being open and honest is unreasonable.

Employees may choose to declare their gender history and in doing so that information becomes protected. That information cannot be shared with anyone else without the consent of the individual. To do so would be a breach of policy, legislation and the Council's disciplinary procedures.

## GRIEVANCES

If you consider that you may have been unlawfully discriminated against, you should use the Council's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The Council will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

## MONITORING AND REVIEW

This policy will be monitored periodically by the Council to judge its effectiveness and will be updated in accordance with changes in the law.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with relevant data protection legislation.

This is a non-contractual procedure which will be reviewed from time to time.

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| <b>Date of policy:</b>            | November 2022            |
| <b>Approving committee:</b>       | Dumbleton Parish Council |
| <b>Date of committee meeting:</b> | 16 November 2022         |
| <b>Policy version reference:</b>  | 2.0                      |
| <b>Supersedes:</b>                | Not applicable           |
| <b>Policy effective from:</b>     | 16 November 2022         |
| <b>Date for next review:</b>      | 16 November 2022         |