

Charmouth Parish Council

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Equal Opportunity Policy Statement

This policy sets out Charmouth Parish Council's approach to promoting Equality of Opportunity with the primary aim of providing equality for all, preventing any form of discrimination and fostering good relations between people of different groups.

Charmouth Parish Council is committed to creating an inclusive working environment to maximise the potential of all staff by providing equal opportunities in all aspects of employment and avoiding unlawful discrimination at work. Charmouth Parish Council will not tolerate discrimination, harassment, bullying or victimisation of employees or third parties who do work on Charmouth Parish Council's behalf. Charmouth Parish Council will take account of and embed equality and diversity when working to improve poor people's lives and influencing key development issues globally.

Who does the policy apply to?

The policy applies to all Charmouth Parish Council Members, officers and staff, contractors; consultants and any other third parties who carry out work on Charmouth Parish Council behalf.

Principles

The key principles of this equal opportunities policy are to:

- provide equality for all
- promote an inclusive culture
- respect and value differences of everyone
- prevent discrimination, harassment and victimisation
- promote and foster good relations across the workforce and with partners

This means being aware of the impact of our behaviour and thinking about the impact of employment policies and our programmes in the UK and overseas on people from the protected groups listed below.

The Law

Our policy is governed by the Equality Act 2010, which makes it unlawful to discriminate directly or indirectly, in recruitment, employment or service delivery because of a protected characteristic. The protected characteristics are:

- age
- disability
- gender (or sex)

- gender reassignment
- race
- religion or belief
- sexual orientation
- pregnancy and maternity
- marriage and civil partnership

The Equality Act 2010 states that all public sector organisations have a duty to pay due regard to:

1. Eliminate discrimination, harassment and victimisation in the workplace
2. Advance equality of opportunity between people from different groups
3. Foster good relations between people of different groups
4. Case law has established the principles of due regard as:

Knowledge: public bodies need to be aware of the duty

Timeliness: public bodies should consider equality as they develop policy and take decisions, not as an afterthought

Real consideration: public bodies should demonstrate how thinking about equality has influenced decisions

Sufficient information: public bodies should make reasonable effort to make sure they have the information needed to do so

No delegation: public bodies have to give due regard themselves

Review: public bodies should keep equality under review

As a result all public organisations will be required to publish equality objectives every four years and publish information/data annually to demonstrate their compliance with the general Equality Duty.

Types of Unlawful Discrimination

The Equality Act 2010 defines the different types of discrimination that are unlawful:

Direct discrimination is when someone is treated less favourably than another person because of a protected characteristic. Direct Discrimination is not justifiable. Examples of direct discrimination would be refusing to recruit a woman because she is pregnant; or excluding one staff member from a team training event on account of their disability or race.

Occupational Requirement (previously known as genuine occupational requirement) - in limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protect characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and be a proportionate means of achieving a legitimate aim. Decisions are made on a case by case basis. For example, a Catholic religious college could reasonably refuse women admittance on a course for the Priesthood because all Catholic priests are male, whereas an Anglican religious college could

not refuse women, because both men and women can be Anglican priests. Another example is an organisation that campaigns for LGBT legal rights may feel that their Chair should be lesbian, gay or bisexual.

Indirect discrimination is when you have a condition, rule, criterion, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim. An example of indirect discrimination would be a manager continually holding team meetings on a Monday, which is a day that a part-time member of the team does not work.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic. An example would be not promoting a staff member because they care for a parent who had a stroke. This is discrimination against the staff member because of their association with a disabled person.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception by others that they have a particular protected characteristic. It applies even if the individual does not actually possess that protected characteristic. An example would be if colleague A harasses colleague B because they think colleague B has AIDS, even though they do not, in fact, have the illness. Colleague A has made assumptions and discriminated against colleague B, based on a perception.

Discrimination arising from disability is where an individual has been treated unfavourably because of something connected with their disability (so does not have to be the disability itself). An example would be disciplining a staff member for repeated spelling mistakes that are in fact caused by dyslexia, which amount to discrimination arising from disability. This type of discrimination is unlawful where the employer (or a line manager) knows, or could be reasonably expected to know, that the person has a disability.

Harassment is unwanted conduct related to one of the protected characteristics that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It does not matter whether or not this effect was intended by the person responsible for the conduct. Employees can complain of behaviour that they find offensive even if it is not directed at them and the complainant does not need to possess any of the protected characteristics themselves.

Third-party harassment is where an employee is harassed and the harassment is related to a protected characteristic, by people (third-parties) who are not employees of the organisation, for example external trainers, staff contracted by Charmouth Parish Council or visitors to Charmouth Parish Council. You are liable if the harassment has occurred on at least two previous occasions, you are aware that it has taken place and have not taken reasonable steps to prevent it from happening again.

Victimisation is when an employee is treated badly and subjected to detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. An example would be if a disabled staff member raises a grievance that the line manager is not complying with the duty to make reasonable adjustments and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

Reasonable Adjustments

The Equality Act also makes it unlawful to fail to make reasonable adjustments, as a result of a disability, to overcome barriers in employment or to using services. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical feature makes it impossible or unreasonably difficult for disabled people to make use of services. In addition, employers and employees have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service, for example ensuring documents are available in alternative formats.

Roles & Responsibilities

Organisational responsibility

Diversity is central to our work as a public authority and each of us have a responsibility for taking action. Leadership on diversity and equality will be provided by Charmouth Parish Councillors and Officers.

- Charmouth Parish Council will embed equality and avoid unlawful discrimination in all aspects of employment, including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- 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.
- Charmouth Parish Council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours worked, the time 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 requests only if Charmouth Parish Council considers it has good business reasons, unrelated to any protected characteristic. Charmouth Parish Council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

- Charmouth Parish Council will monitor the diversity composition of the existing workforce and all aspects of employment, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.
- Screen new policies, initiatives, programmes for their potential impact on equality - to meet the needs of people from the protected groups.

Line Manager Responsibility

Line managers at all levels should appreciate their responsibility both to set a good example, and to deal promptly and fairly with complaints of harassment or bullying. They must give full consideration to complaints of conduct which is either deliberately, or likely to be taken as, harassing or offensive. It is the responsibility of all managers to:

- ensure that the standards established within this policy are adhered to within their own area of responsibility.
- familiarise themselves with the Equal Opportunities Policy and the Dignity at Work policy and bring to the attention of their staff.
- ensure that they are not instructing employees to act in a discriminatory manner or are not putting pressure on employees to discriminate; and
- ensure that information on equal opportunity is incorporated in the induction processes for new or temporary staff and is supported by ongoing training.
- screen new policies, initiatives, programmes for their potential impact on equality and to meet the needs of people from the protected groups.

Check out the Top Ten Tips for Inclusive Management.

Individual Responsibility

Every employee is required to assist Charmouth Parish Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable for any unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence. Individuals should:

- co-operate with any measures introduced to ensure equality of opportunity
- report any discriminatory acts or practices
- not encourage or attempt to make others practice unlawful discrimination
- not victimise anyone as a result of them having reported or provided evidence of discrimination; and
- not harass, abuse, bully or intimidate others