



## Appendix B

### EQUALITY IN EMPLOYMENT POLICY

#### WEST LANCASHIRE BOROUGH COUNCIL'S COMMITMENT

West Lancashire Borough Council is committed to a policy of promoting equality of opportunity in recruitment, selection, training, promotion and other conditions of employment, based upon its opposition to any form of discrimination **irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.**

Within this context the Council is also committed to working towards achieving a diverse workforce which is reflective of the local population at all levels within the organisation.

The Council will seek to employ a workforce which reflects the diverse community it serves, because it values the individual contribution of people. The Council will treat all employees with dignity and respect and will provide a working environment free from unlawful discrimination, harassment or victimisation in respect of all Protected Characteristics.

The Council will ensure that under-representation is addressed within a framework which ensures that individuals are recruited, selected, trained, promoted and otherwise treated on the basis of their aptitude, skills and abilities. All employees will be encouraged to take advantage of facilities to improve their skills and knowledge at work. Reasonable steps will be taken to ensure that all employees are equally valued and treated as individuals. Their personal needs as well as the needs of the organisation will be taken into account. To this end, the Chief Executive, with the assistance of Heads of Service, will endeavour to ensure that all appropriate Council activities comply with this Policy.

The Council expects all its employees to behave in the workplace and at any work related social event, in such a way as to treat all other employees, customers and Council partners etc. with dignity, respect and not discriminate, harass or victimize any individual in respect of any Protected Characteristic. It expects each individual employee to promote the spirit of the Equality in Employment Policy. It is recognised that all employees have a duty not to discriminate, harass or victimise each other. The Council will not tolerate acts which breach this policy and all instances of such behaviour or alleged behaviour will be taken seriously, thoroughly investigated and in appropriate cases dealt with within the Disciplinary procedures, in accordance with the Dignity At Work Policy.

The Council will make every effort in the case of an existing member of staff becoming disabled, to retain them within the workforce, wherever it is reasonably practicable to do so.



The Council will monitor its employment practices, and collect appropriate statistics in order to demonstrate the effective application of its Equality Policies. In the light of these statistics, new legislation, Directives, codes of practice and the Council's desire to continually improve, employment practices will be regularly reviewed.

In order to ensure the effective implementation of this Policy, this statement will be brought to the attention of every employee, an abbreviated statement of the Council's policy will be included in every job advertisement and application form, and the Council's employment practices will be subject to regular review and modified as necessary.

## **SCOPE**

This Policy applies to all individuals working at all levels and grades, including Senior Managers, Chief Officers, all other employees, consultants, contractors, apprentices, homeworkers, work experience placements, full time or part time, temporary or permanent, agency workers or casuals. This list is not exhaustive. Elected members must operate in accordance with the members Code of Conduct.

## **PURPOSE**

The objective of this document is to ensure that West Lancashire Borough Council has a coherent and common approach to equalities issues in employment. It complements the Council document, "Equality Statement," and lays a foundation for the development of all current and future employment policies and practices.

This policy applies to all aspects of the Council's relationship with its staff and the relationships between staff at all levels. This includes recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, termination of employment and all other HR related policies and procedures.

It is important that elected members and employees understand the legal and ethical implications of equality, as they now exist, and their own individual and collective responsibilities. All concerned need to be aware of the importance the Council places on equality, and the internal and external penalties, which may result from unlawful discrimination, harassment or victimisation in the field of employment.

The Council wishes to create a harmonious working environment where all employees are treated fairly with dignity and respect.

Importantly the Council does not wish to permit any behaviour, which would undermine its efforts to provide a secure and encouraging environment wherein employees may contribute to the best of their ability.

West Lancashire Borough Council recognises that local people come from ever widening backgrounds and have different cultures, experiences and needs. It is the very diversity of the population, which contributes to the richness of the life and character of the community. Whatever their age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex,



sexual orientation individuals have a right to services, opportunity and to be treated with respect and dignity. The Council expects every employee to respect individual difference.

## **ACTION TO PROMOTE EQUALITY IN EMPLOYMENT**

The Council's **recruitment procedures** have been designed to reach eligible candidates from all sections of the community, encourage applications from suitable candidates, and ensure a fair and transparent selection process based on the requirements of the job advertised.

These requirements will be identified from a pre-determined Person Specification and Job Description, copies of which will be made available to all candidates. The Person Specification and Job Description will be prepared with care so that they do not indirectly discriminate against any section of the community.

All candidates will be provided with an abridged version of the Equality in Employment Policy, and an Equality Monitoring Form.

The **terms and conditions of employment** of all employees will reflect national, provincial and local agreements. The Council supports the introduction of discretionary national agreements affecting terms and conditions especially those with equality implications.

The **induction process** will draw new employee's attention to the Equality in Employment Policy and its implications together with the Equality Statement for Induction.

The Council will provide **training/information** to ensure that all managers and supervisors are familiar with, and understand the Equality in Employment Policy and the implications of Equality Legislation. All employees will be made aware of the Policy and the Council's wish to promote Equality.

All managers and supervisors involved in the delivery of employment policy and procedure will be equipped with the skills and knowledge to enable them to undertake their role within the law and council policy. Managers and supervisors will promote the equality to other employees.

Career **development** within the Council will be based solely on merit and ability.

Regular **review** of employment policy and practice will take place, and at suitable intervals **reports** will be submitted to members on the impact of its Equality in Employment Policy in relation to the workforce profile of the Council. Amendments needed to this or other employment policies and practices will be made in order to reflect changing legislation, good practice and operational experience.

## **COMPLAINTS AND REDRESS**



The Council expects that every employee will support its equality policies and seek to promote them. Employees have a duty to comply with the law, codes of practice and Council policy. Acts of unlawful discrimination, harassment or victimisation to colleagues or customers by employees will be dealt with through the Council's Disciplinary Procedures.

If an employee feels that they have been discriminated against in respect of Protected Characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, they should seek redress through the Council's internal Grievance procedures. However if the complaint is about potential bullying or harassment, this should be progressed through the Council's Dignity At Work Policy.

## **RESPONSIBILITY**

The Chief Executive assisted by the Heads of Service and the Head of Human Resources and Organisational Development has overall responsibility for the effective implementation of the Council's Equality in Employment Policy.

Heads of Service are responsible within their Service Areas and must ensure subordinate managers and supervisors are made aware of their responsibilities and are supported by relevant training.

The Head of Human Resources and Organisational Development will ensure that identified training needs are met in order that the principles set out in this policy are promoted, and that the working environment is free from discrimination, harassment and victimisation.

## **Additional Guidance On Equality in Employment**

### **What laws affect Equality at work?**

A number of pieces of UK legislation have been in place to deal with issues arising from the desire to promote equality. There is also a large body of European law, which is binding on the UK and its courts and tribunals. Citizens may bring actions to enforce their rights under European law. These interventions have substantial impact on the workplace.

The Equality and Human Rights Commission (EHRC) have published Codes of Practice relating to discrimination. These codes are not of legally binding but they are to be taken into account by a court or employment tribunal considering discrimination issues.

Employers are well advised to take notice of not just the legislation but the codes of



practice as well as other European Directives.

The law concerning Equality is contained in the following legislation: -

- Equal Pay Act 1970 (Amended)
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Disability Discrimination Act 1995
- Race Relations (Remedies) Act 1994
- Disability Rights Commission Act 1999
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Race Relations Amendment Act 2000
- Human Rights Act 2001
- Race Relations Act 1976 (Amendment) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulations 2003
- Civil Partnerships Act 2004
- Gender Recognition Act 2004
- Employment Equality (Sex Discrimination) Regulations 2005
- Disability Discrimination Amendments Act 2005
- Employment Equality (Age) Regulations 2006
- Equality Act 2006
- Racial and Religious Hatred Act 2006
- Equality Act 2010

Also impacting in the area of employment are: -

- EEC Equal Pay Directive
- EEC Equal Treatment Directive

### **Who is responsible if a member of staff acts in breach of equality laws?**

The Council has a responsibility for the actions of its employees in relation to discrimination. Anything done by a person in the course of their employment shall be treated as done by the employer as well as by them, whether or not it was done with the employer's knowledge or approval. This issue has particular importance in the delivery of services by employees on behalf of the Council, as well as the actions of supervisors and managers.



## What are Protected Characteristics?

The Equality Act 2010 has brought together the many previous equality related legislation into one act. It identifies 9 'Protected Characteristics' and the Act provides protection from unlawful discrimination in respect of these characteristics.

The Characteristics are: **age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.**

### Age

People of all ages are protected. However, different treatment because of age is not unlawful direct or indirect discrimination if it can be justified. Justification means demonstrating that it is a proportionate means of meeting a legitimate aim. Age is the only characteristic that allows employers to justify direct discrimination.

### Disability

A person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day to day activities, which would include things like using the telephone, reading a book or using public transport.

Employers **MUST** make reasonable adjustments for staff to help them overcome any disadvantage resulting from an impairment (e.g. by providing assistive technological support to help a visually impaired person use a computer effectively).

Employees are also protected from discrimination arising from disability. This means it is unlawful discrimination to treat a disabled person unfavourably because of something connected with their disability where it is known or you could reasonably have been expected to know that someone had a disability (e.g. a tendency to make spelling mistakes arising from dyslexia). However, it may be justified if you can show that it is a proportionate means to a legitimate aim.

Indirect discrimination now also covers disability. That means care should be taken not to place a requirement on a job that places a person with a disability at a particular disadvantage.

It is also unlawful to ask about a candidate's health or attendance record before offering them a job during recruitment.

### Gender Reassignment

A transgender person is someone who proposes to, starts or has completed a process to change his or her gender. The person does not have to be under medical supervision.

### Marriage and Civil Partnership

People who are married or in civil partnerships are protected from discrimination. However, single people are not protected.



## **Pregnancy and Maternity**

A woman is protected from discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave. Pregnancy related illness can not be taken into account when making decisions about employment.

## **Race**

This means that a person is protected against discrimination on the basis of their race, colour, nationality and ethnic or national origin.

## **Religion or Belief**

Employees and job seekers are protected if they have a faith or if they have no particular faith. A religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such a belief. To be protected a belief must satisfy various criteria i.e. it is a weighty and substantial aspect of human life and behaviour. Dominations or sects within a religion can be considered a protected religion or religious belief. Discrimination can occur even when both the discriminator and the recipient are of the same religion.

The Council acknowledges that in December 2016, the UK Government formally adopted the International Holocaust Remembrance Alliance working definition of anti-Semitism;

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

## **Sex**

Men and women are protected from discrimination.

## **Sexual Orientation**

Bisexual, gay, heterosexual and lesbian people are protected from discrimination.

## **What is Discrimination?**

The Equality Act 2010 aims to protect individuals whether as an employee or as a user of services. The purpose is to ensure that everyone has a right to be treated fairly at work and when receiving services. It protects people from discrimination on the basis of the 9 protected characteristics detailed above and the protection provided varies slightly dependant upon whether the person is at work or using a service.

## **Direct Discrimination**

This occurs when someone is treated less favourably than another person because



of a protected characteristic they have, or are thought to have, or because they associate with someone who has a protected characteristic.

### **Discrimination by Association**

This applies to race, religions or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

### **Perception Discrimination**

This applies to race, religions or belief, sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular characteristic. This applies even if the person does not actually possess the protected characteristic.

### **Indirect Discrimination**

This applies to race, religions or belief, sexual orientation, age, disability, gender reassignment and sex, marriage and civil partnership. This occurs when you have a condition, rule policy or practice that applies to everyone but is particularly disadvantageous to people who share a protected characteristic. Indirect discrimination can be justified if you can show the requirement is a proportionate means of achieving a legitimate end. Proportionate means being fair and reasonable and demonstrating you have considered less discriminatory alternatives to any decision.

### **What is Harassment?**

Harassment is 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

This applies to race, religions or belief, sexual orientation, age, disability, gender reassignment and sex. Employees will be able to complain about behaviours that they find offensive even if it is not directed at them personally. Additionally the complainant does not need to possess the relevant characteristics themselves. Employees are also protected against harassment because of perception and association.

### **What is Victimisation?**

This is when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing.

### **Why do we have Equality Policies?**

The Council's Equality Policies are intended to provide positive benefits to staff and





the organisation e.g.: -

- make full use of the abilities of the entire workforce;
- provide equity in the way opportunities are available for everyone;
- provide an environment which encourages employees to give their best;
- provide fair and transparent management and human resource management practices;
- attract, recruit and retain the widest range of recruits;
- demonstrate good employment practice in the community;
- avoid unlawful practice, damaging and costly litigation.