

## **EQUAL OPPORTUNITIES AND DIGNITY AT WORK**

### **1. Policy statement**

The Council is an equal opportunity employer and is fully committed to a policy of treating all its employees and job applicants equally.

The Council will take all reasonable steps to employ, train and promote employees based on their experience, abilities, and qualifications without regard to gender, race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, pregnancy, or maternity, marital or civil partnership status or disability.

The Council will also take all reasonable steps to provide a work environment in which all employees are treated with respect and dignity and that is free of harassment based upon an employee's race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, pregnancy, or maternity, marital or civil partnership status or disability. The Council will not condone any form of harassment, whether engaged in by employees or by outside third parties who do business with the Council, such as customers, contractors, and suppliers.

### **2. Employee's Duties**

Employees have a duty to co-operate with the Council to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment, or bullying.

### **3. Implementation**

- 3.1 Action will be taken under the Council's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this equal opportunities and dignity at work statement will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination. Employees who commit serious acts of harassment may also be guilty of a criminal offence.
- 3.2 You should draw to the attention of your line manager any suspected discriminatory acts or practices or suspected cases of harassment. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct in accordance with the Council's disciplinary procedure.
- 3.3 The Council will also take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment against its employees.
- 3.4 Employees and members are also expected to treat any third parties including suppliers, contractors, traders, and the public with whom they come into contact to the same standards of this policy statement.

### **4. Recruitment, advertising, and selection**

- 4.1 The recruitment process will be conducted to ensure the selection of the most suitable person for the job in terms of relevant experience, abilities, and

qualifications. The Council is committed to applying its equal opportunities policy statement at all stages of recruitment and selection.

4.2 Advertisements will encourage applications from all suitably qualified and experienced people. When advertising job vacancies, to attract applications from all sections of the community, the Council will, as far as reasonably practicable: -

- a) Ensure advertisements are not confined to those publications, which would exclude or disproportionately reduce the numbers of applicants of a particular gender, sexual orientation, age, religion, or racial group.
- b) Avoid prescribing any unnecessary requirements which would exclude a higher proportion of a particular gender, sexual orientation, age, religion, or racial group or which would exclude disabled job applicants.
- c) Avoid prescribing any requirements as to marital or civil partnership status.
- d) Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees of any gender, sexual orientation, age, religion, or racial group or from employees with a disability.

4.3 The selection process will be carried out consistently for all jobs at all levels. The staff/members responsible for short-listing, interviewing, and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

4.4 With disabled job applicants, the Company will have regard to its duty to make reasonable adjustments to work provisions, criteria, and practices or to work premises to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

4.5 If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, pregnancy or maternity, marital or civil partnership status, disability, children and/or domestic obligations.

## **5. Training and promotion**

5.1 The Council will train all line managers in the Council's policy on equal opportunities and in helping them identify discriminatory acts or practices or acts of harassment or bullying. Line managers will be responsible for ensuring they actively promote equal opportunity within the departments for which they are responsible.

5.2 The Council will also provide training to all employees to help them understand their rights and responsibilities in relation to dignity at work and what they can do to create a work environment that is free of bullying and harassment.

## **6. Terms of employment, benefits, facilities, and services**

All terms of employment, benefits, facilities, and service will be reviewed from time to time, to ensure that there is no unlawful discrimination on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, pregnancy or maternity, marital or civil partnership status or disability.

## **7. Equal pay**

The Council is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. To achieve this, the Council will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

## **8. Bullying and harassment**

8.1 Bullying is offensive or intimidating behaviour or an abuse or misuse of power, which undermines or humiliates an employee.

8.2 Harassment occurs where, on the ground of an employee's race, colour, ethnic origin, nationality, national origin, religion or belief, sexual orientation, gender reassignment, age, pregnancy, or maternity, marital or civil partnership status or disability, a person engages in unwanted conduct that:

a) has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or

b) is reasonably considered by the employee to have the effect of violating his or her dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.

8.3 Harassment also occurs where, related to either the employee's sex or that of another individual, a person engages in unwanted conduct that: -

a) has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or

b) is reasonably considered by the employee to have the effect of violating their dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.

8.4 In this scenario, the employee does not need to be the subject of the unwanted conduct for harassment to have occurred - for example, the conduct could be directed at nobody or at someone other than the employee, including someone of the opposite sex.

8.5 Sexual harassment (as opposed to harassment related to gender) occurs where a person engages in any form of unwanted conduct of a sexual nature that: -

- a) has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or
  - b) is reasonably considered by the employee to have the effect of violating his or her dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.
- 8.6 Conduct may be harassment whether the person intended to offend. Something intended as a "joke" or as "office banter" may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.
- 8.7 Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.
- 8.8 Harassment also occurs where, on the ground of the employee's rejection of or submission to unwanted conduct of the kind specified above, a person treats the employee less favourably than he or she would treat him or her had he or she not rejected, or submitted to, the unwanted conduct.

## **9. Examples**

- 9.1 Bullying and harassment may be verbal, non-verbal, written, or physical. Examples of unacceptable behaviour include, but are not limited to, the following:
- a) unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature
  - b) subjection to obscene or other sexually suggestive or racist comments or gestures
  - c) the offer of rewards for going along with sexual advances or threats for rejecting sexual advances
  - d) jokes or pictures of a sexual or racist nature
  - e) demeaning comments about an employee's appearance
  - f) questions about a person's sex life
  - g) the use of nick names related to an employee's sex, sexual orientation, gender reassignment, race, religion, age, or disability
  - h) picking on or ridiculing an employee
  - i) isolating an employee or excluding them from social activities or relevant work-related matters.

## **10. Reporting complaints**

- 10.1 All allegations of discrimination or harassment will be dealt with seriously, confidentially, and speedily. The Council will not ignore or treat lightly grievances or complaints of discrimination or harassment from members of a particular gender, race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, pregnancy or maternity, marital or civil partnership status, disability, children and/or domestic obligations.
- 10.2 With cases of harassment, while the Council encourages employees who believe they are being harassed to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, the council also recognises that actual or perceived power and status disparities may make such confrontation impractical.
- 10.3 If you wish to make a complaint of discrimination or harassment, whether against the Council, a fellow employee or a third party, you should follow the following steps:
- a) Report the incident of discrimination or harassment to your line manager. If you do not wish to speak to your line manager, you can instead speak to an alternative manager.
  - b) Such reports should be made promptly so that investigation may proceed, and any action taken expeditiously.
  - c) All allegations of discrimination or harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the details of your complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, to effectively investigate an allegation, the Council must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser or discriminator so that he or she is able to fairly respond to the allegations. The Council reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.
  - d) Once the investigation has been completed, you will be informed in writing of the outcome and the Council's conclusions and decision as soon as possible. The Council is committed to taking appropriate action with respect to all complaints of discrimination or harassment, which are upheld.
  - e) You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith.
  - f) If your complaint is upheld and the harasser or discriminator remains in the Council's employment, the Council will take all reasonable steps to ensure that you do not have to continue working alongside him or her if you do not wish to do so. The Council will discuss the options with you.

g) If your complaint is not upheld, arrangements will be made for you and the alleged harasser or discriminator to continue or resume working and to repair working relationships.

10.4 Alternatively, you may, if you wish, use the Council's grievance procedure to make a complaint.

10.5 Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the council's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, line managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the council's disciplinary procedure.

## **11. Monitoring equal opportunity and dignity at work**

The council will regularly monitor the effects of selection decisions and personnel and pay practices and procedures to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, the council will implement them. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

## **12. Display materials**

To ensure the dignity at work of all employees' and visitors, the council does not allow any materials to be displayed in the workshop and offices or in any other workplace (including council vehicles) which may cause offence. This includes but is not limited to, posters or calendars of an explicit, sexual, religious, or offensive nature. The council reserves the right to remove any such materials and to take disciplinary action under the council's Disciplinary procedure.

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