

# KESGRAVE TOWN COUNCIL

## Equality, Diversity and Dignity at Work Policy



### Our commitment

Council is committed to providing:

- equal treatment and opportunities in its management of Council business and to avoiding unlawful discrimination; and
- a safe working environment where staff, Councillors and the public are treated with appropriate dignity and respect free from bullying and harassment.

This Policy is intended to assist Council in putting these commitments into practice and compliance by all involved should ensure that no individual associated with Council commits an unlawful act in this area.

Alleged breaches of this Policy by staff will be considered under Council's disciplinary procedure and by Councillors under Council's Code of Conduct.

Staff and Councillors should report any bullying or harassment by suppliers, visitors or others to the Clerk who will take appropriate action.

### Legal compliance

In accordance with the Equality Act 2010, it is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race, sexual orientation, religion or belief, marriage and civil partnership. These are the defined "protected characteristics" in the Act.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Council will not discriminate against or harass a member of the public in the provision of its services or goods and it endeavours to make reasonable adjustments to overcome barriers to using its services caused by disability. This duty 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 Council's services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### Definitions

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end. Examples of bullying include criticising someone because of their physical characteristics or gender orientation.

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 they have a particular protected characteristic when they do 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 they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.

### **Equal opportunities**

Council will avoid unlawful discrimination in all aspects of its business including recruitment of staff and Councillors, promotion, nomination for office, opportunities for training, staffing pay and benefits, discipline and selection for redundancy where appropriate.

#### Staff 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

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 it considers it has good reasons, unrelated to any protected characteristic, for doing so. Council will comply with its obligations in relation to statutory requests for contract variations and will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

#### Equal opportunities monitoring

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.

Council treats personal data collected for reviewing equality and diversity in accordance with its Data Protection Policy (General). Information about how data is used and the basis for processing is provided in Council's Privacy Policy.

## **Training**

Council will provide training and raise awareness of:

- equal opportunities for those likely to be involved in recruitment or other related decision-making where equal opportunities issues are likely to arise;
- everyone's rights and responsibilities under this Policy and what they can do to help create a working environment free of bullying and harassment; and
- provide additional training for managers to enable them to deal more effectively with any complaints of bullying and harassment.

Policy effective from: 21 June 2021

Date for next review: 21 June 2023 (unless the relevant legislation changes sooner)