EQUAL OPPORTUNITIES IN EMPLOYMENT POLICY

This Policy can be made available in large print or other accessible format e.g. audio or alternative language by contacting the Equalities Officer on 01508 533633 or by email to Equalities@s-norfolk.gov.uk.

1. INTRODUCTION

1.1 South Norfolk Council is committed to providing equality of opportunity and to avoiding unlawful discrimination in employment and this Policy is intended to assist the organisation to put this commitment into practice.

1.2 Ensuring 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 and the Council has a separate Bullying & Harassment Policy which deals with these issues.

1.3 The organisation’s commitment to ensuring equality in the provision of services and the role of Elected Members, Managers and Employees in response to this is detailed in the Council’s Equalities Statement and associated Equality Objectives.

2. SCOPE AND EQUAL OPPORTUNITIES

2.1 This Policy applies to all South Norfolk Council employees and all employees are expected to adhere to this Policy in line with the Council’s obligations under equality legislation.

2.2 Managers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

3. RELEVANT LEGISLATION

3.1 The Equality Act 2010

The Equality Act 2010 simplified discrimination legislation and created a more consistent and effective framework, while at the same time extending discrimination protection.

3.2 The Act defines direct discrimination as less favourable treatment because of a protected characteristic. The protected characteristics under the Act are:
3.3 The Act also covers indirect discrimination against individuals because they have a relevant protected characteristic, (except pregnancy and maternity).

3.4 The Public Sector Equality Duty

The Equality Duty requires public authorities to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act, (this applies to all of the protected characteristics).
- Advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not, (this applies to all the protected characteristics except marriage and civil partnership).

4. TYPES OF DISCRIMINATION

4.1 Direct discrimination is where an individual 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 a genuine occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

4.2 Indirect discrimination is where a rule, policy or practice that applies to everyone is discriminatory to individuals who have a relevant protected characteristic, (although this does not include pregnancy and maternity, which are covered by indirect sex discrimination). Indirect discrimination can be justified if it can be shown that the rule, policy or practice is intended to meet a legitimate objective in a fair, balanced and reasonable way.

4.3 Associative discrimination is where an individual is directly discriminated against or harassed because they are associated with someone who has a protected characteristic, (although this does not cover harassment because of marriage and civil partnership).
4.4 **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic, when in fact they do not, (other than marriage, civil partnership, pregnancy and maternity).

4.5 **Harassment** is where there is unwanted conduct related to one of the protected characteristics (other than marriage, civil partnership, pregnancy and maternity) that has the 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.

4.6 **Victimisation** is where an employee is subjected to detriment because they made or supported a complaint or raised a grievance under the Equality Act, 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.

4.7 **Third-party harassment** is where an employee is harassed by a third party or parties (for example customers) and the harassment is related to a protected characteristic, (other than marriage, civil partnership, pregnancy and maternity). An employer is liable if:

- The harassment has occurred on at least two previous occasions, (although not necessarily the same type of harassment or by the same harasser);
- They are aware that the previous harassment has taken place; and
- They have failed to take reasonable steps to prevent harassment from happening again.

4.8 **Failure to make reasonable adjustments** is where a physical feature or a rule, policy or practice puts a person with a disability 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 person to overcome the disadvantage.

5. **ROLES AND RESPONSIBILITIES**

5.1 South Norfolk Council has a legal obligation to ensure that it and its employees comply with the requirements of the Equality Act and the Public Sector Equality Duty and the Chief Executive has overall responsibility for this.

5.2 The HR team (in conjunction with the Equalities Officer) is responsible for ensuring that:

- Equal opportunities data is collected and evaluated as outlined in Section 8 of this Policy.
- The Policy is kept under review and changes proposed where appropriate.
- Effective monitoring is undertaken of its application across the Council.
• Best practice advice and guidance is provided to employees and managers on any aspect of equal opportunity practice.
• Regular liaison with employee representatives takes place about the employee/industrial relations aspects of equal opportunities.

5.3 Responsibilities of Managers

Managers are responsible for ensuring employment practices are free from discrimination and that the employees for whom they are responsible conform to this Policy.

5.4 Responsibilities of Employees

All South Norfolk Council employees have a responsibility for ensuring they comply with the requirements of this Policy.

All employees have a responsibility to ensure that they do not discriminate against or harass other employees or prospective employees at any time during the course of their employment. Employees can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination and disciplinary action will be taken against any employee who is found to have committed such an act.

6. EQUAL OPPORTUNITIES IN EMPLOYMENT

6.1 South Norfolk Council will avoid unlawful discrimination in all aspects of employment including:

• Recruitment, including internal transfers and promotion
• Terms and conditions of employment
• Performance management
• Opportunities for training and development
• Grievance, disciplinary and dismissal
• Post employment

6.2 Recruitment, Transfers and Promotion

Job Descriptions and Person Specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or transfer/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, personal or home commitments will not form the basis of employment decisions except where necessary to meet the needs of the job.

Managers involved in a recruitment process have responsibility for ensuring that:
• Arrangements for selection, e.g. location, timing, etc., do not exclude certain groups of candidates.
• Reasonable adjustments are made to the selection process for any candidate with a disability.
• Selection methods are appropriate for the requirements of the job.
• Selection decisions, including reasons for selection/rejection are properly recorded.
• Appropriate monitoring of applicants and selection decisions is undertaken.

6.4 Terms and Conditions of Employment

Employees will not be discriminated against in the terms and conditions of employment afforded to them. As well as complying with its obligations in relation to statutory requests for contract variations (e.g. requests for flexible working arrangements), the Council will consider any possible indirectly discriminatory effect of its standard working practices when considering requests for variations to these. The Council will also make reasonable adjustments to its standard working practices to overcome any barriers caused by disability.

6.5 Performance Management

South Norfolk Council’s Performance Review Scheme recognises and rewards good performance. Areas for development should be identified and, where appropriate, poor performance should be addressed through support and review. In recognising both good performance and areas for development it is important that managers’ expectations are the same for all employees (based on the requirements of the job), and assumptions are not made regarding the skills individuals may or may not possess.

6.6 Training and Development

All employees will have equal access to training and development opportunities. Positive action (see section 7 below) may be taken as permitted under the Equality Act to equip employees from disadvantaged groups with the necessary skills to enable them to compete effectively for jobs within the Council.

All people management training provided by the Council to managers and employees (e.g. training in recruitment, capability, disciplinary, etc.), will include reference to the skills, knowledge and appropriate behaviours required to ensure equality of opportunity.

The Council will provide training to employees to help them understand their rights and responsibilities under the Bullying & Harassment Policy and what they can do to help create a working environment free of bullying and harassment. The Council will provide additional training to managers to enable them to deal effectively with any complaint of bullying or harassment.

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6.7 **Grievance, Disciplinary and Dismissal**

Any allegation of discrimination made under the Grievance Policy & Procedure will be taken seriously and handled in a sensitive manner, recognising that what might be considered reasonable behaviour by some could be considered offensive by others.

Managers will consider all reasonable actions to support employees in grievance or disciplinary situations where they could otherwise be disadvantaged, for example by providing a support worker.

6.8 **Post Employment**

Actions that take place after employment has ended can also be considered discriminatory and South Norfolk Council will provide employment references, whether verbal or written, that are factual, based on the performance of the individual whilst employed by the organisation, and are free from discrimination.

7. **POSITIVE ACTION**

7.1 The Equality Act allows employers to take positive action to encourage or train people from an under-represented group to apply for jobs, overcome a perceived disadvantage or meet specific needs based on a protected characteristic. For example, an employer could provide certain religious groups with time off for religious observance.

7.2 The Act also allows employers in specific circumstances to recruit or promote a person with one protected characteristic in preference to another person who does not have the protected characteristic. For example, an employer could appoint a female candidate to a senior role over a male candidate where there are few women in senior roles in the organisation and both candidates are of equal merit.

8. **REVIEW**

8.1 This Policy will be monitored periodically to judge its effectiveness. In particular, the Council will monitor the ethnic and gender composition of its existing workforce and of applicants for jobs (including internal transfers and promotions), as well as the number of people with disabilities within these groups, and will seek to make any changes identified as necessary through the results of this monitoring.

8.2 Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be managed in accordance with the Data Protection Act 1998.

8.3 Notwithstanding 8.1 above, this Policy will be kept under review and amended if organisational need or legislative changes require this.
9. ASSOCIATED POLICIES AND PROCEDURES

**Equalities Statement**
This confirms the Council’s commitment to continuous improvement in equality outcomes for all, both within the organisation and in the provision of services to the public.

**Transgender Policy**
This supplements the Equal Opportunities in Employment Policy to ensure that everyone is treated with equal dignity, fairness and respect, regardless of their gender identity.

**Finding the Balance**
This contains information and guidance on the various flexible working options available to employees.

**Disciplinary Policy & Procedure**
This will be invoked in the event that an employee is thought to be acting/have acted in a way that contravenes the Council’s commitment to equal opportunities.

**Grievance Policy & Procedure**
This explains the steps an employee can take if they feel they have been discriminated against.

**Bullying & Harassment Policy**
This contains guidance on raising and managing concerns relating to matters of a bullying or harassment nature.