

Policy

Equality and Diversity Policy

This Procedure is a document that sets out the organization's approved and agreed practices. Any deviation must be discussed with the originating author.

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THIS IS A CONTROLLED DOCUMENT

Whilst this document may be printed, the electronic version maintained on the Billinghay Parish Council website is the controlled copy. Any printed copies of this document are not controlled.

1. Document Control Sheet

Purpose of document:	The objective of this policy is to provide Councillors and staff an overview of Equality & Diversity and outline Billingham Parish Council's (the Council) position
Dissemination:	This policy will be disseminated to all staff and council members and be made available on the parish website
Implementation:	This document will be accessible via the parish council website and is applicable to all staff and council members.
Review:	This document will be reviewed in 2024 at Annual Meeting unless there are significant changes in legislation or practice in which case it will be reviewed earlier.
Documents replaced or superseded by this document:	
This document supports (enter Standards and Legislation:	Equality Act 2010
Key related documents:	PCD004 Code of Conduct PCD016 Complaints Policy PCD017 Disciplinary Policy PCD018 Grievance Policy PCD019 Dignity at Work Policy
Financial Implications:	This document has no financial implications for the Billingham Parish Council.
Key word search	Equality, Diversity, Age, Race, Religion, Transgender, Disability.

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3. Introduction

a. The Billingham Parish Council (hereafter referred to as the Council) is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

b. This policy is intended to assist the council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

c. Striving to ensure 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.

4. The law

a. It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

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

c. The council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments 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 services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

5. Types of unlawful discrimination

a. **Direct discrimination.** This 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.

b. **Indirect discrimination.** This 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.

c. **Harassment.** This 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.

d. **Associative discrimination.** This is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

e. **Perceptive discrimination.** This 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.

f. **Third-party harassment.** This occurs where an employee is harassed, and the harassment is related to a protected characteristic, by third parties.

g. **Victimisation.** This 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.

h. Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person 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 disabled person to overcome the disadvantage.

6. Equal opportunities in employment

a. The council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

b. **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.

c. **Working practices.** The 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 the Council will refuse such requests only if it considers it has good reasons, unrelated to any protected characteristic, for doing so. The council will comply with its obligations in relation to statutory requests for contract variations. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

7. Dignity at work

a. The council has a separate dignity at work policy (PCD019) concerning issues of bullying and harassment on any grounds, and how complaints of this type will be dealt with.

8. People not employed by the council

a. The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

b. You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

9. Training

a. The council will raise awareness of equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

b. The council will raise awareness of all staff engaged to work at the council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment.

10. Your responsibilities

a. Every employee is required to assist the council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

b. Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the council's disciplinary procedure (PCD017). Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

11. Grievances

a. Anyone who considers that they may have been unlawfully discriminated against should use the council's grievance procedure (PCD018) to make a complaint. If the complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

b. The council will take any complaint seriously and will seek to resolve any grievance

that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

12. Monitoring and review

This policy will be monitored periodically by the council to judge its effectiveness and will be updated in accordance with changes in the law.