



Cyngor Bwrdeisdref Sirol

**Blaenau Gwent**

County Borough Council

# Statement on Equal Opportunities in Employment



ORGANISATIONAL DEVELOPMENT DIVISION

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### **1. EQUALITY OF OPPORTUNITY**

Blaenau Gwent County Borough Council wants to create a culture where people of all backgrounds and experience feel appreciated and valued. It is totally committed to achieving equality of opportunity in employment. The Council recognises that a diverse workforce supported by fair and transparent employment practices will help to deliver services sensitively and effectively to the community by striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect.

### **2. PROTECTED CHARACTERISTICS**

The Equality Act 2010 describes those groups protected by equality legislation as ‘protected characteristics’, and they are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnerships
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

This statement provides a clear framework within which all Council employees, managers and trade unions can work to achieve equality of opportunity in employment with particular regard to the protected characteristics. Compliance with this statement should also ensure that employees do not commit unlawful acts of discrimination.

The Council will fulfill its legal obligations under the Single Equality Act 2010.

### **3. DEFINITIONS OF DISCRIMINATION**

The Equality Act 2010 determines the following types of discrimination:

**Direct discrimination:** Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

**Discrimination by association:** This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**Perception discrimination:** This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

**Indirect discrimination:** This already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. The new Act extends this to cover disability and gender reassignment. Indirect discrimination can occur when there is a condition, rule, policy or even a practice in the Council that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that the employer acted reasonably in managing the business.

**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”.

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

**Third party harassment:** The Equality Act makes you potentially liable for harassment of employees by people (third parties) who are not employees of the Council such as customers or clients. The employer will only be liable when harassment has occurred on at least two previous occasions they are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

**Victimisation:** Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

### **4. RESPONSIBILITIES**

All employees of the Authority are expected to carry out their responsibilities under this policy to ensure that the Council’s approach to the equalities agenda operates fairly and effectively.

- The Chief Executive has overall responsibility for making sure that the Council as a whole carries forward a co-ordinated approach to equality in employment.
- Chief Officers have a duty for ensuring that the Council's agreed approach to equalities is carried out in full within their Departments, actively promoting equal opportunities within their departments and ensuring that all employees understand and act in accordance with this statement.
- All employees have a responsibility to ensure that the council's agreed procedures relating to equal opportunities in employment and dignity at work are followed and ensure fairness towards colleagues and members of the public.
- The Corporate Equalities Network will take a lead role in the development, implementation and monitoring of the Council's equality agenda.

## **5. IMPLEMENTATION**

The Council will ensure:

- That it actively promotes equal opportunities through the application of employment policies which will ensure that individuals receive treatment which is fair, equitable and consistent with their aptitudes, potential, skills and abilities.
- That individuals are recruited, selected, developed, promoted and treated on objective criteria having regard to relevant experience, potential, skills and abilities. In particular no applicant/employee will be placed at a disadvantage by requirements or conditions which are not necessary to the performance of the job or which constitutes any form of discrimination.
- That all officers and members making selection and promotion decisions undertake appropriate training in recruitment practices to ensure that they understand the need to promote equality of opportunity and eliminate any inconsistent treatment.
- That all job adverts make reference to our commitment to equality of opportunity and encourage applications from all sections of the community. This is enhanced by the Disability Symbol awarded to the Council (further details below).
- That the Council keeps under review existing and potential initiatives to create a more flexible, supportive, harmonious and family friendly working environment.
- To examine existing Organisational Development policies, procedures and practices to assess whether and to what extent they safeguard and promote equality of opportunity. Appropriate revisions will be made in the light of information obtained as a result of monitoring.

## **6. GENUINE OCCUPATIONAL QUALIFICATIONS**

The Council will only specify gender or race as a genuine occupational qualification for a post where absolutely necessary and where lawful under the Equality Act 2010. Where a manager decides that a post should have a Genuine Occupational Qualification they will be required to present detailed information that supports their position.

## **7. MONITORING**

Equal Opportunities policies by themselves will not bring about equality. Monitoring is central to the effective implementation of equal opportunities policies. For the purposes of this policy, monitoring will mean the systematic collection and analysis of employment related data.

An annual performance report on equalities in employment will be developed and presented to the Executive Committee. Monitoring provides a benchmark from which the effectiveness of the policy can be measured and provides a clear picture of the composition of our workforce and whether particular groups of people are under-represented.

The Performance Indicators in relation to equalities will provide a base from which to monitor the effectiveness of our equalities policy. This will be led by the Corporate Equalities Network.

## **8. POSITIVE ACTION**

We will promote positive action to help us to move towards the objectives of this policy, providing this is not discriminatory against any other group.

## **9. TRADE UNION**

The Council recognises the positive role and contribution made by the Trades Unions in developing and implementing the Council's commitment to equality of opportunity.

## **10. DISABILITY SYMBOL**

The Council has been awarded the Disability Symbol from the Jobcentre Plus. The Symbol ensures that the Council offers people with disabilities every possible opportunity while working for the Council or applying to work for the Council.

The 5 commitments of the Symbol are as follows:

1. To interview all applicants with a disability who meet the minimum criteria for a job vacancy and consider them on their abilities.
2. To ensure there is a mechanism in place to discuss at any time, but at least once a year, with disabled employees, what can be done to make sure they can develop and use their abilities.
3. To make every effort when employees become disabled to make sure they stay in employment.
4. To take action to ensure that key employees develop the appropriate level of disability awareness needed to make our commitments work.
5. Each year, to review the five commitments and what has been achieved, to plan ways to improve on them and let employees and Jobcentre Plus know about progress and future plans.

## **11. RELATED POLICIES**

The Council has a Dignity at Work Policy that provides advice and guidance on how to deal with any issues of discrimination, bullying or harassment together with a policy on handling issues related to domestic abuse.

## **12. MONITORING & REVIEW**

All employment data in relation to the Equality Act 2010 will be collected in line with the corporate approach to the collation of equalities information. The results of any analyses and data will be reported to the Corporate Equality Network which is an umbrella/steering group with the primary function of overseeing equality related issues. All information is held in complete confidence and anonymity is respected throughout.

The Head of Organisational Development will review this statement as per the agreed OD review timetable in conjunction with Trade Unions taking into consideration reported incidents, investigations monitored, legislative amendments and best practice advice.