

# Equal Opportunities Policy

## 1. Legal Position

1.1 The law on equality was consolidated into the Equality Act 2010, which took effect on 1 October 2010. The law prohibits discrimination on certain grounds. To discriminate against someone means to treat them less favourably, to harass or victimise them, or to subject them to a provision, criterion or practice which puts them at a disadvantage. This is unlawful if it is on certain grounds, known as 'protected characteristics'. These are:

- Age
- Race (including segregation)
- Religion or belief
- Sex
- Sexual orientation
- Gender reassignment: This is protection for transsexuals, including less favourable treatment because of an absence related to reassignment compared to absence because of sickness or injury etc.
- Marriage and civil partnership: It is unlawful to discriminate against a colleague or employee on the ground that they are married or in a civil partnership. There is no protection of single people.
- Pregnancy and maternity
- Disability: This is a physical or mental impairment which has (or is likely to have) a substantial effect on a person's ability to carry out day-to-day activities for a period of a year or more. Certain medical conditions, such as cancer, Multiple Sclerosis and HIV are a disability from the outset, whatever their impact on day-to-day activities. Protection from discrimination covers a person who has had a disability in the past.

## 2. Scope

2.1 All employees whether full-time, part-time, fixed contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Council.

## 3. Disability Discrimination

3.1 In the case of disability discrimination, there is no unfavourable treatment if the 'discriminator' did not know or could not reasonably have known the person had a disability. More favourable treatment of disabled persons is not unlawful discrimination against non-disabled people. As well as the usual forms of discrimination, the Equality Act protects people from unjustified discrimination 'arising in consequence of' a disability, which is very broad.

3.2 The Council has a duty to make 'reasonable adjustments' where a 'provision, criterion or practice' puts a disabled person at a substantial disadvantage compared to non-disabled persons. Then a duty arises on the Council to take such reasonable steps as are necessary to

avoid the disadvantage; for example, to remove, alter or provide means to avoid a physical feature; to provide an auxiliary aid or service; or to adjust a working pattern or role etc. The adjustment must be made at no charge to the employee.

- 3.3 The Council will not ask and act on answers about the health of an applicant before offering work except where this is necessary for:
- establishing requirements or adjustments needed for an interview or assessment
  - establishing the person's ability to carry out a function intrinsic to the work
  - monitoring diversity or
  - checking the person has a disability which is required for the job

#### **4. Our Commitment**

- 4.1 Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. This is further defined in the Dignity at Work/Bullying and Harassment Policy. Breaches of our Equal Opportunities Policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to complain about discrimination or harassment or victimisation through the Council's Grievance Procedure.

#### **5. Equality in the Delivery of Services**

- 5.1 The Council's clients and service users have the right to expect fair and non-discriminatory treatment whilst participating in or receiving any of the Council's services. The Council will ensure that all recipients of the services delivered directly by the Council are guaranteed the same opportunity. The Council will always look for ways that it can make its services more accessible to all.
- 5.2 All staff are expected to apply this policy to the delivery of services and use of Council facilities and breaches of this policy by staff will be subject to the disciplinary procedures.
- 5.3 Where any service is delivered indirectly by contractors, partners or volunteers, the Council will ensure that they understand its Equal Opportunities Policy and adhere to it.

#### **6. Equality in Community Leadership**

- 6.1 Local residents, members of local organisations, businesses and visitors have the right to expect fair and non-discriminatory treatment when engaging with the Council. The Council recognises the diversity within the community and seeks to reflect this in the work it undertakes within that community.
- 6.2 The Council will always look for ways to make it easier for everyone to engage with it.

#### **7. Equality in Democracy**

- 7.1 Where councillors are to be elected the Council will make information available as widely as possible about the election, and help people who are interesting in standing for election, with the objective of reflecting the diversity of the town.
- 7.2 When the Council seeks a co-opted member it will advertise widely and will ensure that every applicant has an equal opportunity. Selection will be made against objective criteria.
- 7.3 The Council will always promote democracy, encourage all people to engage with it and vote at elections. It will make special efforts to engage with 'hard to reach' groups.