



**WIGTON TOWN COUNCIL
EQUAL OPPORTUNITIES IN EMPLOYMENT
POLICY**

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1. STATEMENT OF INTENT

- 1.1. Wigton Town Council is an Equal Opportunities Employer and will ensure that no employee or job applicant receives less favourable treatment on grounds which are unlawful or which are not relevant to the requirements of the particular job.
- 1.2. This policy has been approved by Wigton Town Council, which expects all employees at all levels to follow its guidance.

2. INTRODUCTION

- 2.1. There are several major Acts of Parliament, supported by Codes of Practice, which are aimed at eliminating discrimination on grounds of race, sex, marriage or disability and promoting equality of opportunities in employment. These Acts and Codes, together with other information, which may help you, are listed at Appendix 1.
- 2.2. In addition, local authorities are required by law to appoint and promote employees on the basis of merit for the job.
- 2.3. In accordance with its Statement of Intent on Equal Opportunities, Wigton Town Council has produced this policy to provide advice and assistance to its employees to enable them to work towards equal opportunities by following good practices and procedures.
- 2.4. Although the principles are to be observed by all employees, this Policy is of particular relevance to managers and supervisors and any other staff involved in the recruitment, training and development of employees.
- 2.5. Its purpose is: -
 - To introduce the concepts of discrimination and equality of opportunity (Section 1);
 - To focus particularly on the areas of recruitment and selection (Section 2), and training and development (Section 3);
 - To set out a code of conduct on harassment (Section 4);
 - To advise employees on what action to take should they feel they have been discriminated against (Section 5).

3. DEFINITIONS

It is important that you understand what discrimination is.

- 3.1. DIRECT discrimination occurs when you deliberately choose not to offer a job or a training opportunity or other benefit to a person because of the sex, race or marriage of the person. **Such discrimination is unlawful and you risk being taken to an Employment Tribunal. Employees as well as employers are liable under the legislation.**
- 3.2. The disability legislation is slightly different in that it introduces the concept of “reasonable adjustment”. Failure to comply with a duty to provide a reasonable adjustment can be classed as direct discrimination. The Council must look specifically at the person’s disability and identify how, if practicable, it can ensure that the person is treated as fairly as everyone else.
- 3.3. Other forms of discrimination such as on grounds of age, religion or sexual inclination, which may be lawful but may be regarded as undesirable, are at present not covered by specific Council policies. Following good employment practice will result in less arbitrary discrimination in these areas also, and be in line with the requirements of the Human Rights Act 2000.
- 3.4. INDIRECT discrimination is less obvious but is equally unlawful under the relevant legislation. This can occur when a condition is set for a job which is not absolutely necessary for the successful performance of the job and is such that a smaller proportion of one sex, or racial group, can comply with it.
- 3.5. Examples would be:
 - 3.5.1. Unnecessary specification of strength requirements for a job; this could disadvantage women; or
 - 3.5.2. Unnecessary requirements for qualifications in English; this may discriminate against ethnic minorities; or
 - 3.5.3. Unnecessary specification of experience requirements; this could indirectly discriminate against women.
- 3.6. There is no concept of INDIRECT discrimination under the disability legislation, however, it is important not to include unnecessary requirements in job descriptions unless the work cannot be done in another way.
- 3.7. Victimization – occurs if someone is given less favourable treatment than others because they have exercised their rights under the policy or the relevant legislation (e.g. by making a complaint or providing information on discrimination).
- 3.8. Harassment – is a complex and sensitive issue, it may take many forms and can be isolated or repetitive behaviour which may be directed at individuals or groups. It is also very personal, because what constitutes acceptable behaviour for one individual may be deemed harassment by another.

4. REASONS FOR A POLICY

- 4.1. Apart from meeting the requirements of legislation, it is in everyone’s interest that there should be Equal Opportunities:
- 4.2. The Council’s:
 - To get the best out of staff;
 - To unlock the talents and abilities of all employees;
 - To maintain the image of the Council with clients, employees, candidates for employment and the public at large;
- 4.3. Employees:
 - To achieve a fair distribution of rewards and responsibilities;
 - To get rid of all forms of unjustified discrimination;
 - To work in an environment where everyone gets equality of opportunity.

4.4. If you follow good employment practices you will achieve equal opportunities. Sections Two and Three of this Code set out good employment practices in the areas of recruitment, training and development. Following these practices will enable you to avoid unintended bias or discrimination.

4.5. Failure to comply with or adhere to Wigton Town Council's Equal Opportunities in Employment Policy will be treated as a disciplinary offence.

5. RESPONSIBILITIES FOR THE IMPLEMENTATION OF EQUAL OPPORTUNITIES

5.1. Wigton Town Council has a primary legal and moral responsibility for ensuring that the council and its employees do not discriminate on the grounds of sex, race, age, social background and the Industrial Codes of Practice state:

“Management should not merely avoid discrimination, it should develop positive policies to promote equal opportunity in employment”. 5.2. The Town Clerk will be responsible for the introduction operation and monitoring of the policy on behalf of the council. It will therefore be their duty to ensure that the policy is properly implemented; that staff receive proper guidance and training; that adequate records are established; that adequate monitoring of procedures and selection decisions are carried out; that a review of the policy is carried out and that follow-up action is taken as necessary.

5.3. **Managers and Supervisors** have responsibilities for ensuring the provision of equal opportunities.

5.4. Managers in particular should: -

5.4.1. Ensure that all employees are aware of their responsibilities, the law, and the councils policy on equal opportunities.

5.4.2. Ensure that grievances are dealt with in a fair and consistent manner.

5.4.3. Ensure that proper records of employment decisions are maintained and that regular reviews re carried out of employment practices.

5.4.4. Guard against possible prejudice or pre-assumptions those individuals because of their sex, marital status, and race, possess characteristics, which make them unsuitable for employment.

5.5. **Individual Employees** at all levels also have certain responsibilities under this policy.

Whilst the primary responsibility for ensuring that there is no unlawful discrimination rests mainly with the management of WTC, good employee relations and fair employment practices depend on employees as much as management. In particular, staff have a duty to their employer, to their fellow employees and to their staff organisations; employees involved in discriminatory actions or practice may face not only disciplinary action but also legal proceedings.

5.6. Individual employees must:

5.6.1. Co-operate with and give support to measures introduced by management to ensure equal opportunities and non-discrimination.

SECTION FOUR HARASSMENT

Sexual harassment can cause a person to feel threatened or humiliated, and is totally unacceptable behaviour, which can result in disciplinary action. It can also be unlawful under the terms of the Sex Discrimination Act if it results in a person being treated less

favourably than someone of the opposite sex; for example where appointment or promotion may depend, or where the employee is made to feel they may depend, on sexual considerations.

Sexual harassment can comprise any of the following: repeated sexual advances, demands for sexual favours, gestures, allusions, suggestive remarks and physical contact of an overtly sexual nature which are unsolicited and unwelcome, which may be detrimental to a person's job prospects or benefits, or which cause a person to feel threatened, humiliated, patronised or offended.

The Code of Practice on Sex Discrimination published by the Equal Opportunities Commission recommends:

- That particular care is taken to deal effectively with all complaints of discrimination, victimisation or harassment, it should not be assumed that they are made by those who are over-sensitive;
- That care is taken that members of one sex are not disciplined or dismissed for performance or behaviour which would be overlooked or condoned in the other sex;
- That reasonably practical steps should be taken to ensure that a standard of conduct or behaviour is observed which prevents members of either sex being intimidated, harassed or otherwise subjected to unfavourable treatment on the grounds of their sex.

Racial Harassment in terms of behaviour towards, or treatment of, people of another race is equally unacceptable. The same principles and standards of behaviour as are outlined above are equally applicable to the treatment of employees of a different racial or ethnic origin.

Harassment of disabled people including comments, actions, jokes or suggestions will not be tolerated either.

All employees are expected to ensure that they do not give offence to another employee, which could be considered to be harassment.

SECTION FIVE COMPLAINTS: NOTES FOR ALL EMPLOYEES

If you feel you are being discriminated against in any way, including sexual or racial harassment or harassment on grounds of disability, you should take the problem, in confidence, to your line Manager or Councillor that you feel you can trust. Your complaint will be treated seriously.

It may be possible for you to resolve the matter yourself with advice or training. It may also be that the person about whom you are complaining is unaware of the effect of what has been done and an informal approach by a Senior Manager may be sufficient.

In a case of serious or persistent unfair discrimination or harassment, disciplinary action may be necessary. If so, your evidence may have to be put directly to the person concerned so that it can be assessed fairly, but this will only be done with your agreement. Refer to "Dignity at Work – Combating Bullying and Harassment" Policy December 2000.

FINAL REMINDERS REMEMBER

It is unlawful to discriminate on the grounds of sex, marriage, race or disability.

You need to take particular care:

- In the arrangements made for recruiting applicants for vacancies;
- In being clear as to the reasons for rejecting applicants;

- That you do not instruct or put pressure upon others to discriminate;
- In the way access is afforded to opportunities for promotion or training;
- That you do not give offence to another employee which could be considered to be sexual or racial harassment or harassment on the grounds of disability.

APPENDIX 1

RELEVANT LEGISLATION, CODES AND BOOKLETS

Relevant Legislation includes:

- Human Rights Act 1998
- Disability Discrimination Act 1995
- Equal Pay Act 1970 (Amended 1983)
- Sex Discrimination Act 1975 (updated 1986)
- Gender Re-assignment Regulations 1999
- Race Relations Act 1976
- Local Government and Housing Act 1989
- Rehabilitation of Offenders Act 1974
- Asylum and Immigration Act 1996
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000

Relevant Codes of Practice include:

- Code of Practice on Race Relations issued by the Commission for Racial Equality
- Code of Practice on sex and marriage discrimination issued by the Equal Opportunities Commission
- Code of Practice on the employment of disabled people issued by the Department of Employment

APPENDIX 2

OPTIONAL SCHEME OFFERED BY THE EMPLOYMENT SERVICE

DISABILITY SYMBOL USER SYMBOL

The Council has registered as a Disability Symbol user (shown on the front of this booklet and used on the Council's headed paper etc.) which means that it has made the following genuine commitments to action:

- a) To interview all applicants with a disability who meet the *Essential* criteria for a job vacancy and consider them on their abilities.
- b) To ask disabled employees at least once a year what can be done to make sure they can develop and use their abilities at work.
- c) To make every effort when employees become disabled to make sure they stay in employment.
- d) To take action to ensure that key employees develop the awareness of disability needed to make employers commitments work.
- e) To review these commitments each year, what has been achieved, plan ways to improve on them and let all employees know about progress and future plans.