

Equality and Diversity

In Employment

Equality and Diversity

1. Introduction

Pendle Borough Council is committed to supporting the principle of equality of opportunities in employment and opposes all forms of unlawful or unfair discrimination. This includes protection to people with 'protected characteristics'. The nine protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

In addition, we also include:

- Trade union activity

We believe that it is in the best interests of the Council and those who work within it to ensure that the talents and skills available from the whole community are considered when employment opportunities arise. To this end, within the framework of the law, we are committed wherever practicable to achieving and maintaining a work force that broadly reflects the local community in which we operate. The Council will endeavour to ensure that there are no provisions, criteria or practices that put protected persons at a particular disadvantage.

Every possible step will be taken to ensure that all employees, whether full time, part time, temporary or contracted, are treated equally and fairly and that decisions on recruitment, selection, training, promotion, career development or employment benefits are based solely on objective and job-related criteria.

The Council believes that:

- Equality of opportunity in the workplace is good practice and makes sound business sense.
- 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.
- Breaches of our equal & diversity policy will be regarded as misconduct and could lead to disciplinary proceedings.

This policy and procedure is supported by Corporate Leadership Team, has been agreed with trade unions and employee representatives and will be monitored and reviewed regularly.

Equality and Diversity

2. Legislation

Our policy and procedure is implemented within the framework of relevant legislation, which includes:

- Equality Act 2010
- Equality Act (General Duties) 2011
- Trade Union and Labour Relations (Consolidated) Act 1992
- Modern Slavery Act 2015
- In addition, the Council will endeavour to ensure that good practice is employed, over and above minimum legal requirements.

3. Responsibilities

- The Corporate Leadership Team is responsible for ensuring that a policy and procedure is in place and that employees are aware of their responsibilities.
- Managers are responsible for implementing, monitoring and actively promoting the policy and acting within the procedures.
- Employees are responsible for behaving in a manner that reflects the spirit and intention of the policy and for reporting any actions that may be viewed either as discrimination or harassment.
- The Human Resources Manager will monitor its application and ensure that any requirements to amend it are actioned as soon as reasonably practicable.
- The trade unions can support the application of the policy and procedure by working within it and providing feedback as appropriate.

4. Our Approach

Age

The Council will promote age diversity by valuing the contributions of its employees irrespective of their age.

For example - Our recruitment practices are designed to eliminate any bias.

- We do not include age restrictions on any of our posts unless required to do so by law (e.g. work in a licensed premises selling alcohol etc).
- We do not ask about age or include the date of birth when reviewing application forms
- We have set interview questions that relate only to the job role

We do not have a set retirement age and offer flexible retirement options.

Pendle Borough Council supports the health and wellbeing of members of its workforce of all ages by providing access to occupational health and health surveillance services, promoting and supporting a health and wellbeing programme.

Disability

Positive steps are taken to attract and retain disabled people in Council jobs through the Disability Confident Scheme.

Equality and Diversity

Through this scheme we make the following commitments:

- Inclusive and accessible recruitment
- Communicating vacancies using our Disability Confident badge to ensure potential applicants know we are an inclusive employer
- Guaranteed interview for people with a disability who meet the essential criteria
- Providing reasonable adjustments
- Supporting existing employees to remain in work

The Council recognises that at times employees may experience stress, anxiety or other mental health issues whilst in Work – our inclusive approach means that we are committed to supporting staff with a mental health condition that regardless of it being considered a disability. We provide an EAP service and have a number of Wellbeing Champions trained across the Council. The Council has also signed up to the Mindful Employer Charter to both demonstrate our commitment to supporting new and existing employees with a mental health condition to stay in work and so that we have access to information and guidance on the best practice for employers.

The Council recognise the value neurodiverse individuals can bring to the workplace. Neurodiversity refers to the different ways the brain may work and interpret information. It highlights that people think about things differently, have different interests, motivations and natural strengths. We recognise that many day to day work tasks are designed in a neurotypical way and therefore may be difficult for a person whom is neuro diverse to adapt to or learn. The Council aim to create a culture where employees feel safe to discuss their needs and wherever possible take a flexible approach to appropriate working arrangements.

It is recognised that certain conditions are likely to fluctuate and may potentially improve/deteriorate over time.

The Council will follow the same process of making reasonable adjustments for staff who experience a disability at a later stage to that of staff who have disclosed existing disability at the start of their employment.

Sex

We need and acknowledge the valuable contribution of both men and women at all levels within the Council. Our aim is to fully utilise the perspectives, knowledge, skills and experience of all our employees, and where appropriate, support positive initiatives to ensure their personal and professional development.

The Council supports the principle that both men and women should receive equal pay for equal work, work of equal value and work rated as equivalent. We have a fair and equitable grading structure, where each job is assessed and evaluated, implemented in conjunction with the Trade Unions.

The Council's employment practices are designed to support women and men who have responsibilities for children, dependants and other caring responsibilities whilst ensuring an effective and efficient workforce. Flexible working practices are promoted to support people with caring responsibilities.

Equality and Diversity

Race and Religion

Pendle Borough Council recognises that our community is a multi-racial, multi-cultural society with a diversity of cultures and religions represented in its population.

Our recruitment procedures ensures that there are equal opportunities in all the stages of the recruitment process, and we welcome applications from all candidates. We select candidates for interview based on skills, qualifications, experience and commitment to our values and purposes.

The Council will sympathetically consider any requests for holiday leave to celebrate festivals or attend ceremonies where it is reasonably practical to do so in line with our Annual Leave Policy.

We endeavour to ensure that our policies and procedures do not indirectly discriminate against any employees or potential employees.

Sexual Orientation, Marriage, Civil Partnership and gender reassignment

An individual's sexual orientation and gender identity should not affect whether they get a job, benefit from development opportunities or receive promotion. Everyone deserves the opportunity to develop their skills, be fairly rewarded and use their voice in a safe and inclusive working environment.

The Council is committed to ensuring equal treatment for all our employees and members of the public. We seek to ensure that all our policies, procedures and practices on employment and service delivery are inclusive and use appropriate language. We have policies that set clear expectations of what is acceptable and unacceptable behaviour and how to report and deal with incidences of conflict.

We will ensure that the Council's Conditions of Service offer the same benefits to those in same-sex relationships as are available to all other employees. This includes the provision of bereavement leave, compassionate leave, parental leave and time off for dependants.

Employees who propose to undergo, or are undergoing a process of socially aligning their gender expression with their gender identity, rather than with their birth-assigned sex, will be supported to do so sympathetically.

5. Types of Discrimination

There are various types of discrimination prohibited by this policy. The main types are:

Direct discrimination

Direct discrimination occurs where one person is treated less favourably than another because of a protected characteristic set out in this policy. By way of example, refusing to promote a pregnant employee on the basis that she is shortly due to go on maternity leave would be direct discrimination on the protected characteristic of the employee's sex. Other types of direct discrimination are:

Equality and Diversity

- **Associative discrimination** - this is direct discrimination against someone because they associate with another person who possesses a protected characteristic. For example, an employee is discriminated against because their son is disabled.
- **Perceptive discrimination** - this is direct discrimination against an individual because others think they possess a particular protected characteristic. For example, where co-workers believe the individual is gay. It applies even if the person does not actually possess that characteristic.

Indirect discrimination

Indirect discrimination occurs when an unjustifiable requirement or condition is applied, which appears to be the same for all, but which has a disproportionate, adverse effect on one group of people. This is discrimination even though there was no intention to discriminate. For example, a requirement for UK based qualifications could disadvantage applicants who have obtained their qualifications outside of the UK; this could amount to indirect discrimination on the grounds of race.

Victimisation

Victimisation is where an employee is treated less favourably than others because they have asserted legal rights or assisted a colleague in doing so. For example, victimisation may occur where an employee has raised a genuine grievance and is demoted as a result.

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.” It is important to remember that it is not the intention of the harasser but how the recipient perceives their behaviour, which determines whether harassment has occurred. Please see the Council’s Dignity at Work Policy, for further details of how we will deal with bullying and harassment.

6. Monitoring

Monitoring and evaluation are central to the process of ensuring that this Policy and other Equality and Diversity Plans are successful. They are a means of checking whether our policies are being implemented effectively and in highlighting any problem areas that may require attention.

We have some well-established monitoring systems in order that we have the information needed to ensure effectiveness and to guide the Council on particular areas for improvement or action.

The operation and effectiveness of our monitoring systems depend on information being available, therefore all employees and job applicants will be asked to provide this information on a self-classification basis. The giving of this information is entirely optional, but the Council urges co-operation to assist in monitoring progress to help the Council in developing an inclusive culture.

Equality and Diversity

Any information obtained as part of the monitoring process will be strictly confidential and will be analysed on a statistical basis only. It is inevitable that there will be a number of individuals within the Council who will have access to personal information. Council Officers who, as part of their employment, have access to personal information are required to ensure its security and appropriate storage and use. Any breach of confidentiality will be treated as a disciplinary offence.

7. Raising concerns

Employees who believe they are experiencing any form of harassment or discrimination should refer to the Dignity at Work Policy, which outlines how to raise concerns informally or formally. All complaints will be investigated promptly.

There are separate complaints procedures for members of the public and service users.