

LITTLEHAMPTON TOWN COUNCIL

Equal Opportunities and Dignity at Work Policy

1. Introduction - The General Equality Duty

- 1.1 The Town Council is an equal opportunity employer and is fully committed to a policy of treating all of its employees and job applicants equally. The Town Council will have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation in all aspects of employment including recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment, discipline, selection for redundancy and dismissal.
- 1.2 The Town Council is committed to advance equality of opportunity between people who share a protected characteristic and those who do not, and to foster good relations between people who share a protected characteristic and those who do not.
- 1.3 The Town Council extends this positive attitude in respect of equality and diversity to our contractors, service users, and the community at large. We are aware that in order to retain the confidence of the community it is important to reflect the make-up of our community within our workforce.

2. Operation

- 2.1 The Town Council will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications without regard to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation. In this policy, these are known as the “protected characteristics”.
- 2.2 The Town Council is committed to creating a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.
- 2.3 All employees are responsible for conducting themselves in accordance with this policy. The Town Council will not condone or tolerate any form of harassment, whether engaged in by employees or by outside third parties who do business with the Town Council, such as clients, customers, contractors and suppliers.
- 2.4 This policy should be read in conjunction with the Council’s Community Engagement Policy.
- 2.5 Employees have a duty to co-operate with the Town Council to make sure that this policy is effective. Action will be taken under the Town Council’s disciplinary procedure against any employee who is found to have committed an act of

improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this policy will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination or harassment. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

- 2.6 Employees should draw the attention of their line manager to suspected discriminatory acts or practices or suspected cases of harassment or bullying. Employees must not victimise or retaliate against any employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct in accordance with the Town Council's disciplinary procedure. All employees should support colleagues who suffer such treatment and make a complaint.
- 2.7 The Town Council will also take appropriate action against any third parties who are found to have committed an act of improper or unlawful harassment against its employees.
- 2.8 This policy and the associated arrangements shall operate in accordance with statutory requirements. In addition, full account will be taken of any guidance or Codes of Practice issues by the Equality and Human Rights Commission, any Government Departments, and any other statutory bodies

3. Direct Discrimination

- 3.1 Direct discrimination occurs when, because of one of the protected characteristics, a job applicant or an employee is treated less favourably than other job applicants or employees.
- 3.2 The treatment will still amount to direct discrimination even if it is based on the protected characteristic of a third party with whom the job applicant or employee is associated and not on their own protected characteristic.
- 3.3 It can include cases where it is perceived that a job applicant or an employee has a particular protected characteristic when in fact they do not.
- 3.4 The Town Council will take all reasonable steps to eliminate direct discrimination in all aspects of employment.

4. Indirect discrimination

- 4.1 Indirect discrimination is treatment that may be equal in the sense that it applies to all job applicants or employees but which is discriminatory in its effect on, for example, one particular sex or racial group.
- 4.2 Indirect discrimination occurs when there is applied to the job applicant or employee a provision, criterion or practice (PCP) which is discriminatory in relation to a protected characteristic of the job applicant's or employee's. A PCP is

discriminatory in relation to a protected characteristic of the job applicant's or employees if:

- i) It is applied, or would be applied, to persons with whom the job applicant or employee does not share the protected characteristic;
- ii) The PCP puts, or would put, persons with whom the job applicant or employee shares the protected characteristic at a particular disadvantage when compared with persons with whom the job applicant or employee does not share it;
- iii) It puts, or would put, the job applicant or employee at that disadvantage, and;
- iv) It cannot be shown by the Town Council to be a proportionate means of achieving a legitimate aim.

4.3 The Town Council will take all reasonable steps to eliminate indirect discrimination in all aspects of employment.

5. Recruitment, Advertising and Selection

5.1 The recruitment process will be conducted so that the most suitable person for the job (in terms of relevant experience, abilities and qualifications) is selected. The Town Council is committed to providing equal opportunities at all stages of recruitment and selection.

5.2 Advertisements will aim to encourage applications from all suitably qualified and experienced people. When advertising job vacancies, the Town Council will, as far as reasonably practicable:

- i) Ensure advertisements are not confined to those areas or publications which would exclude the numbers of applicants with a particular protected characteristic.
- ii) Avoid setting any unnecessary provisions or criteria which would exclude a higher proportion of applicants with a particular protected characteristic.

5.3 Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees with a particular protected characteristic.

5.4 However, where, having regard to the nature and context of the work, having a particular protected characteristic is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim, the Town Council will apply that requirement to the job role and this may therefore be specified in the advertisement.

5.5 The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked

of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

- 5.6 With disabled job applicants, the Town Council will have regard to its duty to make reasonable adjustments to work provisions, criteria and practices or to physical features of work premises or to provide auxiliary aids or services in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.
- 5.7 If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about any of the protected characteristics.

6. Training and Promotion

- 6.1 The Town Council will train all line managers in the Town Council's policy on equal opportunities and in helping them identify and deal effectively with discriminatory acts or practices or acts of harassment or bullying. Line managers will be responsible for ensuring they actively promote equal opportunity within the departments for which they are responsible.
- 6.2 The Town Council will also, as far as practicable, provide training to all employees to help them understand their rights and responsibilities in relation to equal opportunities and dignity at work and what they can do to create a work environment that is free from discrimination, bullying and harassment.

7. Terms of Employment, Benefits, Facilities and Services

- 7.1 All terms of employment, benefits, facilities and service will be reviewed from time to time, in order to ensure that there is no unlawful direct or indirect discrimination because of one or more of the protected characteristics.

8. Equal Pay

- 8.1 The Town Council is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, the Town Council will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

9. Bullying and Harassment

- 9.1 This policy covers bullying and harassment relating to protected characteristics in the workplace and in any work-related setting outside the workplace, for example, during business trips and at work-related social events. This should also be considered in line with other relevant Council policies.

- 9.2 Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates an employee.
- 9.3 An employee harasses another employee if they engage in unwanted conduct related to a protected characteristic or to a perceived protected characteristic, and the conduct has the purpose or effect of violating the other employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee.
- 9.4 An employee also harasses another employee if they engage in unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating the other employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee.
- 9.5 Finally, an employee harasses another employee if they or a third party engage in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, the conduct has the purpose or effect of violating the other employee's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other employee, and because of that other employee's rejection of or submission to the conduct, they treat that other employee less favourably than they would treat them if they had not rejected, or submitted to, the conduct.
- 9.6 The unwanted conduct will still amount to harassment if it is based on the protected characteristic of a third party with whom the employee is associated and not on the employee's own protected characteristic, or if it was directed at someone other than the employee, or even at nobody in particular, but they witnessed it. In addition, harassment can include cases where the unwanted conduct occurs because it is perceived that an employee has a particular protected characteristic, when in fact they do not.
- 9.7 Conduct may be harassment whether or not the person intended to offend. Something intended as a "joke" or as "office banter" may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.
- 9.8 Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.
- 9.9 This policy also covers people who are perceived to have an anti-harassment protected characteristic e.g. a person being bullied because they are perceived to be gay even though in fact they are not.

10. Examples

- 10.1 Bullying and harassment may be verbal, non-verbal, written or physical.
- 10.2 Examples of unacceptable behaviour include, but are not limited to, the following: unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature, subjection to obscene or other sexually suggestive or racist comments or gestures, or other derogatory comments or gestures related to an anti-harassment protected characteristic.
- 10.3 The offer of rewards for going along with sexual advances or threats for rejecting sexual advances.
- 10.4 Jokes or pictures of a sexual, sexist or racial nature or which are otherwise derogatory in relation to a protected characteristic.
- 10.5 Demeaning comments about an employee's appearance.
- 10.6 Questions about an employee's sex life.
- 10.7 The use of nick names related to a protected characteristic, picking on or ridiculing an employee because of an anti-harassment protected characteristic.
- 10.8 Isolating an employee or excluding him or her from social activities or relevant work-related matters because of a protected characteristic.

11. Reporting Complaints

- 11.1 All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. The Town Council will not ignore or treat lightly grievances or complaints of discrimination or harassment from employees.
- 11.2 If an employee wishes to make a complaint of discrimination, they should use the Town Council's grievance procedure.
- 11.3 With cases of harassment, while the Town Council encourages employees who believe they are being harassed or bullied to notify the offender (by words or by conduct) that his or her behaviour is unwelcome, the Town Council also recognises that actual or perceived power and status disparities may make such confrontation impractical. In the event that such informal direct communication is either ineffective or impractical, or the situation is too serious to be dealt with informally, employees should follow the procedure as set out in the Town Councils Anti Harassment and Bullying Policy.
- 11.4 Alternatively, you may, if you wish, use the Town Council's grievance procedure to make a complaint of harassment.
- 11.5 Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the Town Council's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In

addition, line managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Town Council's disciplinary procedure.

12. Related Policies and Arrangements

- 12.1 All employment policies and arrangements have a bearing on equality of opportunity. The Town Council undertakes to review these policies regularly and to remove any discriminatory elements

13. Monitoring equal opportunity and dignity at work

- 13.1 The Town Council will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices.
- 13.2 If changes are required, the Town Council will implement them. The Town Council will also make reasonable adjustments to its standard working practices to overcome substantial disadvantages caused by disability.