

# STOKE ST MARY PARISH COUNCIL

## EQUALITY AND DIVERSITY POLICY

ADOPTED 21<sup>ST</sup> MARCH, 2024

### **Our commitment**

The Parish Council (PC) is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the PC to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying, and that everyone is treated with dignity and respect, is an important aspect of ensuring equal opportunities in employment.

### **The law**

It is unlawful to discriminate directly or indirectly in recruitment of employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as “protected characteristics”.

Discrimination after employment may also be unlawful, eg refusing to give a reference for a reason related to one of the protected characteristics.

The PC will not discriminate against, or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barrier that may impede disabled people from accessing a services.

### **Types of unlawful discrimination**

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic, such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person’s dignity; or creating an intimidating, hostile, degrading, humiliating or

offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

Third party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic, and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

### **Equal opportunities in employment**

The PC will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

#### Recruitment

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of decisions except where necessary.

#### Working practices

The PC will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is done, when considering requests for variations to these standard working practices and will refuse such requests only if the PC considers it has good reasons, unrelated to any protected characteristic, for doing so. The PC will comply with its obligations in relation to statutory request for contract variations. The PC will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

#### Equal opportunities monitoring

The PC will monitor the ethnic, gender and age composition of the existing workforce and applicants for jobs (including promotions), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The PC treats personal data collected for reviewing equality and diversity in accordance with the data protection policy.

**People not employed by the PC**

The PC will not discriminate unlawfully against those using or seeking to use the services provided by the PC.

You should report any bullying or harassment by suppliers, visitors or other to the PC who will take appropriate action.

**Grievances**

If you consider that you may have been unlawfully discriminated against, you should use the PC's complaints procedure to make a complaint.

The PC will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

**Monitoring and review**

This policy will be monitored periodically by the PC to judge its effectiveness and will be updated in accordance with changes in the law.

This is a non-contractual procedure which will be reviewed from time to time.

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