1. **Aim of the policy**

1.1 To provide all staff members with a working environment that ensures everyone is treated fairly and with respect regardless of their background or ability. The Authority is committed to valuing all people as individuals and recognising their personal abilities and strengths in order to gain from the diversity of its staff members.

## 2 Purpose

2.1 The Authority recognises that not only is it in the interests of individuals, but it makes good business sense, to ensure all staff members are treated with dignity and respect in order that they may feel comfortable and confident in their working environment.

2.2 No staff member or prospective staff member will receive less favourable treatment on grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity.

2.3 The purpose of the policy is also to ensure a positive attitude is adopted towards all staff members where fairness and equity of treatment is paramount. Everyone has the right to work in an environment free from harassment, bullying or intimidation, and the associated stresses that they cause.

**3.0 Individuals affected**

3.1 This policy covers all staff members at all levels within the Authority. It also applies to elected Authority members who have a duty to treat all staff members with respect and dignity at all times.

3.2 All staff members have a duty to treat all third party operatives and suppliers with dignity and respect at all times.

3.3 If a staff member believes they have been subjected to bullying or harassment they can raise a complaint about the situation through the Harassment and BullyingPolicyas the Authority has a duty of care to protect its staff members from this type of behaviour.

3.4 In other cases where a staff member feels they have suffered less favourable treatment on grounds of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity. This will be dealt with through the Grievance Policy.

**4.0 General principles**

4.1 We are committed to achieving and promoting equality of opportunity and diversity in:

 terms and conditions including pay and benefits;

* access to all services offered by the Authority;
* recruitment and selection procedures and ensuring equality of opportunity for all job applicants and prospective applicants;
* the provision of training and development opportunities on an equitable basis all staff members are promoted and treated fairly on the basis of their relevant merits and abilities;
* the opportunities to become Authority members or other stakeholders.
* Induction – to ensure it is understood and effective

4.2 This policy also supports two of our values:

|  |  |
| --- | --- |
| **Acheivement** | We encourage, innovate and inspire to achieve success. |
| **Teamwork** | We work together with openness, integrity and respect. |

1. **Types of Discrimination – Definitions (as updated by the Equality Act 2010)**

5.1 **Direct discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

5.2 **Discrimination by association**

Already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

5.3 **Perception discrimination**

Already applies to age, race, religion or belief and sexual orientation. Now extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

5.4 **Indirect discrimination**

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Now extended to cover disability and gender reassignment.

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is ‘a proportionate means of achieving a legitimate aim’. A *legitimate aim* might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate really means being fair and reasonable, including showing that you’ve looked at ‘less discriminatory’ alternatives to any decision you make.

5.5 **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*”.*

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

5.6 **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

1. **Responsibilities**

6.1 The Authority will take all necessary steps to remove unreasonable behaviour from the workplace; however, individuals also have a responsibility to all their colleagues to treat them fairly and with respect. All staff members are expected to abide by the standards laid out in this policy. Whilst it is the responsibility of management to set and uphold standards, all staff members must play their part. This means not allowing incidents to go unchallenged even if they are not the actual victim. Human Resources has a responsibility to support managers and staff members in maintaining a fair and equitable workplace by providing support and guidance on the policy and procedures and providing practical help to resolve issues at the lowest level possible.

6.2 Management and Human Resources also have the responsibility for maintaining awareness in the workplace of the required standards through periodic training and briefing. From time to time Human Resources will review the policy to make sure it is up to date with current legislation and best practice. Human Resources will also carry out monitoring of job applicants and the make-up of the workforce in order to assess whether the policy is being successfully implemented.

**7 Standards of behaviour**

7.1 Staff members must ensure by their attitude and behaviour to their colleagues and to everyone with whom the Authority works that they are without prejudice of any kind and that they promote fair treatment and acceptable behaviour. Staff members who unfairly discriminate against others will be in breach of their contract of employment and liable to be subjected to the disciplinary procedure, which may lead to their dismissal. Equal treatment and an atmosphere of mutual respect will maintain good morale and a harmonious working environment.

7.2 Unacceptable behaviour often occurs unintentionally, so the main focus of this policy is to ensure that problems are tackled early and informally, directly between the individuals involved and is not escalated to more formal procedures unless necessary. It is important to remember that except in the most serious cases, those involved will be expected to continue to work together, so it is important that issues are tackled in a way that will ensure that difficulties are resolved effectively without causing more conflict. However, it is also accepted that on some occasions it is necessary to have a more formal approach to deal with serious allegations in a fair and objective way.

**8 The legal obligations**

8.1 There are a number of laws covering all aspects of Equal Opportunities:

▪ The most recent legislation is within the Equality Act 2010, and associated amendments.

▪ The Act covers the same groups: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, pregnancy and maternity. These are now called ‘Protected Characteristics’.