

# Fowlmere Parish Council

## EQUALITY AND DIVERSITY POLICY

Reviewed and adopted 15<sup>th</sup> June 2021

### Our commitment

Fowlmere Parish Council is committed to providing equal opportunities in employment and wider service delivery and avoiding unlawful discrimination.

The Council, as a corporate body, has responsibilities as an employer, a service provider and a public authority, but both members and employees as individuals also have responsibilities as well as rights.

The Council will treat all its employees, partners and customers with dignity and respect, free from discrimination, victimisation and harassment.

### The law

It is unlawful to discriminate directly or indirectly in recruitment or 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, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

The Council 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 barriers that may impede disabled people from accessing a service.

### 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 a 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 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 that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.

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

Victimisation occurs where an individual is subjected to a detriment, such as being denied an employment opportunity or access to services 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 individual 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 and contracting**

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

Person, role and service specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment 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 employment decisions except where necessary.

The Council 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 to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Council considers it has good reasons, unrelated to any protected characteristic, for doing so. The Council will comply with its obligations in relation to statutory requests for contract variations.

The Council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The Council will raise awareness of equal opportunities issues to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

### **Equal opportunities in provision of services**

Fowlmere Parish Council will not discriminate unlawfully against those using or seeking to use the services provided by the Council.

You should report any bullying or harassment encountered in activities undertaken by, or on behalf of, the Council, or at any Council organised events or facilities to the Clerk who will take appropriate action.

### **Responsibilities of Councillors and employees**

Every Councillor and employee is required to assist the Council to meet its commitment to provide equal opportunities and avoid unlawful discrimination. Individuals can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination.

Individuals who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and constitute breaches of the Code of Conduct. They will be dealt with under the Council's disciplinary procedures.

### **Grievances**

If you consider that you may have been unlawfully discriminated against, you should raise this with the Clerk or the Chairman of the Parish Council.

Fowlmere Parish Council 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 Council to judge its effectiveness and will be updated in accordance with changes in the law.