



# Equality and Diversity Policy

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# EQUALITY AND DIVERSITY POLICY

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## **Policy aims and overview**

West Sussex County Council is committed to promoting diversity and equality of opportunity as a large employer and as a provider of services. The link between quality service delivery to the diverse community of West Sussex and the quality management and development of staff is at the heart of our good employment practices.

This policy sets out our approach to diversity and equality in employment. We seek to ensure that our working environment is one that respects and includes everyone and that no employee, contractor, temporary worker or job applicant receives less favourable treatment. This is on the basis of Gender or gender reassignment; marital status; sexual orientation; race, language, ethnic or national origins and nationality (including citizenship); religious belief; disability and/or medical conditions; age; whether they have dependents; trade union membership status and activity and or political views/ affiliations.

We believe that employees and potential employees should be treated with respect equally and fairly in recruitment, selection, promotion, training and career development. Individuals will be selected, promoted and treated on the basis of their abilities and merits in relation to the requirements of the job and the business needs of the organisation. They will be given an equal opportunity to use their ability, to progress and to fulfill their potential within the organisation.

We are committed to providing equality of opportunity for all by eliminating unwarranted and inappropriate discrimination. We will do this by ensuring that our practices reflect relevant employment legislation and good practice and that employment decisions are based upon job related, objective criteria. We are also committed to encouraging diversity amongst staff to reflect the community we serve.

### **Management and Employee Responsibilities**

Whilst the role of managers is important in making this policy effective, there are also duties placed upon employees, which are outlined below. The success of this policy relies on the understanding and support of all employees and it is important that everyone takes account of the policy when managing staff or dealing with each other.

All employees have a personal responsibility to comply with this policy and abide by legislation in dealing with their colleagues on a daily basis. Managers, Specialist Advisers or any employee involved in the activities listed below have a particular responsibility to comply, when:

- Recruiting staff;
- Making decisions about work related opportunities, promotion and reward issues;
- Managing performance, appraisals and the allocation of training;
- Dealing with requests for flexible working and career breaks;
- Managing pregnant workers and those with dependant care responsibilities;
- Making selections for redundancy;

Employees must not:

- Discriminate against colleagues, other workers or job applicants, or harass them;
- Encourage or try to encourage staff to treat others unfairly or to practice unlawful discrimination;
- Victimise people who have made allegations or complaints of discrimination or who have provided information about such discrimination.

We will not tolerate the above and where employees commit an act of unjustified or unlawful discrimination, or allow discrimination to occur without taking appropriate action, then they could be liable to a claim being brought against them as an individual, for example at an Employment Tribunal. The employee could also be liable to disciplinary

action in accordance with the County Council's Standards of Conduct requirements, which could result in dismissal.

### **Sex and Race Discrimination**

Sex and race discrimination occurs when someone treats a fellow employee or worker less favourably on the grounds of their race or sex or due to a characteristic or assumption about their race or sex. For example, if someone assumes that a female employee with children cannot work as well as an equivalent male member of the team and is therefore given less important work, then this would constitute direct sex discrimination. However, there are specific circumstances where there is a genuine occupational requirement for an employee of a particular gender or race.

For example:

- A job to be held by a man to preserve privacy or decency of another man.
- Provision of welfare services for an African-Caribbean community may be most effectively promoted by a person from that racial background.

### **Gender Reassignment**

Employees who decide to adopt the opposite gender from the one assigned at birth (gender reassignment) are known as Transsexuals and are protected from discrimination and harassment at work. This should not be confused with cross-dressing or transvestism or sexual orientation.

It is unlawful to harass, victimise or discriminate against someone if he or she intends to undergo gender reassignment, is undergoing gender reassignment or has at some time undergone gender reassignment. It covers recruitment, transfer, training, promotion, access to work related benefits, facilities and services, dismissal and any other detriment. Some transsexuals may also have rights to reasonable adjustments under the Disability Discrimination Act 1995. Employees may produce a Gender Recognition Certificate. This entitles them to have their gender altered on their employment records. More information about the practical implications can be found at: [www.womenandequalityunit.gov.uk/legislation](http://www.womenandequalityunit.gov.uk/legislation)

### **Sexual Orientation and Religious Belief**

Employees are legally protected from discrimination and harassment at work on the grounds of sexual orientation, religion or belief. This applies throughout the employment relationship, including during the recruitment

process, in the workplace, on dismissal and, in certain circumstances, after employment has finished. It also applies to terms and conditions, pay, promotions, transfers, training and dismissals.

There are specific circumstances where there is a genuine occupational requirement for an employee of a certain religious background, faith or sexual orientation. For example:

- The welfare services for a gay, lesbian and bisexual community may be most effectively promoted by a person from that community.
- A catholic school may be able to show that being a Catholic to promote the ethos is a requirement of a Teacher whatever subject they teach, however this would not apply to a Caretaker at the same school.

Employees must not be:

- Treated less favourably than others on the grounds of their actual or perceived sexual orientation or because of their religion or belief;
- Subject to procedures or practices which treat people differently because of their sexual orientation, or religion or belief (which cannot be justified in objective terms);
- Harassed (see definition below) because of their sexual orientation, religion or belief;
- Victimised (see below).

It is not currently our policy to collect data on sexual orientation and religion or belief, but an employee may choose to disclose this information to workplace colleagues or their manager. Any disclosures made in confidence to another person should not be disclosed to others without permission.

For further information on and details ACAS have published useful codes of practice on 'religion and belief and the workplace' and 'sexual orientation and the workplace'.

<http://www.acas.gov.uk/publications/pdf/religion.pdf>

<http://www.acas.gov.uk/publications/pdf/sexual.pdf>

## **Harassment**

Harassment can be described as unwanted behaviour from a person or people relating to the personal characteristics of another person which makes someone feel intimidated, degraded, humiliated, or which may create an offensive environment. It is important to consider that each

individual does have a different level of sensitivity and the recipient's view of the behaviour is important.

Harassment can involve a build up of repeated forms of unwanted inappropriate behaviour although a single incident, if serious, may constitute harassment. Conduct which can constitute harassment can include the following types of behaviour, however the below is not an exhaustive list:

- Unwanted physical contact;
- Abuse, including offensive language, suggestive remarks, suggestive whistling or inappropriate e-mails;
- Visual display of offensive materials such as posters, calendars, newspapers, magazines, graffiti, suggestive gestures or use of inappropriate internet sites;
- Conduct such as sexual or racial ridicule, offensive flirting, intimidation or abuse;
- Insensitive remarks and banter relating to sexual orientation, race, gender, disability and religion;
- Bullying, i.e. the misuse of power or position, which can include persistent criticism and undermining a person's ability to the extent that they lose self-confidence.

### **Victimisation**

Employees have the right not to be victimised or treated less favourably because they have made a complaint about discrimination during either present or previous employment. This also applies if they intend to make a complaint or they have assisted someone else's complaint by giving evidence or corroborating a story. If for example someone tells you that they have previously brought a claim for discrimination at an Employment Tribunal, you should not use this information to treat that person less favourably than others, e.g. by assuming that they will be a more difficult member of the team to deal with.

### **Disability Discrimination**

Discrimination against people with disabilities can take two forms:

- Less favourable treatment on the grounds of their disability, or
- A failure to make reasonable adjustment to accommodate their disability.

It is important to remember that it is not only people with visible disabilities who fall within the definition of people who are disabled. The

definition of disability is quite broad and extends to anyone who has a serious physical or mental impairment which has lasted for a long time and which has a substantial effect on their normal daily activities (including home related daily activities, such as preparing and cooking meals).

It is not exclusively related to someone's ability to carry out their job. People with a progressive condition will be considered disabled when they begin to experience symptoms that have an effect, however slight, on normal day to day activities. This remains the case even if the symptoms disappear completely or for a period of remission, or if the symptoms are controlled by medications. HIV, cancer and multiple sclerosis sufferers are classed as disabled from the point of diagnosis.

West Sussex County Council is committed to increasing the number of people with disabilities in its workforce to reflect the diversity of the population of West Sussex. We will shortlist any candidate who declares that they have a disability and guarantee them an interview, where they meet the essential requirements of the job. We will also provide support and assistance for candidates during the selection process to ensure that any individual requirements are met. The selection process will include a discussion to assess whether adjustments are needed to accommodate the candidate's disability.

If you are a manager, and realise that someone in your team is having difficulties due to a disability, then you have an obligation to discuss this with them, to see if any assistance can be offered by the County Council, for example a referral to the Occupational Health Service. Changes made as a result, are often referred to as making a reasonable adjustment. This means that you should consider if changes could be made to the workplace or to the way the work is done which would help the person with the disability to do their job. When considering what might be a reasonable adjustment, account should be taken of how much the change would cost and how much it would help.

An employee who has a disability and thinks an adjustment to their job might help, has a duty to bring this to the attention of their manager. Managers when faced with making adjustments should assist employees in making an application to the 'Access to Work Programme'. This is a government funded scheme that provides financial assistance to make reasonable adjustments to the work place. This could be up to 100% of the cost dependent on the circumstances. For further information on how to apply for financial assistance contact the Access to Work Business

Centre - South East England on 0208 426 3110 or Text-phone: 0208 426 3133.

### **Age**

The County Council adopts the Government's Age Diversity in Employment Code of Practice, which promotes good practice in Recruitment, selection, promotion, training and Development, Redundancy and retirement. The full code can be found at:

<http://www.businesslink.gov.uk>

### **Monitoring**

We continually seek to improve our performance on equality, and so we monitor the effectiveness of our Diversity and Equality in Employment Policy by collecting data on potential recruits and existing employees. We are also required to collect certain data by law, for example to show by ethnicity how many people applied for jobs with the County Council. We encourage all employees to disclose personal information about their ethnicity, disability status etc. to help us make better decisions about how we can support diversity in the workforce.

The data collected is used confidentially for the purpose of employment related issues (i.e. identifying areas where action may be required) and when reported upon is anonymous. Information on applicants for employment is collected by the

HR Business Partner (Schools) and not disclosed to others within the organisation. It is not considered as part of the selection process.

### **Compliance with the Policy**

We all have a responsibility not to be offensive to colleagues or to participate in, or condone harassment or unlawful discrimination of any kind and complaints will be treated seriously and fully investigated. If, following investigation, there is evidence of discrimination, harassment or other breaches of this policy, then formal disciplinary proceedings will be instigated. This could result in dismissal from the County Council.

There are a number of routes to follow where compliance with the policy may be in question:

For employees:

- Speak to a line manager;
- Seek advice from the HR Business Partner - Schools;
- Use the Harassment procedure;
- Contact a trade union representative.



Employees can also choose to contact Right Management, (the free and confidential employee assistance programme).

([www.wellness.rightmanagment.co.uk/login](http://www.wellness.rightmanagment.co.uk/login) - username WSCCuser, 0800 1116 387) External applicants for employment who wish to complain about discrimination in the recruitment process should formally complain to the Head of Human Resources, County Hall, Chichester, West Sussex, PO19 1RG.

Full details of the County Council's formal complaints procedure are available from any of our offices or service points and can be made available in different format upon request to the HR Business Partner (Schools).

#### **For further information**

If you require further information, then please contact your line manager or Pay and Employment Services. This document should be read in conjunction with the County Council's Equality of Opportunity Value Statement.

The policy can be made available in different formats (e.g. audio) and languages upon request to the HR Business Partner (Schools).

This policy was adopted by the Governing Body on

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