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ILLOGAN PARISH COUNCIL

EQUAL OPPORTUNITIES POLICY

PURPOSE

The purpose of this Policy is to provide equal opportunities to all employees, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken). The Council opposes all forms of unlawful and unfair discrimination; be it direct or indirect discrimination, victimisation or harassment on the grounds of any of the protected characteristics defined in the Equality Act 2010.

SCOPE

All employees, whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Council.

OUR COMMITMENT

Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated. This is further defined in the Dignity at Work policy adopted by the Council.

The commitment to equal opportunities in the workplace is good management practice and makes sound business sense as it seeks to utilise the talents available from the local community, representing Society as a whole.

Breaches of our equal opportunities policy will be regarded as serious misconduct and could lead to disciplinary proceedings. Employees are entitled to complain about discrimination or harassment or victimisation through the Council's Grievance procedure.

This Policy is fully supported by all Members of the Council and adopts the model contract as devised by the employee professional body in the local government sector (the Society of Local Council Clerks).

The Policy will be monitored and reviewed annually/bi-annually. Other personnel policies will be reviewed against the values stated in this main Equal Opportunities Policy to ensure that the Council strives to remain an Equal Opportunities employer.

LEGAL POSITION

Protected Characteristics

The 2010 Equality Act 2010 protects individuals from discriminations because of:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Sex (gender)
- Pregnancy and maternity (a protected characteristic separate to sex)
- Race
- Religion or belief
- Sexual orientation

These are known as "protected characteristics".

Types of unlawful discrimination – definitions

i. Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic. Direct discrimination is broad enough to include:

- Less favourable treatment of a person because of a protected characteristic that he or she is thought to have (this is known as 'perception discrimination')
- Less favourable treatment of a person because they associated themselves with someone who has a protected characteristic (this is known as 'associative discrimination')

Direct discrimination can never be justified except in the case of age. A claim of direct age discrimination may be defended if the treatment complained of is a proportionate means of achieving a legitimate aim.

A complainant of direct discrimination cannot just claim he or she has suffered less favourable treatment; he or she must be able to show that he or she has experienced less favourable treatment because of a protected characteristic. To establish if there had been less favourable treatment because of a protected characteristic, a complainant (and ultimately a court or employment tribunal) would need to compare the complainant's less favourable treatment to the treatment of another. This comparator exercise is used to test "like for like" or, to assess in all respects, other than the protected characteristic, that there is no material

difference in the circumstances of the complainant and the person he or she is compared to.

ii. Indirect discrimination

Indirect discrimination occurs when a person applies a “provision, criterion or practice” which disadvantages a person with a protected characteristic and others that share that characteristic and the discrimination cannot be shown as a proportionate means of achieving a legitimate aim. A provision, criterion or practice could include contractual terms, written or unwritten policies, rules or arrangements. Indirect discrimination applies to all the protected characteristics except pregnancy and maternity.

A person complaining of indirect discrimination would need to show an appropriate pool of people to whom the provision would apply and disadvantage. Once this disadvantage has been demonstrated, an indirect discrimination claim may only be defended if a person can show that the provision, criterion or practice is a proportionate means of achieving a legitimate aim. A person defending a claim would need to demonstrate that the arrangements complained of are sufficient to outweigh the negative impact on the complainant and others who share his or her characteristic having considered the implementation of an alternative provision, criterion or practice (and cost) which would not have resulted in the negative impact complained of.

iii. Harassment

Harassment is defined as “unwanted conduct related to a 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”. A harassment claim may be brought by the person who is the subject of the harassment but also by someone whose environment is negatively affected by the harassment of another person. A single incident could amount to harassment.

Harassment as a form of discrimination applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership.

iv. Victimisation

Victimisation occurs when a person is subjected to detriment because they have made or supported a complaint under the 2010 Act or because they are suspected of doing so.

Further information is available at: NALC Legal Topic Note LTN 78 – Equality Act 2010 – January 2013

Review Date:	Reviewed By:	Amendments	Minute Number
24.02.16	Governance Review Committee	No amendments	GR16/02/23.2
08.02.17	Governance Review Committee	No amendments	GR17/02/19.2
26.09.18	Governance Review Committee	None	GR18/09/26.2
27.03.19	Governance Review Committee	None	GR19/03/25.2