

# EQUALITIES POLICY

LINKINHORNE PARISH COUNCIL IS AN EQUALITIES EMPLOYER



## The Policy

Linkinhorne Parish Council's intention is to be an effective Equalities organisation. This means it will do everything in its power to ensure that everyone has equal access, and is treated with respect, in relation to employment opportunities, to its services and to all its activities.

### **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 person 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 that they have suffered less favourable treatment; they must be able to show that they have 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 they are 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.

##### **As an Employer**

All employees are required to treat one another with mutual respect. Actions, behaviour and attitudes should consistently demonstrate respect for the dignity and worth of an individual, irrespective of the position they have within the organisation.

Linkinhorne Parish Council is making every effort to create a workplace where individuals are valued, listened to and treated with respect.

Linkinhorne Parish Council maintains a work environment that seeks out and values the insight, experience, contribution and full participation of all staff.

Harassment and discrimination in any form is unacceptable behaviour and offenders will be subject to disciplinary action.

##### **As a Service Provider**

- Linkinhorne Parish Council will strive to ensure that all services provided by, or on behalf of, the Council are made accessible to all individuals and groups equally and without discrimination;
- All service users will be treated with respect. Actions, behaviour and attitudes should consistently demonstrate respect for the dignity and worth of an individual;
- Linkinhorne Parish Council will, wherever appropriate, work in partnership with other agencies in the area, including the County and District Councils, voluntary groups and community organisations to promote equal opportunities;
- Linkinhorne Parish Council will ensure that all contractors directly supplying goods and services or executing works for, or on behalf of, the Council comply with this Council's stated policy on equal opportunities.

#### **The Policy in Action**

##### **As an Employer**

Linkinhorne Parish Council aims to achieve the policy by:-

- ensuring its employees are made aware of their rights and responsibilities to each other, the customer and the organisation regarding Equalities issues;

- providing a way in which individuals can communicate any concerns via competent named personnel;
- treating any unacceptable behaviour seriously;
- ensuring all Managers realise they have a key role in implementing this policy and are expected to take personal responsibility in ensuring its success;
- providing awareness training for all employees and Councillors, ensuring opportunities to develop relevant competencies are available to implement the policy;
- Meeting the commitments and living the aims of being a “Positive about Discrimination” employer.

### **As a Service Provider**

Linkinhorne Parish Council aims to achieve its policy by:-

- providing training for all staff in Equalities awareness and customer care, emphasising equality of treatment in service delivery;
- Ensuring that no member of the public is disadvantaged, or treated less favourably than others, in terms of access to Council services. Where the Council’s practice, policy or procedures are found to make access impossible or unreasonably difficult, we will take such steps as are reasonable in the circumstances to change these practices, policies or procedures;
- Ensuring that, wherever practical, all public buildings and premises owned or managed by the Council are accessible to all. Where this is impractical in the short-term, we will provide reasonable alternative methods of access so that no member of the public is disadvantaged by physical barriers;
- recognising the importance of communication in attaining equity and quality services which are responsive to the needs of all local people, for example through the provision of information in large print and on audio tape on request;
- Complying with all relevant legislation relating to discrimination and equity.

### **Role of Councillors and Employees**

All Councillors and employees are responsible for implementing the Council’s Equalities Policy. It is important that all individuals who are employed by the Council appreciate that they have a responsibility and a role to play in the provision of equal opportunities.

### **Monitoring of Equal Opportunities**

- the Council will have responsibility for the implementation and monitoring of the policy as it applies to Linkinhorne Parish Council as an employer, involving staff as appropriate in the monitoring process;
- the Council will have responsibility for implementing and monitoring the policy as it applies to Linkinhorne Parish Council as a service provider, involving local community and voluntary groups in the monitoring process;
- complaints from staff about discrimination or unfair treatment will be dealt with as laid down in the Council's Grievance Procedures;
- Complaints from members of the public about discrimination or unfair treatment will be dealt with through the Council's Complaints Procedure.

<b>Review Date:</b>	<b>Reviewed By:</b>	<b>Amendments:</b>	<b>Minute Number</b>
11 <sup>th</sup> Feb 2019	Adopted by full council	N/A	2019/8
11 <sup>th</sup> October 2021	Adopted by full council	Changes made to comply with gender neutrality	2021/51
13 <sup>th</sup> November 2023	Full Council	n/a	2023/41