

Hammersmith and Fulham Council

Equal Opportunities Policy

Responsible officer:	Equalities Officer
Approved by:	Assistant Director of HR
Version:	2.6
Latest Revision date:	June 2010
Review date:	June 2013

Table of Contents

1. Introduction.....	3
2. Policy Statement.....	3
3. Scope	4
4. Key Principles – Legal Framework	4
5. Implementing Equal Opportunities.....	4
6. Roles and Responsibilities	7
7. Breaches	8
8. Review.....	8
9. Other Related Policies.....	8
10. Appendices	9
Appendix 1- Protected Characteristics	10
Appendix 2- Definition of Terms.....	11
Appendix 3 – Equality Legislation – a summary.....	13

1. Introduction

This document outlines the Equal Opportunities Policy for Hammersmith and Fulham Council and is consistent with the vision outlined in the Council's Single Equality Scheme of creating a borough of opportunity and the principles set out in the Employees' Terms and Conditions Handbook.

2. Policy Statement

Hammersmith and Fulham Council is committed to equal opportunities in employment and service delivery. The policies and practices of the council aim to promote an environment that is free from all forms of unlawful discrimination, and which values the diversity of all people. At the heart of our policy, we seek to treat people equally, fairly and with dignity and respect.

The council will take every reasonable and practical step to ensure that no person working for the council, all job applicants, former employees or any member of the public using the council's premises or services will receive less favourable treatment (direct discrimination) or will be disadvantaged by requirements or conditions that cannot be shown to be justifiable (indirect discrimination) because of; are perceived to be; or, are associated to any or, a combination of any of the following:

- ❖ Age
- ❖ Disability
- ❖ Gender reassignment
- ❖ Race (including colour, nationality, ethnic or national origin)
- ❖ Religion/belief or non belief
- ❖ Sex
- ❖ Sexual orientation
- ❖ Marriage and Civil partnership
- ❖ Socio-economic status
- ❖ Trade Union membership or non membership

We recognise that the provision of equal opportunities in the workplace is not only good management practice; it also makes sound business sense. Affording staff full dignity at work promotes good employee relations and satisfaction, and results in a motivated, productive and creative workforce, that leads to service improvements.

Our Equal Opportunities Policy will help all those who work for us to develop their full potential so that the talents and resources of the workforce are utilised fully to create a borough of opportunity for all.

We will take proactive steps to ensure that the policy is known to all employees, potential employees and organisations that we work with. We will also ensure that equal opportunity is embedded in all our policies, procedures, day to day practices and external relationships.

3. Scope

This policy applies to all service users, employees and potential employees of Hammersmith and Fulham Council together with anyone else working on council premises including, agency workers, contractors, consultants and suppliers.

4. Key Principles – Legal Framework

This policy has been developed and will be implemented within the framework of both relevant UK and European legislation as set out in Appendix 2 and the related codes of practice.

5. Implementing Equal Opportunities

A. Recruitment, Selection and Promotion

Aim: Encourage the highest quality candidates from all backgrounds to apply and ensure equal and fair treatment throughout the recruitment process.

The Council will strive to ensure that:

- Through recruitment, our workforce better represents the community we serve.
- All posts including secondment and promotion opportunities are advertised widely in order to provide an equal opportunity for all people interested to apply unless a restructuring, reorganisation or redeployment situation exists when advertising will not apply.
- All advertisements reflect the job description and person specification and do not use words or phrases which indicate bias (unless there is a genuine occupational requirement to do so, see Appendix 1).
- The statement “Hammersmith and Fulham council is committed to equal opportunities” is included in all recruitment advertisements and all job applicants are given a copy of the Equal Opportunities policy.
- All applicants complete an equal opportunities monitoring form which will not be made available to the selection panel and will be used to ensure the policy is being implemented.
- All job applicants who report a disability and who meet the minimum employee specification will be guaranteed an interview in accordance with the Two Tick Symbol accreditation. All such candidates will then be considered on their merit and abilities.
- We will identify and where appropriate ask candidates whether reasonable adjustments are required prior to the interview and take this into consideration when arranging the interview.
- All employees are recruited and promoted on the basis of ability, objective and measurable job related criteria that is consistently applied to all candidates.
- All staff involved in recruitment and selection have had appropriate training in the council’s recruitment procedure in accordance with equal opportunities.
- Selection criteria and reasons for the selection or rejection of individual candidates are recorded.

B. Learning and Development

Aim: All employees are encouraged to reach their full potential through appropriate fair access to learning, development and career progression opportunities

The Council will strive to ensure:

- New employees are given and made aware of the Council's Equal Opportunities Policy during the induction process.
- Relevant equal opportunities elements are included in learning opportunities, where appropriate, and form an integral part of recruitment and selection training (See recruitment procedure manual).
- Equalities awareness learning is provided as part of the council's corporate learning and organisation development programme to all staff.
- All employees are encouraged to invest in their development and consider opportunities to develop their competencies and skills, taking into account a broad range of learning and development options in the council.
- Learning opportunities for employees are appropriate and accessible, in line with organisation and job related needs.
- Learning and development opportunities for relevant employees are advertised widely.
- Learning and development programmes, where possible, are planned with the needs of part time staff considered as well as those of full time staff.
- Learning and development programmes are designed to support this policy and take into account the different preferred learning styles of different groups of employees.

C. Terms and Conditions

Aim: All policies covering pay, benefits, grades and terms and conditions are formulated and implemented with regard to equal opportunity.

The Council will strive to ensure:

- Terms and conditions are non-discriminatory and are applied fairly and consistently to all staff.
- The use of flexible working arrangements are promoted wherever possible, to try to balance individual staff circumstances with organisation or operational requirements.
- Accesses to work requirements (reasonable adjustments) for those with a disability are considered in a fair and open manner.
- The appropriate use and application of the council's policy for 'Special Leave' is promoted to assist staff who may require time off work for personal or domestic reasons; to ensure the council meets its statutory obligations.

D. Discipline and Grievance

Aim: A working environment that is inclusive and where no form of discrimination is tolerated.

The Council will strive to ensure:

- Discrimination, harassment or victimisation of employees or service users are treated as disciplinary offences and dealt with under the grievance procedure. This will also apply to employees who attempt to induce other employees to discriminate, harass or victimise.

- All employees have the right to raise any complaint relating to equal opportunities through the council's grievance procedure. This will not affect their right to take a case subsequently to an Employment Tribunal and will not prejudice the individual's current employment or future career prospects.
- Complaints of discrimination, victimisation or harassment are dealt with sensitively and seriously by managers, are investigated and dealt with in a fair and transparent manner.
- Prompt action is taken to investigate any employee grievance concerning discrimination, harassment or victimisation
- Support is provided to any employee who is the victim of harassment or bullying in the course of their employment.
- Disciplinary rules and standards are applied consistently to all employees within the council's employment.

For more information, see related policies which can be found in section 9 of this policy.

E. Service Delivery

Aim: Services are accessible to all, taking into account different needs of all members of the community.

The council will strive to ensure:

- Equality Impact Assessments of new and existing policies and practices are carried out to ensure we are reaching all sections of the community.
- Callers to our premises experience a welcoming and positive reception from staff who are comfortable with different abilities and cultures.
- Our communications reflect our Equal Opportunities Policy and are available in a format which is accessible to all residents both in content and presentation.
- Our contracts and agreements give due regard to equality and operate an equal opportunities policy in accordance with our policy.
- We work with partners including statutory bodies, voluntary and community groups to prevent and eliminate discrimination.

F. Monitoring and Evaluation

Aim: Regular monitoring and review so that the effectiveness of this policy can be measured and information used to support informed decision making.

The council will strive to ensure:

- All policies and procedures which impact on employees and residents are regularly reviewed through the Equality Impact Assessment process to ensure they are free from discrimination.
- Confidential records of employees and applicants are maintained in order to monitor the progress of equality of opportunity within the council.
- Data collected for the purpose of equal opportunities monitoring is examined as a minimum on an annual basis so that information on the effectiveness of the policy can be considered. Reports will be published on council web pages annually in line with legislation.

- Continuous review of our Equal Opportunities policy to comply with changes in legislation.

6. Roles and Responsibilities

I. Executive Management Team

The Executive Management Team (EMT) has overall responsibility for council's Equal Opportunities Policy and will ensure that it is properly implemented, promoted, monitored and reviewed where necessary. In particular, they will be accountable for:

- Delivering the policy through business planning and performance management arrangements.
- Ensuring that everyone in the organisation understands what the policy means for them and provide practical learning and positive support to help managers meet their obligations in turning policy into practice.
- Ensuring the Equal Opportunities policy is implemented and adequately monitored.
- Ensuring the policy is well publicised and communicated to all staff and organisations that have dealings with the council.

II. Managers

It is the responsibility of all managers from directors and departmental heads to junior supervisors to:

- Ensure that strategies, policies and projects within their area of responsibility are designed giving due regard to this policy and the council's Single Equality Scheme.
- Be proactive in promoting diversity and equal opportunities and in preventing and eliminating all forms discrimination.
- Familiarise themselves with the procedures in all equal opportunities documentation.
- Ensure that they are not instructing or putting pressure on employees to act in a discriminatory manner.
- Bring the details of the policy and procedure documents to the attention of all staff.
- Treat complaints of discrimination, victimisation or harassment sensitively and seriously.
- Ensure that information on equal opportunities is incorporated in all local induction processes for new or temporary staff and is supported by ongoing training.

III. All Employees

All employees have a responsibility to ensure that there is no discrimination and accept personal responsibility for the practical application of the Equal Opportunities Policy. In particular every employee is required to:

- Promote equal opportunities and treat everyone with fairness, equity, dignity and respect.

- Recognise and value the diversity of staff and residents, taking into account diverse needs when providing services.
- Co-operate with any measures introduced to ensure equality of opportunity.
- Ensure their behaviour and/or actions do not amount to discrimination or harassment in any way.
- Report any discriminatory, bullying or harassment acts or practices.
- Not induce or attempt to induce others to practice unlawful discrimination or harassment.
- Not victimise anyone as a result of them having reported or provided evidence of discrimination or harassment.

7. Breaches

The Council is opposed to all forms of discrimination and will treat any breaches of this seriously. Breaches of the Equal Opportunities Policy will be investigated and may be regarded as gross misconduct under the council's Disciplinary Policy.

Employees who believe that they have suffered any form of discrimination, harassment or victimisation are entitled to raise the matter through the grievance procedures.

Service users are entitled to raise their concerns through the corporate complaints procedure.

Significant breaches of the Equal Opportunities Policy can also be raised through the Whistle Blowing Policy.

All complaints of discrimination will be dealt with seriously, promptly and confidentially and the council will aim to ensure that no employee is victimised as a result exercising their right to raise a complaint or for supporting someone who has raised a complaint under the Equal Opportunities Policy.

For more information, see related policies which can be found in section 9 of this policy.

8. Review

This policy will be reviewed in line with future changes in legislation.

9. Other Related Policies

This policy is supported by the following policies and procedures:

- Recruitment Procedures Manual
- Grievance Policy and Procedure
- Disciplinary Policy and Procedure
- Bullying and Harassment Policy
- Zero Tolerance Policy
- Corporate Complaints Procedure

- Flexible Working Procedure
- Special Leave Procedure
- Maternity Leave Procedure
- Retirement Procedure
- Parental Leave
- Adoption Leave
- Carers Leave
- Paternity Leave
- Whistle blowing Policy
- Managing Sickness and Absence Procedure
- Data Protection Procedures

10. Appendices

Appendix 1 – Protected Characteristics

Appendix 2 – Definitions of Terms

Appendix 3 – Equality Legislation – a summary

Appendix 1- Protected Characteristics

Protected Characteristic	Definition
Age	Age is defined by the Equality Act by reference to a person's age group. An age group can mean people of the same age or people of a range of ages.
Disability	A person has a disability if they have a physical or mental impairment which has a long term and substantial adverse effect on their ability to carry out day to day activities. Long term means that it has lasted or is likely to last for at least a year or for the rest of the affected person's life. Carers of disabled people are also protected from less favourable treatment that they receive because of that disability.
Gender Reassignment	People who are proposing to undergo, are undergoing or have undergone a process to reassign their sex by changing physiological or other attributes of sex. Under the Equality Act, Gender Reassignment is a personal process rather than a medicalised process thus it may be proposed but never gone through; the person may be in the process; or the process may have happened previously. It may include undergoing the medical procedures involved, or may simply include choosing to dress in a different way as part of a person's desire to live in the opposite gender.
Marriage and Civil Partnership	A formal union of a man and woman which is legally recognised in the UK as a marriage. A civil partnership is a registered union under the Civil Partnership Act 2004, including those registered outside the UK.
Pregnancy and Maternity	A woman who is pregnant or is on maternity leave including one who is breastfeeding.
Race	Race includes colour, nationality (including citizenship) and ethnic or national origin.
Religion or belief	Religion means any religion and includes a lack of religion. Belief means any religious or philosophical belief and includes a lack of belief.
Sex	Refers to a man or woman.
Sexual Orientation	A person's sexual orientation towards: <ul style="list-style-type: none"> • persons of the same sex; • persons of the opposite sex and • persons of either sex.

Appendix 2- Definition of Terms

Because of

'Because of' has the same meaning as the phrase 'on the grounds of'. It means that the protected characteristic is an effective cause of the less favourable treatment-but it need not be the only or even the main cause.

Discrimination

Discrimination includes direct discrimination, indirect discrimination, victimisation and harassment. Discrimination because of a person's perceived characteristic (other than marital or civil partnership status) is also protected.

Direct Discrimination

Direct discrimination occurs when a person treats or would treat another less favourably than others and the treatment is because of a protected characteristic.

Example

Rejecting an application from a woman applying for a traditional male job, where the assumption is the woman would not fit into the exclusively male team because she is not a man.

Indirect Discrimination

This is where a provision, criterion or practice is applied to all individuals or groups equally, but which is such that:

- Puts or would put a person of a certain protected characteristic at a particular disadvantage when compared with people who do not have that characteristic;
- Puts or would put people who share a protected characteristic at a particular disadvantage when compared with people who do not have that characteristic and
- Cannot be shown to be a proportionate means of achieving a legitimate aim.

Example

During a review of its recruitment procedures a consultancy firm discovers that men score less well in their psychometric test than women. The test could be indirectly discriminatory regardless of the reason why they scored less well.

Discrimination by association

This occurs when a person (A) treats another person (B) less favourably because of B's association with another person who has a protected characteristic.

Discrimination by perception

This occurs when A treats B less favourably because A thinks that B has a protected characteristic even though in fact they do not.

Combined Discrimination (dual characteristics) - (Effective April 2011)

Occurs when because of a combination of two relevant protected characteristics, a person is treated less favourably than others are or would be treated. For combined discrimination, marriage and civil partnership and pregnancy and maternity are not relevant protected characteristics.

Harassment

Unwanted conduct related to a protected characteristic which has the purpose or the effect of violating the dignity of another person or creating an intimidating, hostile, degrading, humiliating or offensive environment having regard to all the circumstances and the perception of the victim (see also Zero Tolerance and Harassment Policy).

Legitimate Aim

This means the aim should be legal, should not be discriminatory in itself and must be capable of objective justification. The health, welfare and safety of individuals may qualify as a legitimate aim.

Less Favourable

A person is treated “less favourably” if he or she is put at a disadvantage compared with others.

Occupational Requirement

An occupational requirement (OR) provides a general exception to what would otherwise be unlawful direct discrimination in relation to work. In certain limited circumstances A is permitted to discriminate against B in relation to work if A can show that being of a specific protected characteristic is an occupational requirement. However, jobs may change over time and this requirement should be reviewed periodically.

An employer will be able to apply an OR if they can show that having regard to the nature or content of the work:

- The requirement of being a particular protected characteristic is an OR.
- The application of the requirement is a proportionate means of achieving a legitimate aim.
- An applicant does not meet the requirements and the employer has reasonable grounds of believing that the applicant does not meet the requirement.

Only in exceptional circumstances will an Occupational Requirement apply to a post with the council, and this should always be checked with Human Resources.

Proportionate

Treatment is proportionate if it is an appropriate and necessary means of achieving a legitimate aim.

Victimisation

Victimisation arises when a person (A) subjects another (B) to a detriment because B has done a protected act or because A believed that B has done or may do a protected act in the future. An individual need not have a particular protected characteristic in order to be protected against victimisation under the Act. But victimisation is only unlawful if it is linked to a protected act. Each of the following is a protected act:

- Bringing proceedings under the Equality Act 2010;
- Giving evidence or information in connection with proceedings under the Equality Act 2010;
- Doing any other thing for the purposes of or in connection with the Equality Act 2010; and
- Making an allegation (whether or not express) that A or another person has contravened the Equality Act 2010

Appendix 3 – Equality Legislation – a summary

The following is only a guide to the legislation currently in place that impacts on Equal Opportunities issues, and is not a comprehensive list.

- 1994 Under the **Criminal Justice and Public Order Act**, it is a criminal offence to intend to cause harassment, alarm or distress.
- 1996 The **Employment Rights Act** (as amended by the Employment Relations Act 1999) covers many issues including an employee's entitlement to maternity leave, paternity leave, adoption leave, parental leave and the right to request flexible working arrangements. It also outlaws detriment in employment and affords employees a right not to be unfairly dismissed and to receive a redundancy payment (providing qualifying criteria are met). Further Regulations elaborate on these.
- 1997 The **Protection from Harassment Act** makes harassment both a civil tort and criminal offence, and although originally drafted to provide protection from stalking, covers other forms of harassment, both in and out of the workplace.
- 1998 The **Working Time Regulations** (as amended) aim to improve health and safety by controlling working hours. The Regulations afford basic rights and protections to workers not just employees, including minimum paid annual leave entitlements, rights to rest periods at work and limits on weekly working time.
- 1998 The **Human Rights Act** gives effect to rights and freedoms guaranteed under the European Convention on Human Rights. The legislation makes it unlawful for a public authority to breach convention rights, unless an Act of Parliament prevents it from acting differently.
- 2000 The **Part Time Working Regulations** make it unlawful for employers to treat part-timers less favourably in their terms and conditions of employment than comparable full-timers (unless that treatment is objectively justified). The Regulations require an employer to apply a 'pro-rata' principle to certain contractual entitlements such as remuneration and holiday, so that part-time staff are not treated less favourably than full time staff.
- 2002 The **Employment Act** amongst other things makes provision for rights to paternity and adoption leave and pay; amends the law relating to statutory maternity leave and pay; makes provision for the use of statutory procedures in relation to employment disputes; and covers the right to request flexible working.
- 2004 The **Civil Partnership Act** defines a new legal relationship, which can be registered by two people of the same sex. It gives same-sex couples the ability to obtain legal recognition for their relationship and affords them equal treatment to married couples in a wide range of legal matters.
- 2006 The **Employment Equality (Age) Regulations (Schedules 6 and 8)**. They introduce a duty on employers to respond to requests to work beyond retirement age; and remove the upper age limit for claiming a redundancy payment or unfair dismissal.

2006 The **Equality Act** makes provision for the establishment of the Equality and Human Rights Commission (EHRC) by merging the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission. The EHRC is responsible for promoting equality and diversity and will work towards eliminating discrimination on the usual grounds (including religion and belief, sexual orientation, age, gender, disability, race and gender reassignment). It also creates a duty on public authorities to promote equality of opportunity between men and women by requiring public bodies to produce a Single Equality Scheme.

2010 The proposed **Equality Act** seeks to harmonise discrimination legislation into a single Act. It also harmonises the definitions of discrimination and harassment previously found across the various strands. It sets out the protected characteristics which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation making nine discrimination strands in total. The Act introduces several new provisions. These include:-

- The concept of dual discrimination whereby an individual can bring a claim which combines two (but not more) of the protected characteristics. It applies to direct discrimination only, not to indirect discrimination, victimisation or harassment.
- A restriction on pre-employment health enquiries unless they are made for prescribed reasons for example where it is intrinsically necessary for the role.
- In respect to 'pay secrecy' or 'gagging' clauses, the Act renders unenforceable a contractual term which restricts an employee from being involved in a discussion about whether there is discrimination in pay on grounds of a protected characteristic e.g. sex.
- Widening the scope of employment tribunals to make recommendations that will benefit the wider workforce and help prevent discrimination occurring in the future.
- Expanding the concept of positive action to allow employers to recruit or promote someone from an under-represented group where they have a choice between two or more equally qualified candidates.
- The power to require employers to publish information about gender pay if insufficient progress in reporting has been made on a voluntary basis for employers with 250 or more employees
- A new duty on certain public authorities to consider socio-economic disadvantage when taking strategic decisions about how to exercise their function.