

# EQUALITY AND DIVERSITY POLICY

## INTRODUCTION

Carmarthenshire County Council is responsible for delivering a diverse range of services to the community that it serves. Its success depends on the people it employs and drawing on their different perspectives and experiences.

By attracting, recruiting and developing people from the widest possible pool of talent the Council can have a better understanding of its customers needs now and in the future and ensure its success.

## BACKGROUND

The Equality Act 2010, all associated legislation and codes of practice underpin the principles of the Council's Equality and Diversity Policy. For more information on the Equality Act please refer to Appendix 1

## POLICY

Carmarthenshire County Council is striving to be an equal opportunity employer and this policy aims is to ensure residents, service users, staff, councillors and partners all understand each others responsibilities in achieving this.

The Equality and Diversity Policy also aims to provide support to the Authority's Strategic Equality Plan and Objectives to enable the successful delivery of its Community and Corporate Strategies and its statutory responsibilities.

This policy must be applied consistently to all irrespective of race (which includes colour, nationality, ethnicity or national origins), disability, religion or belief, age, sex, gender reassignment, sexual orientation, pregnancy or maternity, marital status or civil partnership. More information on the protected characteristics is detailed in Appendix 2.

## SCOPE

This Policy covers all employees including centrally employed teachers but excluding staff on the complement of locally managed schools for which a separate policy applies.

## EQUALITY AND DIVERSITY - WHAT DOES THIS MEAN TO CCC?

Equality and Diversity are terms that are commonly used however it is important to have a common understanding of what these terms mean.

The principle of equality has been understood to be about 'treating everyone the same' or 'treating everyone as you would wish to be treated' but does this apply when you are working with people or delivering services to people who

are quite different to yourself? A more appropriate way of looking at equality is to respond to individuals or groups according to their needs.

To value diversity is to recognise and value the differences between individuals and groups, to encourage their strengths and talents, and understand their needs.

It is also important to recognise the reality of victimisation, harassment and discrimination experienced by individuals, groups and communities.

Everyone has a responsibility to embrace and support equality and diversity and to challenge behaviour and attitudes that prevent us from achieving this. Using fair and objective employment practices it is the Authority's aim to ensure all employees:

- Are treated fairly and with respect at all stages of employment including the recruitment process;
- Are free from harassment, discrimination or victimisation of any description, and have the right to challenge inappropriate behaviour in a safe environment;
- Have an equal opportunity to contribute to and achieve their potential including fair access to promotional and development opportunities
- Are supported in balancing work and home life commitments and to have requests for flexible working considered objectively in line with service delivery needs.
- Understand their responsibilities in meeting the objectives of this policy and to treat others with respect and fairness.

Other policies and procedures which support equality and diversity can be referred to for more detail via BRIAN at:

<http://brian/worklife/SitePages/Document%20Library.aspx> or via line managers (This list is not exhaustive). In particular the following policies are important in promoting the intent of this policy. These policies are:

- Code of Conduct
- Dignity at Work Policy
- Disciplinary Policy
- Flexible Working Policy & Parental Leave Policies
- Grievance Policy
- Helping People to Perform appraisal
- Learning and Development Policy
- Probationary Policy & Induction Procedures
- Recruitment & Selection Policy
- Retirement and Redundancy Policies
- Sickness Absence Management Policy
- Strategic Equality Plan and Objectives
- Whistle blowing Policy

## **AIMING FOR DIVERSITY WITHIN OUR WORKFORCE AT ALL LEVELS**

The following diversity strands are presented in alphabetical order and represent the protected characteristics within the Equality Act 2010 plus Welsh language. It outlines everyone's responsibilities and expected behaviours within the Authority to ensure a positive approach to equality and diversity within our workplace:

### **1. Age**

Age diversity is promoted and valued at all levels through:

- challenging age stereotyping
- recognising the benefits of a of mixed age workforce
- challenging discrimination towards younger and older staff
- recognising that younger and older staff have different experiences and development needs
- recognising that younger and older staff may need to work more flexible hours due to childcare and/or eldercare responsibilities.

### **2. Disability**

The abilities of people with a disability are recognised and valued at all levels through:

- focusing on what people can do rather than what they cannot
- challenging stereotypes about people with disabilities
- understanding the need to make reasonable adjustments in the workplace to enable individuals to achieve their full career potential
- challenging discrimination
- recognising that not all disabilities are visible
- recognising that individuals may need to work more flexible hours due to their specific impairment.

### **3. Gender re-assignment**

Women and men who have undergone, are undergoing or intend to undergo gender reassignment are supported by:

- protection against all forms of discrimination, harassment or victimisation
- Challenging stereotypes about transgender people
- taking positive steps to ensure individuals are treated with dignity and respect
- respecting and protecting the privacy of the individual
- promoting positive working relationships and understanding in the workplace
- recognising and supporting those who are subject to abuse and violence outside the workplace

### **4. Marriage and civil partnership**

People will be treated fairly in the workplace irrespective of their marital or civil partnership status by:

- individuals in civil partnerships being treated the same as married couples (including partners of the same sex) on a wide range of legal matters
- respecting and protecting the privacy of individuals
- promoting positive working relationships and understanding in the workplace
- recognising and supporting those who are subject to abuse and violence outside the workplace

## **5. Pregnancy and maternity**

Women will be supported through pregnancy and maternity by

- recognising the need to balance life at work and at home for the woman
- supporting individuals and taking active steps to maintain communication during maternity leave and encourage the use of Keeping In Touch days
- facilitating a positive return to work after maternity or adoption leave
- supporting women who wish to continue breast feeding after their return to work

## **6. Race (including colour, nationality, ethnicity or national origins)**

The racial and cultural diversity will be supported at all levels through:

- challenging racial stereotypes
- understanding, respecting and valuing different racial and cultural backgrounds and perspectives
- challenging discrimination against black and ethnic minority groups including migrant workers and travelling communities
- recognising that racial discrimination can be experienced on the grounds of colour, nationality, ethnicity or national origins
- recognising and supporting those who are subject to abuse and violence outside of the workplace
- promoting positive relationships in the workplace

## **7. Religion and Belief**

People will be treated fairly in the workplace irrespective of their religion and belief at all levels through:

- challenging discrimination against religious, faith or other cultural groups
- recognising individuals' freedom of belief or non belief
- supporting employees to balance their life at work to enable individuals to observe their religious or cultural practices
- recognising and supporting those who are subject to abuse and violence outside the workplace
- promoting positive relationships within the workplace

## **8. Sex**

Women and men will be treated fairly and rewarded for their contributions at all levels by:

- challenging gender stereotypes and all forms of discrimination, sexism and harassment
- supporting employees in balancing their life at work and at home
- promoting positive relationships within the workplace
- recognising and supporting those who are subject to abuse and violence outside the workplace

## 9. Sexual Orientation

People are treated fairly in the workplace irrespective of their sexual orientation at all levels through:

- challenging discrimination against lesbian, gay and bisexual people
- recognising that the level of discrimination is hard to quantify as fear of discrimination may prevent people from 'coming out' or being open about their sexual orientation
- respecting it is the right of the individual to be open or otherwise about their own sexual orientation
- challenging negative stereotypes
- recognising and supporting those who are subject to abuse and violence outside the workplace
- promoting positive working relationships within the workplace

## 10. Welsh Language

Bilingualism within the workplace is recognised and will be supported at all levels, in line with the commitments set out in the Welsh Language Scheme and Language Skills Strategy, through:

- encouraging the use of bilingualism and promoting its use within the workplace
- supporting employees to be able to undertake their duties in Welsh or English, according to their personal choice where possible
- promoting increased use of Welsh language in the workplace and understanding of the cultural heritage
- raising the confidence and ability of all staff in bilingual skills
- encouraging and supporting Welsh learners in the workplace

## RESPONSIBILITIES AND ACCOUNTABILITIES

**The Executive Board/Chief Executive** are ultimately responsible and accountable for ensuring that the Authority meets its legal and policy obligations in relation to Equality and Diversity. In particular they will

- Demonstrate clear leadership with senior commitment and accountability for mainstreaming diversity and equality into every aspect of the organisation and service delivery
- Ensure compliance with the Equality Act 2010 and all associated employment legislation and codes of practice
- Ensure its commitments to the Equality Improvement Framework for Local Government in Wales is translated into specific actions within the Authority's Strategic Equality Plan

- Act with dignity, show respect for others and develop a workplace that is inclusive and confident, free from bullying, harassment and discrimination
- Make the Authority a good place to work that attracts, develops and retains the most talented people from the widest range of backgrounds
- Ensure staff have the skills and tools they need to support the Authority's performance by understanding and responding to the needs of our customers

## **Directors**

**All Directors** are responsible for:

- Co-ordinating a strategic and corporate approach to the management of equality and diversity issues.
- Ensuring that equality and diversity issues are mainstreamed in the planning and delivery of the services for which they have responsibility
- Ensuring that equality and diversity is integral to every aspect of the employment cycle of staff
- Ensuring that equality impact assessments are undertaken for the service areas and policies for which they are responsible. The impact assessment report should be published alongside the policy on the intranet/Internet.
- The implementation of the Authority's Strategic Equality Plan and Objectives within their respective Departments and are accountable for operational compliance.
- Personally undertaking and supporting their staff in development activities to ensure they have the knowledge and understanding to deliver services which are accessible to everyone within the diverse community.

**The Assistant Chief Executive (People Management and Performance) and Assistant Chief Executive (Customer Focus and Policy)** are the lead officers for Equality and Diversity. They are responsible for ensuring the development of policy, strategy, guidance and advice, to support the Authority's compliance and promotion of equality and diversity with the legal and policy framework.

**The Heads of Service** are responsible for

- A strategic and corporate approach to the management of equality and diversity within the service area for which they are responsible as an integral part of the business planning process
- Promoting, implementing and communicating the equality and diversity policy within the service area and leading by example
- incorporating equality and diversity principles into job profiles and work objectives
- ensuring those responsible for recruitment and selection, induction, learning and development, performance appraisal, pay, promotion,

disciplinary action, selection for retirement and redundancy, dismissal, organisational communication and working practices, understand their role and responsibility in relation to promoting equality and diversity and to avoid discrimination in all its forms

- ensure that the necessary internal arrangements and resources are in place to enable the organisation to meet its statutory obligations and promote equality and diversity

They are accountable to their departmental Directors for the performance of their DMT in relation to equality and diversity through the performance management process. The information provided from this process will provide key evidence for the Authority's performance monitoring and will be needed for other audits (internal or external) and reporting purposes to scrutiny and Executive Board.

### **Managers and supervisors**

All managers and supervisors are responsible for ensuring that they and their staff carry out all their duties in accordance with this policy and associated policies and guidance by:

- leading by example and improving personal leadership abilities in promoting equality and diversity through participation in relevant management development
- ensuring the equality and diversity policy is communicated to the team and individuals understand their personal responsibilities
- challenging inappropriate behaviour in the workplace and promoting positive employee relationships
- identifying staff training and development needs in relation to equality and diversity as part of the Helping People to Perform development planning process.

### **All Staff**

Staff at all levels are personally responsible for ensuring that they support positively the principles of equality and diversity at all times, co-operate by promoting good relations and challenge inappropriate behaviour by following the values set out in this policy, the Code of Conduct for Staff and associated policies and guidance. Any difficulties should be raised with their line manager in the first instance. Staff should consider their development needs in relation to equality and diversity as part of the personal development planning process in conjunction with Helping People to Perform development planning process.

### **Councillors**

Councillors have a personal responsibility to all staff and members of the public to uphold the values set out in this policy, promote good relations and challenge inappropriate behaviour where appropriate. Councillors are responsible for ensuring that they support positively the principle of equality and diversity in undertaking their public duties and follow the Code of Conduct for Councillors and associated policies and procedures. Councillors should

consider their own development needs and will be supported through the Standards Committee and Councillors Development Programme.

### **Members of the public**

Members of the public can expect to be treated with dignity and respect in line with this policy and the customer care principles outlined in the Authority's Customer Care Strategy, the Customer Care Charter and the Code of Conduct for Staff and Councillors.

It is also a responsibility of members of the public to ensure that employees and Councillors are also treated with dignity and respect.

### **Partners and contractors**

The Council works collaboratively with a range of partners and contractors and as such the public duty to eliminate discrimination and promote equality and diversity will extend to them when they are delivering a service with, or on behalf of, the Council. Partners and contractors have a responsibility to uphold the values set out in this policy as part of the contract for service.

### **CONCERNS OR COMPLAINTS**

If an employee has a concern regarding breaches in the application of this policy they are advised to speak to their line manager in the first instance. If the employee's concern relates to his/her line manager then advice can also be provided by the departmental Human Resource representative or Trade Union representative.

Depending on the nature of the concern if this cannot be resolved informally the employee should raise his/her concern through the appropriate Authority policy and procedure. This includes reference to the Authority's Grievance Policy and Procedure or Dignity at Work Policy and Procedure as appropriate.

Concerns regarding bullying, harassment or victimisation can also be discussed in confidence with an Occupational Health Advisor or Staff Counsellor.

Councillors should raise any concerns with the Democratic Services Unit in the first instance.

Members of the public, partners and contractors should raise any concerns through the Authority's Compliments and Complaints Policy.



## **ENFORCEMENT OF THE POLICY**

Minor breaches of this policy will normally be dealt with through education and counselling.

Serious concerns will be investigated in line with the appropriate Authority policies and procedures as follows:

### **Breach of the Policy by Employees:**

To be treated as a disciplinary issue and as described in the Council's Disciplinary Procedure.

### **Breach of the Policy by Elected Members:**

To be treated as a breach of the Code of Conduct, and dealt with by the Standards Committee.

### **Breaches of the Policy by service users and members of the public:**

The Council has a zero tolerance policy with regard to violence, aggression, harassment, bullying or lack of dignity and respect towards its staff. It has a duty to ensure that as far as is practically possible it reduces the risk of unacceptable behaviour towards its staff during the course of their work.

In circumstances where the safety and/or dignity of staff are compromised the Council has the right to limit or withdraw access to services as appropriate.

### **Breach of the Policy by Contractors:**

Any breach of policy by a Contractor delivering a service with, or on behalf of the Council, will be addressed in accordance with the terms of that Contract.

## **REVIEW**

This policy will be reviewed as and, when necessary, in light of practical experience and it shall be the responsibility of the Assistant Chief Executive (People Management and Performance) to keep the policy and its implementation under review.

If you require this publication in an alternative format please contact People Management and Performance on 01267 246184 or email:

[PMBusinessSupportUnit@carmarthenshire.gov.uk](mailto:PMBusinessSupportUnit@carmarthenshire.gov.uk)

## **Appendix 1**

### **AN EXTRACT OF THE EQUALITY ACT 2010**

The Equality Act 2010 came into force on 1 October 2010. The purpose of the Equality Act 2010 is to simplify discrimination legislation and create a more consistent and effective framework, while at the same time extending discrimination protection.

The Act defines direct discrimination as less favourable treatment because of a protected characteristic. The protected characteristics under the Equality Act 2010 are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

Indirect discrimination against individuals because they have a relevant protected characteristic is also covered, although pregnancy and maternity does not come under the indirect discrimination provisions in the Equality Act 2010.

## **Appendix 2 DEFINITIONS**

### **PROTECTED CHARACTERISTICS**

This page gives you more information on each of the nine protected characteristics.

#### **Age**

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

#### **Disability**

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

#### **Gender reassignment**

The process of transitioning from one gender to another.

#### **Marriage and civil partnership**

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

#### **Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

#### **Race**

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

#### **Religion and belief**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

#### **Sex**

A man or a woman.

#### **Sexual orientation**

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

## TYPES OF UNLAWFUL DISCRIMINATION

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

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 (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) 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 (other than marriage and civil partnership, and pregnancy and maternity) 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 (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and Acas) pregnancy and maternity).

**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 (other than marriage and civil partnership, and pregnancy and maternity).

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion 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 employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a

grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings such behaviour could amount to victimisation.

**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.

## **Appendix 3**

### **Carmarthenshire County council's core Values are:**

#### **Openess, Trust, honesty, integrity**

We believe in openness and honesty in all our dealings with the public; we will provide comprehensive information to the public about our services so that they can judge how well we are performing.

#### **Putting Customers First**

We will ensure that the needs of our customers is at the heart of everything we do. We will treat people with respect at all times.

#### **Listening - and delivering on promises**

We are a listening organisation which consults before reaching major decisions and, having reached a decision, delivers on our promises. We believe in clear leadership, informed decision making, robust scrutiny and honouring commitments.

#### **Working in partnership**

We believe in partnership - thinking together and acting together. We will strive to avoid duplication and waste of effort through working closely with our partner organisations, the voluntary sector, trade unions and the local community.

#### **Valuing our staff**

We can deliver nothing without the efforts of our staff - they are the reason we succeed. We will support, praise and invest in our workforce to achieve higher standards of service delivery.

#### **Ensuring Equality of Opportunity**

We value diversity and recognise the unique contribution of all members of our community. We will serve all of our customers and the community equally, and strive to ensure that everyone has the same rights of access to all of our services.

#### **Treating the Environment with Respect**

We aim to be a leader in the field of sustainability - improving the quality of life for local people while conserving the earths resources and protecting the environment.

#### **Improving our Services**

We will strive to continuously improve our services; we are an innovative organisation which constantly seeks new and better ways to deliver our services.