

Equality & Diversity Policy

People Management

1 July 2021



1.0 Introduction

Our values underpin and guide the way we work, the way we improve and the way we make decisions to support the community that we serve. We (Carmarthenshire County Council) and you (our employees) are all required to consider how we support and apply these values, so they actively underpin the principles of the Equality and Diversity Policy.



We are responsible for delivering a diverse range of services to our community. Our success depends on the people we employ and drawing on different people's perspectives and experiences.

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

We have a duty of care to you, our employees, and have a zero-tolerance approach to bullying, harassment or victimisation of any kind. All concerns will be investigated in line with our policies and procedures and appropriate action taken.

The Equality Act 2010, all associated legislation and codes of practice underpin the principles of our Equality and Diversity Policy. For more information on the Equality Act definitions and types of unlawful discrimination please refer to Appendices 1-3.

2.0 Policy

We are striving to be an equal opportunity employer and this policy aims to ensure residents, service users, staff, councillors and partners all understand each other's responsibilities in achieving this.

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

3.0 Scope

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

4.0 Equality and Diversity – What does this mean to us?

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 our aim to ensure all our 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 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.

Here are a range of our policies and procedures which support the principles of equality and diversity and are important in promoting the intent of this policy (This list is not exhaustive):

- [Employee Code of Conduct](#)
- [Behavioural Standards Guidance](#)
- [Disciplinary Policy](#)

- [Grievance Policy](#)
- [Flexible Working Policy](#)
- [Job-share Policy](#)
- [Time Off Policies](#)
- [Domestic Abuse and Sexual Violence Policy](#)
- [Helping People to Perform appraisal](#)
- [Learning and Development Policy](#)
- [Recruitment & Selection Policy](#)
- [Flexible and Phased retirement Policy](#)
- [Sickness Absence Policy](#)
- [Reasonable Adjustment Guidance](#)
- [Guide to Supporting Lesbian, Gay and Bi-sexual Staff in the Workplace](#)
- [Guide to Supporting Trans Employees in the Workplace](#)
- [Religion and Belief Guidance](#)
- [Whistleblowing Policy](#)

5.0 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 our organisation to ensure a positive approach to equality and diversity within our workplace:

5.1 Age

Age diversity is promoted and valued at all levels through:

- challenging age stereotyping;
- recognising the benefits of an age diverse workforce;
- challenging discrimination towards younger and older employees;
- recognising that younger and older employees have different experiences and development needs;
- recognising that employees of all ages may need to work more flexible hours.

5.2 Disability

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

- focusing on what individuals 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.

5.3 Gender re-assignment, gender identity and gender expression

Gender reassignment is the process of transitioning from one gender to another. Gender identity is a way to describe how a person relates to their gender.

Gender identity can correlate to the gender assigned at birth or it can differ from it.

Gender expression is a person's behaviour, mannerisms, interests, and appearance that are associated with gender in a particular cultural context, specifically with the categories of femininity or masculinity. This also includes gender roles.

Trans employees will be supported by:

- protection against all forms of discrimination, harassment or victimisation;
- challenging stereotypes about trans and non-binary 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.

5.4 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.

5.5 Pregnancy and maternity

The birth parent will be supported through pregnancy and maternity by:

- recognising the need to balance life at work and at home;
- 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 birth parents who wish to continue breast feeding after their return to work.

5.6 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 minority ethnic 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.

5.7 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.

5.8 Sex

People 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.

5.9 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.

5.10 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 Standards 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.

6.0 Responsibilities and accountabilities

6.1 The Executive Board/Chief Executive

Ultimately responsible and accountable for ensuring that we meet our 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 Welsh Government's strategic equality objectives for local government in Wales are translated into specific actions within our 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 our organisation a good place to work that attracts, develops and retains the most talented people from the widest range of backgrounds;
- Ensure you have the skills and tools you need to support our performance by understanding and responding to the needs of our customers.

6.2 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 for our staff;

- Ensuring that equality impact assessments are undertaken for the service areas and policies for which they are responsible in line with corporate guidance;
- The implementation of our Strategic Equality Plan and Objectives within their respective Departments and are accountable for operational compliance;
- Personally undertaking, and supporting our staff in, development activities to ensure they have the knowledge and understanding to deliver services which are accessible to everyone within the diverse community.

6.3 Assistant Chief Executive (People Management)

The lead officer for workplace equality and diversity and responsible for ensuring the development of policy, guidance and advice, to support the Authority's compliance as an employer and promotion of equality and diversity with the legal and policy framework.

6.4 The Heads of Service

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 our organisation to meet its statutory obligations and promote equality and diversity.

Heads of Service are accountable to their departmental Directors for the performance of their Departmental Management Team in relation to equality and diversity through the performance management process. The information provided from this process will provide key evidence for our performance monitoring and will be needed for other audits (internal or external) and reporting purposes to scrutiny and Executive Board.

6.5 Managers and supervisors

All managers and supervisors are responsible for ensuring that they and their teams 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 individual training and development needs in relation to equality and diversity as part of the Helping People to Perform appraisal process.

6.6 Employees

You, our employees, at all levels are personally responsible for ensuring that you support positively, the principles of equality and diversity always, co-operate by promoting good relations and challenge inappropriate behaviour by following the values set out in this policy, the Employee Code of Conduct and associated policies and guidance. If you have any concern you should raise this with your manager at the earliest opportunity in the first instance. You should also consider your own development needs in relation to equality and diversity as part of the Helping People to Perform appraisal process.

6.7 Councillors

Councillors have a personal responsibility to all of you 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 Councillor's Development Programme.

6.8 Members of the public

Members of the public can expect to be treated with dignity and respect in line with this policy and the Employee and Councillor Codes of Conduct.

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

6.9 Partners and contractors

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

7.0 Concerns and complaints

If you have a concern regarding breaches of this policy, you are advised to speak to your manager at the earliest opportunity in the first instance. If your concern relates to your

manager, then you can either speak to a more senior manager or seek advice from a HR advisor or Trade Union representative.

Depending on the nature of your concern, if the matter cannot be resolved informally then you are encouraged to raise your concern through the Behavioural Standards guidance or Grievance Policy, as appropriate.

Concerns regarding bullying, harassment or victimisation can also be discussed in confidence with a member of the Occupational Health Team.

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.

8.0 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 policies and procedures as follows:

8.1 Breach of the Policy by Employees

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

8.2 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.

8.3 Breaches of the Policy by service users and members of the public

We have a zero-tolerance policy in relation to bullying, harassment, victimisation, violence, aggression or lack of dignity and respect towards our staff. We have a duty of care to ensure that as far as is practically possible we reduce the risk of unacceptable behaviour towards our staff during the course of undertaking their work.

In circumstances where the safety and/or dignity of our staff is compromised we reserve the right to limit or withdraw access to services as appropriate.

8.4 Breach of the Policy by Contractors

Any breach of policy by a contractor delivering a service jointly with us or on our behalf will be addressed in accordance with the terms of that contract.

9.0 Ensuring Equality of Treatment

All employees are required to adopt a positive, open and fair approach and ensure the Authority's Equality and Diversity Policy is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favorably than the English language' and this principle should be adopted in the application of this principle.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly.

If you require this publication in an alternative format please contact People Management on Ext 6184 or email 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 (We extend this to include gender identity and gender expression);
- 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 they have 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, gender identity and gender expression

Gender reassignment is the process of transitioning from one gender to another. Gender identity is a way to describe how a person relates to their gender.

Gender identity can correlate to the gender assigned at birth or it can differ from it.

Gender expression is a person's behaviour, mannerisms, interests, and appearance that are associated with gender in a particular cultural context, specifically with the categories of femininity or masculinity. This also includes gender roles.

Marriage and civil partnership

Marriage is defined as a union between a man and a woman or same sex couples. Same-sex couples can have their relationships legally recognised through marriage, form a civil partnership or convert a civil partnership into a marriage in England and Wales partnerships'. Following a Supreme Court ruling in 2018 women and men can have a civil partnership rather than marriage being the only option for a legally binding union. 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

Appendix 3

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.