

# TOSTOCK PARISH COUNCIL

## **EQUALITY AND DIVERSITY POLICY**

Adopted 2024-05-14

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### **1 Our Commitment**

- 1.1 The Council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in the exercise of its functions and the delivery of services. This policy is intended to assist the Council to put this commitment into practice.
- 1.2 Compliance with this policy seeks to ensure that employees, councillors, volunteers and service providers do not commit unlawful acts of discrimination.
- 1.3 Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

### **2 The Law**

- 2.1 It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as 'protected characteristics'.
- 2.2 Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.
- 2.3 The Council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### **3 Types of Unlawful Discrimination**

- 3.1 Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. 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.
- 3.2 Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that

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protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

- 3.3 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.
- 3.4 Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.
- 3.5 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.
- 3.6 Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.
- 3.7 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.
- 3.8 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.

#### **4 Equal Opportunities in Employment**

- 4.1 The Council will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- 4.2 Recruitment: Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

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- 4.3 Working practices: The council will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the council considers it has good reasons, unrelated to any protected characteristic, for doing so. The council will comply with its obligations in relation to statutory requests for contract variations. The council will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- 4.4 Equal opportunities monitoring: The council will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process. The Council treats personal data collected for reviewing equality and diversity in accordance with its Data Protection Policy. Information about how data is used and the basis for processing is provided in the Council Privacy Notice.

## **5 Dignity at Work**

The Council promotes dignity at work such that any issues of bullying and harassment on any ground are tackled as soon as they are reported. A formal complaints procedure is in place to deal with matters.

## **6 People not Employed by the Council**

The Council will not discriminate unlawfully against those using or seeking to use the services provided by the Council. Any bullying or harassment by suppliers and visitors to the Council, others engaged with the Council, working on behalf of the Council, involved in the provision of services to or being served by the Council, will result in appropriate action being taken without delay.

## **7 Training**

- 7.1 The Council, as appropriate, will provide training in and the raise awareness of equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.
- 7.2 The Council will raise awareness of staff, councillors and volunteers working for or on behalf of the Council to help them understand their rights and responsibilities in terms of facilitating dignity at work and what they can do to help create an environment free from bullying and harassment.

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**8 Employee and Councillor Responsibilities**

- 8.1 Employees and councillors are required to assist the Council to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees and councillors can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. Any employee or councillor who commits serious acts of harassment may be guilty of a criminal offence.
- 8.2 Acts of discrimination, harassment, bullying or victimisation against an employee or any person being served by the Council are disciplinary offences and will be dealt with under the Council disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

**9 Grievances**

- 9.1 If an employee considers that he/she may have been unlawfully discriminated against, then the Council grievance procedure should be used to make a complaint.
- 9.2 The Council will take any complaint very seriously and will seek to resolve any grievance that it upholds.

**10 Monitoring and Review**

- 10.1 This policy will be monitored periodically (at least annually) by the Council to judge its effectiveness and will be updated in accordance with changes in the law.
- 10.2 Information provided by job applicants, councillors and employees for monitoring purposes will be used only for those purposes and processed consistent with the Council Data Protection Policy.