

# Equalities and Diversity in Employment Policy



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# 1. Introduction

## Council Policy

1. The Council is an equal opportunity and Investors in People (IIP) accredited employer and wholeheartedly supports the principle of equalities and diversity in employment.

The aim of this Policy is to ensure that no job applicant or employee receives less favourable treatment and that they are given the assistance needed to attain their full potential. Our employment processes and conditions will be free from discrimination and every effort will be made to remove any unnecessary and unjustifiable barriers to employment, training and promotion.

We believe that it is in the Council's best interests and all those who work for it, to value and respect the diversity of every individual and to give equal opportunity to progress within the organisation.

2. The Council must also ensure that it complies with the requirements of the Equality Act 2010, which imposes a duty on 'public authorities' and other bodies when exercising public functions to have due regard to the need to:
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The "protected characteristics" are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including ethnic or national origins, colour or nationality)
- religion or belief
- sex
- sexual orientation

3. The Policy supports the Council's corporate objectives, as set out in its overall strategy and Single Equality Scheme 2013-2016 and aims to:

- ensure that its employment practices do not discriminate against any group or individual on any unjustifiable grounds;
- make the profile of its workforce at all levels as representative of the Borough's population as possible;
- monitor its employment processes by relevant protected characteristics and take action to address inequalities that are apparent;
- promote a culture of fairness and respect in all its employment policies, procedures and practices;
- provide appropriate training for employees on equality issues;
- protect its employees from harassment and investigate all claims of harassment that are made;
- respond appropriately to the particular needs of employees, including those relating to religion or culture.
- develop the Council's reputation as a progressive and fair employer and as a result reduce the likelihood of any legal action against the Council.
- ensure that our working practice remains in line with all legal requirements.

## **2. General**

1. The Policy is delivered through the Council's employment strategies, policies and procedures, which have been developed in consultation with key stakeholders, including managers, trade unions and employee representatives.
2. The Council's employment policies and procedures are regularly reviewed and updated to ensure that they comply with the latest legislation, "case law" and "best practice". These are published and made available for managers and employees on the Intranet pages or from Human Resources. A list of the key employment documents is attached at Appendix A.
3. The Council's employment policies and procedures apply to all employees directly employed by the Council and are recommended to schools with delegated authority for staffing matters, as "Best Practice".

## **3. Roles and responsibilities**

### **Managers and employees**

1. All managers and employees have a responsibility to ensure that they comply with the principles of equality and diversity whilst employed by the Council and in the provision and delivery of services.

2. Managers must also ensure that others engaged to work or provide services on behalf of the Council, including agency workers, consultants and volunteers etc are made aware of and comply with the principles of equality and diversity.
3. Managers and staff are required to comply with the arrangements detailed in this Policy, and the supporting employment policies and procedures and will be responsible for their own behaviour.

### **Employee's responsibilities**

Employees are required to:

- Comply with and actively promote the Council's equalities and diversity policies
- Treat members of the local community, service users and colleagues with respect, fairness and equality
- Value the diversity of individuals and must not discriminate, bully or harass anyone on any grounds
- Undertake mandatory and any other relevant equalities and diversity training as and when required
- Comply with the Employees Code of Conduct and Disciplinary Rules

### **Manager's responsibilities**

Managers are required to:

- Set standards and ensure compliance with and actively promote the Council's equalities and diversity policies
- Ensure that employees are made aware of and comply with the Council's equalities and diversity policies and undergo relevant training
- Ensure that any others engaged by or on behalf of the Council are made aware of and comply with the equalities and diversity policies, including:
  - Agency workers
  - Consultants
  - Contractors
  - Trainers and training providers
  - Volunteers and work experience
- Treat members of the local community, service users and colleagues with respect, fairness and equality
- Value the diversity of individuals and must not discriminate, bully or harass anyone on any grounds
- Investigate any complaints of discrimination or unfair treatment in accordance with the relevant Council employment policies and procedures
- Ensure that they apply policies and procedures consistently and that decisions are taken on the basis of clear, objective and justifiable criteria
- Undertake mandatory and any other relevant equalities and diversity training as and when required
- Comply with the Employees Code of Conduct and Disciplinary Rules

## **Human Resources**

4. Human Resources have a responsibility to promote effective equalities and diversity in employment practice through the development of policies and procedures and the provision of advice and support. This includes:
  - Training on equalities and diversity in employment and guidance on changes to legislation
  - Learning and development initiatives to help deliver agreed equalities aims and objectives
  - Consulting managers and staff on employment issues and providing mechanisms to feedback e.g. Staff Attitude Surveys and Focus groups
  - Advice for managers on reasonable adjustments for disabled employees and Access to Work
  - Support for managers when investigating matters through the formal stages of the employment procedures
5. Human Resources will monitor the application of employment policies and procedures and provide workforce data to help with setting equality objectives and developing strategies for continuous improvement.

## **4. Key employment areas**

1. Equalities and diversity is integral to every aspect of employment practice and the following details the key principles that must be applied.

### **Appointment and selection**

2. All recruitment and selection decisions for appointment to the Council will be made on the basis of clear and justifiable job-related criteria.
3. This applies to all permanent or temporary posts and secondments, except for “acting-up” appointments where there is a requirement that the post-holder “act-up” into a post.
4. Everyone involved in the recruitment and selection process must complete the specified equalities and diversity training, and comply with the arrangements set out in “The Recruitment Process – A Guide for Managers”.
5. The arrangements for appointing to posts when restructuring, or redeploying employees who cannot continue in post, are set out in the:
  - “Redundancy Procedure (including Assimilation Process)”
  - “Redeployment Arrangements”

## **Learning and development**

6. The Council's "People Strategy" is aimed at equipping staff to effectively fulfil the roles required of them and sets out how this will be achieved. The aim is to ensure that we have:

"The right people, with the right skills in the right places, with the right kinds of management and leadership, motivated to perform well."

7. The "Learning and Development Plan" sets out how resources will be used to ensure that all staff get fair access to learning and development in order to be effective in their role now and to develop themselves for the future.

## **Pay and reward**

8. The Council is committed to ensure equal pay for employees and that every member of staff is valued and remunerated on a fair and just basis, as set out in its annual Pay Policy Statement.

9. It remains committed to being part of the local government national pay negotiation structure (overseen by the National Joint Council). Pay levels are determined through an established job evaluation system, as follows:

- Employees at PO6 and below - Greater London Provincial Council (GLPC)
- Employees at PO7 and above - HAY

10. The Council has also committed to pay all its employees in substantive posts an annual salary which equates to at least £9 per hour; this is above the London Minimum Wage.

## **"Positive action"**

11. The Council may decide to take "positive action" under the Single Equality Scheme to address under-representation in particular areas or across the Council in terms of particular groups. "Positive action" is not the same as "positive discrimination" and it is important to understand the difference i.e.:

- a) "Positive discrimination" is unlawful except in limited, specified circumstances e.g.:
- i) To redeploy an employee who is pregnant or on statutory adoption or maternity or additional paternity leave and at risk of redundancy i.e. who is without a post after the assimilation or selection process; or
  - ii) Where there is a genuine occupational qualification (GOC) for a person from a specific group or protected characteristic for the role, (e.g. in a women's refuge); or

- iii) Where a disabled employee can no longer continue in their post and it is agreed as reasonable adjustments to move them into another
  - b) “Positive action” involves initiatives to attract, recruit and retain people from under-represented groups and examples may include:
    - Advertising posts in targeted publications or media
    - Employee development schemes e.g. mentoring and shadowing
    - Outreach work e.g. to encourage people to apply for posts
12. If a manager wishes to take “positive action” for their particular service area, they should seek advice first from their HR Business Partner, so a clear case can be agreed. Managers need to be aware of the risks associated with “positive action” and the potential for complaints to an Employment Tribunal.

### **Trade unions**

13. The Council recognises trade unions for the purpose of collective bargaining and values their role in helping it to meet its strategic objectives in relation to equalities and diversity.
14. It also respects the rights of employees to choose whether or not they wish to belong to a trade union. No employee or job applicant will be given preferential treatment, discriminated against or victimised on the grounds of membership or non-membership of a trade union.

### **Under-represented employee support networks**

15. The Council has supported the setting up of employee support networking arrangements for under-represented groups, and consult with them on matters relating to equalities and diversity in employment.
16. The networks provide employees from under-represented groups with a representative voice on issues affecting them and an opportunity to share their experience and provide support to colleagues.

## **5. Equalities and diversity in the workplace**

### **Discrimination, bullying and harassment**

17. The Council is committed to providing a working environment where individuals are treated with fairness, dignity and respect and is free from all forms of discrimination, bullying and harassment



18. Employees are encouraged to report any incidents of discrimination, bullying or harassment they experience or witness so the Council can investigate these through the relevant procedure and resolve the matter where possible.
19. Any employee who is found to have discriminated against or bullied or harassed a work colleague or customer of the Council will be subject to disciplinary action, up to and including summary dismissal.

### **Employing disabled people**

20. The Council has adopted the Social Model of Disability and will continue to work to remove barriers so that disabled people are able to fulfil their potential and fully participate in society.
21. The Council is a Department for Works and Pensions accredited “Two Tick” employer who demonstrate that have and continue achieved five commitments relating to the employment of disabled people, as detailed at Appendix B.
22. It also has a statutory duty to make “reasonable adjustments” so a disabled person has the same access to everything that is involved in getting and doing a job as a non-disabled person, as far as is reasonable.

### **Workplace issues**

23. The Council has established procedures for dealing with workplace issues which follow the ACAS statutory Code of Practice for Disciplinary and Grievance Procedures, as well as case law and “best practice”.
24. The “Grievance Resolution Procedure” is open to all employees to raise genuine workplace grievances and have them dealt with fairly, consistently, promptly and objectively, with a view of trying to achieve an agreed resolution
25. The “Disciplinary Procedure” is designed to ensure that there are fair and objective arrangements for dealing with disciplinary issues in the workplace and try to help employees to improve unsatisfactory conduct and behavior.

### **Workforce targets**

26. One of the key objectives in the Council’s Single Equality Scheme is to ensure the development of an effective and diverse workforce that is representative of the community served by the Council.

27. To help achieve this aim, the Council will establish targets around the employment of under-represented groups but this will not impact on its statutory duty to recruit the best person for a job, based on job-related criteria.

## **6. Monitoring**

1. The Equality Act 2010 placed a legal duty on public sector employers including the Council, to publish information annually about their workforce relating to the “protected characteristics” and which is available on the Council’s website.
2. The Council will continue to review its employment policies, procedures and practices to ensure that they conform to the standards in this document and to monitor the diversity of its workforce.
3. The workforce monitoring will be shared with Members, management, and staff representatives and where necessary, further action recommended.

## Appendix A

Other key employment documents:

- “The Recruitment Process – A Guide for Managers (2013)”
- “Staff Charter”
- “Learning and Development Plan”
- “People Strategy”
- “Pay Policy Statement 2014/2015
- “Employees Code of Conduct”
- ”Disciplinary Procedure and Rules”
- “Grievance Resolution Procedure”
- “Secondment Arrangements”
- “Redundancy Procedure (including Assimilation Process)”
- “Redeployment Arrangements”
- “Re-engagement of Former Council Employees”
- “Employee Volunteering Policy”
- “Use of Volunteers within the Workplace”
- “Statutory Right to Request Flexible Working”

## **Appendix B**

### **“Two-Tick” Employer Accreditation**

The accreditation is awarded to employers who demonstrate to the Department for Work and Pensions (Job Centre Plus) that they have achieved, and are committed to, continually achieving 5 commitments relating to the employment of disabled people.

The 5 commitments are to:

- Interview all disabled applicants who meet the minimum criteria for the job
- Ensure a mechanism is in place to discuss, at any time, but at least once a year, with disabled employees what can be done to ensure that they can develop and use their full abilities
- Make every effort to ensure that when employees become disabled, they stay in employment
- Take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work
- Conduct an annual review on what has been achieved and plan ways to improve on them. This is reported to the Department of Work and Pensions

The award of the accreditation is reviewed annually when the employer has to demonstrate to Job Centre Plus what action it has taken to meet the 5 commitments - this is an ongoing commitment.

The retention of the 'Positive about Disability' Two Ticks symbol is one of the Councils employment priorities in the Action Plan for our Single Equality Scheme 2013 to 2016.

It is one of the ways the Council demonstrate its commitment to creating 'an environment, which encourages disabled people to seek and maintain employment with us'.

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