



# Penrith Town Council

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## **EQUALITY AND DIVERSITY POLICY: Employment**

### **Our commitment**

The Town Council is committed to providing equal opportunities in employment and to avoiding unlawful discrimination.

This policy is intended to assist the Council to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

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.

### **The law**

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 the "protected characteristics" which derive from the Equality Act, 2010.

### **Types of unlawful discrimination**

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic.

In limited and defined circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where this is justified in accordance with legislation. Any occupational requirement must be crucial to the post and be a proportionate means of achieving a legitimate aim in order to be lawful.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic and puts an individual at a particular disadvantage 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.

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.

Third-party harassment occurs where an employee is harassed by a third party and the harassment is related to a protected characteristic. A third party is someone who is not the employer or another employee.

Victimisation occurs where an employee is subjected to a detriment 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. A detriment would include being denied a training opportunity or a promotion. However, an employee is not protected from victimisation if he/she acted maliciously or in bad faith in making a false allegation of discrimination.

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.

## **Equal opportunities in employment**

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.

## 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. Appointments will be made on merit.

## 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 the standard working practices. A request will only be refused if the Council considers there are 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 make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

## 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. The Council will consider and take any appropriate action to address any problems that may be identified in the monitoring process.

The Council treats personal data collected for reviewing equality and diversity in accordance with its data protection policy and the applicable law.

Information about how data is used and the basis for processing it is provided in the Council's privacy notices.

## **Dignity at work Bullying and Harassment policy**

The Council has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this nature will be considered.

## **People not employed by the Council**

An employee should report any bullying or harassment by a third party such as a visitor to the Council so that appropriate action can be taken.

The Council will take reasonably practical steps to prevent harassment of an employee by a third party.

## **Training**

The Council will provide training in equal opportunities to those likely to be involved in recruitment or other decision-making where equal opportunities issues are likely to arise.

The Council will provide training to all staff engaged to work at the Council to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment.

## **An employee's responsibilities**

Every employee is required to assist the Council to meet its commitment to provide equal opportunities in employment and to avoid unlawful discrimination. An employee can be held personally liable as well as, or instead of, the Council for any act of unlawful discrimination. An employee who commits a serious act of harassment may be guilty of a criminal offence.

An act of discrimination, harassment, bullying or victimisation by any employee may be a disciplinary offence and will be dealt with under the Council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

## **Grievances**

If an employee considers that he or she may have been unlawfully discriminated against, he or she should use the council's grievance procedure to make a complaint.

The Council will take any complaint seriously and will seek to resolve any grievance that it upholds. An employee will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

## **Monitoring and review**

This policy will be monitored periodically by the Council to judge its effectiveness and it will be updated in accordance with changes in the law. In

particular, the Council will monitor the ethnic and gender composition of its workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups. The Council will review its equal opportunities policy taking account of the results of the monitoring. If changes are required, the Council will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with relevant data protection legislation and principles.

This is a non-contractual procedure which will be reviewed from time to time.

**Date of policy:** May, 2021

**Supersedes:** Equality and Diversity policy

**Effective from:** May 2021

**Review:** May 2024