



# FALKIRK COUNCIL

# EQUAL OPPORTUNITIES

# POLICY



JANUARY 11

## **INDEX**

		<b>Page Number</b>
<b>PART 1</b>	<b>POLICY STATEMENT</b>	
1.1	Policy Statement	3
<b>PART 2</b>	<b>PROCEDURE</b>	
2.1	Introduction	3
2.2	Scope	3
2.3	Service Delivery	4
2.4	Employment	4
2.5	Responsibilities	4
2.6	Positive Action	5
2.7	Complaints	5
<b>PART 3</b>	<b>IMPLEMENTATION</b>	
3.1	Monitoring and Review	6
	<b>APPENDICES</b>	
Appendix 1	Equality Legislation	7
Appendix 2	Contacts	8

## **PART 1**

### **1.1 POLICY STATEMENT**

Falkirk Council believes that the diversity of its community is an essential part of its values.

The Council is committed to achieving equality and equity of access for all citizens and employees and avoiding unlawful discrimination including direct, indirect, by perception or association or third party harassment. We recognise that people can be discriminated against for reasons including age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These characteristics are known as protected characteristics under the Equality Act 2010. Legislation also protects people being discriminated against on the grounds of unrelated criminal convictions, trade union activity, long term unemployment or because they have Aids or are HIV positive.

The Council is committed to:

- Promoting equality of opportunity for all persons;
- Promoting a good and harmonious working environment in which all persons are treated with respect;
- Preventing occurrences of unlawful direct discrimination, indirect discrimination, harassment and victimisation;
- Fulfilling all our legal obligations under the equality legislation and associated codes of practice;
- Complying with our own equal opportunities policy and associated policies;
- Taking lawful affirmative or positive action, where appropriate and in accordance with legislation.

## **PART 2**

### **2.1 INTRODUCTION**

Falkirk Council recognises that groups and individuals can face discrimination such as unfair treatment at work or exclusion for a wide range of reasons.

It is the aim of this policy to ensure that no group or individual is unfairly excluded, disadvantaged or victimised either in terms of accessibility and availability of services or in terms of the Council's employment practices.

### **2.2 SCOPE**

The policy applies to job applicants and potential applicants, employees, elected members, trade union representatives, contract workers, agency workers, volunteers and anyone else who carries out work on behalf of the Council.

Falkirk Council recognises that achievement of the aims of the policy requires full commitment and support from all of the aforementioned groups.

## **2.3 SERVICE DELIVERY**

The best way to promote equality is to ensure it is integrated into all policies and procedures.

Equal opportunities is integrated through the development of equality objectives in the Single Outcome Agreement (SOA) and service plans and hence into all aspects of the delivery of the wide range of Council services.

Council Services are required to Equality Impact Assess (EQIA) any proposals in terms of its functions and policies which could potentially cause barriers to access by vulnerable groups or individuals. This will improve equality of opportunity and will reduce the possibility of discrimination claims being brought against the Council.

The Council will also seek to ensure that no condition or requirement, which cannot be shown to be justifiable, will be imposed on anyone seeking to use the services, facilities or resources of the Council.

## **2.4 EMPLOYMENT**

No applicant or employee will receive less favourable treatment than another person on the protected characteristics stated in paragraph 1 of this document.

No applicant or employee will be placed at a disadvantage by requirements or conditions that have a disproportionately adverse effect on his or her group and which cannot be shown to be justifiable. For example, a qualification or requirement applied to a job that restricts applicants for the reasons listed in the first paragraph of this document, for example gender, age, or disability, will only be used if it is justifiable in terms of the job to be done.

Each individual will be assessed according to their capability to carry out a given job.

The Guaranteed Interview Schemes for people with disabilities and New Deal applicants have been implemented to provide increased employment opportunities for individuals within these groups.

## **2.5 RESPONSIBILITIES**

### **2.5.1 Management Responsibility**

Overall responsibility for ensuring the promotion of equality of opportunity rests with Elected Members and the Chief Executive. Service Directors also have specific responsibility for ensuring equality of opportunity and equity of access in employment matters and service delivery. Individual departmental responsibility for the implementation and monitoring of the policy rests with Heads of Services.

Heads of Services have specific responsibilities for ensuring service procedures comply with this policy and that employees apply them fully. In particular they are responsible for:

- Ensuring that this policy is communicated to all employees;

- Obtaining commitments from other persons or organisations such as subcontractors or agencies that they too will comply with the policy in their dealings with the Council and its workforce;
- Taking appropriate action against any employee who is found to infringe it;
- Ensuring that functions and policies are impact assessed to ensure that groups or individuals from groups in the categories set out at paragraph 1 are not discriminated against unfairly;
- Ensuring that all employees involved in recruitment and selection processes receive appropriate training;
- Enabling employees to participate in equality training as appropriate including at induction and in management courses;
- Taking appropriate action where instances of third party harassment are reported to them as defined in the Dignity at Work Policy.

### **2.5.2 Employee Responsibility**

It is the duty of all employees to accept personal responsibility for the practical application of this policy. In order to eliminate discrimination and promote equality of opportunity, the policy should be understood and supported by everyone. To discriminate, harass or victimise, or knowingly aid anyone else to do so, will be regarded as gross misconduct and may result in disciplinary action. This duty will be clarified both at the induction of new employees and within individual Statements of Particulars.

Employees who commit serious acts of discrimination, victimisation or harassment may be personally liable and be found guilty of a criminal offence.

Employees are responsible for reporting incidents of third party harassment to their manager.

The policy confers both rights and responsibilities on employees at all levels.

## **2.6 POSITIVE ACTION**

The elimination of discrimination depends on all employees:

- Being aware of their own responsibilities;
- Co-operating with measures introduced, to ensure that there is equality of opportunity;
- Challenging discrimination;
- Participating in equality and diversity training;
- Not being involved in acts of discrimination, e.g. refusing to work with disabled people, refusing to accept employees from particular racial groups or by acting against the spirit of the policy in any way;
- Ensuring that the principles of equal opportunity are applied in all dealings with members of the public.

## **2.7 COMPLAINTS**

Employees who believe that they have suffered any form of discrimination, harassment or victimisation are entitled to raise the matter through the agreed procedures such as the Council's Grievance and Dignity at Work policies.

Issues raised by members of the public will be investigated using agreed procedures such as the Council's Disciplinary policy.

All policies are available from your line manager or can be accessed on the employee section of the Underground.

All complaints of discrimination will be dealt with seriously, promptly and confidentially.

## **PART 3**

### **3.1 MONITORING & REVIEW**

The Head of Human Resources will review this policy as per the agreed Human Resources Policy Review Timetable in conjunction with Service Directors and Trade Unions taking into consideration legislative amendments and best practice advice.

This Policy has been Equality Impact Assessed and no adverse impact has been identified.

## APPENDIX 1

### Equality Legislation

The relevant legislation for the purpose of this policy is;

- **Equality Act 2010** - outlaws discrimination in employment on the grounds of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership.

The Equality Act also outlaws discrimination by those providing goods and services on the grounds of disability, gender reassignment, pregnancy and maternity (which includes breastfeeding), race, religion or belief, sex and sexual orientation.

- **Employment Rights Act 1996 as amended in 1999** – Provides rights and protection for employees in employment matters.
- **Human Rights Act 1998** - Incorporates civil rights from the European Convention on Human Rights in to domestic law.
- **Employment Relations Act 1999** – Provides rights and protection for employees in relation to Trade Union matters, family leave and fair hearings.
- **The Rehabilitation of Offenders Act 1974** – Provides protection against discrimination to those convicted of criminal offences.
- **Employment Act 2002** – Extends the rights granted under the ERA 1999 and includes the new right to paid paternity leave.
- **Local Government (Scotland) Act 2003** – Gives Councils responsibility to work in partnership with other bodies and the communities they serve, and to embed a culture of quality, equality and improvement.

### Other Documents

- The Equality and Human Rights Commission (EHRC) and ACAS provide a number of guides and codes of practices which support equal opportunity and equity of access including such as the EHRC Code of Practice on Equal Pay and ACAS guide to Equality and Discrimination.

These and many others can be found on the following websites:

[www.equalityhumanrights.com](http://www.equalityhumanrights.com) and [www.acas.org.uk](http://www.acas.org.uk)

## APPENDIX 2

### Contacts

Human Resources  
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Municipal Buildings  
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Equality and Human Rights Commission  
The Optima Building  
58 Robertson Street  
Glasgow  
G2 8DU  
Tel: 0141 228 5910 (non helpline calls only)  
Fax: 0141 228 5912  
Website: [scotland@equalityhumanrights.com](mailto:scotland@equalityhumanrights.com)

NB Links to other organisations dealing with equality matters can be found on the Council's website under the Equality link.