

POLICY ON EQUAL OPPORTUNITY IN EMPLOYMENT

The guiding principles

This Council is strongly committed to fairness and equal treatment for all, both staff and those we serve.

All members of staff employed by the Council and all applicants for employment will be given equality of opportunity irrespective of their sex or sexual orientation, marital status, race, age or disability in all aspects of employment and training and will be made aware of the Council's commitment in this area.

The Council believes that this policy is a means of ensuring the most effective use of human resources in the best interests of both the Council and its staff.

In pursuit of this objective

1. All employees and candidates for jobs with the Council will be informed of this policy, in particular through the use of an equal opportunities statement on all advertisements for employment vacancies.
2. It will be a requirement of the Council (the breach of which could constitute a breach of discipline) that all employees:
 - comply with the policy,
 - do not discriminate against fellow employees or job applicants in breach of the policy, and
 - do not apply any detrimental treatment to anyone who has raised a complaint that the policy has not been applied.
3. Appropriate training will be provided to enable all staff to perform their jobs effectively. In particular, those staff involved in management and selection of staff will be given training and guidance to enable them to undertake their duties both in adherence to all relevant legislation on equal opportunities and within the spirit of this policy statement.
4. All aspects of Personnel policies and procedures, including terms and conditions of employment with the Council, will be kept under review to ensure that they operate consistently with equal opportunities' principles generally and in particular.
 - requirements or conditions which may have an indirectly discriminatory effect will only be maintained when they are essential for the provision of the Council's services;
 - the 'genuine occupational qualification' provisions of the Sex Discrimination Act 1975 and the Race Relations Act 1976 will be used only when it is absolutely necessary for the effective provision of services to the community

- if unjustified discrimination between male and female employees in pay systems is identified it will be removed.
5. Adaptations will be made wherever practicable to enable employees and applicants for jobs who have disabilities to make full use of their abilities in the delivery of the Council's services. In particular:
- the Council will act positively to comply with its responsibilities under the Disability Discrimination Act 1995:
 - disabilities will only be discussed when relevant to the job, and then only in relation to the positive and practical steps which may be taken to achieve the person's maximum possible integration and accessibility.
6. This policy will be notified to all employment agencies used by the Council, on the basis that adherence to the policy is essential in respect of any dealings with the Council.
7. Procedures will be established for individuals who feel that they have not been treated properly in accordance with this policy to raise their concerns with an appropriate officer.

In particular:

- employees who feel they have been subjected to sexual or racial harassment, or harassment on the grounds of their disability or marital status, will have the 'anti-harassment' procedure available to them. This will identify the appropriate officer for dealing with such cases;
 - employees and job candidates with disabilities who feel that insufficient steps have been taken to adapt for their disability can contact the Borough Personnel Officer to request investigation of the matter.
8. Regular monitoring and review will be undertaken to ensure the effectiveness of this policy.

In particular:

- the Council will monitor recruitment media to ensure that vacancies are made known to all groups in the community;
- data on applicants, interview arrangements, selection and appointment will be collected and analysed;
- policy and practice will be regularly reviewed.

Anti-Harassment Procedure

The purpose of this procedure

1. The Council wishes to promote positive working relationships in a safe and non-threatening working environment where the dignity of all employees is respected and where employees feel able and are encouraged to reach their full potential and effectiveness. The Council does not condone any instance of racial or sexual harassment, or harassment on the grounds of disability, age, marital status or sexual orientation.
2. This procedure is available to any employee who feels that he or she has suffered physical or verbal harassment on these grounds.
3. In order to fully support this procedure, the Council will provide comprehensive training.

The steps to take

i) informal action

- It is better to try to resolve matters informally if at all possible. This is likely to produce solutions which are speedy, effective and minimise embarrassment and the risk of breaching confidentiality.
- The employee should tell the person who is harassing him or her that the conduct in question is unwanted and/or offensive and must stop. Often, this is all that the victim of harassment is seeking.
- Informal action is an option available for the person who feels himself or herself to have been the subject of harassment. If informal action fails, or if the employee wishes to pursue a formal complaint instead, the steps set out below should be followed.

ii) formal action

- The employee should raise the issue with the officer who is his or her line manager, unless that officer is involved in the allegation, in which case the complaint should be referred to the employee's Chief Officer (or the officer within that Department who has been delegated this responsibility by the Chief Officer) or to the Borough Personnel Officer.
- The complaint should identify the harasser and be put in writing if possible.
- The manager (or Chief Officer) should then act immediately to
 - a) separate the parties if this is felt necessary to avoid antagonism or upset,
 - b) acknowledge the complaint in writing, and
 - c) inform the Borough Personnel Officer of the complaint.

- The manager (or Chief Officer) will then either:
 - a) take steps to conciliate in appropriate cases (note: this may not be acceptable to the complainant in the circumstances - the complainant must make this clear to the officer)
 - or
 - b) refer the matter to the Borough Personnel Officer who will nominate an independent officer of the authority to carry out an investigation. The investigation must be objective and handled with due respect for the rights of both the complainant and the alleged harasser, who will both be entitled to representation. The alleged harasser must be given full details in writing of the allegations.

- At the conclusion of the investigation the independent officer will submit a report to the manager (or Chief Officer), who will then decide on further action. This could include the decision:
 - a) to commence the disciplinary procedure in relation to the alleged perpetrator,
 - b) and/or that standards for future conduct need to be set which may involve training or further instruction,
 - or
 - c) that the allegation does not amount to harassment under the policy, and so to take no further action.

- The manager (or Chief Officer) will notify all concerned promptly in writing of this decision and be prepared to discuss it with them.

Confidentiality

Confidentiality must be respected at all times. This will mean that:

- a) if the employee who feels himself or herself to have been the subject of harassment wishes to talk informally with a supervisor or manager, the supervisor or manager will then not divulge the identity of the complainant or the alleged harasser.

There needs to be an exception to this: some allegations of harassment may appear to the supervisor or manager to be so severe that he or she feels it necessary to initiate formal action, even though that is not the complainant's wish. In this case, the Council will do all it reasonably can to preserve confidentiality, but ultimately may need to release the identity of the complainant if this is necessary to deal with the alleged perpetrator fairly, or if required by the Police or a Court;

- b) if there is an investigation into allegations of harassment, everyone involved must respect general confidentiality. Action breaching this may result in disciplinary action.