

EQUALITY AND DIVERSITY POLICY

INTRODUCTION

Carmarthenshire County Council is responsible for delivering a diverse range of services to the community that it serves. Its success depends on the people it employs and drawing on their different perspectives and experiences.

By attracting, recruiting and developing people from the widest possible pool of talent the Council can have a better understanding of its customers needs now and in the future and ensure its success.

BACKGROUND

A wealth of legislation and public sector duty to eliminate discrimination and promote equalities and diversity underpins the need for this policy. Key aspects of this legislation are set out in Appendix 1

POLICY

Carmarthenshire County Council is striving to be an equal opportunity employer and this policy aims is to ensure residents, service users, staff, councillors and partners all understand each others responsibilities in achieving this.

The Equality and Diversity Policy also aims to provide support to the Authority's Equality Framework to enable the successful delivery of its Community and Corporate Strategies and its statutory responsibilities.

This policy must be applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion, age, gender, gender reassignment, sexual orientation, parental or marital status.

SCOPE

This Policy covers all employees including centrally employed teachers but excluding staff on the complement of locally managed schools for which a separate policy applies.

EQUALITY AND DIVERSITY - WHAT DOES THIS MEAN TO CCC?

Equality and Diversity are terms that are commonly used however it is important to have a common understanding of what these terms mean.

The principle of equality has been understood to be about 'treating everyone the same' or 'treating everyone as you would wish to be treated' but does this apply when you are working with people or delivering services to people who are quite different to yourself? A more appropriate way of looking at equality is to respond to individuals or groups according to their needs.

To value diversity is to recognise and value the differences between individuals and groups, to encourage their strengths and talents, and understand their needs.

It is also important to recognise the reality of victimisation, harassment and discrimination experienced by individuals, groups and communities.

Everyone has a responsibility to embrace and support equality and diversity and to challenge behaviour and attitudes that prevent us from achieving this. Using fair and objective employment practices it is the Authority's aim to ensure:

- All employees and potential employees are treated fairly and with respect at all stages of the recruitment process and during employment;
- All employees have the right to be free from harassment and bullying of any description, or any other unwanted behaviour;
- All employees have an equal chance to contribute and to achieve their potential;
- All employees understand their responsibility to treat others with respect and fairness.

AIMING FOR DIVERSITY WITHIN OUR WORKFORCE AT ALL LEVELS

The following diversity strands are presented in alphabetical order and represent the seven diversity areas within the Equality Standard for Local Government in Wales and outlines everyone's responsibilities and expected behaviours within the Authority to ensure a positive approach to equality and diversity within our workplace:

1. Age

Age diversity is promoted and valued at all levels through:

- challenging age stereotyping
- recognising the benefits a of mixed age workforce
- challenging discrimination towards younger and older staff
- recognising that younger and older staff have different experiences and development needs
- recognising that older staff may need to work more flexible hours due to caring responsibilities.

2. Disability

The abilities of people with a disability are recognised and valued at all levels through:

- focusing on what people can do rather than what they cannot
- challenging stereotypes about people with disabilities
- understand the need to make appropriate adjustments in the workplace to enable people to achieve their full career potential
- challenging discrimination towards disabled staff
- recognising that not all disabilities are visible
- recognising that disabled staff may need to work more flexible hours due to their specific impairment.

3. Gender and Transgender

Women, men and people who are trans-gender are fully and properly supported and rewarded for their contributions at all levels through:

- challenging gender stereotypes and all forms of discrimination, sexism and harassment
- supporting employees in balancing their life at work and at home
- supporting employees who become pregnant or adopt and take active steps to facilitate their return to work after maternity or adoption leave
- ensuring people who plan to undergo, are undergoing or have undergone gender re-assignment are protected against all forms of discrimination and harassment
- taking positive steps to support a trans-gender person and ensure they are treated with dignity and respect
- ensuring people are treated fairly and equally in the workplace irrespective of their marital, civil partnership or family status
- recognising and supporting those who are subject to abuse and violence outside the workplace

4. Race/Ethnicity

The racial and cultural diversity will be supported at all levels through:

- challenging racial stereotypes
- understanding, respecting and valuing different racial and cultural backgrounds and perspectives
- challenging discrimination against black and ethnic minority groups including migrant workers and travelling communities
- recognising that racial discrimination can be experienced on the grounds of race, nationality, religion, culture and/or colour
- recognising and supporting those who are subject to abuse and violence outside of the workplace
- promoting positive relationships in the workplace

5. Religion and Belief

People are treated fairly in the workplace irrespective of their religion and belief at all levels through:

- challenging discrimination against religious, faith or other cultural groups
- recognising individuals' freedom of belief or non belief
- supporting employees to balance their life at work to enable individuals to observe their religious or cultural practices
- recognising and supporting those who are subject to abuse and violence outside the workplace
- promoting positive relationships within the workplace

6. Sexual Orientation

People are treated fairly in the workplace irrespective of their sexual orientation at all levels through:

- challenging discrimination against lesbians, gay men, bisexual or LGB people
- recognising that the level of discrimination is hard to quantify as fear of discrimination may prevent people from 'coming out' or being open about their sexual orientation
- respecting it is the right of the individual to be open or otherwise about their own sexual orientation
- challenging negative stereotypes
- recognising and supporting those who are subject to abuse and violence outside the workplace
- promoting positive working relationships within the workplace

7. Welsh Language

Bilingualism within the workplace is recognised and will be supported at all levels through:

- encouraging the use of bilingualism and promoting its use within the workplace
- supporting employees to be able to undertake their duties in Welsh or English, according to their personal choice where possible
- promoting increased use of Welsh language in the workplace
- raising the confidence and ability of all staff in bilingual skills
- encouraging and supporting Welsh learners in the workplace

EMPLOYMENT OF STAFF

The Council aims to improve the diversity profile of its workforce by:

- Using the census base and/or other relevant data to develop a profile of the County
- Monitoring recruitment and selection, training and development, employment policies and procedures, and measuring change in the composition of the workforce.
- Collecting and analysing information, including impact assessments to ensure that the council's employment policies and practices are fair and prevent discrimination
- Report the results of employment monitoring on an annual basis including areas for positive action
- Develop the use of efficient and confidential monitoring systems to analyse and evaluate how effectively the Authority is attracting, developing and retaining a diverse workforce and to develop positive action steps
- Regularly review its recruitment and selection policy and procedure to ensure fair access to all jobs. People will be selected on merit, based on their skills, abilities, experience and qualifications to carry out the duties and responsibilities of the post they have applied for
- Ensure that all employees are valued and treated with dignity and respect. Where harassment, victimisation or bullying is found in the workplace this will be confronted and dealt with through the Dignity at

Work Policy which will be reviewed regularly. Every employee has a responsibility to challenge and report inappropriate behaviour

- Provide fair access to training and development opportunities
- Support employees who wish to use a mode of dress dictated by ethnic background and religious belief. However, where corporate clothing is used or provided or where the wearing of any apparel may conflict with health and safety regulations or this policy, the relevant Head of Service may impose restrictions with advice from People Management and Performance
- Consider and reasonably adapt organisational requirements, existing practices or premises where they are contrary to employees' needs and requirements
- Have due regard for equal pay and equal treatment legislation
- Involve and consult employees on employment policies and practices and impact assess them to ensure they do not act adversely on individuals or groups
- Monitor and evaluate performance towards achieving a diverse workforce and review actions as appropriate.

RESPONSIBILITIES AND ACCOUNTABILITIES

The Executive Board/Chief Executive are ultimately responsible and accountable for ensuring that the Authority meets its legal and policy obligations in relation to Equality and Diversity. In particular they must satisfy themselves that the Authority

- Is compliant with the legislation (Race, Disability, Gender, Employment Regulations covering Religion and Sexual Orientation, Human Rights, Welsh Language)
- Meets its commitments to the Equality Improvement Framework for Local Government in Wales in line with the Authority's Equality Framework and Action Plan
- Has an up to date and effective Race Equality Scheme, Gender Equality Scheme, Welsh Language Scheme and Disability Equality Scheme as part of its Equality Framework
- Carries out the statutory equality impact assessments when they have been assessed as relevant to the statutory equality duties

Directors

All Directors are responsible for

- Co-ordinating a strategic and corporate approach to the management of equality and diversity issues.
- Ensuring that equality and diversity issues are mainstreamed in the planning and delivery of the services for which they have responsibility
- Ensuring that equality and diversity is integral to every aspect of the employment cycle of staff

- Ensuring that equality impact assessments are undertaken for the service areas and policies for which they are responsible. The impact assessment report should be published alongside the policy on the intranet/Internet.
- The implementation of the Authority's Equality Framework and Action Plan within their respective Departments and are accountable for operational compliance.
- Personally undertake and support their staff in development activities to ensure they have the knowledge and understanding to deliver services which are accessible to everyone within the diverse community.

The Assistant Chief Executive (People Management and Performance) and Assistant Chief Executive (Customer Focus and Policy) are the lead officers for Equality and Diversity. They are responsible for ensuring the development of policy, strategy, guidance and advice, to support the Authority's compliance and promotion of equality and diversity with the legal and policy framework.

The Heads of Service are responsible for the development and implementation of an equality and diversity plan as part of their business planning process. This must include details of:

- proposed equality impact assessments;
- actions agreed as a result of completed equality impact assessments;
- plans to undertake and support their staff in development activities to enable them to have the knowledge and understanding required to deliver services which are accessible to everyone within the diverse community; and
- any additional actions required to ensure compliance with Authority's Equality Framework and Action Plan.

They are accountable to their departmental Directors for the performance of their DMT in relation to equality and diversity through the performance management process. The information provided from this process will provide key evidence for the Authority's performance monitoring and will be needed for other audits (internal or external) and reporting purposes to scrutiny and Executive Board.

Managers and supervisors

All managers and supervisors are responsible for ensuring that they and their staff carry out all their duties in accordance with this policy and associated policies and guidance. They should ensure that:

- staff are aware of their responsibilities and that they know where to find information and resources

- they include consideration of staff training and development needs in relation to equality and diversity as part of the Helping People to Perform development planning process;
- ensure staff attend any relevant training provided.

All Staff

Staff at all levels are responsible for ensuring that they support positively the principle of equality and diversity at all times and follow the values set out in this policy, the Code of Conduct for Staff and associated policies and guidance. Any difficulties should be raised with their line manager in the first instance. Staff should consider their development needs in relation to equality and diversity as part of the personal development planning process in conjunction with Helping People to Perform development planning process.

Councillors

Councillors have a responsibility to all staff and members of the public to uphold the values set out in this policy and challenge inappropriate behaviour where appropriate. Councillors are responsible for ensuring that they support positively the principle of equality and diversity in undertaking their public duties and follow the Code of Conduct for Councillors and associated policies and procedures. Councillors should consider their own development needs and will be supported through the Standards Committee and Councillors Development Programme.

Members of the public

Members of the public can expect to be treated with dignity and respect in line with this policy and the customer care principles outlined in the Authority's Customer Care Strategy, the Customer Care Charter and the Code of Conduct for Staff and Councillors.

It is also a responsibility of members of the public to ensure that employees and Councillors are also treated with dignity and respect.

Partners and contractors

The Council works collaboratively with a range of partners and contractors and as such the public duty to eliminate discrimination and promote equality and diversity will extend to them when they are delivering a service with, or on behalf of, the Council. Partners and contractors have a responsibility to uphold the values set out in this policy as part of the contract for service.

CONCERNS OR COMPLAINTS

If an employee has a concern regarding breaches in the application of this policy they are advised to speak to their line manager in the first instance. If the employee's concern relates to his/her line manager then advice can also be provided by the departmental People Management and Performance representative or Trade Union representative.

Depending on the nature of the concern if this cannot be resolved informally the employee should raise his/her concern through the appropriate Authority policy and procedure. This includes reference to the Authority's Grievance Policy and Procedure or Dignity at Work Policy and Procedure as appropriate.

Concerns regarding bullying, harassment or victimisation can also be discussed in confidence with an Occupational Health Advisor or Staff Counsellor.

Councillors should raise any concerns with the Democratic Services Unit in the first instance.

Members of the public, partners and contractors should raise any concerns through the Authority's Compliments and Complaints Policy.

ENFORCEMENT OF THE POLICY

Minor breaches of this policy will normally be dealt with through education and counselling.

Serious concerns will be investigated in line with the appropriate Authority policies and procedures as follows:

Breach of the Policy by Employees:

To be treated as a disciplinary issue and as described in the Council's Disciplinary Procedure.

Breach of the Policy by Elected Members:

To be treated as a breach of the Code of Conduct, and dealt with by the Standards Committee.

Breaches of the Policy by service users and members of the public:

The Council has a zero tolerance policy with regard to violence, aggression, harassment, bullying or lack of dignity and respect towards its staff. It has a duty to ensure that as far as is practically possible it reduces the risk of unacceptable behaviour towards its staff during the course of their work.

In circumstances where the safety and/or dignity of staff are compromised the Council has the right to limit or withdraw access to services as appropriate.

Breach of the Policy by Contractors:

Any breach of policy by a Contractor delivering a service with, or on behalf of the Council, will be addressed in accordance with the terms of that Contract.

REVIEW

This policy will be reviewed as and, when necessary, in light of practical experience and it shall be the responsibility of the Assistant Chief Executive (People Management and Performance) to keep the policy and its implementation under review.

If you require this publication in an alternative format
please contact People Management and Performance on
01267 246100 or email
PMPBusinessSupportUnit@carmarthenshire.gov.uk

LEGISLATIVE FRAMEWORK

Generic

- The Equality Act 2006

Disability

- The Disability Discrimination Act 1995
- The Disability Discrimination Act (Amended) Regulations 2003
- The Disability Discrimination Act 2005

Gender

- The Equal Pay Act 1970 (as amended)
- The Sex Discrimination Act 1975 (as amended)
- The Equal Pay (Amended) Regulations 1983 & 2004
- The Sex Discrimination Act 1986
- The Sex Discrimination Act (Gender Reassignment Regulations 1999
- The Sex Discrimination Act (Indirect Discrimination and Burden of Proof) regulations 2001
- The Gender Recognition Act 2004
- Civil Partnerships Act 2004

Race

- The Race Relations Act 1976
- The Race Relations (Amendment Act 2000)
- The Race Relations Act 1976 (Amendment) Regulations 2003

Religion and Belief

- The Employment Equality (Religion/Belief) Regulations 2003
- The Racial and Religious Hatred Act 2006

Sexual Orientation

- The Employment Equality (Sexual Orientation) Regulations 2003

Welsh Language

- Welsh Language Act 1993

Employment Related

- Employment Rights Act 1996
- Employment Relations Act 2004
- Employment Rights Act (increase of limits) Order 2004

DEFINITIONS

Bullying

Definition

Bullying can be defined as “offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer stress”.

Harassment

Definition

It is difficult to specify an exact definition of harassment. However in general terms, it is a range of behaviour that is unwanted, demeaning or offensive to the person against whom it is directed which has the intention or effect of violating the dignity of that person or creating an environment which is intimidating, hostile, degrading, humiliating or offensive. The behaviour displayed will vary according to the type of harassment that is taking place. This can be on the basis of:

Age

Ridicule or demeaning behaviour based on stereotypical perceptions and prejudices about a person's age or experience.

Disability

Undignified treatment, ridicule or exclusion of people because of their disability, vulnerability or actual/perceived reduction in independence.

Race

An act or a series of actions directed at a person or group of people because of their colour, race, nationality, ethnic origin or cultural differences. It can range from creating an uncomfortable or unpleasant atmosphere to physical abuse.

Religion or Belief

Socially unacceptable behaviour which fails to tolerate or acknowledge the rights or needs of individuals with different religious convictions, beliefs and practices.

Gender

Unwanted or derogatory comments based on stereotypical perceptions and prejudices.

Sexual Harassment

Unwanted conduct of a sexual nature, such as unwelcome sexual advances (either physical or verbal), propositions, offensive flirtation, innuendoes, lewd

comments, leering and whistling, or display of suggestive or pornographic material.

Sexual Orientation

Behaviour which condemns ridicules or excludes persons of the same sex (e.g. gay men and lesbians), persons of the opposite sex (e.g. straight men and women) and persons of the same and opposite sex (e.g. bisexual men and women) on the basis of stereotypical perceptions of their sexuality.

Personal Characteristics/Choices

Behaviour which condemns or ridicules on the basis of personal attributes or lifestyle.

This list is neither exclusive nor exhaustive.

Bullying or harassing behaviours are not governed by position or authority. Clearly there are similarities between bullying and harassment, however, there is also a vital distinction, which is, that harassment has its roots in discrimination.

Carmarthenshire County council's core Values are:

Openness, Trust, honesty, integrity

We believe in openness and honesty in all our dealings with the public; we will provide comprehensive information to the public about our services so that they can judge how well we are performing.

Putting Customers First

We will ensure that the needs of our customers is at the heart of everything we do. We will treat people with respect at all times.

Listening - and delivering on promises

We are a listening organisation which consults before reaching major decisions and, having reached a decision, delivers on our promises. We believe in clear leadership, informed decision making, robust scrutiny and honouring commitments.

Working in partnership

We believe in partnership - thinking together and acting together. We will strive to avoid duplication and waste of effort through working closely with our partner organisations, the voluntary sector, trade unions and the local community.

Valuing our staff

We can deliver nothing without the efforts of our staff - they are the reason we succeed. We will support, praise and invest in our workforce to achieve higher standards of service delivery.

Ensuring Equality of Opportunity

We value diversity and recognise the unique contribution of all members of our community. We will serve all of our customers and the community equally, and strive to ensure that everyone has the same rights of access to all of our services.

Treating the Environment with Respect

We aim to be a leader in the field of sustainability - improving the quality of life for local people while conserving the earths resources and protecting the environment.

Improving our Services

We will strive to continuously improve our services; we are an innovative organisation which constantly seeks new and better ways to deliver our services.