

 <small>BROADSTAIRS &amp; ST. PETER'S TOWN COUNCIL</small>	<b>Equalities and Diversity Policy</b>
	<b>BROADSTAIRS &amp; ST. PETER'S TOWN COUNCIL</b> <b>Adopted 25<sup>th</sup> September 2017</b> <b>Reviewed &amp; Amended: 11<sup>th</sup> January 2023</b> <b>Reviewed: 2<sup>nd</sup> February 2025</b>

## 1. Introduction

1.1 Broadstairs & St. Peter's Town Council acknowledges that it has a role in the pursuit of opportunity for all and it seeks to work within the context of the Equality Act 2010.

1.2 Broadstairs & St. Peter's Town Council wishes to declare its commitment to working towards equality in employment and via the delivery of its services. In particular, the Town Council will work to combat discrimination and to ensure that prospective and present employees and those who may use or wish to use any of its services are not treated less favourably on the following grounds which are the Protected Characteristics as identified in the Equality Act.

1.3 The Protected Characteristics are:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage and Civil Partnership
- Pregnancy and Maternity

### *Age*

1.4 Individuals of any age or apparent age are protected from discrimination. Less favourable treatment of a person because of age is not lawful. From 6 April 2011, retirement of an employee constitutes age discrimination unless it can be justified as a proportionate means of achieving a legitimate aim. There are some key exemptions: minimum wage levels, benefits of service provisions – such as holiday entitlement and statutory redundancy pay.

### *Disability*

1.5 Section 6 and Schedule 1 to the 2010 Act relates – a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities (for example using a telephone, walking, lifting and reading). An impairment is long-term if:

- It has lasted for at least 12 months,
- It is likely to last for at least 12 months, or
- It is likely to last for the rest of the life of the person affected.

Regulations, issued pursuant to the 2010 Act came into force on 1 October 2010. The 2010 Regulations confirm that those certified as blind, severely sight impaired, partially sighted, or sight impaired by a consultant ophthalmologist will be deemed to have a disability. They also confirm that persons with cancer, HIV infection or multiple sclerosis are deemed to have a disability.

1.7 The 2010 Regulations confirm a number of exemptions of groups of people who do not fall within the category of disabled. These include, for example, people suffering from an addiction to alcohol or nicotine. Notably pursuant to section 13(3) of the 2010 Act, if a person (e.g. an employer or a service provider) treats a disabled person **more favourably** than a non-disabled person, this does not constitute direct discrimination.

1.8 The Equality Act 2010 protects disabled persons from discrimination. This includes a duty on employers to make reasonable workplace adjustments to prevent disabled employees and job applicants from being placed at a disadvantage compared to non-disabled people. An example of a reasonable adjustment may be a special type of chair for a disabled employee with a back condition.

1.9 Broadstairs & St. Peter's Town Council, as the Employer, has a duty to make reasonable adjustments but can decline to make adjustments that it considers to be unreasonable, for example:

- Will the proposed adjustment resolve the problem?
- Is it a practical solution?
- How much will the overall cost be in making the change and is it affordable?

1.10 The reasonable adjustments may include some of the following:

- Making adjustments to premises - For example, structural or other physical changes such as: widening a doorway, providing a ramp or moving furniture for a wheelchair user; relocating light switches, door handles or shelves for someone who has difficulty reaching; providing appropriate contract in décor to help the safe mobility of a visually impaired person.
- Altering the person's working hours – This could, for example, include allowing the disabled person to work flexible hours to enable additional breaks to overcome fatigue arising from the disability, or changing the disabled person's hours to fit with the availability of a carer.
- Allowing the person to be absent during working hours for rehabilitation, assessment or treatment – For example, if a person were to become disabled, the employer might have to allow the person more time off during work, than would be allowed to non-disabled employees, to receive physiotherapy or psychoanalysis or undertake employment rehabilitation.
- Acquiring or modifying equipment – For example, an employer might have to provide special equipment (such as an adapted keyboard for a visually impaired person or someone with arthritis), or an adapted telephone for someone with a hearing impairment or modified equipment.
- Providing supervision – For example, this could involve the provision of a support worker, or help from a colleague, in appropriate circumstances, for someone whose disability leads to uncertainty or lack of confidence.

### *Gender Reassignment*

1.11 Section 7 of the 2010 Act, gender reassignment, is a protected characteristic that applies to a transsexual person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) to change their sex (by physiological or other attributes of sex).

1.12 Section 16 of the 2010 Act provides that it is discrimination against transsexuals to treat them less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than if they were absent because they were ill or injured.

#### *Race Equality*

1.13 Broadstairs & St. Peter's Town Council seeks to:

- Eliminate unlawful racial discrimination;
- Promote equal opportunity
- Promote good race relations between people of different racial groups.

#### *Religion or Belief*

1.14 Section 10(1) of the Act refers. It does not make reference to a particular religion but it also relates to a lack of religion. The act does mean that people's faith must be taken into account so that they are not expected to act in contradiction to their beliefs. The belief must be:

- Genuinely held.
- A belief not simply a viewpoint or an opinion.
- Relevant to a weighty and substantial aspect of human life and behaviour.
- Able to attain a certain level of cogency, seriousness, cohesion and importance.
- Worthy of respect in a democratic society, not incompatible with human dignity and not in conflict with the fundamental rights of others.

#### *Sex*

(i) A reference to a person who has a particular protected characteristic is a reference to a man or to a woman.

(ii) A reference to persons who share a protected characteristic is a reference to persons of the same sex.

1.15 An example is that to discriminate against a breastfeeding woman is unlawful and she could breast-feed in the office and in meetings.

#### *Sexual Orientation*

1.16 Section 12 of the Act protects a person's sexual orientation towards:

- (i) People of the same sex as him/her/them (i.e. a gay man or a lesbian).
- (ii) People of the opposite sex from him/her/them.
- (iii) People of both sexes.

#### *Marriage and Civil Partnership*

1.17 Section 8 of the 2010 Act affords protection to people who have or share the characteristics of being married or being a civil partner. By contrast, a person who is engaged, a divorcee or a person whose civil partnership has been dissolved are not protected under the 2010 Act.

#### *Pregnancy & Maternity*

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1.18 Section 17 of the 2010 Act deals with the treatment of pregnant people in non-work situations and covers the period of their actual pregnancy and for the ensuing period of 26 weeks commencing on the day of delivery. Notwithstanding other employment provisions which attach to pregnancy and maternity, e.g. leave etc, Section 18 confirms that a person discriminates against a woman if, in the protected period as identified above, he/she/they treats them unfavourably because of:

- The pregnancy.
- Illness suffered as a result.

- The exercising of her rights to compulsory, ordinary or additional maternity leave.

1.19 The 2010 Act and the National Joint Council terms and conditions deal with a partner's eligibility to paternity pay and leave.

## **2. Types of Unlawful Discrimination**

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

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving legitimate aim.

2.2 Indirect discrimination – is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic 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.

2.3 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.

2.4 Associative discrimination – is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

2.5 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 a protected characteristic.

2.6 Third Party harassment – occurs where an employee is harassed and the harassment is related to a protected characteristic, by third parties.

2.7 Victimisation – occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she/they made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she/they is suspected or doing so. However, an employee is not protected from victimisation if he/she/they acted maliciously or made or supported an untrue complaint.

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.

## **3. Public Sector Equality Duty**

3.1 Section 149 of the 2010 Act, which came into force on 5 April 2011, imposes on public authorities (which, as specified in Schedule 19, includes principal authorities, parish councils and

parish meetings without a separate parish council) in the exercise of their functions a duty to take into account:

- The need to eliminate discrimination and harassment, victimisation and any other conduct that is prohibited by or under the Act;
- To advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- To foster good relations between those who share protected characteristics and those who do not.

3.2 The protected characteristics of marriage and civil partnership are not covered by the provisions of section 149.

#### **4. Equal Opportunity**

4.1 Broadstairs & St. Peter's Town Council is committed to achieving equality of opportunity both for those who use its services and for the employees who provide them.

4.2 Equal opportunities, fairness in the workplace and providing good quality services to member Councils are all inter-linked. It is the Town Council's aspiration to promote good relations, equality of opportunity and to tackle unlawful discrimination in all of its forms.

4.3 This new and comprehensive statement is to demonstrate Broadstairs & St. Peter's Town Council's wholehearted commitment to action in tackling inequality. Such action is the responsibility of all elected members and all employees of the Town Council.

#### **5. Commitment**

- To provide services that are equally accessible to all people, free from prejudice and discrimination and sensitive to the needs of all member Councils.
- Value people and their differences and enable all employees to achieve their full potential, creating vitality within our organisation and the services we deliver.
- Seek to influence the work and contribution of partner organisations from all sectors by ensuring that equality issues and considerations are fully taken into account when developing strategies.
- Work actively towards eliminating all types of discrimination.
- Encourage partnership and participation in the development and application of Broadstairs & St. Peter's policy and practices.

#### **6. Policy into Practice**

- Ensure that all policies and practices are in line with relevant employment legislation, anti-discrimination legislation and good practice guidelines.
- Integrate equality of opportunity into all aspects of Broadstairs & St. Peter's Town Council activity.

- Recruit and value a diverse workforce.
- Ensure all employees understand the values and expectations of Broadstairs & St. Peter's Town Council and the standards of behaviour that is expected from each of them.
- Make clear the action an employee who feels unfairly treated may take.
- Provide training to relevant employees so that they can actively put this policy into practice.
- Provide equal access to all service users and potential service users according to need.
- Give people who use or might use Broadstairs & St. Peter's Town Council services the opportunity to influence the way their needs are met.
- Seek to influence partner organisations in a collective commitment to equality of opportunity.
- Monitor and evaluate the effectiveness of policy and practice on a regular basis as determined by law.
- Develop a well-defined complaints procedure in dealing with alleged contraventions.

6.1 In **employment** the aim is to provide a non-discriminatory working environment where discrimination, harassment or bullying is unacceptable and which will not be tolerated. Employment policies, procedures and practices will promote equality of opportunity and all decisions regarding recruitment, selection, training, promotion and career management will be based solely on objective and job-related requirements.

6.2 In **access to services** the aim is to ensure that all those who receive a service from Broadstairs & St. Peter's Town Council or wish to use a Town Council service can do so without fear of discrimination or disadvantage.

6.3 All people are entitled to be treated fairly, in a consistent manner and with dignity and respect.

## **7. Employees & Recruitment**

7.1 Broadstairs & St. Peter's Town Council shall provide an environment free from discrimination and harassment and it recognises the contribution made by staff from all backgrounds especially from those within the above Protected Groups.

7.2 Broadstairs & St. Peter's Town Council will take full account of the provisions of the Equality Act 2010 when recruiting staff. Section 60 of the 2010 Act relates to the recruitment process and specifically covers the enquiries that can be made **before** employment. An employer is not permitted to ask questions about a job applicant's health before offering work or, where not in a position to offer work, before including the applicant in a pool of applicants from whom the employer intends (when in a position to do so) to select a person to whom to offer work. If an employer does ask health questions before a job is offered and subsequently does not offer the person a job, the burden of proof will be on the employer to prove that there was no discrimination. An applicant cannot bring an action solely on the grounds that a prohibited

question on health was asked. However, the Commission for Equalities on Human Rights (CEHR) has powers under the Equality Act 2006 to enforce a breach of these provisions.

7.3 Advertisements for recruitment will not request applicants from a particular age range; neither will application forms request dates of birth or other age-related details.

7.4 All application forms shall state that Broadstairs & St. Peter's Town Council encourages applications from all, including and especially those from the Protected Groups.

7.5 In order not to discriminate against younger people, all application material will emphasise the importance of skills and potential, as well as experience.

7.6 Broadstairs & St. Peter's Town Council will ensure that there is no age discrimination in relation to the dismissal of staff.

7.7 Any age discrimination shown to staff by other Staff, Members or the Public will be treated as a serious offence.

7.8 A job description and person specification must be drawn up for every vacancy and be provided to all prospective employees. Person and job specifications shall be strictly limited to those requirements which are necessary for the effective performance of the job.

7.9 Information about job vacancies must be made available to all sections of the community (except in situations where, in line with relevant employment legislation, external advertising of vacancies is restricted).

## **8. Grievances**

If you consider that you may have been unlawfully discriminated against, you should use the council's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The council will take any complaint seriously and will seek to resolve any grievance that it upholds, unless your complaint is both untrue and made in bad faith.

## **8. Training and Development Opportunities**

8.1 Broadstairs & St. Peter's is committed to ensuring equality of opportunity in the development of its staff.

8.2 All employees will be supported to undertake the training and development which they need to help them achieve and maintain a high standard of performance and will be given encouragement and support to achieve their full potential.

8.3 Where employees with disabilities undertake training and development, appropriate arrangements will be made as necessary to ensure that all opportunities are equally accessible.