



FALKIRK COUNCIL

EQUAL OPPORTUNITIES

POLICY

APRIL 2018

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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.

In accordance with the Equality Act 2010, Falkirk Council is required to publish a report on the progress it has made in integrating the general equality duty to its functions, so as to better perform that duty. The general equality duty requires public bodies to be pro-active in tackling discrimination by:

- eliminating discrimination;
- promoting equality of opportunity;
- fostering good relations between those who share a protected characteristic and those who do not.

To support this, 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 outcomes which is demonstrated and explained in the Council's Mainstreaming Report (see Section 2.5).

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 Scheme for people with disabilities has been implemented to provide increased employment opportunities for these applicants.

2.5 EQUALITY OUTCOMES AND MAINSTREAMING REPORT

The equality outcomes set for Falkirk Council focus on community, employment and education. The mainstreaming report identifies what Falkirk Council has done and what it continues to do to enable equalities to be mainstreamed across the Council's functions and activities as well as outlining the work that will be done over the next few years. The equality outcomes and full mainstreaming report is available here; <http://www.falkirk.gov.uk/services/council-democracy/policies-strategies/equality.aspx>

Council equalities and EHRC contacts can be found at Appendix 1.

2.6 EQUAL PAY STATEMENT

Falkirk Council is committed to equal opportunities across all protected characteristics. The Council is committed to the principle of equal pay for all employees and aims to eliminate any sex bias or any form of discrimination in all pay structures and systems.

Falkirk Council believes pay is one of the key factors affecting motivation and relationships at work and therefore considers it important to develop pay arrangements that reward employees fairly and are free of unlawful bias. The Council is committed to ensuring that men and women should receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value.

The Council will work with Trade Unions to develop fair and non discriminatory pay and progression systems which are understood and accepted by employees and by the managers who operate the system.

All aspects of the pay package will be reviewed and monitored regularly to ensure it delivers equal pay. Any pay inequalities identified which cannot be justified will be eliminated.

In accordance with the Employment Act 2002, employees have the right to request information in relation to equal pay from their employer. As such, Falkirk Council will respond to requests for equal pay information quickly and transparently, whilst maintaining the privacy of others.

To meet this aim, SJC and Craft jobs will be evaluated using the appropriate Job Evaluation Scheme. Those employees working with the scheme at local level will be trained in job evaluation and discrimination. For Teachers, the Council will comply with nationally agreed pay and conditions of service.

The Councils equal pay objectives are to:

- Regularly monitor and review existing pay and conditions;
- Conduct regular equal pay audits to monitor pay and job segregation;
- Eliminate any pay inequalities identified which cannot be justified.

Further information on the Gender Pay Gap and Job Segregation can be found in the Council's Mainstreaming report.

2.7 RESPONSIBILITIES

2.7.1 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 Service.

Heads of Service 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.
- Ensure that Services actions in respect of the Equality Outcomes are progressed.

2.7.2 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.

2.7.3 Equalities Champion Responsibility

The Corporate Equalities Champion will work to embed equality within the Council's business, planning and processes by engaging Members, CMT, HR and Community Planning partners. They will be required to;

- drive and speed up progress towards set equalities objectives and the wider equalities agenda, providing an update on progress as appropriate;
- advocate on equalities matters;
- contribute to papers and relevant processes;
- act as a role model, taking actions when appropriate and addressing behaviours when necessary;
- ask questions to check that equalities in its broadest sense is being recognised, understood and considered as integral to the decision-making and evaluation processes; and

- develop their own personal competencies around equalities issues, and attend equalities-related events.

2.8 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.

2.9 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 & Business Transformation 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

Contacts

Employment related support:

Human Resources & Business Transformation
Corporate and Housing Services
Falkirk Council
Municipal Buildings
Falkirk
FK1 5RS

Tel: 01324 506222

E-mail: hrhelpdesk@falkirk.gov.uk

Support for Services in relation to corporate responsibilities such as equality outcomes and mainstreaming report:

Policy Technology and Improvement
Corporate and Housing Services
Falkirk Council
Municipal Buildings
Falkirk
FK1 5RS

Tel: 01324 506028

E-mail: policy.unit@falkirk.gov.uk

Equality and Human Rights Commission
151 West George Street
Glasgow
G2 2JJ
Tel: 0141 228 5910 (non helpline calls only)
Website: scotland@equalityhumanrights.com

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