



# Ross-on-Wye Town Council Equality and Diversity Policy

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## **Our commitment**

The council is committed to providing and promoting equal opportunities, eliminating discrimination and celebrating diversity amongst our community.

This policy sets out how the council intends to put this commitment into practice and to create an environment in which individual differences and the contributions of all are recognised and valued.

## **The law**

The Equality Act 2010 came into force in October 2010, it replaced and amalgamated legislation including the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

It is unlawful to discriminate directly or indirectly because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

The Council opposes all forms of unlawful and unfair discrimination.

The council will not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

## **Types of unlawful discrimination**

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

In limited circumstances, the Council as an employer 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 a legitimate aim.

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.

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.

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

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 that protected characteristic.

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

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

### **Equal opportunities in employment**

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.

The Council has adopted an Employee Handbook which sets out its Equal Opportunities Statement. Acts of discrimination, harassment, bullying or victimisation against employees are disciplinary offences and will be dealt with under the council's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

### **Grievances**

If a member of staff believes they may have been unlawfully discriminated against, or if a complaint involves bullying or harassment the council's grievance procedure should be followed as set out in the Employee Handbook.

The council will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees will not be penalised for raising a grievance, even if the grievance is not upheld, unless the complaint is both untrue and made in bad faith.

### **People not employed by the council**

The council will not discriminate unlawfully against those using or seeking to use the services provided by the council.

You should report any bullying or harassment by suppliers, visitors or others to the council who will take appropriate action.

## **Training**

The council will provide training in/raise awareness of equal opportunities to those likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The council will provide training to/raise awareness of all councillors and staff engaged to work at the council to help them understand their rights and responsibilities and what they can do to help create an environment free of bullying and harassment.

## **Your responsibilities**

All councillors and employees remain personally responsible for ensuring they act within the law and are required to assist the council to meet its commitment to provide equal opportunities and avoid unlawful discrimination. Employees can be held personally liable as well as, or instead of, the council for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Councillors and employees are entitled to complain about discrimination or harassment. Complaints against councillors will be handled through the Code of Conduct process and employees through the disciplinary process set out in the Employee Handbook.

## **Monitoring and review**

This policy will be monitored periodically by the council to judge its effectiveness and will be updated in accordance with changes in the law.

Adopted by Full Council, October 2023