

# **DRAFT Equality and Diversity Policy**

## **1. Policy Statement**

1.1 Belper Town Council believes promoting equality and valuing diversity are fundamental to the resilience and growth of the town

1.2 The principles of inclusiveness, acceptance and fairness are central to our legitimacy as an organisation, without discrimination.

1.3 This policy exists to ensure (where heritage restrictions allow) equal access is made available to the employment and services that exist in every dimension of the Council's work.

1.4 We will not accept discrimination or less favourable treatment on the grounds of race, sex, gender, sexual orientation, age, religion or belief, disability, marriage and civil partnership, gender re-assignment, pregnancy and maternity or trade union activity (see section 6 for definitions) as an employer or in the running of our organisation.

1.5 This policy is fully supported by the Town Councillors, who have given clear direction and leadership that promoting equality, diversity and inclusion is a priority.

1.6 The commitments in this policy underpin all other Belper Town Council policies.

## **2. Policy Aims**

2.1 The aim of this policy is to create an organisation where;

- **Every individual can be their whole self and give of their best.**
- **Decisions do not discriminate and are based on merit, competence and potential.**

- **In our work we take account of individuals' experiences and needs.**
- **Discrimination is not accepted.**
- **Inclusion is at the heart of all our town's activity and growth.**

2.2 We understand that to do this we will need to address the root causes and impacts of unconscious bias, stereotyping, prejudice, discrimination, harassment and victimisation as well as the indirect discrimination that can unintentionally arise from our policies, practices and procedures.

2.3 Through this policy we also aim to;

- Reflect the diverse communities in which we operate and who are committed to our equality and diversity principles.
- Build an organisational culture that is accepting, open and inclusive and where people feel safe, where differences are celebrated, engagement is apparent and the contributions of all are encouraged, valued and respected.
- Mainstream equality and inclusion into every aspect of our work so that we can meet the needs of everybody in our Town.

### **3. Policy Implementation**

3.1 In order to translate this policy into action we will;

- Consult, engage with, and learn from our stakeholders in the development and delivery of an equality and inclusion action plan and on our work more broadly.
- Monitor and collect evidence on the impact of our policies, practices, procedures and workplace cultures on equality and inclusion issues.

- Implement tailored positive actions to respond to the evidence we collect.
- Level the playing field for disabled people through the provision of reasonable adjustments and additional accessibility where possible for disabled people
- Train our staff and volunteers, including Councillors, to understand their responsibility towards equality, diversity and inclusion in their decision making, behaviours and representation in order to carry out this policy and embed equality and inclusion principles into all relevant training, including induction.
- Review all policy and guidance documents produced by the Council and remove any discriminating language.
- Communicate this policy to all our stakeholders so that they are aware of our commitment to treat them fairly and their obligation to operate in line with this policy.
- Take appropriate action when incidents occur which breach this policy (see section 8).
- Regularly monitor and review the success of this policy in promoting equality, diversity and inclusion, and evaluate the relevance and effectiveness of our action plan.

## **4. Our Legal Duties**

4.1 The Equality Act 2010 replaced a number of existing anti-discrimination laws to simplify and strengthen equality law, removing inconsistencies and making it easier for people to understand and comply.

4.2 This policy is the instrument through which we comply with our obligations as an employer and a service provider as set out in the Act. As such all our stakeholders need to understand the protections and obligations conferred on them by the Act.

4.3 The purpose of the Act is that everyone has the right to be treated fairly and with respect at work or when using

services. It protects people from discrimination by employers and service providers on the basis of nine protected characteristics.

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Gender
- Sexual orientation

4.4 Trade union representatives and members also have legal protection against unfair treatment on the ground of trade union activity. We will not treat employees unfairly on the grounds of trade union membership or non-membership. Unfair treatment includes dismissal and subjecting employees to detrimental treatment. We respect the right of staff to join a trade union of their choosing if they so wish.

4.5 The Equality Act 2010 protects our members, activists, staff, volunteers, Board members, contractors, consultants and visitors against;

- **Direct discrimination:** This occurs where, because of a protected characteristic, a person receives worse treatment than someone who does not have that characteristic. For example, an employee is turned down for a job because their manager believes that their sexual orientation will prevent them gaining their team's respect. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means

of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.

- **Discrimination by association:** This is discrimination against someone because they associate with another person who possesses a protected characteristic. For example, a man is treated less favourably at an event because of his friendship with an individual who is transgender.
- **Perception discrimination:** This is discrimination against an individual because others think (incorrectly) that they possess a protected characteristic. For example, an employee is not offered the chance to represent her company at a major event because her line manager believes she has mental health issues.
- **Indirect discrimination:** This occurs when there is a policy or a practice that applies to everyone but which particularly disadvantages people with a protected characteristic compared with people who do not have that characteristic. For example, including unnecessary criteria in a person specification that could increase the barriers for those with certain characteristics to applying.
- **Harassment:** This is unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual
- **Victimisation:** This occurs when a person is treated less favourably than someone else because they have complained about discrimination, or are suspected of doing so or have supported someone else who has.

4.6 Disabled people also have a legal right to reasonable adjustments from their service provider or employer. For example, through the provision of specific software, furniture or lighting.

4.7 A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled.

4.8 It would be discrimination to treat transgender people less favourably for being absent from work because they are undergoing gender reassignment than they would be treated if they were absent because they were ill or injured.

4.9 We expect our members, activists, staff, volunteers, contractors, consultants and visitors to behave in accordance with the above provisions.

4.10 We will make our commitment to equality, diversity and inclusion clear in our working relationships with our members and the community.

## **5. Beyond Compliance with the Law**

5.1 Gender Mainstreaming is the concept of assessing the different implications for people of different genders of any planned policy action. This is the principal that we will apply to all decisions that the council makes.

## **6. Definitions and Further Explanations**

This policy is based on the following definitions and explanations.

**Disability** is defined by the Equality Act 2010 as a physical or mental impairment that has a substantial and long-term adverse effect on ability to carry out normal day-to-day activities. Long-term means has lasted, or is expected to last, for 12 months. Included in this definition are:

- Physical impairments (including asthma, diabetes, epilepsy etc.).
- Sensory impairments such as hearing impairment or visual impairment.
- Severe facial disfigurement.
- Progressive conditions such as cancer, multiple sclerosis or HIV infection.
- People who have had impairment in the past but have since recovered (such as cancer, mental health issues).

Belper Town Council supports the social model of disability that states that disability is created by society's barriers and not by particular medical conditions or impairments. Removing these barriers, which disable people who have impairments, can therefore reduce disability.

Barriers can be:

- Prejudice and stereotypes
- Inflexible organisational procedures and practices
- Inaccessible information
- Inaccessible building
- Inaccessible transport

**Diversity:** is used to describe the process of valuing differences in individuals' attitudes, cultural perspectives, beliefs, ethnic background, sexuality, skills, knowledge and life experiences. Diversity recognises and celebrates difference as something which is positive and beneficial to us all.

**Equality:** is about making sure that people are treated fairly and given fair chances. It is not about treating everyone the same. Achieving equality of outcomes means meeting different needs in different ways. When mentioned in policies the word equality usually implies a focus on those characteristics covered by legislation.

**Equity:** This means that the exercise of human rights leads to outcomes which are fair and just.

**Gay/Lesbian:** emotionally and sexually attracted to people of the same sex. The term gay is most commonly applied to men. The term usually applied to women who are sexually and emotionally attracted to other women is lesbian.

**Gender:** refers to the socially constructed roles, behaviours, activities, and attributes that a given society considers appropriate for men and women. It also refers to the relations between men and women, girls and boys and those between women and those between men.

**Gender Mainstreaming:** means ensuring that women's and men's concerns and experiences are integrated into the design, implementation, monitoring and evaluation of our strategies, policies, programmes, projects and workplace culture. The aim of gender mainstreaming is gender equality; an outcome where women's and men's rights and needs are recognised and addressed.

**Gender Reassignment:** a person who is proposing to undergo, is undergoing or has undergone a process to change their sex. To qualify for protection from discrimination a transsexual person does not have to show that they are under medical supervision.

**Homosexual:** A more official term for people who are sexually and emotionally attracted to members of the same sex. Not so commonly used by lesbian, gay and bisexual people to describe themselves.

**Inclusion:** To embrace all people irrespective of race, gender, disability, medical or other need. To remove barriers to equitable access and opportunities and to get rid of discrimination and intolerance. It affects all aspects of public

life.

**Mainstreaming:** the seamless integration of equalities issues into the policy making and service delivery process – planning, development, implementation and evaluation. And a way to ensure that promoting equality is not reliant on the commitment of a few individuals but part and parcel of our everyday business

**Monitoring:** for equality data to check if people with protected characteristics are participating and being treated equally. For example, monitoring the representation of women, or disabled people, in the workforce or at senior levels within organisations.

**Positive Action:** a range of lawful actions that seek to overcome or minimise disadvantages (e.g. in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

**Positive Discrimination:** Treating someone with a protected characteristic more favourably to counteract the effects of past discrimination. It is generally not lawful although the duty to make reasonable adjustments is an exception where treating a disabled person more favourably may be required by law.

**Race:** Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins. It includes Anglo-Roma Gypsies, Irish, Scottish and Welsh Travellers.

**Reasonable Adjustment:** Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by (i) changing provisions, criteria or practices, (ii) altering, removing or providing a reasonable alternative means of avoiding physical features and (iii)

providing auxiliary aids.

**Religion or Belief:** includes any religion and lack of religion, in other words individuals are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.

**Sex:** refers to whether a person is a man or a woman (of any age).

**Sexual Orientation:** Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

**Stereotyping:** making assumptions about an individual or group based on a particular attribute.

**Transgender Person:** Transgender is an umbrella term. It refers to someone who identifies differently from their birth sex/gender. It may also be someone who has surgery to change their sex/gender from the one they were born with (male to female or female to male). This may be someone who is biologically female but feels that a male identity is a better fit for them or vice versa.

Gender reassignment is a protected characteristic under the Equality Act (2010). This may be a woman who has transitioned or is transitioning to be a man, or a man who has transitioned or is transitioning to be a woman. However, the law does not require a person to undergo a medical procedure to be recognised as transgender.

## **7 Roles and Responsibilities**

7.1 Full Council and the Town Clerk's responsibility is to;

- Own and monitor implementation of this policy

#### 7.2 Town Clerk's responsibility is to;

- Take responsibility for delivery of this policy.
- Provide and procure advice and training on equality, diversity and inclusion.
- Work closely with Councillors to monitor progress

#### 7.3 Our Councillors responsibility is to;

- Act as Equality and Diversity Champions and Role Models.
- Implement this policy and integrate equality, diversity and inclusion into the work of the Town Council
- Prioritise attendance at equality, diversity and inclusion training to equip Councillors with the competences needed to comply with this policy and deliver the action plan.
- Respond to allegations of discrimination and harassment fairly, quickly and effectively.