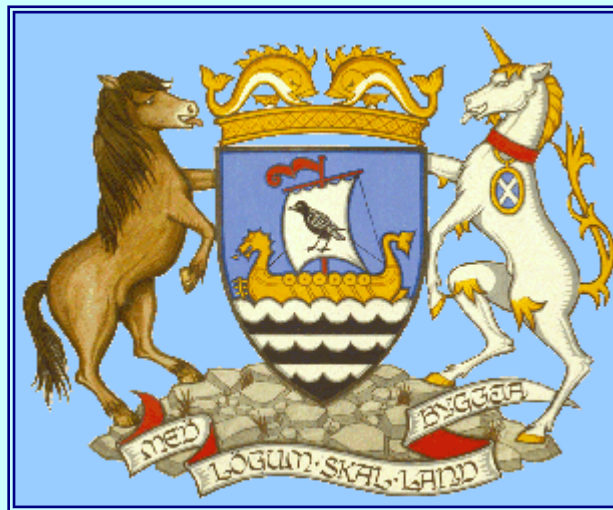


# **SHETLAND ISLANDS COUNCIL**

## **EQUALITY AND DIVERSITY POLICY**



**Operational Date: 1 January 2019**  
**Applies to: All Staff**

<b>Document Information</b>			
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1/5/18	V1	V2.1	This is a complete revision of the Equality and Diversity Policy which has been effective from 30 March 2005
28/10/19	V2.1	V2.2	This is a minor review of the Equality and Diversity Policy for the purpose of meeting criteria in the Equally Safe at Work accreditation

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## EQUALITY AND DIVERSITY POLICY

### 1 STATEMENT OF POLICY

- 1.1 The Council's commitment to equality and diversity is not just about treating employees and job applicants fairly and consistently. It is also about managing a diverse workforce, providing equality of access to our services and promoting equality in everything the Council does. This is supported by the Council's values of providing **excellent service** by **taking personal responsibility** and **working well together** and our **Customer First Strategy**.
- 1.2 This commitment is to ensure that no employee or job applicant is unlawfully discriminated because of the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation. The Council recognises that differences between people in the workplace should be respected and valued.

Our commitment is to:

- Ensure that no unlawful discrimination occurs in the workplace or work-based social events;
- Ensure that the Council complies with equalities legislation for protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex (gender) and sexual orientation.
- Ensure that employees are aware of what types of behaviour may constitute discrimination, racism and harassment and that such behaviour is unacceptable;
- Provide a fair pay environment in line with our **Equal Pay Statement** and the **Scottish Local Government Living Wage**;
- Promote and encourage diversity amongst our workforce, including being a **Disability Confident** employer;
- Promote equality of opportunity to all in respect of the services we deliver;
- Ensure that communication and accessibility issues are considered at all stages of Service planning and delivery;
- Ensure that managers and employees are aware of their responsibilities in terms of promoting equality and diversity and preventing unlawful discrimination.

- Challenge gender stereotyping in the workplace by addressing occupational segregation.
- Create and maintain a culture free from sexism, sexual harassment and other forms of violence against women.

## 2 INTRODUCTION

### 2.1 Scope of Policy

This policy applies to all employees and potential employees of Shetland Islands Council.

External contractors providing goods and services are expected to adhere to the principles of this policy, as are volunteers.

Any breaches of this policy may result in action being taken under the Council's Disciplinary Policy.

Any references to "woman/women" within this policy refers to anyone who identifies as female.

### 2.2 Aim

The Council's aim is to be an equal opportunities employer and service provider, and has an Equality and Diversity Policy for this purpose. The Council aspires through its **Workforce Strategy** to have a workforce which reflects the diversity of the population in Shetland.

To ensure that this policy is operating effectively the Council maintains records of employees' and applicants' gender, age, disability, race, ethnicity and marital status. Ongoing monitoring and regular analysis of such records provide a basis for appropriate action to eliminate unlawful discrimination and promote equality of opportunity.

It is important that Equality and Diversity is not seen as 'just another initiative' but as an evolving approach by which we genuinely try to keep improving. In this regard, the Council will use an 'Equality Impact Assessment' when developing and reviewing employment policies and during service planning and delivery.

### 2.1 Legislation

The Council has a legal responsibility to ensure that no unlawful discrimination occurs in the workplace. The Equality Act 2010 protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

The Public Sector Equality Duty, which forms part of the Equality Act 2010 came into force on 5 April 2011. It means that public bodies have to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees.

It also requires that public bodies have due regard to the need to:

- eliminate discrimination
- advance equality of opportunity
- foster good relations between different people when carrying out their activities

The Equality Act 2010 (Specific Duties) Regulations 2011 came into force on 10 September 2011. The specific duties require public bodies to publish relevant, proportionate information showing compliance with the Equality Duty, and to set equality objectives. This includes publishing gender, disability and race pay gap information and an Equal Pay Statement.

The Human Rights Act 1998 sets out the fundamental rights and freedoms that everyone in the UK is entitled to. These include:

- Freedom from slavery and forced labour
- Freedom from torture and inhuman or degrading treatment
- Right to a fair trial
- No punishment without law
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association
- Protection from discrimination in respect of these rights and freedoms

### **3 ROLES AND RESPONSIBILITIES**

#### **3.1 To support the achievement of the aims of this policy**

##### **Employees will:**

- Comply with this, and other, Council policies to ensure equality of opportunity and avoid discrimination;
- Set a personal example by ensuring that they do not, through their own words or actions, discriminate against another employee on any grounds not objectively based;
- Ensure that they do not, through their own words or actions, harass another employee including those having, or being perceived to have, one or more of the protected characteristics;
- Not victimise anyone who has made an allegation, or who has provided information about any allegation;

- Be encouraged to draw specific acts of suspected discriminatory practice to the attention of the relevant manager or supervisor in line with the Council's Harassment and Bullying at Work Policy; and
- Be aware of their entitlement to challenge behaviour that is clearly causing distress or offence to others, by expressing disapproval or supporting colleagues who are experiencing such behaviour.

#### **Managers will:**

- Ensure that they and their staff are made aware of this policy and its contents;
- Establish and maintain a working environment which is free from discrimination and promote equality of opportunity; and
- Set a personal example by ensuring that they do not conduct themselves in a discriminatory manner.
- Ensure that employees are made aware of the Council's support mechanisms. These include access to the Staff Welfare Officer; counselling; occupational health, and informal resolution options such as mediation or facilitated meeting.

#### **Corporate Services will:**

- Work collaboratively with managers, employees and recognised Trade Unions to prevent discrimination in the workplace and promote equality of opportunity whenever possible;
- Consult with recognised Trades Unions regarding the implementation, monitoring and review of this policy;
- Provide training and guidance to managers and other staff as appropriate on the content of this policy and also raise awareness of equality and diversity issues;
- Meet the terms set out in the Public Sector Equality Duty, including publishing equality information and setting equality objectives, and
- Carry out an Equal Pay Review every two years as set out in the Council's Equal Pay Statement, and publish gender, disability and race pay gap information.
- Recognise the link between violence against women and women's inequality in the labour market as well as the Council's role as an employer in preventing violence against women through its Supporting Employees Experiencing Violence against Women Policy.
- Acknowledge that people have more than one protected characteristic that defines their identity and take an intersectional approach to addressing experiences of discrimination.

### **Directors will:**

- Ensure that employees are made aware of this policy and their responsibilities as a result of it;
- Take all reasonable steps to prevent discrimination in the workplace and promote equality of opportunity whenever possible;
- Drive a culture of being an equal opportunities employer and service provider;
- Ensure that managers take part in training and development opportunities to gain the understanding, skills and behaviours to carry out their responsibilities in line with this policy.

## **4 MONITORING**

In order to ensure effective operation of this policy, the Council will monitor numbers of employees, job applicants, applicants for promotion and training, grievances and disciplinary action, and analyse them by equality group. In addition to this, the Council will identify gender, disability and race pay gap information and occupational segregation trends through carrying out an Equal Pay Review every two years.

Most of the monitoring data is collected through the Councils 'Comprehensive Human Resource and Payroll system' (CHRIS) and through 'TalentLink', a national online recruitment portal.

CHRIS and TalentLink can produce comprehensive data reports, which allow the Council to analyse the results. The data contained within these reports will be analysed against national and local census data in order to determine if any underlying trends exist. The results of this analysis will be used to identify the appropriate action needed to eliminate discrimination and promote equality of opportunity in line with Public Sector Duty requirements.

Because of the size of our community the Council will take extra care when publishing these results not to publicly identify individuals. Where equality monitoring produces data that could possibly identify individuals the Council will make an overarching statement on what the results have revealed rather than publish the data.

## **5 DEFINITIONS**



- **Equality** is about ensuring that people are treated equally and fairly and that decisions on such matters as recruitment and selection, training and promotion are based solely on objective relevant criteria.
- **Diversity** is a broader term, which is about valuing the different contributions that people make, regardless of their abilities, background and beliefs. It is about giving individuals the opportunity to make their fullest contribution.
- **Direct discrimination** is when you are treated worse than another person or other people because:
  - you have a protected characteristic
  - someone thinks you have that protected characteristic (known as discrimination by perception)
  - you are connected to someone with that protected characteristic (known as discrimination by association)
- **Indirect discrimination** happens when there is a policy that applies in the same way for everybody but disadvantages a group of people who share a protected characteristic, and you are disadvantaged as part of this group. If this happens, the person or organisation applying the policy must show that there is a good reason for it. If the organisation can show there is a good reason for its policy, it is not indirect discrimination. This is known as **objective justification**.
- **Harassment** is unwanted behaviour that you find offensive, where the other person's behaviour is because:
  - you have a protected characteristic
  - there is any connection with a protected characteristic (for example, you are treated as though you have a particular characteristic, even if the other person knows this isn't true)

The unwanted behaviour must have the purpose or effect of violating your dignity, or creating a degrading, humiliating, hostile, intimidating or offensive environment for you.

To be unlawful, the treatment must have happened in one of the situations that are covered by the Equality Act. For example, in the workplace or when you are receiving goods or services.

- **Victimisation** is treating someone badly because they have done a 'protected act', or because an employer, service provider or other organisation believes that you have done or are going to do a protected act. The reason for the treatment does not need to be linked to a protected characteristic.

A protected act is:

- making a claim or complaint of discrimination (under the Equality Act)
- helping someone else to make a claim by giving evidence or information
- making an allegation that you or someone else has breached the Equality Act
- doing anything else in connection with the Equality Act

- **Occupational Segregation** refers to the clustering of women and men into different types of work (horizontal segregation) and into different levels of work (vertical segregation).
- **Intersectionality in gender discrimination** is an intersectional approach that recognises that women are not a homogenous group, but their experiences may vary according to their multiple identities. For example, disabled and Black and minority ethnic women's experiences may be affected by not only sexism but also ableism and racism.