



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

EQUAL OPPORTUNITIES POLICY

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Policy / Procedure Owner (name, role & section)	Sinead McAleer, Corporate Learning & Development Manager, Organisational Department, Mid Ulster DC		
Policy/ Procedure Author (name, role & section)	Sinead McAleer, Corporate Learning & Development Manager, Organisational Department, Mid Ulster DC		
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CONTENTS PAGE

Paragraph	Description	Page Number
1.0	Summary	3
2.0	Introduction	3
3.0	Aims & Objectives	4
4.0	Legislation	4
5.0	Scope of Policy	5
6.0	General Principles	5-6
7.0	Roles & Responsibilities	6
8.0	Recruiting, Promoting & Making other Selections	7
9.0	Monitoring & Review	7-8
10.0	Complaints	8
11.0	Equality Screening & Impact	8
12.0	Rural Needs Assessment	8

Appendix	Description	Page Number
1	Definitions – Direct/Indirect Discrimination, Disability Discrimination, Associative Discrimination, Perceived Discrimination, Victimisation, Harassment, Protected Characteristics, Complaints	9-11

1.0 SUMMARY

This policy is compliant with current employment legislation and reflects the provisions of the law relating to Section 75 groupings. It covers but is not limited to:- recruitment and selection, pay and conditions of employment, training and continuous professional development, promotion, one to one reviews, grievances and disciplinary matters, finding employment, redundancy, re-organisation, re-deployment and termination of employment and giving references.

2.0 INTRODUCTION

Mid Ulster District Council is opposed to all forms of unlawful or unfair discrimination and is committed to providing and promoting equality of opportunity for all i.e. all persons will be afforded equality of opportunity with regard to recruitment and selection, training, promotion etc. being purely on the basis of merit and ability.

3.0. AIMS & OBJECTIVES

This policy statement intends to:-

- make clear the Council's commitment to equality of opportunity to its rate-payers, employees and applicants for employment.
- describe methods which the Council will use in order to give effect to this policy.
- define responsibility within the Council for ensuring equality of opportunity policy.

The aim of this policy is to communicate the commitment of the Elected Members, Chief Executive and Senior Management Team to rigorously observe, positively promote and actively pursue the objectives set out in this statement, and will seek to ensure that this policy is fully implemented.

Mid Ulster District Council will aim to provide equality of opportunity in employment to all persons and will not discriminate unlawfully against job applicants or employees on any of the protected equality grounds, which are:-

- Marital or civil partnership status
- Sex
- Pregnancy or maternity
- Gender reassignment
- Religious or similar philosophical belief
- Sexual orientation
- Age
- Political opinion
- Disability
- Racial group*
- Trade union membership or non-membership
- Criminal record**

*Throughout this policy the word race is to be understood, in line with the Race Relations (NI) Order, to include colour, race, nationality or ethnic or national origins.

** A person's criminal record will be seen in the context of his/her overall application, ability to do the job and the responsibility of an employer for the care of other employees and service users. Only offences relevant to the post in question will be considered.

This policy and Council's Dignity at Work Policy are underpinned by the following further commitments and aims:-

- A working environment free from all forms of unlawful discrimination including victimisation and harassment;
- A workplace capable of allowing everyone to achieve their greatest potential, and where individuals are willing to give their best;
- A organisation-wide understanding of the message promoted by this policy;
- A commitment to ensuring all staff understand their rights and responsibilities under this policy;
- A policy of ensuring employment opportunities are open to all qualified candidates, so that Council recruits from the largest pool of available talent and recruit the best-qualified staff;
- A commitment to recruiting based on ability to do the job, that also reflects the composition of the local community;
- A commitment to protecting staff, wherever possible, from being victimised or treated less fairly if they make or support a complaint in good faith under this policy.

4. LEGISLATION

The Council is committed to complying with its duties under the anti-discrimination legislation. The current legislation is as follows:-

- Equal Pay Act (NI) 1970;
- Sex Discrimination (NI) Order 1976;
- Sex Discrimination (Gender Re-assignment) Regulations (NI) 1999
- Fair Employment & Treatment (NI) Order 1998;
- Disability Discrimination Act 1995;
- Disability Discrimination (NI) Order 2006
- Race Relations (NI) Order 1997;
- Employment Equality (Sexual Orientation) Regulations (NI) 2003;
- Employment Equality (Age) Regulations (NI) 2006.
- Section 75 (Northern Ireland) Act 1998

5.0 SCOPE OF POLICY

This policy applies to all employees, apprentices, consultants, officers, contractors, work placement students, job applicants, agency and casual workers.

This policy should be read in conjunction with Council's other policies, namely Code of Conduct for Local Government Employees, Dignity at Work Policy, Grievance Procedure, LGSC Code of Procedure on Recruitment & Selection and Council's Re-organisation, Redeployment & Redundancy Policy.

All employees irrespective of the nature of their employment contract and job applicants (actual or potential) will be treated fairly and selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.

The Council recognises that the provision of equal opportunities in the workplace is not only good management practice, it also makes sound business sense. The Council's Equal Opportunities policy will help all employees to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency and effectiveness of the organisation.

6.0 GENERAL PRINCIPLES

This policy is fully supported by the Elected Members, Chief Executive and Senior Management Team and has been agreed with recognised trade unions. Mid Ulster District Council is committed to:

- preventing any form of direct or indirect discrimination, associative discrimination, perceived discrimination, disability discrimination or victimisation or harassment.
- promoting equal opportunities for women and men.

Breaches of Council's equal opportunity policy and practices will be regarded as misconduct and will result in disciplinary action, which could include dismissal.

The Council is committed to:-

- promoting fair participation for Roman Catholics and Protestants and other religious beliefs or none
- promoting equal opportunities for people with disabilities
- promoting equal opportunities for ethnic minorities
- promoting a good and harmonious working environment where all men and women are treated with respect and dignity and in which no form of intimidation or harassment will be tolerated
- fulfilling all legal obligations under the relevant legislation and associated Codes of Practice

- taking any necessary positive/affirmative action, including setting goals and timetables and making any reasonable adjustments in relation to a disabled person

Affirmative Action

Where appropriate, lawful positive action measures such as special encouragement in advertisements or special training will be developed. These measures are available in certain circumstances; for example where there is under-representation of a particular group in specific areas of work.

7.0 ROLES & RESPONSIBILITIES

The Chief Executive has specific responsibility for the effective implementation of this policy. Each Director, Assistant Director/Head of Service, Manager/Supervisor also have responsibilities and the Council expects all of its employees to abide by the policy and help create the equality environment, which is its objective.

Mid Ulster District Council recognises that each employee has a personal responsibility for implementing and promoting the principles of equality, diversity and inclusion in his/her day-to-day dealings with everyone - including job applicants, work colleagues, members of the public, customers and partners. Inappropriate behaviour is not acceptable and will be dealt with under the Council's disciplinary procedures.

In order to implement this policy, the Council will ensure that that the policy is communicated to all employees for example through:-

- induction training, policy briefing sessions to Managers, team briefings, Council's intranet, display on noticeboard, manual policy folder located in each building and communicated to employees and potential job applicants via Council's recruitment pack documentation.
- appropriate and regular training including 'e' learning.
- an equal opportunities action plan will be developed and will include a range of initiatives and reasonable adjustments, indicating where appropriate affirmative action, with targets and timetables.
- appropriate training and guidance will be provided, including training on induction and management courses. In particular, all those involved in assessing candidates for recruitment or promotion will be trained in non-discriminatory recruitment and selection techniques and will be required to attend refresher training at least once every 3 years.
- consultation will take place with recognised trade unions on the implementation of this policy and any amendments to practice.

- an information system will be established to assist the effective implementation of this policy and guidelines will be drafted for assessing the provision of equality of opportunity.
- adequate resources are made available to fulfil the aims of this policy.

8.0 RECRUITING, PROMOTING & MAKING OTHER SELECTIONS

- The Council will carry out all recruitment, promotion and other types of selection procedures, such as redundancy selection processes, on the basis of merit, using non-discriminatory and, as far as possible, objective criteria.
- Advertisements for vacancies will not include wording that may discourage some groups of people applying, or stereotype in any way, and will be placed where they can reach as wide and diverse a pool of potential candidates as possible.
- Nobody applying for a job with the Council will be asked about their health, attendance record, or whether they have a disability, before a job offer is made – except in very limited situations. The applicant may however, be asked if he/she requires any reasonable adjustments put in place prior to an assessment or interview or to carry out the duties of the post as part of a pre-employment health questionnaire.

9.0 MONITORING & REVIEW

The Council is registered with the Equality Commission for the purposes of the Fair Employment & Treatment (NI) Order 1998. As such, the Council is obliged to monitor the community background and sex of job applicants and workforce and undertake periodic reviews as required by Article 55 of the Fair Employment and Treatment (Northern Ireland) Order 1998.

The Council is obliged to review the composition of its workforce and employment policies and practices every 3 years and, where appropriate, consider taking affirmative action to promote fair participation between members of the Protestant and Roman Catholic communities.

In addition, the Council will also monitor and review its job applicants and workforce in relation to the following characteristics:- (e.g. sex/racial group/disability/gender reassignment/sexual orientation/age/marital or civil partnership status/dependants or caring responsibilities).

Progress on the implementation of this policy and any equal opportunities and affirmative/positive action programmes will be reviewed annually in consultation with the recognised trade unions.

In accordance with the Local Government Staff Commission's Code of Procedures on Recruitment and Selection this Policy will be reviewed by the Council at least once every four years.

10.0 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. A copy of these procedures are available from the Human Resources department of the Organisational Development, Strategy & Performance directorate. All complaints of discrimination will be dealt with seriously, promptly and confidentially.

Every effort will be made to ensure that employees making complaints will not be victimised. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

These internal procedures do not replace or detract from the right of the employees to pursue complaints under the Sex Discrimination (Northern Ireland) Order 1976, the Disability Discrimination Act 1995 and the Race Relations (N.I) Order 1997 to an Industrial Tribunal or, under the Fair Employment and Treatment (Northern Ireland) Order 1998, to a Fair Employment Tribunal, the Employment Equality (Sexual Orientation) Regulations (NI) 2003; Employment Equality (Age) Regulations (Northern Ireland) 2006 and Equal Pay Act (Northern Ireland) 1970, as amended.

Employees wishing to make a complaint to a tribunal will normally be required to raise their complaint under Council's internal grievance procedures first. Information on definitions of discrimination and time limits for raising complaints are set out in the Appendix 1 of this policy.

11.0 Equality Screening & Impact

This policy has been subject to equality screening in accordance with the Council's screening process. The policy has been 'screened out'.

12.0 Rural Needs Assessment

This policy has been subject to rural needs assessment in accordance with the Council's screening process.

APPENDIX 1

The following give a general description of the types of acts that may both breach this policy and be unlawful. Sometimes actions can be intentional, and sometimes unintentional. Examples of both types are included.

Direct Discrimination

Direct discrimination occurs when a person is treated less favorably than another is on the grounds of their gender, marital status, family status, religious belief, political opinion, disability, age, race or ethnic origin, nationality, sexual orientation, trade union membership/non-membership or criminal record.

Indirect Discrimination

Indirect discrimination can occur when a requirement or condition which cannot be justified on grounds other than gender, marital status, family status, religious belief, political opinion, disability, age, race or ethnic origin, nationality, sexual orientation, trade union membership/non - membership or criminal record is applied equally but has the effect in practice of disadvantaging a considerably higher proportion of persons in one or other of the above groups.

In order to establish a complaint of indirect discrimination, an applicant must show the following:

- that a requirement or condition has been applied;
- that the said requirement or condition adversely impacts against the person because of his/her gender, marital status, family status, religious belief, political opinion, disability, age, race or ethnic origin, nationality, sexual orientation, trade union membership/non – membership or criminal record;
- that he/she has suffered detriment by reason of being unable to comply with the condition or requirement.

Associative Discrimination

This is where somebody is treated less favorably because of the personal characteristics of somebody else. Example: treating an employee less favorably because their parents are Jehovah's Witnesses.

Perceived Discrimination

This occurs where someone is treated less favorably because someone wrongly believes they have a particular protected characteristic. Example: treating an employee less favorably because someone thinks he is gay, when in fact he isn't gay.

Disability Discrimination

Disability discrimination occurs when, for a reason related to his/ her disability, disabled person is treated less favorably than other people is, and this treatment cannot be justified. It also occurs when an employer fails to comply with the duty to make a reasonable adjustment in relation to the disabled person, and the failure cannot be justified.

Victimisation

Victimisation occurs when a worker has complained about harassment or discrimination, or has supported a colleague in their complaint, and is treated less favorably as a result. Examples:- an employee who is 'sent to Coventry' because they spoke up on behalf of one of their colleagues in a harassment investigation, or an employee who is dismissed under a pretext because they have complained of discrimination.

Harassment

Harassment is when a hostile, humiliating, degrading, intimidating or similarly offensive environment is created in relation to a protected characteristic. It is also considered harassment for a worker to be subjected to unwanted conduct relating to a protected characteristic that – as an intended or unintended consequence – violates their dignity. Examples:- name calling, lewd comments, excluding colleagues, making insensitive jokes, and displaying pornographic material are all examples of harassment. This is dealt separately under Council's Dignity at Work Policy.

Protected Characteristics

Protected Characteristics are:- age, race (which includes colour and ethnic/national origin), disability, religion or similar philosophical belief, political opinion, sex, gender reassignment, pregnancy or maternity, sexual orientation, marital or civil partnership status.

Other actions which can be unlawful under the Equal Opportunities legislation include:-

- Discriminating against somebody believed to have a protected characteristic, whether or not they actually do, or because they associate with a third party who does.
- Knowingly assisting somebody else when they carry out a discriminatory act;
- Instructing another person (or applying pressure on them) to discriminate;

Complaints

The standard time limit for bringing a complaint of discrimination, harassment or victimisation to an Industrial or Fair Employment Tribunal (as applicable) is three months less one day from the date of the act complained about.

The Equal Pay Act (NI) 1970 as amended and the Sex Discrimination (NI) Order 1976 as amended have different time limits for lodging complaints.

Further information and advice on complaint time limits is available from the Equality Commission for N. Ireland, Equality House, 7-9 Shaftesbury Square, Belfast BT2 7DP.