

# Breage Parish Council

## Equality and Diversity Policy

### Introduction:

**Breage Parish Council has a statutory duty under the Equality Act 2010. The Council acts on behalf of the community of Breage and must play its part in making society fairer by tackling discrimination and providing equality of opportunity for all.**

Breage Parish Council recognises that it functions at a fundamental level of democracy and that its services affect, both directly and indirectly, the lives of all those who work for the Council, visit the Council's various landholdings and properties and have contact or business with the Council. The Parish Council will seek to ensure that no-one is disadvantaged by the application of other conditions or requirements which cannot be shown to be justified. In doing so, the Council will strive to work within its resources and the appropriate legislative framework.

**The Parish Council acknowledges that it has a role in the pursuit of opportunity for all and it seeks to work within the context of the Equality Act 2010.**

The Parish Council acknowledges that certain groups and individuals within society are discriminated against and wishes to declare its commitment to working towards equality in employment and via the delivery of its services. In particular, the Council will work to combat discrimination and to ensure that prospective and present employees and those who may wish or wish to any of its services are not treated less favourably on the following grounds which are the identified Protected Characteristics as identified in the Equality Act.

The Protected Characteristics are –

- Age
- Disability
- Gender Reassignment
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage and Civil Partnership
- Pregnancy and Maternity.

## Age:

Individuals of any age or apparent age are protected from discrimination. Less favourable treatment of a person because of age is not lawful. From 6<sup>th</sup> April 2011, retirement of an employee constitutes age discrimination unless it can be justified as a proportionate means of achieving a legitimate aim. There are some key exemptions: minimum wage levels, benefits of service provisions – such as holiday entitlement and statutory redundancy pay.

## Disability:

Section 6 and Schedule 1 to the 2010 Act relates – a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day to day activities (for example using a telephone, walking, lifting, and reading). An impairment is long-term if –

- It has lasted for at least 12 months,
- It is likely to last for at least twelve months, or
- It is likely to last for the rest of the life of the person affected.

The Equality Act 2010 (Disability) Regulations 2010 (the 2010 Regulations), issued pursuant to the 2010 Act came into force on 1 October 2010. The 2010 Regulations confirm that those certified as blind, severely sight impaired, partially sighted, or sight impaired by a consultant ophthalmologist will be deemed to have a disability. They also confirm that persons with cancer, HIV infection or multiple sclerosis are deemed to have a disability.

The 2010 Regulations confirm a number of exemptions of groups of people who do not fall within the category of disabled. These include, for example, people suffering from an addiction to alcohol or nicotine. Notably pursuant to section 13 (3) of the 2010 Act, if a person (e.g. an employer or a service provider) treats a disabled person **more favourably** than a non-disabled person, this does not constitute direct discrimination.

The Equality Act 2010 protects disabled persons from discrimination; this includes a duty on employers to make reasonable workplace adjustments to prevent disabled employees and job applicants from being placed at a disadvantage compared to non-disabled people. An example of a reasonable adjustment may be a special type of chair for a disabled employee with a back condition.

Breage Parish Council, as the Employer, has a duty to make reasonable adjustments but can decline to make adjustments that it considers to be unreasonable due to practicality or affordability.

Reasonable adjustments may include some of the following:

- Making adjustments to premises for example, structural or other physical changes such as: widening a doorway, providing a ramp or moving furniture for a wheelchair user; relocating light switches, door handles or shelves for someone who has difficulty in reaching; providing appropriate contrast in décor to help the safe mobility of a visually impaired person.
- Altering the person's working hours. This could, for example, include allowing the disabled person to work flexible hours to enable additional breaks to overcome fatigue arising from the disability, or changing the disabled person's hours to fit with the availability of a carer.
- Allowing the person to be absent during working hours for rehabilitation, assessment or treatment for example, if a person were to become disabled, the employer might have to allow the person more time off during work, than would be allowed to nondisabled employees, to receive physiotherapy or psychoanalysis or undertake employment rehabilitation.
- Acquiring or modifying equipment for example, an employer might have to provide special equipment (such as an adapted keyboard for a visually impaired person or someone with arthritis), or an adapted telephone for someone with a hearing impairment or modified equipment.
- Providing supervision for example, this could involve the provision of a support worker, or help from a colleague, in appropriate circumstances, for someone whose disability leads to uncertainty or lack of confidence.

### **Gender Reassignment**

Re Section 7 of the Act, gender reassignment is a protected characteristic that applies to a transsexual person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) to change their sex (by physiological or other attributes of sex).

Section 16 of the 2010 Act provides that it is discrimination against transsexuals to treat them less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

## **Race Equality**

The Parish Council has a general duty to:

- Eliminate unlawful racial discrimination.
- Promote equality of opportunity.
- Promote good race relations between people of different racial groups.

## **Religion or Belief**

Section 10 (1) of the Act refers. It does not make reference to a particular religion but it also relates to a lack of religion. The Act does not mean that people's faith must be taken into account so that they can, for example, wear signs of their faith and not be expected to act in contradiction to their beliefs. The beliefs must be:

- Genuinely held.
- A belief not simply a viewpoint or opinion.
- Relevant to weighty and substantial aspect of human life and behaviour.
- Able to attain a certain level of cogency, seriousness, cohesion and importance.
- Worthy of respect in a democratic society, not incompatible with human dignity and not in conflict with the fundamental rights of others.

## **Sex**

- (i.) A reference to a person who has a particular protected characteristic is a reference to a man or to a woman.
- (ii.) A reference to persons who share a protected characteristic is a reference to persons of the same sex.

An example is that to discriminate against a breast feeding woman is unlawful and she could breast-feed in the Council Chamber and in Council meetings.

## **Sexual Orientation**

Section 12 of the Act protects a person's sexual orientation towards:

- (i.) People of the same sex as him or her (i.e. a gay man or a lesbian).
- (ii.) People of the opposite sex from him or her.
- (iii.) People of both sexes.

## **Marriage & Civil Partnership**

Section 8 of the 2010 Act affords protection to people who have or share the characteristics of being married or being a civil partner. By contrast, a person who is engaged, a divorcee or a person whose civil partnership has been dissolved are not protected under the 2010 Act.

## **Pregnancy & Maternity**

S17 of the Act deals with the treatment of pregnant people in non-work situations and covers the period of her actual pregnancy and for the ensuing period of 26 weeks commencing on the day of delivery. Notwithstanding other employment provisions which attach to pregnancy and maternity vis-a-vis leave, etc., S18 confirms that a person discriminates against a woman if, in the protected period as identified above, he/she treats her unfavourably because of

- The pregnancy
- Illness suffered as a result
- The exercising of her rights to compulsory, ordinary or additional maternity leave.

## **Public Sector Equality Duty**

The **Public Sector Equality Duty** act came into force on 5 April 2011. The Equality Duty applies to public bodies and others carrying out public functions. It supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping them to deliver policies, representation and services which are efficient and effective; accessible to all; and which meet different people's needs.

## **Equal Opportunity**

Breage Parish Council is committed to achieving equality of opportunity both for those who use its services and for the employees who provide them.

Equal opportunities, fairness in the workplace and providing good quality services to the local community are all inter-linked. It is recognised that individuals and groups continue to be unfairly discriminated against and it is the Parish Council's responsibility to promote good community relations, equality of opportunity and to tackle unlawful discrimination in all of its forms.

This new and comprehensive statement is to demonstrate the Parish Council's wholehearted commitment to action in tackling inequality. Such action is the responsibility of members and all employees of the Parish Council.

**Aims**

- To provide services that are equally accessible to all people, free from prejudice and discrimination and sensitive to the needs of all sections of the community.
- Seek to influence the work and contribution of partner organisations from all sectors by ensuring that equality issues and considerations are fully taken into account when developing strategies.
- Work actively towards eliminating all forms of discrimination, both of a direct and indirect nature.
- Encourage partnership and participation in the development and application of council policy and practices.

**Achieved by:**

- Ensuring that all policies and practices are in line with relevant employment legislation, anti-discrimination legislation and good practice guidelines.
- Integrating equality of opportunity into all aspects of local authority activity.
- Recruiting and valuing a workforce that reflects the make-up of the community.
- Ensuring all employees/members understand the values and expectations of the Council and the standards of behaviour that is expected from each of them.
- Making clear the action an employee who feels unfairly treated may take.
- Providing any relevant training to relevant employees/members so that they can actively put this policy into practice.
- Ensuring that the Council has policies that result in services sensitive to the needs of all sections of the community.
- Ensuring a complaints procedure exists in dealing with alleged contraventions.

**Adopted on 7 April 2015**

**Signed .....**

**Cllr Mrs R M R Wyvern Batt**

**Chairman**