

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL NEDD PORT TALBOT**

EQUALITY OF OPPORTUNITY IN EMPLOYMENT

[REVISED DECEMBER 2010]

1. Statement of Commitment

- 1.1 The Authority is committed to the principle of equality of opportunity in employment. The Authority's policy is that no job applicant and no employee shall receive less favourable treatment than another on the grounds of gender and gender reassignment, age, disability, race, language (Welsh), colour, nationality or ethnic or national origin, responsibility for dependants, marital status, sexuality, HIV or Aids status, trade union activity or religion/belief and none shall be disadvantaged by provisions, criterion or practices which cannot be justified.
- 1.2 As a major employer, the Authority is committed to take positive action to eliminate discrimination and to redress past imbalances in order to provide genuine equality of opportunity.
- 1.3 The Authority recognises that the quality of services will benefit from being delivered by a workforce that reflects the diversity of our communities and it is desirable, therefore, for all of the groups referred to above to be represented at all levels and within all areas of work activity.
- 1.4 The Authority is committed to the principle of equal pay for all its employees and will work with the recognised trade unions to develop a fair pay system.

2. Scope

- 2.1 This policy applies to the employment-related activities of all Elected Members, employees and prospective employees of the Authority (other than those persons employed by schools operating with fully delegated personnel powers).

3. **Welsh Language Scheme**

- 3.1 The Authority is committed to the principle that in conducting its public business, both Welsh and English will be treated on the basis of equality. Further details are set out in the Authority's Welsh Language Scheme.

4. **Race Equality Scheme**

- 4.1 The Authority is committed, as set out in its Race Equality Scheme, to eliminate racial discrimination, promote equality of opportunity and good race relations.
- 4.2 In accordance with the Scheme and the Race Relations Act (Statutory Duty) Order 2001, the Authority will annually publish ethnic monitoring data relating to its own workforce on its website.

5. **Equality Standard for Local Government in Wales**

- 5.1 The Authority is committed to achieving Level 1 of the Equality Standard by March 2004 and to progress to Level 2 by no later than March 2007.

6. **Legal Requirements**

- 6.1 The Authority recognises its obligations under the following legislation:

Equality Act 2010
Rehabilitation of Offenders Act 1974
Welsh Language Act 1993
Human Rights Act 1998
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7. **Equality of Opportunity in Service Delivery**

- 7.1 The Authority has a separate policy, entitled Equality of Opportunity in Service Delivery, which is complementary to this policy.

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8. **Challenging Institutional Discrimination and Demonstrating Fairness**

8.1 The Lawrence Inquiry defined institutional racism as:

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which can amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.”

8.2 The Authority is committed to responding to the challenge of institutional discrimination, which may also apply to gender and gender reassignment, age, disability, race, language (Welsh), colour, nationality or ethnic or national origin, responsibility for dependants, marital status, sexuality, HIV or Aids status, trade union activity or religion/belief, by mainstreaming equalities into all core activities of the Council.

8.3 Equality of opportunity will be vigorously mainstreamed into all employment policies and procedures.

9. **Policy Responsibilities**

9.1 Whilst the Head of Strategic Personnel is responsible for implementing and monitoring the operational effectiveness of the Policy, it is the duty of each Corporate Director, Manager and individual employee to actively promote equality of opportunity in their own sphere of activity.

10. **Positive Action**

10.1 The Authority is committed to providing the positive action allowed under the law to help to redress current employment imbalances. For example, as a signatory to Positive About Disabled People, the Authority guarantees a job interview to any applicant with a disability who meets the essential criteria on the person specification.

11. **Employment Practices**

- 11.1 The Authority will actively promote equal opportunity through the application of employment policies which will ensure that individuals receive treatment which is fair, equitable and consistent with their relevant aptitudes, potential, skills and abilities.
- 11.2 The Authority will ensure that individuals are recruited, selected, promoted and trained on objective criteria, having regard to relevant experience, potential skills and abilities. In particular no applicant or employee will be placed at a disadvantage by provisions, criterion or practices which are not necessary to the performance of the job, or which constitute indirect unfair discrimination.
- 11.3 The Authority will ensure that all service conditions, which do not in themselves discriminate against any particular group, are applied equally to **all** employees.

12. **Training**

- 12.1 The Authority will make all Elected Members, managers and employees aware of their responsibilities for implementing the Authority's Equality of Opportunity policies and will provide training for managers/supervisors and other employees in Equal Opportunities issues.

13. **Harassment (including all forms of bullying and victimisation)**

- 13.1 The Authority deplores all forms of harassment and seeks to ensure a working environment in which there are harmonious, respectful and dignified working relations between all employees.
- 13.2 The Authority may take disciplinary action against any employee found to be behaving in a manner which constitutes harassment in contravention of the Authority's Equality of Opportunity in Employment Policy. A Harassment at Work Policy has been established to deal with complaints of harassment and/or bullying. It differentiates between reasonable action being taken to improve performance and behaviour which constitutes bullying.
- 13.3 An employee may also be liable to criminal proceedings if it is proven that they have intentionally harassed another individual

under the Criminal Justice and Public Order Act 1994, which created a criminal offence of intentional harassment.

14. **Other Employment Policies and Procedures**

14.1 All employment policies and procedures including Grievance, Harassment at Work, Disciplinary and Capability Procedures will be kept under review to ensure they are appropriate and adequate to cover all aspects of the Equality of Opportunity in Employment Policy. The usage of such procedures will be monitored by gender, ethnicity, disability, age etc to identify and remove any unjustified discrimination or barriers to equality of opportunity.

15. **Work Life Balance**

15.1 The Authority has developed and continues to develop flexible working policies and schemes which aim to make jobs more accessible, whilst assisting employees to achieve a balance between their work and home life without any overall adverse impact on services provided by the Council.

16. **Consultation**

16.1 The Authority welcomes and values the contributions of employees, trade unions, equality commissions and other stakeholder groups in the formation and promotion of equalities policies and initiatives.

17. **Services Delivered by Contractors and Partners**

17.1 The Council provides some of its services through contractors, agencies, consultancies and voluntary bodies. These organisations will be expected to comply with this policy, the Authority's Equality of Opportunity in Service Delivery Policy and the Equality Standard for Local Government in Wales, as well as the duties placed on the Authority by the Commission for Racial Equality's Code of Practice on Procurement where they relate to services provided on the Council's behalf. This applies also to those to whom the contracted organisation may sub-contract or assign service or part service provision.

17.2 Where services are provided in partnership with other bodies, the Authority will endeavour to ensure that they are delivered in accordance with this policy.

18. **Monitoring**

18.1 The Authority is committed to an efficient and confidential monitoring system to ensure effective implementation of the Policy.

19. **Complaints**

19.1 To safeguard individual rights under the policy, any **employee** who wishes to complain about the application or non-application of the policy may:

- (a) raise the matter through the normal grievance procedure;
and/or
- (b) seek trade union support in the normal way.

19.2 Any **prospective employee** who wishes to complain about the application or non-application of the policy should contact the Head of Strategic Personnel.

20. **Review**

20.1 The operation and effectiveness of this policy document will be reviewed on a regular basis.

December 2010