



West Lothian
Council

Policy on Equality

Employment and Service Provision



Approved by PP&R Cttee

**POLICY ON EQUALITY
EMPLOYMENT AND SERVICE PROVISION**

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POLICY ON EQUALITY

EMPLOYMENT AND SERVICE PROVISION

1. Policy Statement

- 1.1 As the largest employer and provider of public services in West Lothian, the council has a key role to play in eliminating discrimination and promoting equality of opportunity and good relations between different groups, within its own workforce and also within the communities it serves.
- 1.2 The council recognises and values the diverse range of talents, skills, experience and perspectives that exist within society and believes that those qualities and attributes should also be reflected within the composition of its workforce, its employment practices and in the planning and delivery of its services.
- 1.3 This policy sets out the council's commitment to provide services that are inclusive and accessible and also the measures it will adopt to eliminate discrimination, promote equality of opportunity and promote good relations between different groups both within and out with the workplace.
- 1.4 Central to the council's policy is the prevention of discrimination, victimisation and harassment against service users and employees on any grounds, but particularly in relation to;

'sex, gender identity, race, disability, religion or belief, marital status, civil partnership status, age, language, social origin, employment status, sexual orientation, political belief, trade union membership or activity, responsibility for dependants'
- 1.5 Definitions of each of the above categories are included in the Appendix to this policy.

2. Aims of the policy

- 2.1 The principal aim is to confirm and publicise the council's commitment to equality of opportunity and to create a policy framework around which strategies and action plans can be formulated to;
 - eliminate unlawful discrimination within employment and service delivery practices and procedures
 - promote equality of opportunity, social inclusion and good relations between persons of all racial groups
 - identify and remove barriers to accessing services, information and employment opportunities
 - develop appropriate measures to increase levels of representation of under-represented groups

- ensure compliance with the general and specific duties placed upon the authority by current and future equality legislation
- provide relevant workforce training and awareness programmes

3. Scope

- 3.1 The policy applies to all employees, and those providing services on behalf of and in partnership with the council.

4. Implementation

- 4.1 This policy will be implemented through the strategies and service specific action plans set out within the council's Race Equality, Disability Equality and Gender Equality Schemes.

- 4.2 Each Scheme sets out the council's arrangements for;

- reflecting the aims this policy within service planning, design and performance review processes at corporate and service level
- assessing and consulting on the likely impact of employment and service delivery policies and procedures on the promotion of equality
- monitoring employment and service delivery policies and procedures for any adverse impact on the promotion of equality
- publishing the results of equality impact assessments and the outcome of consultation
- ensuring public access to information and services provided
- providing training and workforce awareness programmes

- 4.3 Implementation of the policy will also be supported through other key employment policies and procedures relating to Fair Treatment at Work, Recruitment and Selection, Disciplinary and Grievance, Leave for Family Care and Management of Sickness Absence

5. Roles and Responsibilities

- 5.1 Corporate Management Team

The council's Corporate Management Team has overall responsibility for monitoring the implementation of this policy throughout the council, both in terms of service delivery and employment matters.

- 5.2 Directors and Heads of Service

Directors and Heads of Service are responsible for ensuring that the policy is effectively implemented within their own services in accordance with equality action plans and strategies.

5.3 Service Management Teams

Service Management Teams will ensure that equality matters are integrated into policy development, decision-making, service planning and delivery and employment matters.

5.4 Service Managers

Managers are responsible for ensuring that service and employment functions, policies, practices and procedures are equality impact assessed and that any resultant changes and improvements are implemented.

5.5 Employees

All employees have a responsibility to promote equality of opportunity and good relations between persons of different groups. Employees will be supported in fulfilling those responsibilities through appropriate training and guidance.

5.6 Corporate Working Group on Equality (CWGE)

The CWGE is accountable to the Corporate Management Team and consists of senior representatives from the council's services.

The Group has a remit to ;

- generally promote and champion equality issues in the Council
- provide a forum within which to share 'best practice'
- monitor the implementation of the council's Equality Schemes
- report action taken to implement this policy to the Corporate Management Team and make recommendations on actions to improve promotion of equality within the council as a whole.

5.7 Partner Organisations, Contractors and Suppliers

Partners, Contractors and Suppliers of goods and services will be expected to comply with the terms of this policy and will be asked to provide evidence on how they are meeting the general and specific duties to eliminate unlawful discrimination, promote equality and good relations between different groups.

6. Monitoring

6.1 Each service is responsible for monitoring and reviewing their policies, procedures and work practices to ensure they promote equality and comply with legislative requirements.

6.2 Service Equality Teams will report monitoring information to the Corporate Working Group on Equality on a quarterly basis.

6.3 The Chairperson of the CWGE will keep the Corporate Management Team appraised at appropriate intervals of the results of ongoing monitoring and equality impact assessments and recommend proposals for improvement as necessary.

- 6.4 In keeping with the legal requirement to publish equality monitoring information, an annual report will be submitted to the council's Policy, Partnership and Resources Committee.
- 6.5 Monitoring information including actions taken to implement the outcome of equality impact assessments will also be posted on the council's web-site and in other approved publications.

7. Complaints

- 7.1 The council will ensure that complaints relating to equality issues are investigated fully and appropriate action taken. Complaints relating to service provision will be dealt with under the Council's Corporate Complaint's Procedure. Complaints relating to employment will be dealt with under the terms of the Fair Treatment at Work Policy and the Recruitment & Selection Policy, but only to the extent allowed by the governing legislation.

8. Review

- 8.1 This policy will be reviewed annually in consultation with the recognised trade unions and other appropriate parties as determined by the Council.

Glossary of Terms

For the purposes of this policy:

Sex and Gender Identity

Sex discrimination applies to men and women as detailed in the Sex Discrimination Act 1975.

Gender identity includes someone who intends to undergo, is undergoing or has undergone gender reassignment, as defined in the Sex Discrimination (Gender Reassignment) Regulations 1999.

Race

As well as race this includes colour, nationality (including citizenship), and ethnic or national origins, as defined in the Race Relations Act 1976.

'Racism' is conduct, words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin, as defined in the Stephen Lawrence Inquiry report.

Disability

The definition of 'disability' contained in the Disability Discrimination Act (DDA) 1995 has been adopted.

The DDA defines a disabled person as:

'Someone with a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day to day activities'.

Religion or Belief

Religion or Belief discrimination is as detailed in the Employment Equality (Religion or Belief) Regulation 2003. This covers any religion, religious belief or similar philosophical belief. It also covers those without religious or similar beliefs.

Marital Status

This covers married persons, as specified in the Sex Discrimination Act 1975.

Civil Partnership Status

This covers partnerships created under the Civil Partnership Act 2004.

Age

Age discrimination is as detailed in the Employment Equality (Age) Regulations 2006. This covers all ages subject to the following exemptions;

- (1) where there is an objectively justifiable age limit in relation to a particular service or employment matter, and

- (2) where persons are aged 65 or over and, having complied with the statutory formalities, the reason for dismissal is retirement, and
- (3) where employment is not offered to a person who is over 65 or would reach 65 within a period of 6 months from the date of his/her application

Language

This covers community languages and British Sign Language, in service provision. In employment, all reasonable efforts will be made to accommodate additional language requirements.

Social Origin

This covers caste, class and other social groupings, not covered under 'race'.

Employment Status

This includes people who have worked or work part time or full time, people who have been or currently are unemployed and people who have followed non-traditional employment patterns.

Sexual Orientation

This is defined as:

- orientation towards persons of the same sex (lesbians and gay men)
- orientation towards persons of the opposite sex (heterosexual)
- orientation towards persons of the same sex and the opposite sex (bisexual)
as defined in the Employment Equality (Sexual Orientation) Regulations 2003.

Political Belief

Political views, ideals, activities or background. Where a post is politically restricted in terms of the Local Government and Housing Act 1989 and the Local Government Officers (Political Restrictions) Regulations 1990, restrictions will apply to the political activities of post holders.

Trade union membership or activity

Trade union membership or non-membership. Participation in legitimate Trade Union activities.

Responsibility for dependants

This covers people with responsibility for an adult or child who is dependent on them for their day-to-day care.