

# People Team

## Fair Employment Statement

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## 1 Aim

- 1.1 Oxford City Council (the Council) intends to achieve equality of opportunity in all its employment policies and practices, eliminate all forms of discrimination and is committed to excellent employment practice. The Council has agreed a Values and Behaviours Framework which sets out the way we expect to be treated as employees and conduct ourselves. These values include a specific diversity related theme. This statement supports the Council's existing equality and diversity related policies and procedures, as well as the Equality Framework for Local Government available at: <http://www.idea.gov.uk/idk/aio/6531086>.
- 1.2 This Statement applies to potential as well as current employees and relates to all aspects of employment, including recruitment, pay, terms and conditions of service, promotion, development and training, grievance and disciplinary procedures.
- 1.3 The Council is committed to making full use of the talents, skills, experience, and different perspectives available in a diverse community. We want to be a Council where people are respected and valued, and can achieve their potential regardless of age, disability, race, gender reassignment, pregnancy and maternity, religion or belief/ non-belief, sex, sexual orientation, marriage and civil partnership, or membership or non-membership of trade union.
- 1.4 This statement sets out the Council's intention to eliminate all forms of discrimination in employment under the following strands of equalities:
- Race, ethnicity or national origin
  - Sex
  - Gender assignment
  - Sexual orientation
  - Disability
  - Religion or belief/ non-belief
  - Pregnancy and maternity
  - Marriage and civil partnership
  - Age
  - Trade union activity or political belief
  - The rehabilitation of former offenders

## 2 Overarching Principles

- 2.1 The Council will:
- Ensure no one receives less favourable treatment or is disadvantaged by conditions, requirements, provisions, criteria, procedures or practices that cannot be justified, or is victimised for taking action against discrimination or harassment or instructed or put under pressure to discriminate against, or harass someone
  - Ensure opportunities for employment, training and promotion are open equally to all and that selection for employment, promotion, transfer and training, and access to benefits, facilities and services, are fair and equitable and based solely on merit
  - Eliminate all forms of discrimination and harassment in employment including on grounds of association and perception
  - Promote equality of opportunity and good relations

- Value and promote differences within Oxford's workforce
- Ensure our workforce profile represents the local community
- Be proactive in complying with our legal duties and responsibilities
- Take steps to eradicate all forms of conscious/unconscious prejudice and stereotyping within the organisation and in its processes, policies and practice
- Improve the way we measure and monitor the workforce and potential workforce
- Analyse the impact of our policies and procedures in employment by undertaking
- Equality Impact Assessments and take the required actions to eliminate any unfair practices
- Consult with employees and Trade Unions about this Statement and about related action plans

### 3 Rights and Responsibilities

- 3.1 Every employee and potential employee has the right to be treated with dignity and respect and not to be discriminated against, victimised, bullied or harassed or to be treated less favourably than any other on any basis of any protected characteristic.
- 3.2 All employees are expected to comply with the general responsibilities set out in the Corporate Equality Scheme reflecting the principles of this statement.

### 4 Definitions of Discrimination and Victimisation

- 4.1 Direct discrimination is less favourable treatment of a person on one of the protected grounds that are 'protected' in law. A person directly discriminates against another person if they treat another person less favourably than they treat, or would treat, a comparator, and do so on an unlawful ground (e.g. on the grounds of age, disability, gender reassignment, marital status, race, religion or belief, sex or sexual orientation.)
- 4.2 The concept of indirect discrimination is concerned with acts, decisions or policies (broadly speaking) which are not intended to treat anyone less favourably, but which in practice have the effect of disadvantaging particular groups. In such cases the action will amount to indirect discrimination unless it can be objectively justified.
- 4.2 Institutional Racism/Discrimination is "A collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, ethnic origin, gender, sexuality, disability or age etc. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist/stereotyping which further disadvantage these groups" - Lord McPherson.
- 4.3 Victimisation occurs when a person is treated less favourably than another because that person has brought a complaint of discrimination under legislation or internal policy/procedure. It can also occur when an individual is treated less favourably if they have given evidence or information in such proceedings.
- 4.4 Definitions of harassment and bullying are in the [Dignity at Work Policy and Procedure](#), which is available on the Intranet or from the People Team.

## 5 Protected Characteristics

### Age

- 5.1 The Council will promote age diversity by; valuing contributions of employees irrespective of age; challenging the general acceptance of “ageism” to eliminate age stereotyping.
- 5.2 We will continue to value age diversity by not including age criteria in recruitment unless there is a legislative reason or genuine employment criterion (e.g. persons below a certain age are restricted from working certain hours or in certain types of work.) Sub heading style to use between paragraphs

### Disability

- 5.3 We recognise and operate within the framework of the Equality Act 2010 (previously the Disability Discrimination Act 1995 & 2005) and the Public Duty to Promote Disability Equality: Statutory Code of Practice.
- 5.4 We will take positive steps to attract disabled people to Council jobs through the efficient operation of Council initiatives and the operation of the “Disability Confident” scheme, which makes the following commitments:
- to interview all disabled candidates who meet the minimum essential criteria
  - to ensure a mechanism to discuss what can be done to ensure they can develop and use their abilities
  - to make every effort, when employees become disabled, to ensure they stay in employment
  - to take action to ensure all employees develop the appropriate level of disability awareness
  - to review the commitments and what has been achieved and plan ways to improve on them
- 5.5 The Council will take steps to promote positive attitudes towards disabled people among its workforce.

### Gender Reassignment

- 5.6 The Council will take necessary measures to prevent discrimination against employees or potential employees on grounds of gender reassignment in accordance with the Equality Act 2010 (previously known as the Sex Discrimination (Gender Reassignment) Regulations 1999.)
- 5.7 We will provide support to prevent discrimination against transsexual people who may have undergone or are about to undergo gender reassignment.
- 5.8 A person who has obtained a gender recognition certificate is recognised for all legal purposes under their acquired gender. A person’s gender, prior to gender reassignment, must not be considered relevant for current posts. The Council expects managers and employees to be supportive of colleagues who are considering, or going through gender reassignment.

- 5.9 Employees undergoing gender reassignment treatment who require time off work for medical or surgical procedures will be treated sympathetically and in accordance with the Council's leave procedures. Managers will be required to allow some flexibility in order that employees may undergo this treatment and should discuss with them how they would prefer to handle it and to follow a process agreed with them.

### Sex

- 5.10 We need and acknowledge the valuable contribution of both men and women at all levels within the Council. Our aim is to fully utilise the perspectives, knowledge, skills and experience of all our employees, and where appropriate, support positive initiatives to ensure their personal and professional development.
- 5.11 The Council supports the principle that both men and women should receive equal pay for equal work, work of equal value and work rated as equivalent. We are making positive steps to address equality in pay and reward. On 1 October 2009, we agreed a single pay and grading structure for all employees covered by the NJC structure in conjunction with the Trade Unions. We have also implemented a minimum 'living wage' for the Council.
- 5.12 Our employment practices are designed to support women and men who have responsibilities for children and dependants whilst ensuring an effective and efficient workforce. Flexible working systems will be promoted to support people with responsibility for dependants.

### Sexual Orientation

- 5.13 Oxford City Council acknowledges that same-sex relationships can be a common characteristic in all cultures and that lesbians, gay men and bisexuals may experience prejudice, disadvantage and discrimination.
- 5.14 We are committed to ensuring equal treatment for all our employees and members of the public irrespective of their sexual orientation. We seek to ensure that all our policies, procedures and practices on employment and service delivery are not based on the assumption that all employees are heterosexual.
- 5.15 Wherever possible we will ensure that the Council's conditions of service offer the same benefits to those in same-sex relationships as are available to all other employees. This includes the provision of special leave and family related leave.

### Race

- 5.16 The Council recognises that we live in a multi-racial, multi-cultural society with a diversity of cultures and religions.
- 5.17 As a public authority we have a duty to promote race equality and we understand our responsibility to the local community and our workforce to ensure racism is tackled and eliminated.
- 5.18 We will not tolerate any form of racism, defined as "conduct or words or practices which disadvantage or advantage people because of their colour, culture or ethnic origin".

- 5.19 Within this policy, a racist incident is defined as “any incident, which is perceived to be racist by the victim or any other person.”

#### Religion or Belief/ Non-belief

- 5.20 The Council recognises that many religions or beliefs have special festivals or spiritual observance days.
- 5.21 Any request for holiday leave to celebrate festivals or attend ceremonies will be sympathetically considered where it is reasonable and practical and sufficient holiday leave entitlement is available.
- 5.22 We will endeavour wherever possible to ensure that policies and procedures do not indirectly discriminate against employees of particular religions or beliefs.
- 5.23 We will take necessary measures to prevent discrimination against employees or potential employees because of their religion or beliefs.

#### Pregnancy & Maternity

- 5.24 The Council prohibits pregnancy and maternity discrimination in the workplace. It is unlawful for an employer to discriminate by treating a job applicant or employee unfavourably because of her pregnancy or because of an illness she has suffered as a result of her pregnancy during the protected period or to discriminate by treating an employee unfavourably because she is on compulsory maternity leave or because she is exercising or seeking to exercise (or has or sought to) the right to ordinary or additional maternity leave.

#### Marriage & Civil Partnership

- 5.25 The Council will take steps to ensure it does not discriminate directly by treating a job applicant or employee less favourably than others because of marriage or civil partnership or discriminate indirectly (without objective justification) or victimise such persons on these grounds.

## 6 Reserve Forces

- 6.1 The Council supports the operations of the UK Armed Forces and aims to enable employees who are, or who wish to become, Reservists to support their respective Armed Forces Unit without prejudice to their employment.
- 6.2 The Council will not intentionally disadvantage employees who are Reservists and it is therefore expected and recommended, that employees will notify the Council of their Reserve status. The Council will also endeavour, where operationally feasible, to release Reservists for attendance at Reserve Forces training events where these take place on their normal working days.
- 6.3 If a Reservist employee is Mobilised for operational service, the Council will continue to treat the contract of employment as operable during the period of mobilised service so that there will be no loss of continuous service within the Council. Entitlement to annual leave will not accrue during this period as the Reservist employee will be both paid and be entitled to annual leave from the MOD. Following a period of mobilised absence the Council will comply with current

legislation (Reserve Forces [Safeguard of Employment] Act 1985) regarding the employee's return to work. The Reservist must initiate the request to return to work in accordance with the requirements of the Act.

## **7 Monitoring**

- 7.1 Monitoring and evaluation are central to the process of ensuring that this Statement and other Equality and Diversity Policies and Plans are successful. They are a means of checking whether our policies are being implemented effectively and in highlighting any problem areas that may require attention.
- 7.2 We have well established monitoring systems that are being developed further to ensure effectiveness and to guide the Council on particular areas for improvement or action.
- 7.3 We will monitor:
- Ethnicity
  - Gender
  - Disability
  - Sexual Orientation
  - Religion and belief/ non-belief
  - Transgender status
  - Age
- 7.4 The operation and effectiveness of our monitoring systems depend on information being available; therefore all employees and job applicants will be asked to provide this information on an anonymous self-classification basis. The giving of this information is entirely optional, but the Council urges co-operation to assist in monitoring progress to help the Council in developing an inclusive culture.
- 7.5 Any information obtained as part of the monitoring process will be strictly confidential and will be analysed on a statistical basis only. It is inevitable that there will be a number of individuals within the Council who will have access to personal information.
- 7.6 Council employees who, as part of their work, have access to personal information are required to ensure its security and appropriate storage and use. Any breach of confidentiality may be treated as a disciplinary offence.

## **8 Assessments**

- 8.1 Equality impact assessments will be undertaken on employment policies and functions.
- 8.2 We will assess and consult on the likely impact of proposed policies, procedures and practices. If adverse impacts are highlighted, this information will be collected and analysed, the results of which will go into an action plan which will inform service area and council service plans and objective setting in order to remove such impacts.

## 9 Complaints

### Employees

- 9.1 The Council will take seriously and will deal effectively with all formal complaints of discrimination on grounds of race, ethnic or national origin, religion or belief, disability, age, gender, marital status, sexual orientation or responsibility for dependants. Anyone who makes a genuine complaint or who gives evidence will not be victimised or treated less favourably than other employees.
- 9.2 Any employee who considers they have or are experiencing discrimination, harassment or bullying should raise their concerns using the appropriate procedure. This may be the Dignity at Work Policy and Procedure, an appeal or review process within an employment policy/procedure or the Grievance Policy and Procedure.
- 9.3 The Head of People will report annually on the numbers of and types of comments, complaints and grievances received and the degree to which the operation of these procedures is satisfactory.

### Members of the Public and Service Users

- 9.4 Members of the public and service users can make a complaint using the Council's complaints procedure. Details are available on the Council's website or you can telephone the Council's central number which is 01865 249811.
- 9.5 The Council welcomes comments about its equalities policy and practices.

## 10 Further Information

- 10.1 If you would like to comment on this document, want more information, or if you would like a copy of this document in a different format or language, please contact the People Team by raising a query on the Service Desk Portal.



## 11 Appendix A – Legal Framework

Legislation designed to eliminate unfair discrimination and improve equality of opportunity has been in place for many years and is now harmonised and simplified under the Equality Act 2010:

Equal Pay Act 1970 including 1983 amendments  
Rehabilitation of Offenders Act 1974  
Sex Discrimination Act 1975 and 1986 (including 2005 amendments)  
Race Relations Act 1976  
Disability Discrimination Act 1995  
Employment Rights Act 1996  
Human Rights Act 1998  
Working Time Regulations 1998  
National Minimum Wage Act 1998 and Regulations 1999  
Sex Discrimination (Gender Reassignment) Regulations 1999  
Race Relations Amendment Act 2000  
Part-time Workers Regulations 2000  
Employment Act 2002 & 2008  
Fixed-term Employees Regulations 2002  
Race Relations Act 1976 (Amendment Regulations) 2003  
Employment Equality (Sexual Orientation) Regulations 2003  
Employment Equality (Religion or Belief) Regulations 2003  
Equal Pay Act 1970 (Amendment) Regulation 2004  
Gender Recognition Act 2004  
Civil Partnership Act 2004  
Disability Discrimination Act 2005  
Employment Equality (Age) Regulations 2006  
Equality Act 2006  
Employment Equality (Religion or Belief) Regulations 2007  
Employment Equality (Sexual Orientation) Regulations 2007  
Equality Act 2010  
Marriage (Same Sex Couples) Act 2013