

NORTH LINCOLNSHIRE COUNCIL

CORPORATE SERVICES CABINET MEMBER

FAIR EMPLOYMENT AND EQUAL PAY POLICY

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1. To introduce the Fair Employment and Equal Pay policy
- 1.2. To seek approval for the policy

2 BACKGROUND INFORMATION

- 2.1 The council is committed to taking positive steps to eliminate unfair discrimination and disadvantage in order to ensure that equality of opportunity for all is an integral feature of our activities. It recognises the importance of working to legislation, but acknowledges that to demonstrate true commitment to equality, this policy and working practices should go beyond legislation.
- 2.2 The Fair Employment and Equal Pay policy sets out the council's commitment to eliminate unfair discrimination from all aspects of our work. It outlines policy objectives and sets out the mechanisms for implementing, monitoring and co-ordinating progress towards the achievement of these.
- 2.3 It sets out that all persons employed by the council, or working with it, are dealt with on an equitable basis and in a fair and consistent manner, irrespective of ethnic origin, religion or belief, age, gender, disability, sexual orientation, marital status, trade union membership or any other inappropriate criterion.
- 2.4 It aims to eliminate unfair discrimination in relation to:
 - employment, recruitment, selection and retention procedures, so that there is equality of opportunity for all job applicants and employees
 - career development and training opportunities so that all employees and workers are judged on merit and ability
 - grading, pay, rewards and other benefits so that all employees are valued and rewarded equally and consistently

- 2.5 The policy is intended to work with other departmental policies to eliminate unfair discrimination and promote equality of opportunity in a diverse workforce in all areas of employment including recruitment, training and pay.
- 2.6 The policy also requires contractors, suppliers and service providers who engage and/or work on behalf of the council to comply with the requirements as set out in the policy.
- 2.7 The policy will be monitored to ensure its effectiveness and to confirm that the council meets its obligations. This will be done by collecting and analysing data. The results will be used to improve the council's employment policies, practices and procedures to remove discrimination.

3 OPTIONS FOR CONSIDERATION

- 3.1 To consider and accept the new Fair Employment and Equal Pay policy.
- 3.2 To reject the proposed policy.
- 3.3 To make recommendations to amend the proposed policy.

4. ANALYSIS OF OPTIONS

- 4.1 This policy has been devised in accordance with existing legislation and codes of practice. Acceptance of the proposed policy will ensure that the council continues to work to best practice in respect of equality and employment legislation.
- 4.2 Rejecting the proposed policy would result in the council's approach not keeping up to date with legislation and best practice. The council would not comply with legislation; it would also start to fall behind other employers making such changes.
- 4.3 Recommending further changes to the policy would require further consultation and delay implementation.

5 RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

There are no direct financial implications.

5.2 Staffing

The policy is applicable to all employees of the council other than those employed by schools with delegated powers, unless the governing body adopts them.

5.3 Property

None.

5.4 IT

None.

6 OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 CRIME AND DISORDER, RISK AND OTHER)

6.1 These changes may assist in attracting and retaining a diverse group of employees.

7. OUTCOMES OF CONSULTATION

7.1 The relevant trade unions have been consulted and are fully supportive of the new policy.

8. RECOMMENDATIONS

8.1 That the new policy be approved and adopted, and that the Equal Opportunities Complaints policy be deleted.

SERVICE DIRECTOR HUMAN RESOURCES

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Background Papers used in the preparation of this report: None

1.0 INTRODUCTION

1.1 This policy supports the council's vision for North Lincolnshire to be a place where all people can live and work together harmoniously. The council is committed to:

- ensuring that people are able to succeed in employment. We recognise that a diverse workforce is better able to meet the needs of all our customers.
- providing and promoting equality for all its employees, and the wider community, irrespective of ethnic origin, religion or belief, age, gender, disability, sexual orientation, marital status or trade union membership.
- avoiding all forms of discrimination, whether direct, indirect, individual or institutional.

1.2 North Lincolnshire Council aims:

1.2.1 to ensure that all persons employed by or working with it are dealt with on an equitable basis in a fair and consistent manner, irrespective of ethnic origin, religion or belief, age, gender, disability, sexual orientation, marital status, trade union membership or any other inappropriate criterion.

1.2.2 to eliminate unfair discrimination in relation to:

- employment, recruitment, selection and retention procedures, so that there is equality of opportunity for all job applicants and employees
- career development and training opportunities so that all employees and workers are judged on merit and ability
- grading, pay, rewards and other benefits so that all employees are valued and rewarded equally and consistently

2.0 POLICY STATEMENT

2.1 The council is committed to taking positive steps to eliminate unfair discrimination and disadvantage in order to ensure that equality of opportunity for all is an integral feature of our activities.

- 2.2 This statement sets out the commitment to eliminating unfair discrimination from all aspects of our work. It outlines policy objectives and sets out the mechanisms for implementing, monitoring and co-ordinating progress towards the achievement of these.
- 2.3 The council aims to ensure that no employee, potential employee or other worker will receive less favourable treatment on the grounds of the following: (this is not an exhaustive list)
- Gender
 - Disability
 - Ethnic or national origin
 - Nationality
 - Sexual orientation
 - Political beliefs
 - Religion
 - Age
 - Trade union membership
 - HIV status
 - Carer responsibilities
 - Marital status
- 2.4 All employees and workers will be provided with guidance on the policy to ensure that they clearly understand their position in law and the implications for them of the policy.
- 2.5 This policy applies to all employees and workers of the council, except schools. It is, however, acknowledged that decisions taken by a school can have implications for other schools and for the council. Governing Bodies will therefore be encouraged to adopt this policy.
- 2.6 It is recognised that discrimination can take different forms:

2.6.1 Direct Discrimination

Direct discrimination is treating one person less favourably than another (see list of groups outlined above). An example would be to not employ a person merely because of his or her ethnic origin, gender, or age.

2.6.2 Indirect Discrimination

Indirect discrimination is creating a condition or requirement which cannot be shown to be justifiable, which will be to the detriment of those who cannot comply with it and which in practice disproportionately affects people from certain groups. An example could be the inclusion of a minimum height qualification for employment with which fewer women could comply than men.

2.6.3 Harassment

Harassment is when one person engages in unwanted conduct that violates another person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.

2.6.4 Victimisation

Victimisation is where a person or group is treated less favourably because they have pursued or it is suspected they might pursue their rights under a council policy, or the law, via the internal complaints procedure, an external agency or legal proceedings.

2.6.5 Institutional Discrimination

Institutional Discrimination is the collective failure of an organisation to provide appropriate and professional treatment or service to people because of their ethnic origin, religion or belief, age, gender, disability, sexual

orientation, marital status or trade union membership. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and inappropriate stereotyping, which disadvantages people from minority groups.

3.0 LEGAL DUTIES AND LIABILITIES

3.1 This policy has been devised in accordance with existing legislation and codes of practice. The council recognises the importance of working to legislation, but acknowledges that to demonstrate true commitment to equality, this policy and working practices should go beyond legislation. The relevant pieces of legislation that apply to this policy include:

- Sex Discrimination Act 1975 & Sex Discrimination (Amendment) 2003
- Race Relations Act 1976 & Race Relation (Amendment) Regulations 2003
- Equal Pay Act 1970
- Disability Discrimination Act 1995
- Pensions Act 1995
- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2002
- Flexible Working (Procedural Requirements) Regulations 2002
- Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Religion or Belief) Regulations 2003
- Disability Discrimination Act 2005
- Employment Equality (Age) Regulations 2006
- Equality Bill (2007)

3.2 The council will comply with the codes of practice and guidance that are produced by the following bodies:

- Equality and Human Rights Commission
- Advisory Conciliation and Arbitration Service (ACAS)

4.0 EMPLOYMENT PRACTICE

4.1 The council is committed to being an employer that promotes the equality of opportunity in a diverse workforce and will:

- have employment practices that are fair and open
- demonstrate its commitment to equality in all aspects of employment, including recruitment, retention, development, training, pay, promotion and welfare
- take action with the aim of ensuring that its workforce at all levels reflects the communities it serves
- inform all employees of this policy and of their rights to protection from unfair discrimination, harassment, or victimisation

4.2 The council will take action to eliminate discrimination, which will include:

4.2.1 Recruitment

- Vacancies will be advertised in a way that does not discourage disadvantaged groups from applying for posts. In exceptional circumstances, very short term or secondment opportunities will be advertised internally.
- Specific qualifications or experience will only be called for where appropriate to the job
- Selection will be based upon the skills and abilities needed for the post, not the length of experience of the applicants
- Training will be given to all employees involved in recruitment to ensure that they understand and apply this policy
- All applicants with a disability who meet the essential requirements for an advertised job will be afforded an interview. Appropriate arrangements will be made, as far as is reasonably practicable to assist an applicant with a disability to participate in such interview
- All job applicants will be made aware of this policy.

4.2.2 Training

- The council acknowledges that the successful integration of equality and diversity issues lies with the Executive Management Team and employees at all levels. It will therefore promote enhanced awareness of unfair discrimination or potentially discriminatory practice, attitudes and behaviour so that they can be identified and eliminated
- As part of the induction training for all new employees, this policy will be clearly explained
- The council will also ensure that the content of all training courses reflects its commitment to equality and diversity. Training provided will be evaluated and assessed to ensure that the course material and delivery of information complies with the details of this policy.

4.2.3 Working Environment

The council will ensure that:

- so far as is reasonably practicable suitable access for employees and others with disabilities will be provided
- special needs of workers with disabilities are met wherever possible, including providing special equipment and modifications to working arrangements to help meet those needs
- flexible working arrangements will be offered to employees and workers to assist with individual personal circumstances, provided that this does not conflict with service delivery commitments
- a supportive working environment is created for all employees and workers so as to prevent the occurrence of any direct or indirect discriminatory practices. Where necessary, managers and others will receive training to enable them to achieve this aim
- the job evaluation scheme adopted by the council will be reviewed periodically to ensure that it is non-discriminatory and fit for purpose

4.2.4 Harassment/bullying/victimisation

- Action will be taken to eliminate harassment at work. Harassment will be regarded as a breach of the council's Code of Conduct and will therefore be subject to disciplinary action
- Training will be made available to employees and workers to enable them to identify and deal with all forms of harassment/bullying, victimisation and discrimination
- Employees and workers who consider that they are suffering from harassment, bullying, victimisation or discrimination may invoke the Dignity at Work policy
- Council literature will not contain any form of sexist, racist or otherwise discriminatory language or images
- The council will not tolerate the harassment, bullying or victimisation of employees or workers by other employees or workers, customers, contractors or members of the public in any circumstances and will take appropriate action against the perpetrators.

4.2.5 Council Management

- 4.2.5.1 The council will endeavour to ensure that the composition of its management reflects the community it serves
- 4.2.5.2 This policy will apply to the recruitment of Council Management Team (CMT) members. Where possible, action will be taken to redress any imbalance in membership.
- 4.2.5.3 The Council Management Team are required to be aware of the council's commitment to equality at all times and are bound to comply with this policy in the discharging of their duties.

4.2.6 Contractors, Suppliers & Service Providers

All suppliers who act, engage and/or work on behalf of the council must comply with the council's minimum requirements, as stated below:

- The supplier shall not unlawfully discriminate within the meaning and scope of any law, enactment, order, or regulation relating to discrimination (whether age, ethnic origin, gender, religion, disability, sexual orientation or otherwise) in employment.
- The supplier shall use all reasonable endeavours to comply with the client's non-discrimination policies and shall comply with all national legislation and codes of practice with regard to non-discriminatory practice in the provision of the services.
- The supplier undertakes to comply with all legal requirements of relevant Equality legislation and all reasonable and relevant requirements of the council's Diversity policy.
- The supplier shall comply with all obligations under the Human Rights Act.
- The supplier shall comply with all council policies and rules, such as, but not limited to:
 - environmental
 - sustainability;
 - information security rules;
 - whistle-blowing and/or confidential reporting policies; and
 - all site rules relevant to the fulfilment of the contractor's obligations in the performance of the services.
- The supplier shall comply with all relevant legislation relating to its staff however employed including (but not limited to) the compliance in law of the ability of the staff to work in the United Kingdom
- If the supplier has a finding against it relating to its obligations it will provide the council with:
 - (a) details of the finding; and
 - (b) the steps the supplier has taken to remedy the situation.

5.0 PAY

- 5.1 Grading of jobs will be determined by the council's Job Evaluation schemes to ensure that they are fair and non-discriminatory, comply with equal pay legislation and with associated codes of best practice.
- 5.2 Basic pay will be in accordance with the evaluated grade and the council's agreed pay structure of the relevant conditions of service.
- 5.3 All allowances, temporary payments and other forms of reward will comply with the terms of the council's pay policy. See B.2 of the Human Resource Manual.
- 5.4 Equal pay reviews will be undertaken from time to time to ensure fair and non-discriminatory practices are maintained at all times.

6.0 RECRUITMENT AND SELECTION

- 6.1 North Lincolnshire Council recognises that a diverse workforce is better able to meet the needs of all our customers. It is essential that all recruitment decisions be based upon objective and reasonable criteria free from any bias or unfair direct or indirect discrimination. We will recruit people based only on their skills and ability and develop the full potential of all employees through training and support.
- 6.2 North Lincolnshire Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all employees and volunteers to share this commitment. The suitability of all prospective employees or volunteers will be assessed during the recruitment process in line with this commitment.
- 6.3 For full details of the recruitment and selection policy and procedure please refer to A.2 of the Human Resource Manual

7.0 CONSULTATION PROCESS

7.1 The council is committed to a process of collective bargaining through the recognised trade unions and to ongoing consultation with trade unions and employees through formal and informal channels. Consultation will be entered into on all employment related matters and should be timely and entered into in the spirit of seeking agreement wherever possible.

8.0 MONITORING, REVIEW AND CONTINUOUS IMPROVEMENT

8.1 All prospective and existing employees have the right to fair and equitable treatment. To know whether we are achieving this, we monitor and review our employment practices and procedures. This involves collecting and analysing data.

8.2 Monitoring is an essential and integral element of this policy. We carry out monitoring through the Human Resources Quarterly Performance Review (QPR) and through service specific Quarterly Performance Reviews.

8.3 The composition of both applicants for employment and the workforce is monitored regularly to ensure the effectiveness of the policy, recruitment procedures and employment practices.

8.4 Regular reports will be made, recommending action where appropriate.

8.5 We monitor the following:

- Current employees
- Applicants for employment, training and promotion
- Employees receiving training
- Employees involved in grievance procedures
- Employees subject to disciplinary procedures
- Employees leaving employment with the council

8.6 We use the information we obtain to:

- See if there are differences
- Investigate the underlying reason for differences
- Deal with any unfairness, disadvantage or possible discrimination.

8.7 The data we collect is used to review employment practices and procedures and make improvements where necessary to ensure they are free from discrimination and promote equality of opportunity.

8.8 The success of any policy depends on the commitment of all employees. The Chief Executive and service directors have particular responsibility for implementing this policy through appropriate work plans and review mechanisms in the various functions of the council.

8.9 The policy will be supported in the areas mentioned above by:

- Reviews of current practices and identification of areas for improvement
- Implementation of appropriate programmes of work and training and monitoring progress
- Regular performance monitoring
- Devising and implementing positive action programmes where appropriate
- Monitoring progress and reporting to CMT at regular intervals
- Periodically reviewing the policy itself

9.0 RESOURCES

9.1 The council will allocate financial and employee resource to secure the full and effective implementation of this policy. The Council Management Team will regularly review the effectiveness of this policy by receiving regular reports on its implementation and will regularly review it in the light of experience and changes in statute or case law and advice from appropriate statutory agencies.

10.0 COMPLAINTS

10.1 Complaints in respect of equal opportunities in employment should be made through the appropriate policy, as follows:

- 10.1.1 Any complaint relating to bullying, harassment or direct discrimination should be made through the Dignity at Work policy
- 10.1.2 Any complaint relating to perceived unfair treatment should be made through the Grievance procedure
- 10.1.3 Any complaint made by a person who is not an employee of the council (including job applicants) should be made through the council's Complaints procedure