

Contents

<u>The aim of this policy</u>	2
<u>Principles</u>	3
<u>Diversity and equality in employment</u>	4
<u>Making reasonable adjustments</u>	5
<u>Our Public Sector Duty</u>	5
<u>Defining unlawful discrimination</u>	5
<u>Preventing harassment, bullying or victimisation</u>	6
<u>Checking we do not unlawfully discriminate</u>	6
<u>More information and help</u>	7
<u>Associated documents</u>	7
<u>Contact for more information</u>	7

The aim of this policy

ECC is committed to creating a positive working environment where employees from all backgrounds can fulfil their potential, giving excellent service to our customers.

This policy helps managers understand the principles of ECC's approach to diversity and equality. Managers will be able to address prejudice and lack of knowledge, and to make adjustments to working practices and facilities to support individual employees, wherever reasonable.

For information and principles applying to all our work including customer service and community leadership, see the Council's Policy.

Principles

- ECC aims to attract and employ a diverse workforce – we have published a workforce diversity action plan to support our equality policy
- No job applicant, employee, volunteer, agency worker, contractor or Member will be discriminated against unlawfully.
- ECC seeks to remove barriers people can experience in employment – we understand that creating equality of opportunity is about individuals and is not the same as treating everyone identically. For example, we make adjustments for disabled job applicants and employees wherever reasonable to do so.
- ECC takes action against all forms of bullying, harassment or victimisation; we will respect those we work with and ensure that our employees are treated with respect.
- ECC regularly reviews all employment policies and practices, including pay, our offices, information protocols and technology, to remove inequality.
- ECC works with the ECC diversity networks, panels and Trade Unions to listen to and engage with our employees.
- As part of this, ECC monitors diversity throughout recruitment and employment, and publishes this information on the ECC website twice a year.
- All managers, employees, Members and those working or volunteering on behalf of ECC are expected to follow these principles, as part of our Code of Conduct.

Diversity and Equality in Employment

Diversity and equality means not only that ECC respects the law – it means working to remove barriers that stop us attracting and retaining talented people from a wide range of backgrounds. A diverse workforce brings new thinking to service delivery, helping us understand the perspectives and needs of all our customers. As a manager, you are instrumental in creating a workplace where all employees feel respected, supported, and enabled to give of their very best.

Removing barriers

We always seek to employ the best people for jobs at ECC. To help create a level playing field, we take steps to increase the chances of people from minority groups getting a particular kind of work where our monitoring shows people are experiencing significant barriers – see Principles.

This means ECC offers disabled job seekers and young people short-term unpaid placements, to help build CVs and confidence. We support Network Groups to engage with employees from minority groups. We are also developing ‘job carving’, to offer elements of paid jobs, initially to people with learning disabilities, tailoring the work to suit individual skills.

We belong to the Government’s Disability Confident scheme which aims to remove barriers to employment. As part of this we are also committed to a positive approach to mental health at work. Under our Job Interview Scheme, we have committed to interviewing all disabled applicants (as defined on page 6) who apply under the scheme, if they meet the minimum requirements of the job – see the

Recruitment policy and the Job Interview Scheme (JIS) Guide.

- **Guide for managers – Making meetings accessible**
- **Guide for managers – Communication, language and assistance**

Occupational requirements

Rarely, a person from a specific minority group may be needed to carry out a particular role with an individual or group. There are rules governing this in law. Examples in ECC have included a support worker of a certain gender for a specific individual in Adult Social Care. The age of employees in Children’s Services is also covered. The ODP Service Centre and Resourcing Team can advise before you advertise such a post.

Employee Network Groups

By engaging with employees with minority characteristics, the Networks support our strategy to recruit and retain a skilled, diverse workforce which understands our customers.

The Corporate Leadership Team recognises the importance of employee-led Network Groups, encourages attendance, and gives time off to attend Network meetings or carry out agreed tasks / roles.

Table 1: Roles of Employee Network Groups

Employee Network Groups’ Role

- Provide support.
- Engage in consultation.
- Promote good practice.
- Advise on ways to overcome inequalities and barriers in the workplace.

Network Groups currently meeting include:

- black and minority ethnic employees;
- disabled employees;

- Lesbian, gay, bisexual and transgender employees.

See the diversity intranet pages for more information about the Network Groups, and the full list of Guides available to support employees and managers on page 8.

Making reasonable adjustments

ECC takes steps to remove the barriers faced by disabled people and their carers. Reasonable adjustments prevent a disabled employee from being significantly disadvantaged by any provision, practice, or the premises.

- **Guide – Understanding reasonable adjustments**

By law, such steps need to be made promptly, and be reasonable - bearing in mind ECC's overall resources, and not just the service's.

Table 2: Assessing potential adjustments

Judging what is reasonable

- How effective will the adjustment be in preventing the disadvantage?
- How practical is the adjustment to make?
- How much disruption will it cause to make?
- If cost is a factor, considering the whole of ECC's resources, does ECC have the financial capacity to do this?
- How much of the cost can be funded through Access To Work or other schemes?

- **Guide – Reasonable adjustments and Access to work – advice and funding**
- **Guide - Reasonable adjustments and funding (overview)**

Although not called a 'reasonable adjustment', the same principle applies to accommodating the needs of employees from other minority

groups, including carers. It is good practice to consider making adjustments, weighing up the request in the light of business needs, such as:

- An employee approaching retirement who wishes to reduce his hours (flexible retirement)
- Flexible working, so a team member returning from maternity leave or a single parent can care for a child
- A short period of home-working while an employee cares for a civil partner following an emergency
- A later start time for an employee with a broken wrist, until she is able to drive again.

Our Public Sector Duty

As a public sector body, we embrace our duties to eliminate harassment and unlawful discrimination, and to promote equality of opportunity and positive attitudes. This includes consulting and involving employees and local residents from minority groups. Our ECC Equality policy covers all diversity groups.

Defining unlawful discrimination

Unlawful discrimination happens when people are treated less well because of any characteristics in the table below, and this cannot be justified (a proportionate means of achieving a legitimate end.)

Table 3: Protected diversity characteristics

Protected diversity characteristics

Race; disability; gender; gender reassignment / transgender status; age; sexual orientation; religion or belief; pregnancy / maternity; marriage or civil partnership.

Discrimination can be either direct or indirect. It may be unintentional – such as a thoughtless joke or remark which causes offence to the hearer - but still unlawful.

Table 4: Direct and indirect discrimination

Direct discrimination

Treating one person less favourably than another because of a protected diversity characteristic (see list above), or because they are *thought* ('perceived') to have, or they *associate* with someone who has, such a characteristic.

Indirect discrimination

A requirement is applied which negatively affects people in one or more of the protected groups, compared with those who are not in the group, AND Essex County Council cannot justify this requirement.

Examples

Direct discrimination – a manager fails to arrange screen-reader computer software for a blind or partially sighted employee. He or she is seriously disadvantaged compared to a fully sighted team member.

Indirect discrimination – a manager requires applicants to have a certain number of years' experience for promotion to a new job. This is likely to affect younger people, and women, who may have taken maternity leave.

Defining disability

Not everyone who is protected by law has a visible impairment, or considers themselves disabled. The law covers everyone who has:

'A physical or mental impairment which has a **substantial** and **long-term** adverse effect on a person's ability to carry out normal day-to-day activities.'

- **Guide for managers and employees – Equality Definitions – Disability**

Preventing harassment, bullying or victimisation

Managers will act to investigate and address all forms of bullying or harassment, and prevent victimisation where an employee complains of, or agrees to give evidence as a witness of, discrimination. The full definitions of victimisation, bullying and harassment (including where this is conduct related to a diversity characteristic) are explained in the Guides below. Such behaviour is unacceptable whether towards or by customers, employees, contractors, Members or job applicants.

See the Guides on addressing bullying and harassment, and the ECC Grievance policy.

- **Guide for employees and managers - Addressing bullying and harassment**
- **Guide for managers – Investigating bullying and harassment**
- **Guides – Stalking and harassment by customers**

Checking we do not unlawfully discriminate

ECC records workforce statistics against six characteristics – race, disability, gender, age, religion or belief and sexual orientation - where employees give us this information. Where appropriate we publish this – see Principles. Recruitment, pay, and disciplinary procedures are some of the aspects we check. We look at new and existing services to see whether there is a negative effect on any of these groups, through equality impact assessments (EqIAs); managers reviewing or developing systems, services or process need to carry out an EqIA to check this – see the Diversity intranet site.

More information and help

Associated documents

Guides for managers

- Guide for managers – Investigating bullying and harassment

Guides for managers and employees

- Understanding reasonable adjustments
- Reasonable adjustments and Access to Work – advice and funding
- How to appoint an Access to Work funded support worker
- Disability equality – Making meetings accessible
- Disability equality – Communication, language and assistance
- Equality definitions – Disability
- Religion and belief at work
- Transgender and gender reassignment
- Addressing bullying and harassment
- Investigating bullying and harassment

Other policies and guides

- Grievance policy
- Recruitment policy – Guide for managers – Reasonable adjustments in recruitment
- Recruitment policy – Guide for managers – Job Interview Scheme (JIS)
- Bullying and harassment support, addressing stalking by customers – see intranet pages and guides

Contact for more information

ODP Service Centre
Tel: 03330 135888
Email: HRadviceandsupport@essex.gov.uk

ACAS Helpline
Tel: 0300 123 1100
Textphone relay service: 18001 0300 123 1100

© Essex County Council, Human Resources

Last updated: 17 September 2019
Changes made: Updated contacts

Previous changes: 23 April 2018
Changes made: Updated scheme memberships, list of guides, and corporate policy references

Previous changes: 27 January 2014
Changes made: ECC terminology updated.