

## 01 HR FRAMEWORK COMPREHENSIVE EQUALITIES POLICY

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### 1. Commitment to Equality

1.1 The City of York Council is committed to equality. One of the Council's priorities is *"to ensure that all residents can take part in the life of the city"* which is supported through actions to *"work towards equal opportunities for all"*.

1.2 The Council recognises that inequality, disadvantage and discrimination exist in society. We aim to ensure that no one who deals with the Council receives less favourable treatment on the grounds of a 'protected characteristic'.

- Age
- Disability
- Gender reassignment
- Marriage and Civil partnership
- Pregnancy and Maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- HIV status (*HIV status is included specifically as this is an area where discrimination is known to occur*).

1.3 We welcome and value the diversity (of age, race, ethnicity, etc., ) present in York and we are committed to making our services, facilities and resources accessible and responsive to the people and communities of York.

1.4 We recognise that discrimination is unacceptable. We will create a climate which is underpinned by an understanding of discrimination and how to tackle it.

### 2. Scope of this policy

2.1 This policy, which was approved on the 20<sup>th</sup> November 2002 by the Executive Member for Community, Economic Development and Commercial Services, covers all those who deal with the Council, including

- citizens
- customers
- visitors
- employees
- job applicants.

Employees referred to in this document include all those employed on

- full-time
- part-time
- job share

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- ❑ casual or temporary basis

and all others who are acting on behalf of the council, including elected members, contractors and volunteers.

### 2.2 Legislation recognises that discrimination can take many forms.

- ❑ *Direct Discrimination* – treating people less favourably than another person because of a protected characteristic they have or are thought to have (see perceptive discrimination) or because they associate with someone who has a protected characteristic (see associative discrimination). Protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- ❑ *Associative discrimination* – This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- ❑ *Perceptive discrimination* – This is direct discrimination against someone because others think they possess a protected characteristic. It applies even if the person does not actually possess that characteristic.
- ❑ *Indirect Discrimination* - applying a condition, rule, policy or even practice that is applied to everyone but particularly disadvantages people who share a protected characteristic.
- ❑ *Harassment* - “a person must not pursue a course of conduct which amounts to harassment, and which he or she knows or ought to know amounts to harassment”. Harassment is ‘unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.
- ❑ *Victimisation* - Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

### 2.3 The Council will comply with all relevant and forthcoming legislation, Equalities Act 2010, Human Rights Act 1998 and codes of practice.

## 3. Valuing and managing diversity

### 3.1 As a Council we recognise the need for diversity in our approach to employment and service delivery. Having a workforce which is representative of the local community enables the City of York Council to meet customer needs over a

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broader range of issues and should provide the skills necessary to meet ever changing demands and agendas.

- 3.2** We are committed to having a workforce that is genuinely representative of the local community. To ensure this, where it is lawful and appropriate to do so, we will use “positive action” to encourage people from disadvantaged groups to apply for jobs in areas where they are under-represented. We will provide training and development opportunities, where possible, to enable people who experience disadvantage to obtain jobs on merit.
- 3.3** ‘Positive Action’ is used to describe measures which can be taken under the Equalities Act if the council thinks that employees or job applicants who share a particular protected characteristic suffer disadvantage connected to that characteristic, or if their participation in an activity is disproportionately low.

### **4. The Council’s Equalities Objectives**

#### **4.1** The Council aims to:

- ❑ develop an approach to equalities that is integrated into our activities, working practices and conditions
- ❑ develop a culture within the Council with equality and accessibility at the core of all the Council’s work
- ❑ work towards eliminating discrimination, victimisation and harassment, ensuring that everyone receives equal consideration when using or seeking to use our services
- ❑ develop effective monitoring procedures and analyse the information obtained to provide a basis for elimination of direct and indirect discrimination and promotion of equality of opportunity
- ❑ identify and remove any discriminatory practice, policy or procedure which might hinder the progress of equality and replace these with effective measures which promote good equality practice
- ❑ develop effective consultation structures to ensure that the views of all sections of the community are taken into account
- ❑ create opportunities for representatives of all sections of the community to participate in the work of the Council
- ❑ make a commitment to fair recruitment and employment policies
- ❑ influence other organisations, including contractors and partnerships, through good practice in service provision and employment.

## **5. Responsibility for the Comprehensive Equalities Policy**

### *General*

- 5.1** The co-operation of all employees is essential for the success of this policy. However, the overall responsibility for, and development and implementation of, the policy is placed with the Chief Executive and Directors. Members have a general responsibility to ensure equality in their role, and also have specific responsibilities in law.

### *Council Responsibility*

- 5.2** The Council has a responsibility to all sections of the community and should act as a role model as a responsible employer of the City. In undertaking this, we will try to make sure that:
- all services, facilities and resources are equally accessible to every citizen, regardless of individual circumstances
  - we do not tolerate discrimination on any grounds, including gender, age, race, ethnic origin, religious belief, disability, marital status, sexual orientation or any other reason.

### *Manager's Responsibility*

- 5.3** It is the responsibility of every manager to ensure that the promotion and continuation of equality, in employment, service delivery and policy, is met. In addition, managers are expected to:
- ensure that their services are flexible and able to meet different community and individual needs
  - meet particular, reasonable needs of individuals in all sections of the community who wish to access our services
  - ensure procedures are in place to enable implementation of the policy
  - be responsible for communicating this policy to all employees they manage
  - make sure that all employees are fully aware of their individual responsibilities and of the Council's legal responsibilities with regard to equal opportunities
  - make the Council's services available to everyone in the community.
  - have a responsibility to take all necessary action when an issue arises in contradiction of this policy.

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### *Individual Responsibility*

- 5.4** All employees have a responsibility to behave in a way that supports this policy and in compliance with relevant legislation and codes of practice.
- 5.5** If an employee witnesses a discriminatory incident at work, they have a duty of care to other employees and members of the public to challenge discriminatory behaviour and practice.

### **6. Equality in Employment and in Training and Development**

**6.1** An employee or potential employee of the Council can expect the principles in the Council's Comprehensive Equalities Policy to be applied. Specifically, the Council's objectives regarding employment are to:

- provide equality of opportunity to all applicants and prospective applicants, by practising fair recruitment and selection procedures
- offer fair employment opportunities to existing employees, by ensuring that all employees are considered for promotion on the basis of their merits, abilities and skill, and are given equal opportunities to progress within the Council
- recognise that certain groups may experience discrimination in employment, and seek to take positive action (as defined in paragraphs 3.2. and 3.3) when inequality becomes apparent. Examples of positive action include: advertising job vacancies in BME publications, developing single-sex training initiatives, continuing with the Council's commitment to guarantee interviews for disabled applicants who meet the minimum post requirements
- inform all employees about this policy and of their right to work in an environment free from discrimination, harassment or victimisation
- treat failure to comply with this policy as a disciplinary offence
- ensure that no applicant or employee receives less favourable treatment and that, wherever possible, they are given the help they need to attain their full potential to the benefit of the Council and themselves.
- ensure that all policies and procedures comply with the principles and intent of the Council's Comprehensive Equalities Policy.

**6.2** And in respect of training and development, the Council aims to:

- ensure that every employee is aware of our equality commitments and their responsibility to apply these principles at work as part of their induction to the Council.

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- eliminate discrimination in the provision of training, development and appraisal opportunities, so that all individuals can realise their full potential and contribute to the aims and objectives of the organisation
- ensure that all employees undertake relevant training in equal opportunities issues to raise their awareness, understanding and importance of equal opportunities in the work place and in service delivery
- ensure that the content of all training courses reflects our commitment to equality of opportunity (whether such training be provided by our own staff or by other organisations, such as external training providers)

### 7. Equality in Service Delivery

#### 7.1 Service Provision

Customers of City of York Council can expect the authority to:

- recognise that people are different and have diverse needs. We aim to provide services which are flexible in order to meet different people's needs, to target appropriate needs and wherever possible, remove barriers which may deny access to services
- develop equality policy frameworks and service guarantees for particular services, in line with this Equality Policy
- ensure that all customer contact areas are welcoming and accessible
- produce a range of information about our services and make that information available in plain language and an accessible format
- review all functions as required in light of equalities legislation such as the Equalities Act 2010
- integrate equal opportunities into any service specific training including any customer care training.

#### 7.2 Partnership

Where the Council enters into partnership with others to do work, or contracts with others to do work or provide goods or services on the Council's behalf, we will;

- ensure that they have an equal opportunities policy. This must be in compliance with national and EU Public Procurement legislation. We will work together to ensure that services provided in partnership comply with this policy.

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- require compliance with equalities legislation and good practice, and will take action where necessary to ensure this.

### 7.3 Consultation

We will:

- identify and consult with groups within the community whose needs are less well met by council services than those of other groups.
- seek, through our commitment to community planning, to involve and respond to all sections of the community in the planning and running of our services.

### 7.4 Complaints

7.5 The Council commits itself to:

- dealing with all complaints of discrimination, harassment and victimisation, seriously, promptly and confidentially
- ensuring that any person who has suffered any form of discrimination by the Council, is given guidance in making a complaint.

7.6 And in relation to specific types of complaints:

- ❑ **Staff Complaints** - should a member of staff have any complaint in respect of their treatment in relation to this policy, this should be taken up as per the Council's Grievance Procedure.
- ❑ **General Complaints** - Leaflets giving information on how to make a complaint are available from public reception areas of the Council. The information can also be downloaded from the Council's website at [www.york.gov.uk/council/about/problem.html](http://www.york.gov.uk/council/about/problem.html)

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- **Complaints about Housing and Social Care** -The complaints form 'Have Your Say' is available from the Community Services' complaints manager on (01904) 613161 or by calling in to the Customer Advice Centre, 10-12 George Hudson Street, York. Alternatively information can be downloaded from the Council's website at [www.york.gov.uk/help/c/complaints.html](http://www.york.gov.uk/help/c/complaints.html)
- **Complaints about Education** - Information on these procedures is available directly from head teachers within schools, or from the Customer Services Manager, Educational Services, PO Box 404, George Hudson Street, York YO1 6ZG, tel: (01904) 554242. Alternatively, relevant information can be found at [www.york.gov.uk/help/c/complaints.html](http://www.york.gov.uk/help/c/complaints.html)

7.7 We will actively encourage people to comment on our services and make suggestions or complaints through an accessible complaints system.

### 8 **Monitoring**

- 8.1 We will review and monitor the commitments contained in this policy for every employee of the Council as prescribed by legislation and advised by best practice.
- 8.2 We will establish monitoring systems and adopt equality performance indicators for appropriate services.
- 8.3 We will monitor the extent to which we are meeting the aims set out in this policy and publish the results.