



# **EQUAL EMPLOYMENT OPPORTUNITIES POLICY**

**Personnel & Office Services**

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(covering all employees)

## 1 INTRODUCTION

- 1.1 Lothian Valuation Joint Board and the Trade Union recognise that the promotion of equal access to employment opportunities is of benefit to both the Joint Board, by ensuring contact with the widest employment market, and to Joint Board employees and job applicants by allowing fair competition for employment opportunities on the basis of merit.
- 1.2 It is important that good employment practices are operated based on the merits, abilities and potential of individuals and are free from any arbitrary or irrelevant grounds which cannot be justified by job needs or constraints.
- 1.3 This policy sets out the framework for the provision of equal employment opportunities and the elimination of unlawful, unfair and inappropriate discrimination in the employment field. It will be supported by other associated policies and procedures dealing in detail with aspects of the Joint Board's employment practices.

## 2 GENERAL STATEMENT OF POLICY

- 2.1 The Lothian Valuation Joint Board is an equal opportunities employer and will prevent discrimination, particularly on the grounds of sex, marital status, disability, race, colour, religious belief, political belief, sexuality, nationality, ethnic origin, age, trade union activity, responsibility for dependants or employment status.
- 2.2 This policy acknowledges the validity of existing anti-discrimination legislation and codes of practice applying in the employment field and will apply to all Joint Board employees and prospective Joint Board employees.
- 2.3 The main aims of the policy are:-
  - (a) to promote equality of employment opportunities;
  - (b) to eliminate discrimination in employment;
  - (c) to provide positive action measures where appropriate and not prohibited by legislation; and
  - (d) to apply relevant supportive employment procedures and practices and develop appropriate training programmes.
- 2.3 To achieve these aims, the Joint Board is committed to an immediate and ongoing programme of action and will make available resources to ensure the full and effective implementation of this policy.

## 3 RESPONSIBILITIES OF THE JOINT BOARD AS AN EMPLOYER

- 3.1 It is recognised that responsibility for providing equal employment opportunities rests primarily with the Joint Board as an employer.

- 3.2 The overall responsibility for ensuring the full implementation and monitoring of the Joint Board's equal employment opportunities policy will rest with the Joint Board.
- 3.3 The Assessor will have specific responsibility for the implementation and monitoring of the policy within the Joint Board procedures.
- 3.4 The Joint Board makes the following commitments to ensure effectiveness of the policy:-
- (a) to consult on the content and implementation of the Joint Board's policy with the Trade Unions,
  - (b) to ensure that the Joint Board's policy is made known to all employees and job applicants;
  - (c) to provide training and guidance for employees, as appropriate, to ensure that they understand and are able to discharge their responsibilities in law and under the Joint Board's policy;
  - (d) to examine and regularly review employment procedures and practices with a view to promoting equality of opportunity and eliminating discrimination;
  - (e) to monitor regularly policy effectiveness and to identify possible areas for action, and
  - (f) to ensure that employee actions, in the provision of services, are carried out in a non-discriminatory manner in terms of this policy.

#### **4 RESPONSIBILITIES OF THE EMPLOYEES OF THE JOINT BOARD**

- 4.1 It is recognised that individual employees acting on behalf of the Joint Board at all levels have responsibilities in law and in terms of the Joint Board's policy for assisting in the prevention of discrimination.
- 4.2 In particular, individual employees:-
- (a) are required to co-operate with measures introduced by the Joint Board to promote equal employment opportunities and eliminate discrimination;
  - (b) must not themselves discriminate against other employees of the Joint Board or job applicants;
  - (c) must not induce or attempt to induce other employees, management or Trade Unions to practice discrimination;
  - (d) are required to draw to the attention of management any suspected discriminatory acts or practices;
  - (e) must not victimise any individuals who have made complaints or who have provided information about discrimination;
  - (f) must not harass, abuse or intimidate other employees on any grounds or otherwise act in a discriminatory manner; and
  - (g) must ensure that no actions are undertaken in their dealings with members of the public which could be held to be discriminatory in terms of this policy.
- 4.3 Discriminatory acts or omissions committed by employees of the Joint Board will be viewed seriously and will normally result in disciplinary action being taken which may include dismissal.

## 5 EMPLOYMENT PROCEDURES AND PRACTICES

- 5.1 The Joint Board will pursue employment procedures and practices designed to promote equal employment opportunities and eliminate discrimination and regularly review their effectiveness.
- 5.2 In particular, the following areas will be reviewed and procedures and guidelines developed to ensure that they comply with the principles of the Joint Board's policy:-
- (a) recruitment and selection (including sources of recruitment, content of application forms, selection criteria, shortlisting, interviewing, promotion, transfer);
  - (b) training and development (including training facilities, training information publicity, training needs identification, selection criteria, and training provision),
  - (c) grievance, disputes and discipline (including discrimination, victimisation, harassment),
  - (d) terms and conditions of employment (including arrangement of hours of work, pay grades and structures, redeployment and transfer arrangements, arrangements to meet special needs), and
  - (e) termination of employment (including retirement and voluntary severance).

## 6 MONITORING

- 6.1 In consultation with the Trade Union the Joint Board will develop and maintain procedures and systems for monitoring the progress of the Equal Employment Opportunities Policy in practice.
- 6.2 This will involve the collection of relevant information and statistics on the composition of the workforce and job applicants including the undertaking of an equal opportunities audit of the workforce.
- 6.3 It is intended that the composition of the workforce and job applicants will be monitored primarily by means of information obtained from employees and job applicants through voluntary self-classification (see guidance contained in Appendix 3) in the following areas:-
- ◆ sex
  - ◆ marital status
  - ◆ disability
  - ◆ ethnic origin
  - ◆ age
- 6.4 Any such information collected will be used solely for monitoring purposes. Arrangements will be made to protect the confidentiality of such information during its collection and retention.
- 6.5 The information obtained through the monitoring process will assist in the identification of the workforce profile and will provide a database for the initiation of positive action programmes which can work towards achieving equality objectives.

## 7 CONSULTATION WITH THE TRADE UNION

- 7.1 A special joint body consisting of officials of the Joint Board and representatives of the Trade Union will be set up for the purpose of consultation on equal employment opportunities issues and aspects of policy, including statistical reports produced by the Joint Board monitoring process.
- 7.2 The special joint body will be a Working Party of the Joint Board's Joint Consultative Group and will report, as and when appropriate, to the Joint Consultative Group.

## 8 GENERAL

- 8.1 It should be noted that the Joint Board's Equal Employment Opportunities Policy extends to groups which are not specifically covered by anti-discrimination legislation.
- 8.2 The policy intends that the elimination of discrimination in the employment field to be related to discriminatory actions or omissions which are either unlawful, unfair or inappropriate. Guidance on unlawful discrimination is set out in Appendix 1 and guidance on unfair and inappropriate discrimination is set out in Appendix 2.
- 8.3 The Joint Board's policy does not detract from an individual's rights. This policy does not prevent any individual from pursuing their contractual rights through internal or external appeals procedures or from pursuing their statutory rights through any body which deals with the enforcement of the particular legislation.

# APPENDIX 1

## GUIDANCE ON THE MAIN TERMS USED WITHIN REFERENCE TO DISCRIMINATION LEGISLATION

### 1 *DIRECT SEX DISCRIMINATION*

This is unlawful and occurs where a person of one sex is treated less favourably, on the grounds of sex, than a person of the other sex would be treated in the same or not materially different circumstances.

### 2 *INDIRECT SEX DISCRIMINATION*

This is unlawful and occurs where an unjustifiable requirement or condition is applied equally to both sexes, but has a disproportionately adverse effect on one sex, because the proportion of one sex which can comply with it is considerably smaller than the proportion of the other sex which can comply with it and it cannot be shown to be justifiable on grounds other than sex.

### 3 *DIRECT MARRIAGE DISCRIMINATION*

This is unlawful and occurs where a person is treated less favourably, on the grounds of marital status, than another person of the same sex but of different marital status would be treated in the same or not materially different circumstances.

### 4 *INDIRECT MARRIAGE DISCRIMINATION*

This is unlawful and is similar in concept to indirect sex discrimination and may occur when a condition or requirement although applied equally to married and unmarried persons of the same sex is such that a considerably smaller proportion of one marital status group can comply with it and it cannot be shown to be justifiable on grounds other than marital status.

### 5 *DIRECT RACIAL DISCRIMINATION*

This is unlawful and occurs where a person is treated less favourably on the grounds of race (including colour, nationality, ethnic or national origin) than others are or would be treated in the same or similar circumstances,

### 6 *INDIRECT RACIAL DISCRIMINATION*

This is unlawful and occurs where a condition or requirement although applied equally to all racial groups is such that a considerably smaller proportion of a particular racial group can comply with it and it cannot be shown to be justifiable on other than racial grounds.

## **7 DISCRIMINATION BY WAY OF VICTIMISATION**

It is unlawful to treat a person less favourably than other persons would be treated because that person has asserted, or intends to assert, their statutory rights under discrimination legislation (eg by bringing proceedings against an alleged discrimination, or giving evidence or information in connection with such proceedings). However, where such an allegation was false and not made in good faith then unlawful victimisation does not occur.

## **8 GENUINE OCCUPATIONAL QUALIFICATION**

This is the term used in the Sex Discrimination Act 1975 and the Race Relations Act 1976 to identify the case for allowing a person's sex or race (but not married status) to be used as a job requirement in very limited circumstances. If challenged, an employer must show that one or more of the statutorily specified criteria was essentially applied to the job in question.

## **9 POSITIVE ACTION**

This is the term used in the Sex Discrimination Act 1975 and the Race Relations Act 1976 to describe those measures allowed by law to encourage job applications from under-represented groups and to provide special training for employees belonging to particular racial groups or sex.

# APPENDIX 2

## GUIDANCE ON THE MAIN TERMS WITH REFERENCE TO NON-STATUTORY DISCRIMINATION

### 1 *DISCRIMINATION ON GROUNDS OF DISABILITY*

It is important to avoid the assumption that disabled people will only cause problems and to deal with specific employment situations in an open-minded and realistic manner. Although appreciating the fact that some disabilities may affect the employment potential of some persons it is important to recognise that a great many disabled people, are or can be, fully effective employees.

In terms of the Joint Board's Equal Employment Opportunities Policy it is considered to be unfair and inappropriate to unjustifiably discriminate against employees or job applicants on the grounds of their disability. Such discriminatory actions or omissions will be considered a breach of the Joint Board's policy.

### 2 *DISCRIMINATION ON GROUNDS OF RELIGIOUS BELIEF*

It is recognised that there is no justification for discrimination in the employment field in relation to an individual's religious belief other than when it is governed by legislative requirements (viz the appointment of teachers to denominational schools).

In terms of the Joint Board's Equal Employment Opportunities Policy it is considered to be unfair and inappropriate, other than provided for by legislation, to discriminate against employees or job applicants on the grounds of their religious belief by treating them less favourably on the basis of their religious views, ideals, practices or background. Such discriminatory acts or omissions will be considered a breach of the Joint Board's policy.

### 3 *DISCRIMINATION ON GROUNDS OF POLITICAL BELIEF*

In terms of the Joint Board's Equal Employment Opportunities Policy it is considered to be unfair and inappropriate to discriminate against employees or job applicants on the grounds of their political belief by treating them less favourably on the basis of their political views, ideals, activities or background. Such discriminatory acts or omissions will be considered a breach of the Joint Board's policy.

### 4 *DISCRIMINATION ON GROUNDS OF SEXUALITY*

It is recognised that mistaken attitudes and prejudices exist based on heterosexuality (ie relationships between men and women) being the only acceptable form of relationship. Consequently, lesbians and gay men may be subjected to harassment or isolation and a worsening of employment or promotion aspects.

In terms of the Joint Board's Equal Employment Opportunities Policy it is considered to be unfair and inappropriate to discriminate against employees or job applicants on the grounds of their sexuality. Such discriminatory actions or omissions will be considered a breach of the Joint Board's policy.

## 5 *DISCRIMINATION ON GROUNDS OF AGE*

It is considered that automatically ignoring a pool of employment talent and experience purely on the grounds of age is wasteful for the Joint Board as well as damaging for employees and job applicants.

In terms of the Joint Board's Equal Employment Opportunities Policy it is considered to be unfair and inappropriate to unjustifiably discriminate against employees or job applicants on the grounds of their age. Such discriminatory actions or omissions will be considered a breach of the Joint Board's policy.

## 6 *DISCRIMINATION ON GROUNDS OF TRADE UNION ACTIVITY*

In terms of the Joint Board's Equal Employment Opportunities Policy it is considered to be unfair and inappropriate to discriminate against employees or job applicants on the grounds of trade union activity by treating them less favourably on the basis of their trade union membership or non-membership (subject to the provisions of any union membership agreement), duties or activities. Such discriminatory acts or omissions will be considered a breach of the Joint Board's policy.

## 7 *DISCRIMINATION ON GROUNDS OF RESPONSIBILITY FOR DEPENDANTS*

In terms of the Joint Board's Equal Employment Opportunities Policy it is considered to be unfair and inappropriate to discriminate against employees or job applicants on the grounds of their responsibility for dependant children or adults. Such discriminatory acts or omissions will be considered a breach of the Joint Board's policy.

## 8 *DISCRIMINATION ON GROUNDS OF EMPLOYMENT STATUS*

In terms of the Joint Board's Equal Employment Opportunities Policy it is considered to be unfair and inappropriate to discriminate against employees or job applicants on the basis of them being unemployed for a long term. Such discriminatory acts or omissions will be considered a breach of the Joint Board's policy.

## 9 *DISCRIMINATION BY WAY OF VICTIMISATION (NON-STATUTORY)*

In terms of the Joint Board's Equal Employment Opportunities Policy it is considered unfair and inappropriate to treat an employee less favourably than other employees would be treated because:-

- (a) that employee has, in good faith, raised or intends to raise a grievance against an alleged non-statutory discrimination covered by the Joint Board's policy, **or**
- (b) that employee has given, or intends to give, evidence or information in connection with such a grievance.

Such acts of victimisation will be considered a breach of the Joint Board's policy.

## **10 DISCRIMINATION BY WAY OF HARASSMENT**

The harassment of an employee by another employee at the workplace is unacceptable conduct or behaviour and, in cases of racial or sexual harassment, may be unlawful discrimination. Harassment at the workplace is seen as repeated, un-reciprocated and unwanted verbal or physical abuse, intimidation or attention by an employee towards another employee which is offensive to the injured employee and interferes with their job performance, job security or otherwise caused them to suffer a disadvantage in the nature or quality of their employment. Harassment also includes displays of any material which is held to be offensive, in terms of this policy, to employees in the workplace environment.

In terms of the Joint Board's Equal Employment Opportunities Policy discrimination by way of harassment will be considered a breach of the Joint Board's policy.

## **11 POSITIVE ACTION (NON-STATUTORY)**

In terms of the Joint Board's Equal Employment Opportunities Policy the above term is used to describe the special action measures taken to redress unfair and inappropriate imbalances in the workforce profile identified in areas of discrimination not covered by employment legislation.

## GUIDANCE ON THE CLASSIFICATION AREAS TO BE USED FOR MONITORING PURPOSES

### 1 SEX

Individuals should classify themselves as either “MALE” or “FEMALE”.

### 2 AGE

Individuals should record their date of birth.

### 3 MARITAL STATUS

Individuals should determine with which of the undernoted categories they most closely associate themselves:-

- (a) MARRIED
- (b) UNMARRIED
- (c) OTHER (eg individuals who are widowed but have not remarried, married individuals who are separated, individuals who are living with a partner, etc).

### 4 DISABILITY

It is recognised that disabled people are not only those whose disability is immediately apparent (eg blind people or those in wheelchairs) but also those whose disability is not immediately obvious (eg heart trouble, mental illness, epilepsy or diabetes).

In addition, it is noted that the Disabled Persons (Employment) Acts 1944 and 1958 established a voluntary register of disabled persons.

Accordingly, individuals should classify themselves as either “REGISTERED DISABLED”, “DISABLED BUT NOT REGISTERED” or “NOT DISABLED”.

### 5 ETHNIC ORIGIN

Individuals should determine with which of the undernoted categories they most closely associate themselves having regard to their ethnic or cultural background and that of their recent forebears:-

- (a)/....

- (a) UK/Irish
- (b) Other European
- (c) African
- (d) Asian - Far East
- (e) Asian - Other
- (f) Caribbean
- (g) Other (Please specify)

In line with the general advice of the Commission for Racial Equality the process of monitoring ethnic origin will also include a secondary classification by reference to skin colour and individuals should classify themselves either "WHITE" or "BLACK" (ie all colour groups other than white).