

***Draft***

**Middlesbrough Council**  
**Diversity and Equality Policy**  
**2007 - 2010**

## **Foreword**

Middlesbrough Council aims to tackle discrimination and disadvantage vigorously. We want to bring about measurable improvements for those who are discriminated against. Our task is to promote equality for all regardless of gender, race, disability, religion or belief, sexual orientation or age.

More broadly, the Council believes that all Middlesbrough citizens, employees and partners should have equal access to services and opportunities in every aspect of their lives.

This policy sets out the responsibilities of the Members, employees and partners of Middlesbrough Council. It shows how we will work to achieve equality and fairness of treatment for everyone and complements the work being done under the Race Equality Scheme 2005 – 2008, the Disability Equality Scheme 2006 – 2009 and the Gender Equality Scheme 2007 – 2010.

The Council celebrates the enrichment that a diverse society brings to Middlesbrough.

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## 1. Purpose of the Policy

The Council believes that the vision to create:

- a clean, safe environment in which people can go about their business without fear of crime and anti-social behaviour
- physical regeneration of the town's run-down sites and buildings
- a business-friendly enterprise culture which welcomes would-be investors
- a transport network which can meet the needs of a town on the way up

can only be achieved if we listen to, and act on, the concerns of all sections of the community and make full use of the talents of all our employees.

An important part of delivering to the community is to include equality and diversity considerations into all aspects of policy and decision-making. This Diversity and Equality Policy is for the benefit of all Members, employees and service users of the Council and aims to ensure that:

- no employee, job applicant or service user receives less favourable treatment because of their gender, race, disability, religion or belief, sexual orientation or age as defined in the relevant anti-discrimination legislation (see Appendix 1)
- services meet the needs of our diverse communities, especially those who experience discrimination and disadvantage
- policies and procedures promote and monitor diversity in Council employment and deal effectively with discrimination and harassment
- any barriers that discourage access to employment or services are minimised or removed.

The following sections of this policy define the nature of discrimination, the ways in which specific groups can be disadvantaged and how we at the Council are working to remove disadvantage and discrimination.

## **2. Rights and Responsibilities**

All Members, employees, customers and service users of the Council have a right not to be discriminated against on the grounds of their:

- gender which includes marital or transgender identity
- race which includes colour, nationality and national or ethnic origin
- disability or learning disability
- sexual orientation which includes lesbian, gay or bisexual identity and civil partnership status
- religion or belief which includes faith and non-belief
- age.

All employees and people acting on behalf of the Council are responsible for maintaining the standards of behaviour laid out in this policy and any employee who violates these principles and practices may be subject to disciplinary action.

At the Council we aim to:

- make sure that every employee is treated fairly
- take equality and diversity issues into account in all our policies, plans, procedures and functions
- have a workforce that reflects the diverse community we serve
- tackle all forms of bullying and harassment
- meet our responsibilities under equality law and codes of practice
- assess and monitor the impact of our services and initiatives on the Middlesbrough communities and make appropriate changes where they impact unfairly
- consult with people from our communities to help shape the services we deliver.

All Members and employees of Middlesbrough Council are responsible for the implementation of the aims of this policy where appropriate to their roles.

Appendix 2 of this policy provides guidance on the appropriate use of language to avoid causing offence.

### 3. Types of Discrimination

There are many groups that face discrimination and disadvantage and we are aware that some people suffer from multiple levels of discrimination. We take all reports of discrimination seriously and deal with it appropriately.

Unlawful discrimination against individuals or groups on the basis of their race, gender, disability, religion and belief, sexual orientation or age can take the form of:

- **direct discrimination** – this takes place when a person is treated less favourably because they belong to a particular group for example, by refusing to offer a job to a person who has the required skills because they have a disability
- **indirect discrimination** – this happens when a condition or requirement is applied equally to all but indirectly disadvantages a large proportion of a particular group. For example imposing a height requirement of 6ft for a vacancy when it is not essential to do the job. Men are normally taller than women, so the number of women who would be able to meet this job requirement would be smaller than the number of men. Such a situation is illegal if it cannot be justified
- **harassment and bullying** - this is inappropriate and unwelcome behaviour that causes embarrassment, humiliation, offence or distress. It can be any remarks, gestures, acts or omissions that have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person (see Appendix 3 for advice on what to do if you are being harassed or bullied in the workplace)
- **victimisation** - this form of discrimination affects both people who experience discrimination and those who are prepared to support them. Victimisation happens when a person is treated unfairly because they have made a complaint about discrimination against themselves or have given evidence about discrimination taking place against another person.

Any one of these behaviours or situations can result in legal discrimination taking place. The standards and policies listed in sections 4 – 12 below are those that directly reflect the principles of diversity and equality good practice across the Council.

## 4. Sex Discrimination

Sex Discrimination is unlawful. It forbids discrimination against men and women of any age in employment, education, when providing goods, facilities or services, and in the disposal or management of premises.

In the area of employment there are also particular conditions forbidding discrimination on the grounds of:

- **gender reassignment** – when someone intends to undergo; is undergoing, or has already undergone gender reassignment. Gender Reassignment is defined as a process that is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex, and includes any part of the process. Medical supervision can range from counselling to surgery so transgender people who are unable or have elected not to undergo surgery or hormone treatment are protected under the law.
- **pregnancy or maternity leave** – if a woman can show that 'but for' her pregnancy or maternity leave she would not have been treated less favourably then she has automatically suffered sex discrimination. The Council has a Maternity Policy to prevent any form of maternity related discrimination from taking place
- **sexual harassment** – this is unwanted conduct on the grounds of the sex of the recipient, or, unwanted verbal, non-verbal or physical conduct of a sexual nature. In either case the conduct must have the purpose or the effect of violating the dignity of the recipient or of creating an intimidating, hostile, degrading, humiliating or offensive environment for the recipient. Sexual harassment may consist of:
  - comments about appearance
  - indecent remarks
  - questions or comments of a personal nature
  - requests for sexual favours
  - sexual demands

It is for the person on the receiving end of the behaviour to decide whether he or she finds it unacceptable and employees should keep a written record of any incidents affecting them.

The Council has a Harassment, Bullying and Discrimination Policy and a network of Contact Officers to support anyone who might experience harassment in the workplace (see Appendix 3)

- **equal pay** – an individual has a right to the same contractual pay and benefits as a person of the opposite sex in the same employment where the man and the woman are doing like work, work rated as equivalent from a job evaluation study, or work that is proved to be of equal value. The Council recognises that in order to achieve equal pay for employees doing equal work it should operate pay schemes that are transparent, based on objective criteria and free from sex bias. To this end the Council is evaluating jobs to make sure that employees undertaking work of equal value receive equal pay. See Section 11 for the full policy.

The Council is committed to achieving equal opportunity for all men and women both in employment and in the delivery of services. To make sure this happens we have a Gender Equality Scheme available on the web site that details how we will promote gender equality across all our areas of activity.



## 5. Race Discrimination

Under Race Relations law all racial groups are protected from discrimination in employment, planning, housing, the exercise of public functions, the provision of goods, facilities and services, and education. The law covers discrimination on the grounds of colour, race, nationality, and ethnic or national origin.

Racial harassment and abuse, physical violence and inciting racial hatred are criminal offences and must be reported to the police.

Racial harassment is unwanted conduct of a racial nature or other conduct based on race, affecting a person's dignity and might include:

- making racist jokes
- using racist banter
- making gibes, taunts or insults of a racist nature
- making racist insinuations
- using someone's race, colour, nationality or ethnic background to:
  - be insulting about the way someone dresses or speaks
  - shun or exclude someone
  - pick on someone, verbally or physically

It is the perception and interpretation of the person who feels harassed that must be central to the consideration of any complaint of racial harassment.

Race Discrimination is unlawful in employment. It occurs when an employer treats someone less favourably on racial grounds during recruitment, or for pay (including bonus and shift premiums), or terms and conditions of employment such as holidays, training, promotion or dismissal.

The Council does not condone or permit racial harassment and supports the right of any employee to make a complaint should harassment occur.

We have a process to report any incidents of a racial nature that might occur towards an employee of the Council or a member of the public on Council premises. Each service area has a co-ordinator who lets everyone in the area know what a racist incident is and how it should be reported. Every reported incident is followed by further action and the relevant information is kept on file by the co-ordinator.

The Council Race Equality Scheme that is available on the web site, sets out how we will:

- eliminate unlawful race discrimination
- promote equality of opportunity
- promote good relations between people of different racial groups

The Scheme contains an action plan showing how we are improving race equality across employment and all service areas, and the ways in which we measure our achievements.

A focus group for the support of Ethnic Minority employees meets every six weeks. Further details can be obtained by contacting the Human Resources Officer on 727410.

## 6. Disability Discrimination

It is unlawful for businesses and organisations that provide services to treat people with disabilities less favourably than other people for a reason related to their disability.

It is also unlawful for any employer to discriminate against a person with a disability when choosing someone for a job or considering someone for promotion, dismissal or redundancy.

A person has a disability if they have a physical or mental impairment that affects their ability to carry out normal day-to-day activities. The effect must be substantial, adverse and long-term.

Middlesbrough Council adopts the Social Model of disability. This states that it is physical and social barriers that disable people with impairments and that the 'problem' of disability results from social structures and attitudes rather than from an impairment or medical condition. The aim of this model is to understand and dismantle the barriers that limit the life chances of disabled people.

The Council has a Disability Equality Scheme available on the web site that shows how we will:

- promote equality of opportunity between disabled persons and other people by listening to and acting upon the concerns of citizens and employees
- eliminate unlawful discrimination both in employment and in the delivery of our services. We are doing this by making reasonable adjustments to job roles for applicants and employees and by removing barriers that prevent people with disabilities from accessing Council services
- eliminate disability related harassment. Harassment of a person on account of a disability nearly always amounts to a violation of the Disability Discrimination Act and is therefore unlawful. Harassing behaviour may take the form of:
  - comments about appearance
  - questions or comments of a personal nature
  - insults or taunts
  - any conduct that creates an intimidating or hostile environment for the person with a disability.

- It is the perception and interpretation of the person who feels harassed that is central to the consideration of any complaint.
- promote positive attitudes towards disabled people by ensuring all relevant employees are trained in disability awareness and all services are assessed so avoidable barriers to service access are removed. This also involves taking positive steps to encourage more people with disabilities to apply for jobs within the Council so the workforce profile is more reflective of the community of Middlesbrough.

An employee focus group for the support of employees with disabilities meets every six weeks. Further details can be obtained by contacting the Human Resources Officer on 727410.

## 7. Discrimination on the Grounds of Sexual Orientation

The regulations to protect people from discrimination on the grounds of sexual orientation in the workplace apply to all employment and vocational training and include recruitment, terms and conditions of employment, promotions, transfers and dismissals.

Discrimination may take the form of:

- denying someone access to employment benefits because they are, or a thought to be, gay, lesbian, bisexual or heterosexual
- using homophobic language that may be intended as banter but has the effect of being degrading or distressing. The fact that no offence was intended does not constitute a defence to using discriminatory language.
- a general culture that appears to tolerate the telling of homophobic jokes
- behaviour that is offensive, frightening or in any way distressing. This might include:
  - teasing
  - using nicknames
  - name-calling
- any harassment in the workplace or at a time or place associated with the workplace such as a work related social gathering.

By their very nature, sexual matters are private and confidential. Although some people are comfortable talking about their partner, many people do not share such information with managers and colleagues. This means they may find it difficult to make a complaint for fear of being 'outed'. 'Outing' is when, against their wishes, a person's sexual orientation is revealed by another person.

Personal information must be maintained in the strictest confidence. Managers must remember that even basic information such as a partner's name is confidential.

An employee leaflet on sexual orientation is available on Lotus Notes or from and HR Advisor, and an employee focus group meets every

six weeks. Further details can be obtained by contacting the Human Resources Officer on 727410.

Since December 2005 same-sex couples have been able to register their relationship as a Civil Partnership. This gives a couple the same rights as a married couple in areas like tax, social security, inheritance and workplace benefits.

At the Council we ensure that civil partner employees are treated and receive the same employment benefits as married employees in similar circumstances.

Since 2007, providers of goods, facilities and services must ensure that they are not treating their customers unfairly on the grounds of sexual orientation and schools are compelled to treat bullying on the grounds of sexual orientation as seriously as bullying on the grounds of race, gender or disability.

## **8. Discrimination on the Grounds of Religion or Belief**

The regulations to protect people from discrimination on the grounds of religion or similar belief in the workplace apply to all employment and vocational training and include recruitment, terms and conditions of employment, promotions, transfers and dismissals.

Religion or belief is not explicitly defined by the regulations but is likely to be identified by:

- collective worship
- a clear belief system
- a profound belief affecting a persons way of life or view of the world

The regulations extend beyond the better-known religions and faiths to include beliefs such as Paganism and Humanism and also protect those who do not have a religion or similar belief. Appendix 4 of this policy provides a summary the main religions practiced in this country.

Discrimination may take the form of:

- treating employees or job applicants less favourably because they follow, are perceived to follow, or do not follow a particular religion or belief
- insisting on a dress code such as 'no headwear' that may disadvantage employees who wear head covering for religious reasons. The Council will not prevent the wearing of religious and cultural dress, jewellery or artefacts unless it is for justifiable Health and Safety reasons
- harassment - for example, if an employee continually warns colleagues that failure to follow a particular belief system is harmful, they may be guilty of harassment.

Many religions and beliefs have special festival or spiritual observance days. Employees may take time off for religious holidays, festivals and celebrations. Time will be requested as annual leave or flexi-time so that the manager can consider any needs of the service in the normal way.

Similarly, time taken out of working hours to observe the traditions of religion will be agreed providing it does not interfere with the provision or needs of the service. Time out will be unpaid and arrangements will be made between the employee and the line manager and flexi-time or flexible working will be considered.

An employee leaflet on Religion and Belief is available on Lotus Notes or from an HR Advisor.

It is also unlawful to discriminate against anyone on the grounds of religion and belief in the provision of goods, facilities, services and education.



## 9. Age Discrimination

Since 1<sup>st</sup> October 2006 it has been unlawful to discriminate against employees, job seekers and trainees because of their age.

The Age Regulations cover a range of employer responsibilities including recruitment, terms and conditions of employment, promotions and transfers, dismissals and training and protect people of all ages in employment.

The main areas of protection are:

- any retirement age below 65 must be objectively justified by an employer. The normal retirement age for employees of Middlesbrough Council is already 65 years for both men and women.
- the Council must give employees at least 6 months notice of their intended retirement date
- employees have a right to request to continue working beyond the retirement age and the Council has a duty to consider such requests
- setting age limits for appointment to a particular post or rejecting an applicant on the grounds of age is unlawful unless it can be objectively justified
- older workers now have the right to claim unfair dismissal and receive redundancy payments
- the lower and upper age limits in the statutory redundancy scheme have now been removed
- the age limits for Statutory Sick Pay, Maternity Pay, Adoption Pay and Paternity Pay have been removed.

An Age Policy and employee leaflet are available on Lotus Notes or from an HR Advisor.

## 10. Domestic Violence Policy

This policy shows Middlesbrough Council's commitment to challenging domestic violence and is:

- to raise awareness of the extent and nature of domestic violence
- to assist and support employees who want help in addressing problems arising from domestic violence
- to assist managers in knowing what is available and how to support affected employees.

The term "Domestic Violence" means any violence between current or former partners in an intimate relationship, whenever and wherever the violence occurs. The violence may be physical, sexual, emotional or financial abuse between those generally recognised as a couple whether or not married and whether or not co-habiting. (HMI Constabulary)

Domestic violence typically involves a pattern of abusive and controlling behaviour that tends to get worse over time. Some are directly and indirectly physical, such as assault, indecent assault, rape, destruction of property and threats. Some is non-physical such as destructive criticism, pressure tactics, belittling, breaking trust, isolation, oppressive control of finances and harassment.

The Council recognises that the physical manifestations of domestic violence are criminal offences; the non-physical forms may also amount to offences under the Protection from Harassment Act.

Research has shown that a significant number of working women who experience domestic violence have to take time off work. Many of those women have reported symptoms that have had a long-term effect on their work performance, such as depression anxiety and stress.

Managers should be aware of signs that may indicate that an employee is experiencing domestic violence such as:

- visible bruising
- loss of self-confidence

- deterioration in quality of work
- out of character conduct

Actions by managers will be to:

- provide a safe working environment. Should a perpetrator affect the health and safety of employees the Council should take appropriate action
- emphasise the need for confidentiality in relation to incidents of domestic violence and any action taken in support of the employee concerned
- be flexible about working arrangements until the situation is resolved.

In many instances of domestic violence access to funds is a major problem. The Council may be able to assist in certain circumstances by offering an advance payment to assist an employee to take control of their situation.

The Council will support perpetrators who genuinely wish to change, but conduct outside work may lead to disciplinary action if it has implications for an employee's role and contractual obligations.

The Council considers domestic violence to be unacceptable and has produced a Domestic Violence Policy Guide for Employees that is available on Lotus Notes or from an HR Advisor.

## **11. Equal Pay and Grading Policy**

The aim of this policy is to eliminate any unfair, unjust or unlawful practices such as sex bias that impact on pay by seeking to ensure consistency, transparency and equality in the Council's pay systems.

The Council is committed to the principle of equal opportunities in employment and believes as part of that principle that male and female employees should receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value.

We understand that a right to equal pay between men and women, free of sex bias, is a fundamental principle of European Community Law and is conferred by the United Kingdom legislation.

In order to achieve equal pay for employees doing equal work we will operate pay schemes that are transparent, based on objective criteria and free from sex bias and will work with the recognised Trade Unions to achieve equal pay for all employees.

The Council is required by the Single Status Agreement to review the pay and grading of former manual workers and former APT&C employees by implementing the Job Evaluation Scheme agreed by the National Joint Council for Local Government Services.

We will evaluate jobs by the same analytical and non-discriminatory method and carry out an equal pay review. In doing this the Council will ensure it:

- uses criteria for assessing salary at appointment that are consistent and non-discriminatory
- includes pay and grading in the Equal Opportunities monitoring process, reviewing on a regular basis
- trains managers and human resource officers involved in decision making on pay, grading, appointment and promotion to be aware of potential direct and indirect discrimination
- ensures that all employees, regardless of status, are treated fairly

- ensures the provision of fringe benefits e.g. removal expenses, performance related pay, will be on the basis of non-discriminatory criteria. Access to overtime, bonus and other enhanced payments will be reviewed in the light of good equal opportunities practices.

See Appendix 5 for full Equal Pay definitions.

## 12. Rehabilitation of Offenders

Ex-offenders should not be discriminated against solely on the basis of their criminal record and should be given the opportunity to make a contribution to society, have equal access to work and be treated fairly in the workplace.

Only designated employees and managers will have access to information regarding an employee's criminal record and any disclosure of information to unauthorised personnel will be considered to be a breach of the Council's Disciplinary code.

The Rehabilitation of Offenders Act 1974 enables some criminal convictions to become "spent" or "ignored" after a period of time has lapsed from the date of conviction.

This "rehabilitation period" varies depending on the sentence or order imposed by the courts.

After the "rehabilitation period" an ex-offender is not normally obliged to mention the conviction when applying for a job and a "spent" conviction is not proper grounds for not employing someone.

Custodial sentences of more than 2½ years can never become "spent" but lesser sentences become spent after fixed periods from the date of conviction (see below).

Information on spent convictions can only be requested if the post is exempt under the Act. Exempt professions include:

- Chartered or Certified Accountant
- Solicitor
- employment in connection with provision of Social Services
- employment concerned with the provision of services, schooling, training etc to persons under 18 where the holder will have access to young persons (or employment on premises used for the above).

Rehabilitation periods vary depending on the type and length of conviction originally incurred.

<b>Sentence</b>	<b>Rehabilitation Period</b>
Imprisonment, corrective training or sentence of detention in a young offenders' institution for more than six months but not more than 30 months.	Ten years*
Imprisonment or sentence of detention in a young offenders' institution for a term not exceeding six months.	Seven years*
A fine or other sentence not expressly covered by the Act.	Five years*
Order for detention in detention centre	Three years
Absolute discharge	Six months
Conditional discharge	One year
Probation	Five years*

The rehabilitation period given above indicated by \* may be reduced by half for a person under 18 at the time the sentence was passed. (In the case of a probation order the period is two and a half years from the date of conviction or a period beginning with the date and ending when the order ends, whichever is longer).

### **13. Equality Training and Development**

The Council aims to develop a greater understanding of equal opportunities issues among Members and employees and will encourage and train employees, including part-time and temporary workers, in equal opportunities, as appropriate.

To this effect:

- induction courses for new employees and managers include briefing/training in the Council's Diversity and Equality Policy
- specialist input and courses are provided for those who need a more detailed knowledge of diversity matters for example, those who are involved in recruitment and the management of employees or the delivery of front-line services.

Training is provided without discrimination to enable staff to perform their jobs effectively. Particular attention is paid to ensure equal opportunities in training for part-time workers, job sharers, evening, and shift workers.



## 14. Measuring Success

Diversity and Equality within the Council is measured through a series of best value performance indicators (BVPIs). The overall purpose of the indicators is to generate continuous improvement in the efficiency and effectiveness of services. The table below shows the indicators that relate directly to diversity within the Council.

<b>Performance Indicator</b>	<b>Performance Criteria</b>	<b>2006/07 Result</b>
BVPI 2a	The Equality Standard for Local Government. This provides a framework for delivering continuous improvement in relation to fair employment outcomes and equal access to services. The Standard has five progressive levels of achievement.	Level 2
BVPI 2b	This indicator measures the quality of the Race Equality Scheme and the improvements that have occurred as a result of its application. There are clear race equality priorities and targets for services and employment measured across 19 performance criteria.	100%
BVPI 11a	The percentage of the top 5% of employees who are women.	51.5%
BVPI 11b	The percentage of the top 5% of employees from black and minority ethnic communities.	0.76%
BVPI 11c	The percentage of the top 5% of employees with a disability.	3.7%
BVPI 16a	The percentage of Council employees declaring they meet the Disability Discrimination Act definition of disability.	2.8%
BVPI 16b	The percentage of economically active disabled people in the authority area	19.5%
BVPI 17a	The percentage of Council employees from minority ethnic communities.	2.6%
BVPI 17b	The percentage of economically active	8.1%

	people from minority ethnic communities in the authority area	
BVPI 174	The number of racial incidents reported to the Council and subsequently recorded per 100,000 population.	89.92
BVPI 175	The percentage of racial incidents reported to the Council that resulted in further action.	100%

In addition to the best value performance indicators, each service area has a three-year Diversity Action Plan that shows what action will be taken to improve services within the six areas of discrimination and includes meeting the general and specific duties of the corporate equality schemes. The plans are monitored quarterly and form part of each area’s Service Plan.

This process is directed and supported by the Corporate Diversity Group (see Appendix 6 for Terms of Reference) and department diversity groups.

## **Appendix 1**

### **Discrimination Law**

#### **Equal Pay Act 1970**

The Equal Pay Act took effect in 1975 and says that women must be paid the same as men when they are doing equal work and vice-versa.

#### **Sex Discrimination Acts 1975 and 1986**

These acts make it unlawful to discriminate on the grounds of sex in employment, education, advertising or when providing housing, goods, services or facilities. Also employers must not discriminate on the grounds of marriage, gender reassignment, pregnancy or maternity leave.

#### **Race Relations Act 1976/Race Relations (Amendment) Act 2000**

The Race Relations Acts make it unlawful to discriminate against anyone on the grounds of race, colour, nationality (including citizenship), or ethnic or national origin. They apply to employment, planning, housing, the exercise of public functions (both by public authorities and private bodies exercising public functions), the provision of goods, facilities and services, and in education. The Race Relations (Amendment) Act brought in the duty for all public authorities to produce a Race Equality Scheme.

#### **Disability Discrimination Acts 1995 and 2005**

The Acts prohibit discrimination in relation to employment of disabled people and require employers to make 'reasonable adjustments' for a disabled person put at a substantial disadvantage by a provision, criterion, practice or physical feature of the work premises. The Acts also require service providers to make their services accessible for disabled service users. In school, further and higher education it is also unlawful to discriminate in admissions, exclusions and the education of students.

#### **Human Rights Act 1998**

The Act came into force on the 2<sup>nd</sup> October 2000 and states that: "The enjoyment of rights and freedoms set out in the European

Convention on Human Rights shall be secured without discrimination on any grounds such as sex, race, colour, language, religion or belief, age, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” This means that the courts in this country have to interpret domestic law in line with the Human Rights Act.

### **Employment Equality (Sexual Orientation) Regulations 2003**

The regulations make it unlawful to discriminate against workers because of their actual or perceived sexual orientation and apply to all employment and vocational training.

### **Employment Equality (Religion or Belief) Regulations 2003**

The regulations make it unlawful to discriminate against workers because of their religion or similar belief and apply to all employers and the providers of vocational training.

### **The Civil Partnership Act 2004**

The Act enables adult same-sex couples who are not in an existing registered partnership or marriage and are not closely related to register as ‘civil partners’ and acquire a package of rights and responsibilities in the same way as married couples.

### **Gender Recognition Act 2004**

The Act has ensured that transsexual people who have registered with a Gender Recognition Panel and successfully acquired a Gender Recognition Certificate will be recognised, can marry, and be given a new birth certificate in their acquired gender. All employment records must reflect the acquired name, title and sex of the employee.

### **Employment Equality (Age) Regulations 2006**

The regulations make it unlawful to discriminate against workers, employees, job seekers and trainees because of their age.

### **The Equality Act 2006**

This Act amends the Sex Discrimination Act 1975 and places a statutory duty on all public authorities, when carrying out their functions, to pay due regard to the need to eliminate unlawful discrimination and promote equality of opportunity between men and women. The Gender Equality Scheme for the Council is the result of

this duty. The Act also requires employers not to discriminate on the grounds of religion, belief or sexual orientation in the provision of goods, facilities and services, or education.

## Appendix 2

### The Use of Language

Language is important in portraying and shaping perceptions and attitudes. The purpose of this guidance is to raise awareness of the ways in which the language that we use can help to build respect between groups of people and avoid causing offence to individuals and groups.

The categories below correspond to the six strands of diversity used in this policy.

#### Gender

- When referring to both genders use terms that cover both such as 'he and she' or 'they'.
- When referring to people in general use the terms 'humanity' or 'people'.
- Use gender-neutral language when describing a job role such as 'chairperson' or 'cleaner'.
- Avoid patronizing terms such as 'girls', 'lads', 'dear' or 'honey'.
- Use the term 'Ms' as a title for women unless the individual indicates otherwise, as it does not identify marital status.

#### Race

- Where it is important to identify someone's race use terms like 'the Jewish employee' rather than say 'the Jew'.
- When referring to people from specific cultural backgrounds avoid terms such as 'coloured' or 'oriental' and refer to the person's background by saying 'Asian', 'Afro-Caribbean' or 'Black'.
- Use 'mixed race' not 'half caste'.
- Avoid over familiarity in language or gestures as it may cause embarrassment or offence.

#### Disability

- Use the terms 'people with disabilities or learning disabilities' not 'the disabled' or 'the handicapped'.
- Check with the person to see how they prefer their disability or impairment to be described.

- Always address conversation to the disabled person and not to the carer or companion.
- Use the term 'wheelchair user' not 'wheelchair bound'.

### **Sexual Orientation**

- Use the term preferred by the individual such as 'gay', 'lesbian' or 'bisexual' rather than homosexual or transsexual.
- When referring to people's sexual orientation use the term 'lesbian or gay people' rather than 'lesbians/gays'.
- Avoid using 'us' and 'them' terminology when discussing issues around sexuality.
- Do not use degrading and offensive labels or language such as 'dyke' or 'queer'.

### **Religion or Belief**

- Avoid making assumptions about a person based on their professed religion, sect or denomination.
- Avoid using terms that may offend religious sensibilities for example use 'forename', 'first name' or 'personal name' rather than 'Christian name'.

### **Age**

- Use the term 'elderly people' not 'the elderly', 'pensioners' or 'senior citizens'.
- Avoid ageist comments such as 'he's behaving like an old woman' and avoid terms like 'you youngsters', 'old fogey' or 'old dear'.

Language is dynamic and terms disappear, re-emerge and are revised over time. If you have any doubts about the language you use then please **ask**.

## Appendix 3

### Making a Complaint of Harassment

Complaints of harassment, bullying or discrimination in the workplace will be treated seriously, sympathetically and with the utmost discretion.

It is not necessary for there to have been a series of incidents, one incident may be sufficiently serious to constitute harassment, bullying or discrimination.

People at all levels of the organisation can find themselves the victims of harassment, bullying or discrimination and there are a number of actions the individual may wish to take:

- try to resolve the issue informally by speaking to the person directly; the harassment may not be deliberate and the person may not be aware of the effect their behaviour is having on you
- make sure a written record is kept of all incidents including dates, times, places, incidents and the effect the behaviour has had.

If the issue cannot be resolved individually the employee may make a complaint using:

- the employee help line on 727424
- a contact officer (listed in the Harassment, Discrimination and Bullying leaflet for employees on Lotus Notes)
- a manager
- a colleague
- a trade union representative

The support, guidance and opportunity for a confidential discussion through the employee support Helpline or a named Contact Officer will enable the complainant to:

- establish what has happened
- establish what they consider will resolve the situation
- identify options available to them
- identify the next step.



The situation may be resolved informally by an approach to the perceived harasser, either verbally or in writing, to stop the unwanted behaviour.

At all times, whether or not informal steps have been taken, any employee who feels that they have been harassed, bullied or discriminated against may make a formal complaint using the Grievance Procedure.

The complainant has the right to be accompanied throughout by a Contact Officer, a colleague or a trade union representative and any complaint will be investigated thoroughly and quickly.

Some complaints may be resolved informally, but when necessary, disciplinary action will be taken against the harasser using the Disciplinary Procedure.

A customer or service user who is unhappy about the way a service is being delivered or a function performed can make a complaint using Middlesbrough Council's Corporate Complaints Procedures.

The Corporate Complaints Procedures set out standards that each Department must use to ensure good practice. For adult care and certain children's services, the law needs slightly different response times and extra stages to those used by the Council's Corporate Complaints Procedures are in place. In these cases the legal requirements must be met and they are set out in information produced by the relevant departments.

Anyone needing to make a complaint can do so online at the Middlesbrough Council website [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk). There is a link from the home page to complaints forms and to details of the complaints procedures. If you prefer, you can simply e-mail a complaint to the Council at [comps@middlesbrough.gov.uk](mailto:comps@middlesbrough.gov.uk).

Alternatively, you can get a complaints form from any Council office, or by telephoning Bernie Carr on 01642 729714.

## **Appendix 4**

### **Religions and Beliefs**

Figures taken from the 2001 census returns, faith organisations and academic analyses, indicate that the following religions and faiths are those most followed in England and Wales. Each description only provides a brief summary.

#### **Buddhism**

Buddhism originated in Nepal and stems from the teachings of Prince Siddharta Gautama (Buddha) who lived around 480 BC. Buddhism is not based upon a single text but an extensive collection of religious writings.

Buddhists believe they can achieve Nirvana (enlightenment) by following the Eightfold Path. The Eightfold Path consists of right understanding, thought, action, livelihood, speech, effort, mindfulness and concentration.

There is a general belief in rebirth with the status of the next life being determined by actions in the present one. This is the law of Karma. Emphasis is placed on self-responsibility, compassion and the oneness of humanity and life and many Buddhists are vegetarian.

Buddhists undertake to live according to 5 rules that say they must refrain from:

- causing injury to living things
- taking things which are not given
- using ones body to cause hurt or harm to oneself or others
- falsehood, prejudice and anything less than the truth
- abuse of elements that cloud the mind

Marriage is regarded as a secular rather than a religious event. Death is a more religious event and it is customary for monks to be present to chant the scriptures in the hope that the rebirth will be favourable.

## **Christianity**

Christians believe in the divine incarnation of Jesus, born by virgin birth and sent as God's son to redeem humanity from sin and death. The Bible is the main religious text incorporating Old and New Testaments but interpretation and belief varies widely between different denominations.

Christians believe that salvation is possible through belief in Jesus Christ and in the sacraments and teachings of the Church and most believe in showing responsibility for social action and relief of the poor.

Emphasis is placed on the celebration of the Last Supper Jesus held with his disciples before his death. This is known as the Eucharist, Holy Communion or Mass. Baptism, marriage and funeral rites are common to all traditions and Sunday, the day of the resurrection of Jesus, is when most worship services are held.

There are no dietary laws for Christians. Many object to abortions and all to euthanasia. Alcohol, smoking and pornography are offensive to some groups, and blasphemy is always offensive.

Christians think of life and their lives as a journey and see events as part of the journey that will end in their being with God for eternity.

## **Hinduism**

Hinduism dates back over 3,000 years and is based on belief in Brahma the creator of the world, Vishnu the preserver, and Shiva the renewer. Hindu Gods have many personifications including thousands of locally worshipped minor gods. Each day of the week is dedicated to a minor god and Hindus choose the ones they wish to worship.

The main sacred texts are the Ramayana – an epic poem about the Prince Rama, the Mahabharata and the Bhagavad Gita, which give guidance to religious duty and man's relationship with God.

The caste system is still important to Hindu custom and restricts inter-marriage and can restrict socialisation between caste groups although many Hindus today do not adhere to the caste system.

Beef is prohibited and many Hindus are vegetarian and avoid all meat and eggs. Also many Hindus avoid alcohol and smoking.

If you visit a traditional Hindu home you should not offer to shake hands with the female members of the household and your shoes should be removed if you enter a part of the house that contains a shrine. If a Hindu woman is to be addressed by a man then another family member should be present.

Sometimes cultural and geographical links can prove stronger than religious links so it is not unusual for a Hindu to marry a Sikh. Hinduism is a particularly tolerant and varied religion that is happy to associate closely with many faiths such as Sikhism, Buddhism and Jainism.

## **Islam**

Muslims (followers of the religion of Islam) believe that there is one God (Allah) who is the creator and sustainer of the universe. Islam has some historical roots in common with Judaism and Christianity and in the main religious text (the Holy Quran) mentions 25 messengers of Allah including Abraham, Moses and Jesus. Muhammad was the last and the greatest prophet and was born around 570 AD near Makkah. When speaking the name of Muhammad, a Muslim will always add the words 'peace be upon him' as a sign of reverence.

There are two sacred writings in Islam, the Quran and the Hadith. Muslims believe that the Quran contains the words of Allah and so cannot be changed and should have great respect shown to it. The Hadith advises Muslims on how to behave.

Five obligatory daily prayers are offered in devotion to Allah and must be conducted at dawn, noon, mid-afternoon, just after sunset, and at night. There are special prayers for religious occasions such as the Eid prayers. The first Eid prayer follows Ramadan, the month of fasting, and the second Eid prayer is conducted in the last month of the Muslim year. The Islamic year is lunar so the timing varies.

Standard forms of address are acceptable to Muslims (Mr, Mrs or Miss) and many do not have a family name and will adopt a religious name and a name from the Quran followed by personal names. Members of the same family may have different names and if in doubt ask for the personal and family names but do not ask for the Christian name.

Marriage is taken very seriously and considered a permanent bond. Many marriages are arranged but not without consent, the final decision is left to the woman. Muslim women are allowed to earn their own living and to inherit and own property.

Alcohol and drugs are forbidden and blasphemy is considered offensive. Pork is prohibited and any meat to be eaten must have been slaughtered in accordance with the Quran and so be 'Halal'. Food cooked in non-Halal fat is also forbidden.

Women are encouraged to cover themselves if going outside the home and it is best to speak with Muslim women with another woman or family member present. A Muslim woman will lower her gaze when speaking to a strange man and would not expect you to offer to shake hands.

## **Judaism**

The Jewish religion originated in the Middle East and, although there is no single founder, traditions can be traced back 3,500 years. Its beginnings are associated with Abraham, Isaac and Jacob. The Jewish people are called 'The Children of Israel' and in this context Israel means 'he who struggled with God'.

Orthodox Jews stress the unchanging nature of the religion and practice and believe the Torah (the 5 books of Moses) was revealed, word for word by God and accord the Bible and its interpretation by the Rabbis full authority in defining the law.

Progressive and Reform Jews believe the Torah to be inspired by God but open to challenge and revision.

In Progressive Judaism women and men play an equal part in religious ceremonies including becoming Rabbis. In Orthodox

Judaism women do not have an equal role and men and women worship separately.

The Sabbath is central to Jewish life and begins an hour before dusk on Friday and ends at nightfall on Saturday. It is a day of worship and rest and all activities considered work are forbidden.

Animals, birds and fish are either Kosher (permitted) or Treif (forbidden). Kosher meat must be slaughtered and prepared in a prescribed manner and milk and meat products must not be prepared or eaten together.

Devout men always keep their heads covered and devout married women cover their hair at all times often with a wig. Women do not wear sleeveless garments or trousers and are especially important to Jewish life because of their role in the family and the home, which are central to Jewish continuity and values.

### **Sikhism**

Guru Nanak in the Punjab area of India started Sikhism in the 16<sup>th</sup> Century. Sikhs have 10 gurus and believe in one God who is present in all people. God is believed to be present in all creation and Sikhs achieve enlightenment through meditation and truthful living. Attachment to the world causes bondage through reincarnation, liberation from which is achieved through God's grace.

The Sikh community is called the Khalsa and the temple is known as the Gudwara where the main service is held on Sundays. The Gudwara is open to all and everyone is welcome to eat in the communal kitchen of the temple. Before entering the temple shoes are removed, hands are washed and heads are covered.

The main religious text, Guru Granth Sahib is central to worship and Sikhs offer food and money to the enshrined scripture.

Regular worship takes place at home including the daily personal and family recitation of passages from the scripture. Arranged marriages are common and women have full equality.

Most Sikhs are vegetarian and abstain from alcohol and smoking. If meat is eaten it will be chicken, lamb or pork.

## **Appendix 5**

### **Equal Pay Definitions**

#### **The meaning of 'Pay'**

Pay is defined by Article 141 of the Treaty of Rome as: "the ordinary basic or minimum wage or salary and any other consideration whether in cash or kind which the worker receives directly or indirectly in respect of his employment from his employer"

This includes pensions discretionary bonuses, sick pay and all benefits e.g. cars.

#### **Equal Pay**

Equal pay means that men and women receive the same level of pay as employees of the opposite sex who are performing equal work. Any differences in pay must be for a genuine and material reason, which is not the difference of sex.

#### **Equal Pay for Work of Equal Value.**

Where a woman is claiming equal pay on the basis that the two jobs are work of equal value, indirect discrimination may arise where one of the jobs is done by a much higher proportion of women than the other job. The onus lies on the employee to provide evidence of significant disparate impact.

If an Employment Tribunal accepts that the jobs are of equal value then the employer needs to provide objective justification for the pay difference between the two kinds of job.

For example if an employer operates a pay system that makes an additional payment to a group of employees, where the majority of those employees getting the additional payment (bonus) are men, the employer would have to show that:

- There is a real business need to create a system to encourage that group of employees to work for example unsociable hours.
- The additional payment meets that need.

The payments should be an effective way of meeting a need and should not go beyond what is necessary to achieve it i.e. without the

payment the extra work would not be done and the payment is only made when the workers actually do the work.

### **Equal Work**

Equal work arises where women and men are performing work that is:

- the same or broadly similar (known as 'like work')
- different but which is rated under a job evaluation scheme as equivalent (known as 'work rated as equivalent')
- different but of equal value in terms of demands such as skills and decision making (known as 'work of equal value')

### **Work of Equal Value**

Work of equal value means that the jobs done by a woman and a male comparator are different, but can be regarded as being of equal value or worth. This can be measured by comparing the jobs under headings such as:

- Knowledge
- Mental Skills
- Interpersonal Skills
- Physical skills
- Initiative and Independence

Comparing jobs on the basis of equal value means jobs that are entirely different in their nature can be used as the basis for equal pay claims. Job comparisons can be made both within a particular pay/grading structure and between different structures and departments.

Equal value is relevant where men and women do different types of work for the same employer.

### **Equal Pay Review**

Whilst employers are not required by law to carry out an equal pay review the Equality Standard for Local Government places a requirement on Local Authorities to do so.



The Equal Opportunities Commission (EOC) recommends equal pay reviews as the most appropriate method of ensuring that a pay system delivers equal pay free from sex bias.

The EOC recommends that any review should include:

- a comparison of men and women doing equal work by checking for one or more of the following: like work; work rated as equivalent, or work of equal value
- identification of any equal pay gaps
- the elimination of any pay gaps that cannot be satisfactorily explained on grounds other than sex.

The EOC recommends a five-step equal pay review model:

- decide the scope of the review and identify the data required
- determine where men and women are doing equal work
- collect pay data to identify equal pay gaps
- establish the causes of any significant pay gaps and assess the reasons for these
- develop an equal pay action plan and/or reviewing and monitoring.

The EOC advises that as a matter of good practice employers should also look at ethnicity, disability and age.

### **Job Evaluation**

The EOC consider that the most reliable way of assessing jobs is to use an analytical job evaluation scheme.

The Council has chosen to implement the scheme recommended by the National Joint Council, which is a scheme agreed with the Trade Unions that has been specifically designed and introduced to take account of equal value considerations. The scheme covers all jobs other than teachers and crafts persons.

A project group of officers and Trade Union representatives meets on a regular basis to overview/co-ordinate the evaluation process.

## **Appendix 6**

### **Corporate Diversity Group Terms of Reference**

1. The Corporate Diversity Group is Chaired by the Director of Human Resources (Client) and attended by the Corporate Diversity Officer, representatives from each Department and HBS, representatives of the Employee Focus Groups, the Community Cohesion Officer, the Training Manager, the BME Coordinator and the Technical Access Officer.

The Group is responsible for:

2. Directing work for the achievement of the Equality Standard for Local Government and meeting relevant Key Lines of Enquiry.
3. Ensuring corporate compliance with the existing and emerging legislative framework.
4. Ensuring corporate compliance with the general and specific duties of the Race Relations (Amendment) Act 2000, the Disability Discrimination Act 2005 and the Equality Act 2006.
5. Ensuring diversity is an integral part of service delivery, employment and community engagement by service areas engaging in Equality Impact Assessments and Diversity Action Planning.
6. Producing and monitoring reports on the progress of service areas towards targets defined by Diversity Action Plans, the Equality Standard, and the legislative framework.
7. Supporting the Council in the achievement of its Diversity and Equality Policy and providing a mechanism for sharing good practice across the Council.
8. Receiving reports and acting upon initiatives arising from the Middlesbrough Cohesion Partnership, the Joint Agency Working Group and the Community Cohesion Strategy and Action Plan.

## **Glossary of Terms**

The words and phrases below are described in the context within which they have been used in this policy. The list is not exhaustive and for general guidance only but is made up terms that are acceptable at the time of writing. If in doubt **ask**.

**Bisexual** – orientation towards people of the same sex and the opposite sex.

**Civil Partnership** – gives same-sex couples legal recognition for their relationship.

**Deaf Community** – British Sign Language users.

**Deaf and Hearing Impaired** – use deaf if you know someone has no hearing or if a person has some hearing use the term hearing impaired.

**Disabled People/People with Disabilities** – both terms are acceptable for people with rights under the Disability Discrimination Act.

**Disability/Learning Disability** – People with learning disability do not class themselves as having a disability and prefer the joint term to be used.

**Diversity** – is about the culture within an organisation so that everyone can make the best of their skills and talents and where difference is valued.

**Equal Opportunities** – gives people the right to be treated fairly and the legislation protects groups against discrimination.

**Ethnic Group** – a group who share and identify with certain common traits such as language, ancestry, history, culture or traditions.

**Ethnic Minorities** – this is the term used by the Commission for Racial Equality and includes people from white and non-white minority ethnic communities.

**Gender** – is a person’s sense of maleness or femaleness including the social construction that allocates certain behaviours to male and female roles.

**Gender Reassignment** – is a process under medical supervision of reassigning a person’s sex by changing physical, social and other characteristics.

**Homophobia** – is a fear and hatred of homosexuality.

**Heterosexual** – is orientation towards people of the opposite sex.

**Language Difference** – when the first language is not English.

**Lesbians and Gay Men** – is orientation towards people of the same sex.

**Mental Impairment** – includes mental health illness and what is commonly known as a learning disability.

**Transgender** – is a broad term to include cross-dressers, people with dual or no gender identity, and transsexual people.

**Transsexual** – is the term used for people who decide to adopt the opposite gender to the one assigned at birth.

**Visually Impaired** – refers to people who are blind or partially sighted.

**Wheelchair User** – the accepted term

## **Contacts**

### **Corporate Diversity Team**

Elaine Bennett / Jacky Booth

Central Services

2nd Floor

Civic Centre

Middlesbrough

TS1 2QQ

Telephone 01642 729223 / 729236

E-mail [Elaine\\_bennett@middlesbrough.gov.uk](mailto:Elaine_bennett@middlesbrough.gov.uk)

E-mail [Jacky\\_booth@middlesbrough.gov.uk](mailto:Jacky_booth@middlesbrough.gov.uk)

### **Equality & Human Rights Commission**

[www.equalitieshumanrights.com](http://www.equalitieshumanrights.com)

Kingsgate House

66 – 74 Victoria Street

London

SW1E 6SW

Telephone 0207 215 8415

Fax 0207 215 8225

### **Stonewall (campaigns for lesbians, gay men and bi-sexual people in the UK)**

[www.stonewall.org.uk](http://www.stonewall.org.uk)

Tower Building

York Road

London

SE1 7NX

Telephone 0207 593 1850

Fax 0207 593 1877

Minicom 0207 633 0751

E-mail [info@stonewall.org.uk](mailto:info@stonewall.org.uk)

**Age Positive**

[www.agepositive.gov.uk](http://www.agepositive.gov.uk)

Department of Work & Pensions

Room N10

Moorfoot

Sheffield

S1 4PQ

Telephone 0113 232 4444

**Press for Change (campaigns for trans people in the UK)**

[www.pfc.org.uk](http://www.pfc.org.uk)

BM Network

London

WC1N 3XX

E-mail [letters@pfc.org.uk](mailto:letters@pfc.org.uk)