

# **EQUALITY, DIVERSITY & INCLUSION POLICY (JOINT)**

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# Equality, Diversity & Inclusion Policy

## POLICY SCOPE

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Welcome to our policy and guidance about equality, diversity & inclusion at Monmouthshire County Council (MCC). This policy is written in consultation with our trade union partners, and in accordance with best practice, ACAS guidance, and legal requirements.

MCC is committed to the principles of diversity, equality of opportunity and inclusion. In all that we do we will aspire to reflect our approach to equality, diversity and inclusion in our people and practice. MCC values diversity and will not unlawfully discriminate against any individual including those with protected characteristics, as set out in the Equality Act 2010. Diversity, equality and inclusion together form a positive approach to recognise that everyone is different and can make and bring their own unique contribution, experience, knowledge and skills to the organisation. MCC promotes dignity and respect for all, and an environment where individual differences and the contributions of all colleagues are recognised and valued.

We recognise that both the people who work for us - or who we may want to recruit to do so - and those who use our services are individuals with different needs which may impact on their ability to access many services in our community. In the case of our customers, this means that we may therefore, in consultation, set up and deliver projects that will work expressly with specific groups in order to increase their chances of accessing the services we provide. Employing and engaging with people who have a range of different backgrounds, experiences and ideas increases creativity and leads to better problem solving and decision-making. Put simply diverse organisations perform better. We will work hard to ensure that all individuals who fit our criteria for employment truly have the opportunity to access and benefit from what MCC can offer, and this policy sets out how we aim to do this.

### LEGISLATIVE REQUIREMENTS

The Equality Act 2010 sets out the legislation around equality, including what is required of employers in the UK. The aim of this policy is to ensure that MCC operates in line with legislation and that no customer, job applicant, employee, secondee or volunteer is unfairly treated or unlawfully discriminated against.

### THE PUBLIC SECTOR EQUALITY DUTY

The public sector equality duty applies to all public authorities in England, Wales & Scotland. Section 149 of the Equality Act 2010 states that public authorities must have 'due regard' to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.

- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations between people who share a protected characteristic and between those who do not share it.

In its application, this policy seeks to ensure that there is no discrimination against colleagues either directly or indirectly on grounds prohibited by the Equality Act 2010 which covers age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. This policy is inclusive of partners of the opposite or same sex.

## POLICY STATEMENT

MCC is committed to ensuring that we have effective policies, strategies, procedures and processes and that we achieve behaviour which promotes equality, encourage diversity and contributes to an inclusive organisational culture. Many of our policies and supporting structures cover our external facing work and require that we treat our clients, customers, and suppliers fairly, with dignity and respect, to earn and maintain their trust and confidence.

We want to ensure there is no unjustified discrimination on the grounds of:

- Age
- Disability
- Sex
- Pregnancy and maternity
- Gender including transgender and intersex
- Marital status including civil partnership
- Political opinion
- Race/ethnicity
- Religion and belief
- Sexual orientation
- Choice of language (Welsh or English, in accordance with the Welsh Language (Wales) Measure 2011)
- Socio-economic background
- Spent convictions
- Trade union activity or membership
- Having or not having dependents
- Work pattern
- Neurodiversity
- Any other irrelevant grounds

In addition, we want to ensure we develop our awareness of the differing ways in which discrimination can be compounded when different characteristics (such as ethnicity and gender, or disability and age) intersect.

MCC is committed to creating a progressive working environment which is free of bullying, harassment, victimisation and unlawful discrimination, and which promotes dignity and respect for all, and where individual differences and the contributions of all colleagues are recognised and valued.

MCC takes seriously complaints of bullying, harassment, victimisation and unlawful discrimination by employees, customers, clients, visitors, the public and any others in the course of MCC's work activities. Such acts (by employees) will be dealt with as misconduct under MCC's Disciplinary and Fairness at Work (Grievance) policies. All employees should understand that they, as well as MCC (the employer), can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination in the course of their employment.

MCC commits to make opportunities for training and development about rights and responsibilities under the equality, diversity and inclusion policy. Responsibilities include employees conducting themselves to help MCC provide an inclusive workplace, equal opportunities in employment, and prevent bullying, harassment, victimisation and unlawful discrimination.

MCC commits to make decisions concerning employees that are based on merit (apart from in any necessary and limited exemptions and exceptions allowed under the Equality Act 2010).

We promote equality, good relations and inclusion aligned to the Equality Act 2010 and the Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011. As part of this approach, we undertake equality impact assessments of policies and functions which impact on employees and /or external contacts or the wider community which have relevance to equality. The Equality Impact Assessments are a means of promoting equality and good relations, supporting inclusion, and avoiding unjustified discrimination, whilst also ensuring that we carefully consider the different needs of particular groups. They also contribute to the social value we seek to deliver by raising awareness and understanding and specifying standards for the work we do and services we deliver, which promotes equality.

Related policies:

Code of Conduct Policy

Fairness at Work (Grievance) Policy

Dignity at Work Policy

## **EQUALITY, DIVERSITY AND INCLUSION**

### **WHAT IS EQUALITY?**

At its core, equality means fairness: we must ensure that individuals, or groups of individuals, are not treated less favourably because of their protected characteristics.

Equality also means equality of opportunity: we must also ensure that those who may be disadvantaged can get the tools they need to access the same opportunities as their peers.

### **WHAT IS DIVERSITY?**

Diversity is recognising, respecting and celebrating each other's differences. A diverse environment is one with a wide range of backgrounds and mind-sets, which enables an empowered culture of creativity and innovation.

Diversity recognises that, though people have things in common with each other, they are also different in many ways.

### **WHAT IS INCLUSION?**

Inclusion is where differences are seen as a benefit, and where perspectives and differences are shared, leading to better decisions. Inclusion means creating an environment where everyone feels welcome and valued. An inclusive environment can only be created once we are more aware of our unconscious biases and have learned how to manage them.

Inclusion at MCC is an active process that aims to create conditions for all people to fully contribute to our work. It is about making people feel welcome and accepted, especially those that are socially excluded, marginalised or under-represented. It is about encouraging participation so that everyone feels valued, respected and involved thereby fostering a sense of belonging. It strengthens cultural relations and supports trust between people across the Council.

### **WHAT ARE THE PROTECTED CHARACTERISTICS?**

The following are the legal protected characteristics, under the Equality Act 2010:

- Age
- Disability
- Gender re-assignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

## WHAT IS DISCRIMINATION?

**Unjustified Discrimination** whether direct or indirect is a barrier to equality, diversity, inclusion and human rights. Unjustified discrimination is where decisions are made (whether consciously or not) that favour certain groups or individuals and therefore disadvantage others, because of particular characteristics they have no control over.

### **Discrimination – motives and stereotypes**

Discrimination does not necessarily occur because of a conscious decision. There are subtle and unconscious ways of unjustifiably discriminating. For example, making assumptions about a person's capabilities; characteristics and interests and applying requirements, conditions or criteria without considering whether they advantage or disadvantage particular groups.

Stereotypes, which are negative assumptions applied to whole groups of people, have real potential to lead to unjustified discrimination and so should be very carefully examined and if necessary, challenged. Stereotypical and potentially offensive language and terminology should be avoided and challenged if identified.

### **Positive discrimination and positive action**

Positive discrimination: Treating one person more favourable than another purely because of a protected characteristic is generally prohibited, unless a strict occupational requirement applies, for example, where a women's refuge requires a female employee. Positive discrimination because of a person's disability is also permitted, where an employer is required to make reasonable adjustments to remove any disadvantage that a disabled job applicant or employee may be facing.

Automatically treating all job applicants or employees who share a protected characteristic more favourably, or guaranteeing them recruitment or promotion because of that characteristic, would be regarded as discriminatory in the same way as treating job applicants who do not have a protected characteristic more favourably would be discriminatory.

Positive action aims to promote equality by improving outcomes for groups who are under-represented or disadvantaged. For example, by specific encouragement to certain groups to take up employment opportunities, or by providing training and development for groups that have been traditionally under-represented.

Related policies:

Recruitment and Selection (safer recruitment) Policy

## THE PROTECTED CHARACTERISTICS

### AGE

Managing age diversity well in the workplace offers us huge potential. People from different generations working together can grow and learn from each other, gain new perspectives, new ideas and new ways of working. However often we have different expectations about loyalty, the ability to respond to change, career commitments and aspirations, competence with technology and relationships with colleagues according to the age of who we're working with.

Understanding and managing a multigenerational workforce helps us to have more innovative, engaged and productive teams.

MCC also believes there is much to gain from an intergenerational approach to both our internal and external work, where people are encouraged to learn from those with different life experience. Chronological age should not be used as a criterion, either directly or implicitly, where this is not justified. In the UK there is no default retirement age. This contributes to ensuring ageing does not lead to reduced opportunities and supports employment of colleagues regardless of their age. It promotes inclusion and the learning that comes from working with people of different ages.

Related policies:

Recruitment & Selection (safer recruitment) Policy

Flexible Retirement Policy

Menopause GUIDANCE

### DISABILITY

MCC recognises disability as a broad concept that includes physical, sensory, learning and mental health issues and long-standing fluctuating health conditions for example HIV/AIDS and cancer. We strive for disability inclusion, recognising the skills and expertise disabled people hold and the richness of experience this brings to our work and to cultural relations. MCC is committed to addressing unjustified discrimination against, and promoting the inclusion of, disabled people in our workforce and work and public life.

Having a disability shouldn't bar people from getting jobs, being trained or receiving good customer service. It's in the best interests of MCC to understand and respond positively, in practical and reasonable way, to disability-related issues.



Disability Confident. MCC is a Disability Confident employer, and this means that we will work hard to break down the barriers and challenge negative attitudes to employing disabled people. The Equality and Human Rights Commission's (EHRC) report (2018) 'Is Wales Fairer' states that 34.6% disabled people living in Wales are not in employment. MCC's pledge means that we will guarantee an interview to those applicants who are disabled and who meet the shortlisting criteria for a particular job role at MCC. Our Accessibility Inclusion Group focuses work not just on disability but also on accessibility and upon increasing the diversity of our workforce.

Related Policies:

Recruitment and Selection (safer recruitment) Policy

Attendance & Wellbeing Policy

## **GENDER RE-ASSIGNMENT**

A person has a protected characteristic of gender re-assignment if they are proposing to undergo, are undergoing or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex and the identity assigned at birth, to match their 'true' gender identity. The term gender means the social/psychological identity of being male, female or non-binary. Gender identity includes no-binary (neither or both male and female gender identity) however non-binary is not currently covered by the Equality Act.

We recognise and seek to address unjustified discrimination that people are subjected to, based on their gender reassignment, or perceived gender reassignment, or because they are intersex, or hold a non-binary gender identity which may include being gender fluid.

We aim to enable everyone to be recognised and referred to as they wish and to meaningfully and effectively respond to any concerns and issues raised.

Related Policies:

Family Leave Policy

Domestic Abuse Policy

Dignity at Work policy

Carers Policy

## **MARRIAGE OR CIVIL PARTNERSHIP**

In the Equality Act 2010, marriage and civil partnership means someone who is legally married or in a civil partnership, which can either be between a man and a woman, or between partners of the same sex. A person should not be treated differently at work because they are married or in a civil partnership.

## **PREGNANCY AND MATERNITY**

The Equality Act provides protection against discrimination on the grounds of pregnancy or pregnancy related sickness from pregnancy until the right to maternity ends and the person returns to work (and if no right to maternity leave, 2 weeks after the child is born). Unjustified discrimination and /or unfair treatment as a result of pregnancy, breastfeeding, &/or child birth often has a strong focus in the media and we recognise that dependant responsibilities predominantly fall upon women, with women globally doing at least twice as much unpaid care work as men.

MCC supports health and wellbeing promotion that enable parents to recognise the importance of breastfeeding and early relationships for the health and wellbeing of babies and early years development. Under the Equality Act 2010, mothers must not be prevented from breastfeeding in public areas unless there are objective and reasonable grounds for doing so (i.e. health & safety). This means that mothers will not be asked to cover up or move to a private space, and must be treated with dignity and respect. Mothers will be provided with a private space to breastfeed or express milk (with access to a refrigerator) if this is their preferred option, where such facilities are available.

## **RACE (& ETHNICITY AND CULTURE)**

Racial discrimination includes less favourable treatment based on nationality, ethnic and national origins, skin colour, and other physical markers. It interacts with religion and culture and includes caste and tribe. We believe our work is enriched by different racial/ethnic, cultural groups and travelling communities we engage with and that cultural relations has an important role to play in mutual understanding and exchange between different racial/ethnic and cultural groups. We know that conflict based on ethnic, cultural and other factors, including stateless people, asylum seeker and refugee status, continues to exist and undermines inclusion. Language can be an important contributor. MCC will aim to encourage language (used in our communications) that enables people (both our employees and those who live in our communities and to whom we provide services) to feel connected and informed rather than isolated or excluded.

## RELIGION AND BELIEF

MCC values and respects the different religions / beliefs held by employees and the external contacts and communities in which we operate, including those who hold no religion or belief. We believe that developing a better understanding of peoples' religions and beliefs will contribute to improved cultural relations.

We understand that some laws and cultures are particularly hostile towards religious minorities. We seek to offer a supportive environment to all employees and customers regardless of their religion and belief and working context. Where existing work requirements conflict with particular cultural and religious needs we carefully consider whether it is reasonably practical to vary or adapt such requirements to enable any needs to be met. Religion or belief discrimination is when a person is treated differently because of their religion or belief, or lack of religion or belief.

The Equality Act 2010 makes it unlawful to discriminate against someone because:

- A person is (or is not) of a particular religion
- A person holds (or does not hold) a particular philosophical belief
- A person thinks another person is of a particular religion or holds a particular belief (this is known as discrimination by perception)
- A person is connected to another person who has a religion or belief (this is known as discrimination by association)

## SEX

The Equality Act 2010 says a person must not be discriminated against because they are (or are not) a particular sex. For the purposes of the Act, sex is a protected characteristic and refers to a male or female of any age. In relation to a group of people, it refers to men and/or boys, or women and/or girls. To show that sex discrimination has occurred a comparison has to be made with a person of the opposite sex.

On a wider context, MCC understands that women and girls frequently experience social and economic disadvantage, negative attitudes, alienation, abuse and violence. We also seek to help to address inequalities experienced by men and boys and seek ways to ensure they are not disadvantaged by or underrepresented and excluded from the work we do.

Intersex is an umbrella term used to describe a wide variety of bodily variations of sex characteristics. Intersex people are individuals who were born with variations of sex characteristics that are atypical to, or do not align with, socially and medically defined male and female sex characteristics. Over 30 conditions lead to variations of non-normative sex

characteristics. Some people refer to their condition, rather than being intersex. Non-normative sex characteristics and disorders of sex development (DSDs) are also used as inclusive terms, synonymous with intersex. Some people find it less stigmatising and easier to use or identify with than intersex. Intersex is not a disability or impairment. Some people with intersex variations experience disability or chronic illness that can be attributed to their variation. Although the Equality Act 2010 does not specifically mention people who identify as non-binary or intersex it is important for us to be aware and respect that people have different views on terminology and on how they identify themselves personally.

## **SEXUAL ORIENTATION**

MCC is committed to supporting people of diverse sexual orientation including lesbian, gay, bisexual, questioning, asexual, transsexual, heterosexual, and others to feel included and valued and is committed to tackling discrimination and harassment based on sexual orientation.

LGBTQ+ is an umbrella term encompassing a range of sexual and gender identities. In terms of sexual orientation, this includes but is not limited to lesbian, gay, bisexual, queer, pansexual, asexual, and romantic association. In terms of gender identity, this includes but is not limited to transgender, transsexual, non-binary, gender-fluid, and other gender non-conforming identities.

The process of understanding and expressing one's sexual orientation and gender identity is unique to each individual.

MCC is committed to tackling discrimination and harassment based on sexual orientation. MCC believes that all colleagues have the right to be themselves without having to be concerned about sharing aspects of who they are. Whilst we respect the right of individuals to be open, or otherwise about their sexual orientation we recognise that's sexual minorities can face challenges and be fearful of doing so in the workplace and beyond, due to homophobia and hetero-sexism.

We want our workplace to open and inclusive and a safe space for employees regardless of their sexual orientation and we seek to offer a supportive environment to all colleagues and customers regardless of their sexual identity and working context.

## **SOCIO-ECONOMIC BACKGROUND**

Employment, education, the quality and nature of health care, housing, access to services are all significantly determined by socio-economic background. Socio-economic inequality leads to discrimination, marginalisation, and reduced opportunities.

As part of our commitment to demonstrating the social value of our work, MCC aims to increase employment related opportunities for people from socially disadvantaged backgrounds, as well as providing opportunities to engage with the Council on a wider basis.

## **BULLYING AND HARASSMENT**

Bullying and harassment is behaviour that makes someone feel intimidated or offended. Harassment is unlawful under the Equality Act 2010. Bullying and harassment are about the misuse of power and should not be part of MCC's working culture or practices. This is counter to the organisational culture we aspire to and all employees are encouraged to reach out and talk to someone about any such issues, using relevant policies.

Bullying is offensive, intimidating, malicious and/or insulting behaviour or an abuse or misuse of power that undermines, humiliates, or injures the recipient. Harassment, in general is unwanted conduct affecting someone's dignity. It can be related to age, disability, ethnicity/race, sex, religion or belief, sexual orientation, or any personal characteristic of an individual. Bullying and harassment can manifest in a variety of ways, including by one employee to another, or by one group of employees to an employee, or an external contact. If bullying or harassment involves issues of sex, or gender including transgender, sexual orientation, marital- including civil partnership – status, caring responsibility, race/ethnicity, religion/belief, political belief, age or disability, relevant legislation may apply.

MCC's Dignity at Work Policy requires every employee to guard against all bullying and harassment and support a respectful work environment and service delivery culture.

Related Policies:

Dignity at Work Policy

## **SPEAKING UP- GRIEVANCES and /or CONCERNS**

It is hoped that concerns can be resolved informally. Any employee who feels that the treatment they receive is not in keeping with our Equality, Diversity and Inclusion policy should reach out and discuss with someone they feel comfortable to talk to so that any issue(s) can be dealt with as soon as possible.

External contacts wishing to complain should use the MCC Complaints Policy. School complaints should use the Governors Complaints Policy.

Employees must not be intimidated, discriminated against or treated differently for raising a concern, complaining or assisting with an investigation. Serious concerns for example about financial malpractice, breaches of the law, serious misconduct, breaches of health and safety

or of diversity should be reported, in line with the Whistleblowing Policy. Built into the Whistleblowing Policy is an assurance that there will be no risk to the person raising such concerns if actions taken are based in good faith.

Related Policies:

Fairness at Work (Grievance) Policy

Governors Complaints Policy

MCC's Whole Authority Complaints Policy

Whistleblowing Policy

## **EQUALITY AND PAY**

MCC has a commitment to a pay system that is fair and transparent, which is based upon the principle of equal pay, free from gender or other unjustified bias, for the same or broadly similar work (that is, for work that rates as equivalent and for work of equal value).

MCC is committed to the principle of equal pay for all employees by ensuring that it meets the requirements of the Equality Act 2010.

To achieve this the Council introduced Single Status (in 2010) and uses the Greater London Provincial Council (GLPC) job evaluation scheme to assess the value of all National Joint Council (NJC) jobs across the organisation, which provides evidence in support of the banding of each job within our grading structure. Salaries are paid according to band, and incremental annual progression within the band occurs irrespective of an employee's sex. Every year MCC publishes a PAY POLICY STATEMENT and a GENDER PAY GAP REPORT on the website.

Related Policies:

Pay Policy

Schools Pay Policy

Gender Pay Gap Report

## Version Control

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<b>Title</b>	EQUALITY DIVERSITY & INCLUSION POLICY
<b>Owner</b>	People & Governance HR
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