

BALLYMONEY BOROUGH COUNCIL

EQUAL OPPORTUNITIES POLICY

July 2006

Equal Opportunities Policy

1. Statement of Policy

The aim of this policy is to communicate the commitment of the Elected Members, Chief Executive and Senior Management Team to the promotion of equality of opportunity.

It is our policy to provide employment equality to all, irrespective of:

- gender, marital status or family status
- religious belief or political opinion
- disability
- age
- race* or ethnic origin
- nationality
- sexual orientation
- transexuality
- trade union membership or non membership
- criminal record**

We are opposed to all forms of unlawful or unfair discrimination. All employees irrespective of the nature of their employment contract and job applicants (actual or potential) will be treated fairly and selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.

We recognise that the provision of equal opportunities in the workplace is not only good management practice, but also makes sound business sense. Our equal opportunities policy will help all employees to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency and effectiveness of the organisation.

* Irish Travellers are recognised by the Race Relations (Northern Ireland) Order 1997 as being members of a racial group.

** A person's criminal record will be seen in the context of the post, ability to do the job and the responsibility of employers for the care of funds, resources, the public and other employees. Only offences relevant to the post in question will be considered.

We are committed to:

- ❑ preventing any form of direct or indirect discrimination or victimization;
- ❑ promoting equal opportunities for women and men;
- ❑ promoting equal opportunities for people of all religions beliefs and none;
- ❑ promoting equal opportunities for people with disabilities;
- ❑ promoting equal opportunities for ethnic minorities;
- ❑ promoting equal opportunities for people of different sexual orientation;
- ❑ promoting a good and harmonious working environment where all men and women are treated with respect and dignity and in which no form of intimidation or harassment will be tolerated;
- ❑ fulfilling all legal obligations under the relevant legislation and associated Codes of Practice;
- ❑ taking any necessary positive/affirmative action, including setting goals and timetables.

Breaches of our equal opportunity policy and practice will be regarded as misconduct and will result in disciplinary action, which could include dismissal.

This policy is fully supported by the Elected Members, Chief Executive and Senior Management Team and has been agreed with recognised trade unions.

2. Implementation

The Chief Executive has specific responsibility for the effective implementation of this policy. Each director, manager and supervisor also has responsibilities and we expect all our employees to abide by the policy and help create the equality environment which is its objective.

In order to implement this policy, we will ensure that:

- ❑ The policy is communicated to all employees, for example through induction training, management training, team briefings, display on noticeboard/staff handbook/notes in pay advices and made known to job applicants;
- ❑ Managers and supervisors are aware of their responsibilities through appropriate and regular training;
- ❑ An equal opportunities programme will be developed and will include a range of initiatives and reasonable adjustments, indicating where appropriate affirmative/positive action, with targets and timetables;

- ❑ Appropriate training and guidance will be provided, including training on induction and management courses. In particular, all those involved in assessing candidates for recruitment or promotion will be trained in non-discriminatory recruitment and selection techniques;
- ❑ Consultation will take place with recognised trade unions on the implementation of this policy and any amendments to practice;
- ❑ An information system will be established to assist the effective implementation of this policy and guidelines will be drafted for assessing the provision of equality of opportunity;
- ❑ Adequate resources are made available to fulfil the aims of this policy.

3. Affirmative Action

Where appropriate, lawful positive action measures such as special encouragement in advertisements or special training will be developed. These measures are available to us in certain circumstances, for example, where there is an under-representation of a particular group in specific areas of work.

4. Monitoring and Review

The provision of equality of opportunity will be monitored through the collection and analysis of information on the community background, ethnic background, sex, marital status, sexual orientation, family status, and status as a disabled person of all full-time and part-time employees and job applicants. We will also monitor our workforce composition and undertake periodic reviews as required by Article 55 of the Fair Employment and Treatment (Northern Ireland) Order 1998.

Progress on the implementation of this policy and any equal opportunities and affirmative/positive action programmes will be reviewed annually in consultation with the recognised trade unions. A joint employer/employee equal opportunities committee will be established for this purpose.

5. Complaints

Employees who believe that they have suffered any form of discrimination, harassment or victimisation are entitled to raise the matter through the agreed procedures. A copy of these procedures is available from the Human Resources Officer. All complaints of discrimination will be dealt with seriously, promptly and confidentially.

These internal procedures do not replace or detract from the right of the employees to pursue complaints under the Sex Discrimination (Northern Ireland) Order 1976, the Disability Discrimination Act 1995, the Race Relations (Northern Ireland) Order 1997 and the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 to an industrial tribunal or, under the Fair Employment and Treatment (Northern Ireland) Order 1998, to a Fair Employment Tribunal. Information on definitions of

discrimination and time limits for raising complaints are set out in Appendix 1 to this statement.

Every effort will be made to ensure that employees making complaints will not be victimised. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

APPENDIX 1

Direct Discrimination

Direct discrimination occurs when a person is treated less favourably than another on the grounds of their gender, marital status, family status, religious belief, political opinion, disability, age, racial group, nationality, sexual orientation, trade union membership/non membership and a criminal record which is not relevant.

Indirect Discrimination

Indirect discrimination can occur when a requirement or condition which cannot be justified on grounds other than gender, marital status, family status, religious belief, political opinion, disability, age, racial group, nationality, sexual orientation, trade union membership/non membership or criminal record is applied equally but has the effect in practice of disadvantaging a considerably higher proportion of persons on one or other of the above groups.

In order to establish a complaint of indirect discrimination, an applicant must show the following:

- (i) That a requirement or condition has been applied;
- (ii) That the said requirement or condition adversely impacts against the person because of his/her gender, marital status, family status, religious belief, political opinion, disability, age, racial group, nationality, sexual orientation, trade union membership/non membership;
- (iii) That he/she has suffered detriment by reason of being unable to comply with the condition or requirement.

Disability Discrimination

Disability discrimination occurs when, for a reason related to his/her disability, a disabled person is treated less favourably than other people, and this treatment cannot be justified. It also occurs when an employer fails to comply with the duty to make a reasonable adjustment in relation to the disabled person, and the failure cannot be justified.

Victimisation

Victimisation occurs when a person is treated less favourably than another because that person has, for example, asserted rights under any of the discrimination laws or has helped another person to assert such rights or given information to the relevant statutory body, or because it is suspected that the person might do any of these things.

Harassment

Harassment is unwanted conduct of a sexual/sectarian/racial/disability nature or other conduct based on gender, marital status, family status, religious belief, political opinion, disability, age, racial group, nationality, sexual orientation, trade union membership/non membership or criminal record affecting the dignity of women and men at work. This can include unwelcome physical, verbal or non-verbal conduct.

Complaints

Complaints of sex/marital status, racial group, and disability discrimination should be lodged with the Industrial Tribunal within three months from the date of the alleged act of discrimination.

In respect of equal pay, the complaint can be lodged at any time while the person is in the job or within six months of leaving the job.

Complaints to a Fair Employment Tribunal must be lodged within three months from which a complainant first knew or might reasonably have known, of the act of discrimination or within six months from the date when the act occurred, whichever is the earlier.