



**FAREHAM** BOROUGH  
COUNCIL

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

**CODE OF PRACTICE  
FOR ENSURING EQUAL OPPORTUNITY  
IN EMPLOYMENT**

**JUNE 1998**

# FAREHAM BOROUGH COUNCIL

## CODE OF PRACTICE FOR ENSURING EQUAL OPPORTUNITY IN EMPLOYMENT

### INDEX

Section	Detail	Page
1	<a href="#">Foreword</a>	1
2	<a href="#">Performance Standards</a>	2
3	<a href="#">Equal Opportunities Policy Statement</a>	7
4	<a href="#">Performance Indicators</a>	8
 <b>Appendix</b>		
1	<a href="#">Definitions</a>	9

## **SECTION 1 - FOREWORD**

Equal opportunities issues are important because prejudice exists. It is unfair that people seeking employment and employees should be discriminated against for reasons of gender, both race or ethnic origin, marital status, disability, age, sexual orientation, gender reassignment, HIV status or religion.

It is important for public bodies such as local authorities to give a lead on good equal opportunities practice. Both local authorities and trade unions intend to be at the forefront of work on equal opportunities and the trade unions have agreed this code of practice.

If Fareham Borough Council is to retain the confidence of all the communities it aims to serve, the make-up of these communities should be reflected within our workforce. As a focal point of community opinion, we should lead the drive for equal opportunities by example. As an employer we are covered by race and sex discrimination legislation and the legislation aimed at improving the employment opportunities of people with disabilities. Additionally the Council has a specific duty to promote racial equality in employment.

Equality of opportunity makes good business sense. Making equal opportunities a cornerstone of our work helps us to:

- use resources efficiently and effectively to deliver quality services;
- combat discrimination against particular groups in the workforce and the community;
- make the most of our employees;
- recruit and retain quality employees;
- improve motivation and performance;
- reflect the composition and diversity of the local community at all levels in the workforce; and
- break down the barriers of discrimination and nurture co-operation.

Fareham Borough Council is committed to openness and fairness to all members of the community, aiming to ensure equality of treatment and access for all without unfair discrimination or prejudice. The Council recognises that discrimination is faced by many groups of people in their daily lives and that it can appear in obvious or hidden ways. Unfair discrimination reduces or seriously damages the quality of life of those whom it affects.

The Council is committed to developing and maintaining the right environment and attitudes that will ensure all employees are treated fairly. It is vital that no one is disadvantaged or feels disadvantaged by the nature of their gender, race or ethnic origin, marital status, disability, age, sexual orientation, gender reassignment, HIV status or religion.

The continued success of the Council's equality objective will involve, through the Human Resource Strategy, regular review and update of our policies, practices and procedures. The analysis and monitoring of information will enable us to review our progress.

Everyone must be encouraged to make a positive personal contribution, through behaviour, attitudes and actions, to promote equal opportunity for all.

## **SECTION 2 - PERFORMANCE STANDARDS**

### **1. Purpose**

- 1.1 To meet codes of practice, legislative requirements and the Council's aim of achieving fairness and equality of opportunity when applying for employment or when employed.
- 1.2 To ensure that no job applicant or employee receives less favourable treatment on the grounds of gender, race or ethnic origin, marital status, disability, age, sexual orientation, gender reassignment, HIV status or religion.
- 1.3 To eliminate unfair and unjustifiable bias and/or discrimination in the Council's employment and management practices and embrace the management of diversity.
- 1.4 To encourage openness, fairness and best practice in all aspects of employment.

### **2. Our Standard**

Managers must ensure that:

#### **2.1 Recruitment and Selection**

- 2.1.1 all recruitment and selection procedures are legal, fair, unbiased, objective and consistently applied;
- 2.1.2 no applicant is disadvantaged by requirements or conditions which cannot be shown to be justifiable and reasonable;
- 2.1.3 reasonable adjustments to both the recruitment and selection procedure and job contents are made to accommodate applicants with a disability as required by the Disability Discrimination Act 1995 (DDA);
- 2.1.4 no applicant receives less favourable treatment on grounds which are not directly relevant to his/her ability to perform the duties and responsibilities of the post;
- 2.1.5 all appointments are based on a job description and person specification which are valid and do not create artificial barriers preventing certain groups from applying or giving an unfair advantage to some, and questions should relate to the requirements of the job;
- 2.1.6 all vacancies are concurrently advertised internally and externally except in cases of:-
  - posts filled in accordance with agreed slotting in and ring fencing procedures
  - suitable alternative employment offered to employees facing redundancy to who are at risk of redundancy;

- 2.1.7 equality of opportunity is included in job descriptions and person specifications;
- 2.1.8 all employees who are involved in the recruitment and selection process are trained in recruitment and selection and equal opportunities;
- 2.1.9 where possible, selection panels have a gender balance;
- 2.1.10 appointments to all posts are based on merit, taking account of any redeployment requirements;
- 2.1.11 applicants with a stated disability who meet the minimum criteria of the person specification are guaranteed an interview for the post. However, the decision to appoint will be made on merit;
- 2.1.12 consideration is given, in consultation with Personnel Services, to the use of positive action where certain groups are under-represented in the workplace; and
- 2.1.13 in consultation with Personnel Services, positive discrimination in the form of Genuine Occupational Qualifications only occurs where there is a genuine requirement for the appointee to be of a certain race or sex.

## **2.2 Advertising**

- 2.2.1 the statement 'Fareham Borough Council is committed to equal opportunities' appears on all adverts to encourage applications from both sexes and under-represented groups;
- 2.2.2 where permissible under legislation, under-represented groups are encouraged to apply for vacancies; and
- 2.2.3 unless an approved ring fencing situation exists, advertisements are displayed in the local job centre and notified to the Disabled Resettlement Officer.

## **2.3 Selection Testing**

- 2.3.1 selection tests used are free from bias in both content and scoring mechanism and of a nature and level genuinely appropriate to the requirements of the post;
- 2.3.2 psychometric tests are administered and interpreted by qualified testers; and
- 2.3.3 reasonable adjustments are made as required by the Disability Discrimination Act 1995 for applicants with a stated disability.

## **2.4 Induction**

- 2.4.1 the code of practice for ensuring equal opportunities in employment forms an integral part of the induction process for new managers and employees;

2.4.2 the code of practice is also available on the Intranet.

## **2.5 Training and Development**

2.5.1 all managers, supervisors and employees are trained to understand equal opportunities issues and their own responsibilities to promote and to prevent disadvantage or embarrassment;

2.5.2 opportunities for training and development are brought to the attention of all employees and all new employees are inducted in equal opportunities awareness;

2.5.3 consideration is given, in consultation with Personnel Services, to the use of positive action where certain groups are under-represented in the workplace;

2.5.4 in designing and commissioning training and development opportunities the needs of special groups should be borne in mind and accommodated wherever possible; and

2.5.5 all employees have access to training and development opportunities.

## **2.6 Communication**

2.6.1 written communication is available in formats other than standard text, eg large print and audio as appropriate;

2.6.2 reasonable facilities are provided to enable disabled employees to communicate effectively;

2.6.3 text telephone is available for hearing impaired callers to request recruitment information; and

2.6.4 a copy of the code of practice to ensure equal opportunities in employment is sent to all applicants for vacancies.

## **2.7 Pay, Grading and Conditions of Service**

2.7.1 decisions on pay, grading and conditions of service are made and applied on objective, consistent, transparent and equal grounds without any bias in accordance with legislation or codes of practice relating to unfair discrimination in employment;

2.7.2 the requirements of equality legislation, equal pay and equal treatment initiatives are applied to temporary, fixed term, full time, part time and permanent employees alike;

2.7.3 the method of evaluating jobs and salary appointment levels are analytical, non-discriminatory and consistently applied;

2.7.4 they are aware of potential direct and indirect discrimination implications arising from decisions associated with pay, grading, appointment and promotion;

- 2.7.5 the Council's pay structure complies with the 1983 Regulations on "Equal Pay for Work of Equal Value";
- 2.7.6 job evaluation schemes, bonus schemes, and merit payments are free of sex and race bias;
- 2.7.7 the content of low paid jobs traditionally done by women are reviewed to introduce more variation to make them more rewarding;
- 2.7.8 grading criteria is non-discriminatory enabling comparison between the levels of skill across different job types; and
- 2.7.9 conditions of service are applied in a non-discriminatory way and periodically reviewed in the light of good equal opportunities practices.

## **2.8 Management Action**

- 2.8.1 management action taken in accordance with any management policy and/or procedure is fair, unbiased and consistent;
- 2.8.2 employees are made aware that unfair discrimination, victimisation, harassment and bullying are disciplinary offences, and of the consequences of such behaviour;
- 2.8.3 all cases of discrimination, victimisation and harassment are treated seriously and where necessary disciplinary action is taken which may include dismissal;
- 2.8.4 all complaints of harassment are dealt with in a confidential and sympathetic manner; and
- 2.8.5 as part of the health and safety risk assessment, foreseeable sources of harassment are identified and the necessary action is taken to eliminate the risk so far as is reasonably practicable.

## **2.9 Analysis, Monitoring and Review**

- 2.9.1 personnel and training records are maintained identifying the numbers of job applicants, appointments, leavers and employees in various categories, particularly:

- gender
- ethnic origin
- disability
- age
- marital status
- part-timers
- women returners

and monitored by grade, actual earnings and turnover;

- 2.9.2 employees leaving the Council are offered an exit interview to find out why they are leaving and that details are recorded;
- 2.9.3 the effectiveness of the code of practice is monitored by the collection of appropriate data and collated by Personnel Services who will report annually to the Head of Paid Service; and
- 2.9.4 the code of practice is reviewed annually in terms of its scope and the effectiveness of measures taken.

Employees must ensure that:

- 2.10 support is given to the Council's commitment to openness and fairness to all members of the community and employees;
- 2.11 they make a positive personal contribution to equal opportunity, through their behaviour, attitude and actions, to promote equality for all;
- 2.12 every person is treated equally, fairly and with respect, taking into consideration their own particular needs and requirements; and
- 2.13 actively support participating in training and development programmes.

### 3. **Legal Requirements**

- 3.1 Equal Opportunities Commission Code of Practice on Equal Pay 1996 which covers equal pay for work of equal value and recommends, as good practice, that employers carry out a pay systems review or adopt an equal pay policy.
- 3.2 The Equal Pay Act 1970 (as amended by the Equal Value (Amendment) Regulations 1983) requires equal pay for like work, equivalent work and for work of equal value as between men and women unless there is a "genuine material factor" which justifies the difference. Tribunals will determine whether work is, for example, of equal value, by use of job evaluation.
- 3.3 The Race Discrimination Act 1976 and the Sex Discrimination Act 1975 and 1986 prohibit direct or indirect discrimination on the grounds of race, colour, ethnic origin, sex or marital status.
- 3.4 The Local Government and Housing Act 1989 requires all appointments to be made on merit.
- 3.5 The Disability Discrimination Act 1995 makes the Council legally liable for discriminating against disabled people when applying for employment or when employed. The DDA places an explicit duty upon managers to make reasonable adjustments to work arrangements and the working environment to accommodate disabled people. The Council will be able to justify less favourable treatment of a disabled person by showing that the reason for it is both "relevant to the circumstances of the particular case and substantial and that no reasonable adjustment can be made which will remove the reason or make its effects less than substantial".

#### 4. **Reference Documents**

NJC for Local Government Services Green Book  
Equal Pay Act 1970 (as amended by the Equal Pay (Amendment) Regulations 1983)  
Race Relations Act 1976  
Sex Discrimination Act 1975 and 1986  
The Disability Discrimination Act 1995  
Disabled Persons (Employment) Acts 1944 and 1958  
Local Government (Special Needs) Act 1966  
Local Government and Housing Act 1989 (Section 7)  
Equal Opportunities Code of Practice  
Commission for Racial Equality Code of Practice  
Institute of Personnel Management - Equal Opportunities Code

## **SECTION 3 - EQUAL OPPORTUNITIES POLICY STATEMENT**

This policy statement has the support of the trade unions UNISON and T&GWU.

1. Fareham Borough Council is an equal opportunity employer and bases its employment practices on the concept of equality of opportunity. Councillors and employees are committed to openness and fairness to all employees and members of the community, aiming to always ensure equality of treatment and access for all without unfair discrimination or prejudice. We are committed to developing a working culture that is fair and inclusive, enabling all employees to make their distinct contributions to the services we provide.
2. We oppose all forms of discrimination or unfair treatment on the grounds of gender, race or ethnic origin, marital status, disability, age, sexual orientation, gender reassignment, HIV status or religion. No employee or job applicant will be disadvantaged by any condition or requirement which cannot be shown to be justifiable. All possible steps will be taken to ensure that individuals are treated equally and fairly and that all employment related decisions are based solely on objective and unbiased criteria. We will take all practical steps to facilitate the employment and continued employment of disabled people.
3. We require our managers to exercise leadership in this field by discouraging prejudice and by role-modelling appropriate behaviour. We will ensure that all managers and employees are aware of their individual responsibilities to promote open and fair treatment and to prevent disadvantage and discrimination. We will treat seriously all cases of discrimination, victimisation, harassment and bullying. Where necessary, disciplinary action will be taken which may include dismissal. We will regularly review our policies and practices to make sure that they are appropriate and operating effectively.

## **SECTION 4 - PERFORMANCE INDICATORS**

Management of the code of practice for ensuring equal opportunities in employment is conducted effectively when:

1. the code of practice and policy statement is consistent with statutory and legal requirements and best practice, and meet the nature and needs of the service, business and management processes of the Council;
2. the code of practice and the policy statement is brought to the attention of every employee;
3. the performance standards and the equal opportunities policy statement are applied by all employees and managers at all times in their areas of responsibility;
4. cases of harassment, victimisation, discrimination and bullying are dealt with appropriately and in accordance with the disciplinary code of practice; and

5. personnel records are maintained and regularly analysed for trends and possible action.

### **Methods of Monitoring**

1. Existence of a published policy statement;
2. compliance with the performance standards, statutory and case law principles;
3. records of monitoring and trends;
4. incidents, ie number and frequency of breaches, disciplinary action;
5. incidents of Industrial Tribunal cases, questionnaires and outcomes;
6. incidents of out-of-court settlements and sums involved; and
7. exit interviews.

## **APPENDIX 1 DEFINITIONS**

Discrimination	Treatment of one person less favourably than others on grounds of race, sex or marital status.
Direct Discrimination	Treating a person on the grounds of race, gender or marital status, less favourably than others are, or would be treated in the same circumstances.
Indirect Discrimination	Applying a requirement or condition which, whether intentional or not, adversely affects a considerably larger proportion of one group or another and cannot be justified.
Genuine Material Factors (GMF)	<p>Genuine occupation qualifications are permitted under the Race Discrimination Act 1976 and the Sex Discrimination Act 1975 and 1986, subject to strict limitations, where it is permitted under the Act for a job to be held by a person of a particular race or sex.</p> <p>GMF is a defence against an equal pay claim and is used where it can be justified either that an unfavourable term in the contract is due to the existence of factors other than gender difference or that other terms exist which are more favourable and therefore compensate for the difference in pay.</p>