

Rhondda Cynon Taf
...Delivering Equality Embracing Diversity



A guide for staff



Contents

	Page
Introduction	1
It Makes Sense	1
Definition - Equality	2
Definition - Diversity	2
The Equality Act 2010	3 - 7
What is Discrimination?	8 - 12
Why does Discrimination Occur?	13 - 14
The Public Sector Equality Duties	15
The Welsh Language Act/Welsh Language (Wales) Measure	16
The Staff Equality Forum	16
Words and Phrases	17
Appropriate Use of Language	17
The Equality Improvement Framework for Wales	18
Policies & Procedures	18
Inclusive Recruitment Practices	19
The Social Model of Disability	20
Wales Interpretation and Translation Service	20
Publications	21
Useful Contacts	Back Cover

Introduction

Welcome to Towards Equality and Diversity, this booklet contains important information about equality and diversity and the work the Council is doing in this area

Rhondda Cynon Taf wants to be a place where no one experiences discrimination or disadvantage. We see everyone in Rhondda Cynon Taf as equal although we recognise that people have different needs.

Equality and Diversity is an essential element of the Council's work and recognises the benefits of a diverse workforce that works together to provide responsive and flexible services that take account of the different needs within our communities to help combat social exclusion and build strong communities

As a member of staff you have an important role to play in assisting the Council carry out its commitment to Equality & Diversity and to help 'Make a Difference' to the lives of you, your colleagues and the communities of Rhondda Cynon Taf.



III It Makes Sense...



...to eliminate discrimination in the workplace and in service delivery

A work place free of discrimination enables

- Individuals to be valued for their abilities.
- Individuals to be respected

Services provided in a non-discriminatory way

- Improve access for our customers
- Make a difference to the lives of the residents of Rhondda Cynon Taf

We should be working together to eliminate attitudes, actions and procedural barriers that enable discrimination to take place.

Equality

Treating people fairly and with respect, based on their individual needs

Too often people and organisations believe that they are achieving equality because they treat everyone the same; but this approach does not take into account the different needs, values and beliefs of individuals.

For example if application forms for our jobs or services are provided in only one format or language this would exclude people who may have access requirements because of a disability or people whose first language is different.

As the largest local employer and provider of essential services to the community Rhondda Cynon Taf has a responsibility to ensure that policies, procedures and practices are designed to take account of differences.

Diversity

Valuing people's differences and recognising the benefits these differences bring to the workplace and society

This definition builds upon that of equality and puts an emphasis on valuing the differences that people have. It recognises that everyone, whether or not they belong to the same racial or social group.

There will be differences in experiences, needs and wants and it is these differences that can bring a variety of skills, knowledge and views to the Council and assist in building our capacity to work together to eliminate attitudes, actions and procedural barriers that may encourage discrimination to take place within the Council.

As an employee in Rhondda Cynon Taf you have an opportunity to help promote diversity in both service delivery and employment.

The Equality Act 2010

The Equality Act 2010 consolidated and replaced over 100 separate pieces of equality legislation in order to unify the legislation which outlaws discrimination; the people covered are known as having a 'protected characteristic' which would be one of the following characteristics:

Age

Age is defined in the Act by reference to a person's age group, this can mean people of the same age or people of a range of ages for example under 50's, mid forties, over 25's. When the Act refers to people who share a protected characteristic it means they are in the same age group.

Disability

The Act says that a person has a disability if they have 'A physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal

day-to-day activities'.

Long term means that the impairment has lasted or is likely to last for at least 12 months or for the rest of the affected persons' life. Substantial means more than minor or trivial.

Physical or mental impairment includes sensory impairments such as those affecting sight or hearing (other than the need to wear glasses or contact lenses).

Only a person who meets the definition within the Act has the protected characteristic of disability. When the Act refers to people who share a protected characteristic in relation to disability it means they share the same disability.

Reasonable Adjustments for Employees

The duty to make reasonable adjustments requires employers to take positive steps to ensure that disabled people can access and progress in employment.

This goes beyond simply avoiding treating disabled employees, job applicants and potential job applicants unfavourably and means taking additional steps to which non-disabled employees and applicants are not entitled.

The duty to make reasonable adjustments arises only where an employer knows, or reasonably ought to know, that an individual is disabled.

The duty to make reasonable adjustments comprises of three requirements. Employers are required to take reasonable steps to:

 Avoid the substantial disadvantage where are provision, criterion or practice applied by or on behalf of the employer puts a disabled person at a substantial disadvantage compared to those who are not disabled.

Example:

An employer has a policy that designated car parking spaces are allocated only to senior managers...

An employee who is not a manager but has a mobility impairment and needs to park close to the office is allocated a parking space.

This is likely to be a reasonable adjustment as adjusting the criteria of having to be a senior manager has removed the disadvantage for the employee.

2. Remove or alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled.

Example:

A workplace has clear glass doors at the end of a corridor which are a particular hazard for a visually impaired employee...

A reasonable adjustment would be to change the doors or to put coloured glass panes in the door to make it identifiable thus removing the disadvantage.

3. Provide an auxiliary aid or service where a disabled person would, but for the provision of that auxiliary aid or service be put at a substantial disadvantage compared to those who are not disabled.

Example:

Auxiliary aids or services provide support or assistance to a disabled employee...

These could include equipment such as an adapted keyboard or text to speech software or the provision of a sign language interpreter or a support worker for a disabled employee.

The Council has a Reasonable Adjustments Policy in place designed to assist managers and employees in arranging appropriate support.

Reasonable Adjustments for Service Users

The Council also has a duty to make reasonable adjustments in respect of provision of services and should take positive steps to ensure that disabled people can access services. Examples include provision of information in accessible formats, or providing accessible meeting places.

The Council also has a duty to anticipate the needs of disabled customers and to take reasonable steps to remove barriers to accessing services. This does not mean that the Council has to think of every individual need but should think about people with different types of disability.

Once the Council is aware of the requirements of a particular disabled person then it would be reasonable to take steps to meet these requirements.

Example:

Anticipated needs would include such things as ensuring there is a loop system available in all public reception areas to remove barriers for people with hearing impairments, or allowing assistance dogs into public buildings where there is a 'no dogs' policy...

Where a service user has requested information in an alternative format such as large print or Braille the Council has a legal duty to provide it.

Gender Reassignment

The Act defines gender reassignment as a protected characteristic. People who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their gender by changing physiological or other attributes of gender have the protected characteristics of gender reassignment.

Under the Act 'gender reassignment' is a personal process that is moving away from one's birth gender to the preferred gender rather than a medical process.

The Council has a Gender Reassignment Policy in place designed to protect employees and assist managers to provide the appropriate support.

Marriage and Civil Partnership

The Act says that a person who is married or in a civil partnership has the protected characteristic of marriage and civil partnership.

Marriage will cover any formal union which is legally recognised in the UK as a marriage. A Civil Partnership refers to a registered Civil Partnership under the Civil Partnership Act 2004 including those registered outside the UK.

Unmarried or single people are not protected under the Act.

Pregnancy and Maternity

The Act says that it is unlawful for an employer to subject a woman to unfavourable treatment during the 'protected period' (from the time she becomes pregnant until the end of maternity leave or until she returns to work if that is earlier).

It is unlawful discrimination to treat a woman unfavourably because of her pregnancy or related illness or maternity leave. The motive or intention is not relevant, such discrimination cannot be justified.

Race

The Act defines 'race' as including colour, nationality and ethnic or national origins. A person has the protected characteristic of race if they fall within a particular racial group.

Religion or Belief

The meaning of religion and belief in the Act is broad and is consistent with Article 9 of the European Convention on Human Rights. Any religion and any religious or philosophical belief is covered as is the lack of any such religion or belief.

Example:

Christians are protected against discrimination because of their Christianity and non Christians are protected against being discriminated against because they are not Christians, irrespective of any other religion or belief they may have or not have.

'Religion' means any religion and includes a lack of religion. The term 'religion' includes the more commonly recognised religions in the UK. It is for the courts to decide what constitutes a religion but it must have a clear structure and belief system.

Meaning of Belief

Belief means any religious or philosophical belief and includes lack of belief. A belief need not include faith or worship of a God or Gods but must affect how a person lives their life or perceives the world. There is a list of criteria contained within the Act that must be met for a philosophical belief to be protected under the Act.

Sex

Sex is a protected characteristic under the Act and refers to 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. A comparator for the purpose of showing sex discrimination would be a person of the opposite sex. Gender reassignment and sexual orientation are covered separately under the Act.

Sexual Orientation

Sexual orientation is a protected characteristic under the Act and means a persons sexual orientation towards:

- Persons of the same sex
- Persons of the opposite sex
- Persons of either sex

Sexual orientation relates to how people feel as well as their actions.

What is Discrimination?

There are several types of discrimination:

Direct Discrimination...

...occurs when a person treats another person less favourably than they treat or would treat others because of a protected characteristic.

Direct Discrimination is generally unlawful; however it may be lawful in the following circumstances:

- Where the protected characteristic is age and the less favourable treatment can be justified as a proportionate means of achieving a legitimate aim.
- In relation to the protected characteristic of Disability where a disabled person is treated more favourably than a non-disabled person.
- Where there is a genuine occupational requirement to employ someone with a particular protected characteristic.

The requirement must not be sham or pretext and there must be a link between the requirement and the job.

Example:

For reasons of privacy and decency a care worker is required to be of the same sex as the person to whom they will be providing personal care.

Discrimination by Association

It is Direct Discrimination if an employee is treated less favourably because of their association with another person who has a protected characteristic. This does not apply to marriage and civil partnership or to pregnancy and maternity. The association with the other person may not be a permanent one.

Example:

A lone parent caring for a disabled child has to take time off work whenever the child is sick or has medical appointments...

The employer appears to resent this and eventually dismisses the employee. The dismissal may amount to Direct Disability Discrimination against the employee because of their association with the disabled child.

Discrimination by Perception

It is also Direct Discrimination if an employee is treated less favourably because the employer mistakenly thinks the employee has a protected characteristic; again this does not apply to marriage and civil partnership or pregnancy and maternity.

Example:

A job application form is rejected from a white woman because she has an African sounding name and the employer wrongly believes her to be black... This would be Direct Race Discrimination based on the employer's mistaken perception.

Indirect Discrimination

May occur when an employer applies an apparently neutral provision, criterion or practice which puts employees sharing a protected characteristic at a particular disadvantage. This does not apply to pregnancy and maternity.

Example:

An employer requires all applicants for a particular role to have at least five years experience...

This could be indirectly discriminatory against younger people who are less likely to have been in the workplace for five years and women who may have had career breaks.

Justification

If an employer can show that the provision, criterion or practice is a 'proportionate means of achieving a legitimate aim' then it will not amount to indirect discrimination.

If challenged the employer would have to produce evidence to support the assertion that the provision, criterion or practice is justified.

Detriment arising from a Disability

Under this section of the Act employers have a duty to not treat disabled employees unfavourably because of something connected to their disability, and only applies to the protected characteristic of disability.

This differs from Direct Discrimination as the unfavourable treatment is not because the employee is disabled but as a result of something connected to the disability, it also differs from Indirect Discrimination as this requires a provision, criterion or practice applied to all that would adversely affect people sharing a particular disability. Justification also applies in this type of discrimination.

The employer would have to know or be reasonably expected to know the disabled person had the disability in order for discrimination arising from a disability to be shown.

Example:

An employee working in reception develops a facial cancer which needs to be removed, as a result she has large scar on her face. Her manager thinks this may make customers feel uncomfortable so moves her to a back office role. This is detriment arising from a disability, as it is the scar (which is a result of the treatment for the disability) rather than the disability itself which is what leads to the detriment of an enforced change of roles.

Harassment

Employers are legally obliged to take steps to protect employees against harassment

The Act prohibits three types of harassment:

- Harassment related to a 'relevant protected characteristic'
- Sexual harassment
- Less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment

Pregnancy and maternity and marriage and civil partnership are not protected directly under the harassment provisions, however pregnancy and maternity would amount to harassment related to sex and harassment related to civil partnership would amount to harassment related to sexual orientation.

Harassment related to a protected characteristic occurs when a person engages in unwanted conduct which is related to a relevant protected characteristic and which has the purpose or effect of:

- · Violating the employees dignity or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee

The employee does not have to have the protected characteristic themselves but could be connected to someone who has, such as a parent of a disabled child. Or an employee may be wrongly perceived as having a protected characteristic such as an assumption being made that a Sikh employee who wears a Turban is Muslim and subjecting them to Islamaphobic abuse.

It is the individual who defines whether the behaviour makes them feel uncomfortable and an employee can complain about harassment even if it is not directed at them personally, for example if a colleague is being harassed.



REMEMBER!

Harassment is not only unfair, unjust and upsetting it can also be illegal.

Victimisation

Occurs when a person or group of people are treated unfairly as a result of their involvement in a discrimination case

Types of involvement include such things as pursuing a complaint, acting as a witness for the complainant, representing the complainant or reporting the issue.

Example:

An employee is considered a 'troublemaker' and is overlooked for promotion because they supported their colleague in a claim of discrimination against the employer.

People generally do not think that they act in a discriminatory manner; accusations of discrimination can cause emotional reactions and resentment in both the accuser and the accused.

Robust policies and procedures and appropriate awareness raising training can assist in avoiding discriminatory practices.



LII Be Aware!



- That Discrimination on the grounds of sex, race, disability, sexual orientation, gender reassignment, marriage and civil partnership, religion or belief or age is unlawful
 - If you, as an individual, act in a discriminatory manner in the course of your job, you, as well as Rhondda Cynon Taf as your employer can be sued
 - The Council will not tolerate any form of discrimination or harassment

Why does Discrimination Occur?

Most discrimination does not occur as a result of a deliberate act (although unfortunately this does occasionally happen) but as a result of unconscious and sometimes deeply held values and beliefs that lead to stereotyping, prejudice and discrimination.

Values can be described as the standards, morals and rules by which we live our lives. Society, the law or community imposes some values; others may be personal values developed through personal experience and upbringing. It is personal values that influence the way you treat others and what others may think of you as an individual.

Stereotype is a generalisation about a person or group of persons. Usually based on incomplete information leading to an assumption and to a stereotypical belief. Most stereotypical images are negative, society, television, books and magazines often create and perpetuate these negative images. Stereotyping can be an unwitting cause of discrimination.

Prejudice implies a negative feeling for another group, and usually involves stereotyping. It can be based on perceiving the other group as a threat, a lack of understanding about the group or peer pressure to treat the group differently. Most people will justify their prejudice as reasonable to make their own behaviour more acceptable to themselves.

It is very unlikely that any individual is 'prejudice free', our own individual values and beliefs can and do lead to negative stereotypes and prejudice.

The important thing is to recognise our prejudices and not to treat people differently because of them; if a prejudice is acted upon it then becomes discrimination.



REMEMBER!

Values can lead to... Stereotypes can lead to... Prejudices! Acting on prejudice leads to Discrimination!

Rights and Responsibilities

Rhondda Cynon Taf, as an employer should take every step possible to ensure that discrimination or harassment on any grounds does not take place.

Every employee has an individual responsibility not to discriminate or harass or knowingly to aid the employer to discriminate or harass.

As a member of staff you have a right not to be discriminated against or harassed, you also have a responsibility to ensure that you adhere to Council policies and procedures and do not discriminate against or harass other members of staff and/or service users.

Both the employer and the individual member of staff can be sued for discrimination or harassment.

The Public Sector Equality Duties

The Equality Act 2010 brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality.

The General Duty

Requires Public Bodies to:

Have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and those who do not share it.

The Act provides a power to make regulations imposing specific duties on public bodies to support better performance of the general duty; these are known as the Public Sector Equality Duties and are different in England, Scotland and Wales.

Public Sector Equality Duties in Wales

Requires the Council to:

- Set Equality Objectives relating to the protected characteristics within the Act
- Set a timetable for the preparation and review of the Equality Objectives
- Engage with people of different protected characteristics who may have an interest in the way the Council carries out its business
- Provide information on the Public Sector Duties in accessible formats
- Collect and publish information relevant to the compliance with the general duty
- Carry out Equality Impact Assessments on its decisions and publish the result where there is substantial impact identified
- Monitor its employment practices and publish a report on how people with different protected characteristics are affected
- Set gender pay differences, equality objectives and publish an action plan on how they will be achieved
- Promote knowledge and understanding of the general duty amongst its employees
- Develop and publish a Strategic Equality Plan that sets out its Equality Objectives, and how they will be achieved

The Welsh Language Act / Welsh Language (Wales) Measure

Does not provide any protection in terms of employment, however Welsh language matters are an integral part of equality issues.

The Council has a statutory duty to treat the English and Welsh languages on the basis of equality and to ensure that the use of the Welsh language is safeguarded and promoted throughout Rhondda Cynon Taf County Borough.

In support of this aim, the Council has a statutory Welsh Language Scheme which facilitates the implementation of a Welsh Language Skills Strategy as a framework to assist service areas in terms of bilingual workforce planning and to ensure that they have sufficient bilingual staff, either by recruitment or training, to offer bilingual services to the public. Furthermore, the Council has a translation unit to ensure that it meets its statutory duty of providing bilingual material to the public.

Further Statutory Standards are expected to be introduced, again under the Welsh Language (Wales) Measure 2011, which will extend the individual's rights regarding linguistic choice to the employees of public sector bodies.

Staff Equality Forum

Provides an opportunity for staff to contribute to promoting equality in Rhondda Cynon Taf.

Staff Equality Forum

- Are you interested in promoting equality?
- Do you believe all staff in Rhondda Cynon Taf should be free from the risk of discrimination at work?
- Do you want to be involved in making sure this happens?

If you wish to join the Staff Equality Forum please contact the Equality & Diversity Team on 01443 424121 or email equality@rctcbc.gov.uk

Words and Phrases

Very often the words and phrases we use in everyday life can be hurtful to some people. It is not our intention to upset anyone and we would be horrified to know that we have done so.

We need to be careful of what we say and consider whether the language we use portrays a negative image of a person or group.

Terminology is important because words reflect our attitudes and beliefs. It is not about being 'politically correct' but about consideration and respect, think how you would feel if you or your family were referred to in a stereotypical or negative way.

As a member of staff you may have to deal with a variety of people from different backgrounds and with different needs and it is important that you avoid using words or phrases that may offend.

Appropriate Use of Language

If we are to demonstrate respect, understanding and fairness and tackle discrimination we need to ensure that the language we use shows respect, is not discriminatory and does not upset anyone.

Examples of Patronising Statements:

I don't think of you as being disabled Some of my friends are gay I don't have a problem with you being black You're just like one of the lads

We should avoid 'labelling' people and be careful not to patronise them.

All of the above statements devalue the individual, and imply that what is a major part of their individuality does not matter.

The Equality Improvement Framework for Wales

The Equality Improvement Framework for Wales has been developed to manage and promote equality within public services.

The Equality Improvement Framework replaces the Equality Standard and aims to provide a basis for mainstreaming equality and lead to continuous improvement in equality in services, policy and employment.

The Council is committed to achieving the standards and objectives of the Equality Improvement Framework to achieve equality in service delivery and employment.

The Equality Improvement Framework aims to help Councils achieve

Fair and Equal Services for all Citizens This affects **you**, **your friends** and **your families**.

Policies and Procedures

Rhondda Cynon Taf has a number of policies in place that can assist in avoiding discriminatory or prejudicial practices. They include:

- Equal Opportunities Policy
- Dignity at Work Policy
- Assistance to Employees who become disabled
 Domestic Abuse Policy
- Reasonable Adjustments Policy
- Gender Reassignment Policy

This list is not exhaustive

The Domestic Abuse Policy and accompanying guidelines provide comprehensive information on the support available to employees who may be experiencing domestic abuse and sends a clear message that the Council will not tolerate such behaviours and believes domestic abuse to be unacceptable.

The other policies outline the Council's commitment to equality and diversity and make it clear that harassment and discrimination are unacceptable at all levels within the Council.

Copies of policies are available from your line manager, Human Resources or the Human Resources Intranet site

Inclusive Recruitment Practices

Equality of opportunity is an integral part of the recruitment and selection process. The Council is committed to ensuring that no unlawful discrimination occurs (either directly or indirectly) in the recruitment and selection process on the grounds of sex, race, disability, age, sexual orientation, transgender and religion or belief.

The Equality Act 2010 sets out the legal requirements for employers. The provisions of the Equality Act not only make it unlawful to discriminate against disabled individuals without justifiable reason but also when considering applicants with disabilities.

Under the Council recruitment procedure all disabled applicants, who meet the essential requirements and competencies required as identified during the recruitment process must be offered an interview for the post.

The Council notes the positive obligation to make reasonable adjustments to ensure that a disabled person is not disadvantaged in the recruitment process because of their disability. All candidates invited for interview will be asked to indicate if they require any specific facilities or assistance, thus ensuring that arrangements are made to facilitate attendance at interview and full participation in the process.

There is also a requirement that the Council makes reasonable adjustments to the workplace or working arrangements. The Council has a Reasonable Adjustment Policy, which can assist managers in this process.

The Council has a comprehensive job sharing policy and encourages managers to consider the suitability of posts for job sharing when they become vacant. All vacancies are considered eligible for job share unless a Chief Officer related post can show that this would not be justified for a specific post.

The Social Model of Disability

The Council has adopted the Social Model of Disability and it is within this model that the Council will work. The Social Model of Disability was developed by disabled people to help them describe and take action against discrimination.

Social Model of Disability Definition

The Social Model provides a positive approach and views disability as something that is imposed on people with impairments by a society that creates barriers to equality. Thus people with impairments are 'dis-abled' by the way society imposes barriers on their full participation in the community with such things as lack of physical access and peoples attitudes contributing to this 'dis-ablement'.

Example:

A job applicant with a visual impairment cannot complete a job application because it is not provided in alternative formats such as large print or Braille. It is not the impairment that prevents completion of the form but the fact that it is not provided in an accessible format.

Wales Interpretation and Translation Service

The Council has signed up to the Wales Interpretation and Translation Service (WITS) which provides a one-stop shop booking service working 24 hours a day, 365 days a year.

The Service is easy to access via a simple telephone call or e mail, WITS staff will make all the necessary arrangements for the interpreter to attend the requested location, and will confirm all the details by telephone or e mail.

The Council uses the service for access to foreign language interpreters only, either by telephone or in person as required, Welsh language interpretation is available from the Council's Welsh Language Unit.

In order to access the service you must have an authorisation code which is available from the Equality & Diversity Team.

Further information is available from the Equality & Diversity Team: Telephone: 01443 424075 or e mail equality@rctcbc.gov.uk

Publications

There are a number of publications available that provide guidance and advice in the area of equality and diversity for managers and staff. They are available from your line manager, Human Resources or the Human Resources Intranet site and include:

See it Right Guidelines

Provides information and advice on how to make written information more accessible to people with sight impairments.

Working Together Guidelines

For use on training courses and in discussion groups they set out the standards of behaviour expected from participants.

Presenters Guidelines

An amalgamation of the See it Right and Working Together Guidelines they are designed to assist presenters in ensuring that presentations are both accessible and non discriminatory.

Multi Cultural Information File

Provides information on cultural traditions, naming systems, religious festivals and dietary requirements of the diverse ethnic groups within society.

Getting it Right – the Appropriate Use of Language

A booklet designed to give advice on how to avoid using words or phrases that are stereotypical or that may cause offence.

Further information is available from the Equality & Diversity Team

Telephone: 01443 424075

Useful Contacts Valleys Regional Equality Council (VALREC) Ty Menter, Navigation Park, Abercynon CF45 4SN Tel: (01443) 742704 **Welsh Local Government Association (WLGA)** Local Government House, Drake Walk, Cardiff CF10 4LG Tel: (02920) 468600 • www.wlga.gov.uk **Equality and Human Rights Commission** Tel: 0845 604 8810 Textphone: 0845 604 8820 Fax: 0845 604 8830 Email: waleshelpline@equalityhumanrights.com

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