



**The Highland  
Council**  
**Comhairle na  
Gàidhealtachd**

## **Equal Opportunities Policy**

**Version 3**  
**1 October 2010**

**1.**

### **Introduction**

The Highland Council provides the democratic means through which the people of the Highlands can seek to improve their social, economic, cultural and environmental circumstances. In this respect, and as part of the Highland Council's stated values, it is committed to providing equality of opportunity in employment.

The Highland Council is committed to the promotion of equality of opportunity. It intends that no job applicant or employee shall receive less favourable treatment because of age, colour, disability, ethnic origin, gender reassignment, marital or family status, nationality, race, religion or belief, sex, sexual orientation, or any other non job related factor.

Through the Policy and its implementation, the Highland Council seeks to ensure that the talents and skills of its employees are utilised to the full, to the benefit of the Council and its employees.

**2.**

### **Aims**

Through this Policy the Highland Council will ensure that equality of opportunity results in non-discriminatory employment practices.

The Policy has a number of aims: -

- the recruitment process will result in the selection of the most suitable person for the job. The practices will apply equally to internal and external recruitment arrangements.

A person specification which defines the qualifications, experience and other skills required in the post, will only include those factors which are necessary and justifiable as objective criteria for the satisfactory performance of the job.

- the commitment to equality will be an integral part of induction training for all new post holders. Staff and elected members will have training made available on the equal opportunity policy and its implications, as relevant to their responsibilities within the Highland Council.
- employees will receive training to help them to perform their jobs effectively. Training programmes, educational and vocational courses leading to qualifications relevant to their career development will be made available to staff in accordance with the business needs of their service on the Council's Employee Development Strategy. The Highland Council's commitment to Equal Opportunities will be reflected in positive action to develop employees by training, counselling, and other means, to assist them in achieving their full potential.
- procedures will be established to address harassment in the work place, and to inform employees that such harassment is a disciplinary offence. A non-discriminatory working atmosphere will be promoted and maintained.
- there will be no discrimination in terms of conditions of employment, facilities and benefits, and that potentially disadvantaged groups, and the Trade Unions should be consulted in the establishment of relevant employment policies and procedures.

### 3.

## Means Of Implementation

#### 3.1

### Responsibility for Implementation of the Policy

The Resources Committee has the main responsibility for the implementation and monitoring of the Policy, with the Joint Consultation Groups receiving reports and proposing measures for implementation and development.

It is the clear responsibility of the Chief Executive, Directors of Services, Corporate Managers and Service Managers to implement the Policy.

## 3.2

### **Responsibilities of Employees**

Although the primary responsibility for the implementation, development and monitoring of equal opportunities lies with the Council and its Senior Managers, each member of staff has a responsibility to co-operate with the policy and its implementation to ensure equality of opportunity at every level.

In particular, employees must:

- co-operate with measures introduced to ensure that there is equal opportunity and non-discrimination
- not discriminate, e.g. as supervisors or as persons responsible for selection decisions in recruitment, promotion, transfer or training
- not induce or attempt to induce other employees or Trade Unions or management to practice discrimination e.g. by refusing to accept employees from particular racial groups or by refusing to work with a person who has a disability
- ensure that the principles of equal opportunities are applied in all dealings with members of the public, and that no actions are taken which could be held to be discriminatory.

Employees should be aware that any discriminatory behaviour may lead to disciplinary action.

## 3.3

### **Communication**

To be effective the Policy must be communicated to every employee within the Highland Council. They should be aware of the Policy's content, the ways in which it will be implemented, and the responsibility they have in ensuring its effectiveness. Communication of the Policy and what it means in terms of effective working practices will take place at induction, through awareness raising, training, and by direct communication to employees.

It is also important that the Highland Council communicates its commitment to equality of opportunities in employment practices to the general public.

## 3.4

### **Training and Development**

Training and development has an important role in achieving equality of opportunity, and this must be clearly reflected in the training processes for Councillors and key staff.

Through training and development, the Highland Council will aim to:

- Eliminate actual or potential inequality and the opportunities available to staff, to develop skills relevant to their jobs, and to develop their careers within the Council's services
- Provide specific guidance to members of staff involved in recruitment and selection, grievance handling, disciplinary matters and employee development
- Take steps to inform staff of existing training and personal development opportunities that will enable them to develop their careers and reflect the business needs of their Service.
- Ensure that all training delivered is consistent with the Council's Equal Opportunities Policy and uses non discriminatory language.

No assumptions will be made that members of a particular group are unsuitable for promotion, lack interest in career development, are likely to have "a shorter working life", or would be unavailable for residential training due to domestic commitments.

### **3.5 Recruitment and Selection**

The application of the Equal Opportunities Policy in recruitment and selection will be through a Recruitment Framework Policy, and guidelines of good practice. The guidelines will try to ensure that recruitment and selection processes are conducted in such a way as to promote equal opportunities. Selection decisions will be made only on the basis of requirements of the job as set out in the job and person specifications, and clear records will be kept on the decisions made.

### **3.6 Genuine Occupational Requirement**

In very limited circumstances it will be lawful for an employer to treat people differently if it is a Genuine Occupational Requirement (GOR) that the job holder must be of a particular sex, race, disability, religion or belief or sexual orientation. When deciding if a GOR applies it is necessary to consider the nature of the work and the context in which it is carried out. An organisation wishing to claim a GOR must bear in mind several points including:

- GOR's should be identified at the beginning of the recruitment, training or promotion process and before any vacancy is advertised.

- Each job for which a GOR may apply must be considered individually; it should not be assumed that because a GOR exists for one job, it also exists for jobs of a similar nature or in a similar location.
- A GOR can only be claimed where it is necessary for the relevant duties to be carried out by a specified individual, not merely because it is preferable.
- A GOR must be reassessed on each occasion a post becomes vacant to ensure that it can still be validly claimed.
- A GOR cannot be used to establish or maintain a balance or quota of male/female employees, employees of a particular religion or belief, sexual orientation or disability.
- GOR's can only be used in very exceptional circumstances and the guidance for managers will give clear guidelines should such circumstances arise.

### **3.7**

#### **Employment Policies, Procedures and Conditions**

Systematic review and monitoring of the existing employment practices and conditions of service will take place to ensure that barriers are removed in terms of the development of equality of opportunity. A consistent approach in the development and application of policies, conditions and procedures will try to ensure that discrimination does not occur in employment benefits or conditions of service.

### **3.8**

#### **Monitoring and Review**

Monitoring is central to the effective implementation of an Equal Opportunities Policy and action plan. It will provide basic information required on all aspects of recruitment, selection, promotion and training, and enable an assessment of what is happening within the organisation. It provides a foundation for the development and implementation of equal opportunities action plans for the Highland Council. As a result of the monitoring process Personnel Policies and Procedures will be reviewed to ensure consistency in approach in the support of the Equal Opportunities Policy. The Policy itself will require periodic review and revision.

### **3.9**

#### **Positive Action**

Positive action recognises that special measures are needed to offset past discrimination, and that these measures are necessary to overcome inequality which may persist. It means adopting a programme designed to remove barriers to equality of access to employment, training and personal development.

Types of measures which may be appropriate are introduction of flexible working patterns, encouragement of employees to propose methods and actions to improve equality of opportunity.

### **3.10**

#### **Complaints, Grievances, Discipline and Harassment**

It is essential that staff are aware that conduct and behaviour in terms of equal opportunities legislation which they find personally offensive will not be acceptable, and support will be given to those employees feeling disadvantaged, threatened or intimidated in any way.

Clear rules and procedures aimed at eliminating harassment in the work place will be developed and monitored closely.

Care will be taken to ensure that an employee who has taken action in good faith under the Sex Discrimination Act 1975, the Race Relations Act 1976 or the Disability Discrimination Act 1995 does not receive less favourable treatment than other employees. It will not be automatically assumed that individual staff that have complaints are over sensitive, nor should their grievances be treated lightly or ignored. Where it has been found that allegations have substance, subsequent disciplinary action may well be taken against a member of staff who has acted in a discriminatory manner.

### **3.11**

#### **Trade Union Involvement**

The Policy recognises that Trade Unions have an important role in achieving and sustaining equal opportunities. Accordingly, they will be consulted on policy formulation, and will be encouraged to draw attention to areas of apparent discrimination, and to come forward with proposals to support the implementation and development of the policies.

### **3.12**

#### **Arms Length and Devolved Relationships**

Where the Council establishes as the principal party arms length, devolved or agency relationships, it will pursue the application of this policy in such a relationship in practical ways.

### Monitoring and Maintenance

To ensure the effectiveness of the Policy, monitoring is required. Responsibility for monitoring falls for the most part to Personnel, with the assistance of Directors, Area and Service Managers. The gathering and analysis of information should substantially aid the tackling of inequalities and discrimination, and will be reported to the JCGs and be made available to the Trade Unions on a periodic basis. Particular areas of monitoring will be as follows: -

#### Potential Employees

- The recording of number, sex and status of applicants for jobs.
- The development of job and person specifications and advertisements to ensure that they relate to the post and not to an individual, with text and design being non discriminatory.

#### Recruitment and Selection

- The development of distinct and separate records of numbers of men, women, status, origin of successful applicants, including the non discriminatory design and text of forms.
- The recording of training of those involved in the selection process.
- The pursuit and use of references without discriminatory bias.
- The monitoring of recruitment and selection techniques specifically related to job requirements.

#### Current Employees

- The systematic recording and analysis of establishment information to draw attention to potential discriminatory practices.

#### Training

- The review of training records to ensure a non discriminatory approach in access to training, and to confirm the extent to which training has been specifically undertaken to support this policy, in line with the business needs of each Service.

#### Terms and Conditions of Employment

- To ensure freedom from discrimination and bias.
- That the provision of monetary and non monetary benefits and conditions will be job related and equitably applied.

#### Grievance and Disciplinary Procedures

- To ensure the sensitive and effective treatment of employees.
- To establish training records and needs analysis, to ensure that training is delivered to appropriate staff.

**Employees Departure**

- To ensure that exit interviews are conducted with all leavers, with a view to eliminating potential bias against groups of employees.

### Positive Action

The implementation of an Equal Opportunities Policy requires positive action and intervention to make it successful. Suggested below are the types of practical action which demonstrate commitment to equality of opportunity in employment.

- a. The introduction of flexible working patterns which allow employees a choice in the organisation of working and family hours. This particularly assists those employees or potential employees with care responsibilities.
- b. Investment in facilities promoting equal opportunity e.g. facilities for the disabled.
- c. Recruitment promotion which stresses facilities, flexibility, and advantages to particular groups, and encourages applications from disadvantaged groups.
- d. Encouragement of employees to propose methods and actions to improve equality of opportunity.
- e. The provision of support for "pioneer" employees i.e. those employees undertaking what has been regarded as non traditional activities e.g. female transport workers.
- f. The provision of specific training for groups who may be under represented at particular jobs and levels.
- g. "Return to work" interviews after substantial periods of absence.
- h. The wide publication of information on a range of equality matters such as sexual harassment, recruitment and selection, personal development, flexible working hours, disability etc.

These proposals are not exhaustive. They are indicative of the type and range of actions which would support the policy.