

COUNCILLOR ON LINE TRAINING

DIVERSITY AND INCLUSION



WHAT IS AVAILABLE?

The on-line training materials have been prepared to assist you in developing your information and knowledge base as a Councillor.

The materials cover 7 distinct subject areas of which 'Diversity and Inclusion' is one. The other materials cover Induction, the Code of Conduct, the Council as an Employer, Understanding the Law, Health and Safety and Understanding Local Government Finance.

LET'S GET STARTED

This module is about the 'Diversity and Inclusion' and it covers the following key elements:-

- ▶ Raising awareness of diversity and inclusion in public life
- ▶ The responsibilities and obligations of the Council and Councillors have in law
- ▶ Sources of Advice

PURPOSE OF THE MODULE

To help you understand:-

- ▶ The terms diversity and inclusion
- ▶ The requirements of equality legislation
- ▶ The definition of racism and discrimination
- ▶ Your role in promoting diversity and inclusion in your public and private life

EQUALITY STATEMENT

'If we didn't have minorities we wouldn't have racism'

- ▶ Minorities do not have to exist for people to have negative feelings towards others
- ▶ Individuals learn behaviour and are influenced by many factors (e.g. the toys that girls and boys play with)
- ▶ You can be influenced through education, peers, family, newspapers, pop stars or where you are brought up
- ▶ Individual's prejudice (a pre-conceived idea based on little or no fact) is often as a result of fear of the unknown

A DEFINITION OF EQUALITY

‘Treating People according to their needs’

- ▶ Individuals are different and will have different needs
- ▶ To treat everyone the same could result in unfair treatment
- ▶ If individuals are treated according to their needs then we can ensure people are treated fairly
- ▶ It is important therefore that Councils ask the community what their individual needs are

A DEFINITION OF DIVERSITY

‘The way in which we all differ’

- ▶ We can very often have a perception of others that can lead into negative attitudes and behaviours towards those who we view as different to us
- ▶ For example the issue of racism is often perceived as a ‘black’ and ‘white’ issue but actually can relate to issues such as race, colour, nationality or ethnic origin

So what is equality and diversity all about? (Move to next slide)

WHAT IS EQUALITY AND DIVERSITY ALL ABOUT?

- ▶ It is about recognising and respecting difference and the diversity which exists in our society
- ▶ It is about providing quality services and fair opportunities for all (e.g. addressing the needs of the disabled)
- ▶ Positive action is taking pro-active steps to redress imbalances (e.g. provision of disabled toilets in public buildings)
- ▶ It is about using resources effectively and targeting resources towards identified priority issues

STATUTORY FRAMEWORK PRE 2010

There was a range of legislation in place to support organisations in taking steps to address diversity and inclusion:-

- ▶ The Equal Pay Act 1970
- ▶ Sex Discrimination Act 1975 (Amended in 1986 and 1999)
- ▶ Race Relations Act 1976 (Amended in 2001)
- ▶ Disability Discrimination Act 1995
- ▶ Employment Equality (Sexual Orientation) Regulations 2003
- ▶ Employment Equality (Religion or Belief) Regulations 2003
- ▶ Equality Act 2006

STATUTORY FRAMEWORK

- ▶ Welsh Language Act 1993 (put Welsh on the same legal standing as English)
- ▶ The Government of Wales Act 1998 (Placed a duty on the National Assembly to make appropriate arrangements to ensure its functions gave due regard to the principle of equality for all people)
- ▶ Human Rights Act 1998
- ▶ Government of Wales Act 2006
- ▶ Code of Conduct for Councillors – one of the principles of the Code is the need for Councils to promote equality

THE EQUALITY ACT 2010

This Act brought together all the previous equality legislation under one defined Act. The Act was needed because equalities law consisted of 35 Acts, 52 Statutory Instruments, 13 Codes of Practice and 16 European Directives

This represented a total of 116 pieces of legislation consisting of 4000 pages

The Equality Act replaces all of these and is easier to read and digest making it easier for local councils to understand its rights and responsibilities

WHO DOES THE ACT PROTECT?

There are 9 protected characteristics which are:-

- ▶ Race
- ▶ Sex
- ▶ Disability
- ▶ Age
- ▶ Religion or Belief
- ▶ Sexual Orientation
- ▶ Gender Reassignment
- ▶ Marriage and Civil Partnership
- ▶ Pregnancy and Maternity

THE PUBLIC SECTOR DUTY

APRIL 2011

The duty acts as a driver for change ensuring that public bodies have due regard to the need to:-

- ▶ Eliminate unlawful discrimination, harassment and discrimination
- ▶ Advance equality of opportunity
- ▶ Foster good relations

The duty covers employment as well as services provided by public bodies

It is recommended that your Council adopts an Equality and Diversity Policy

THINGS YOU SHOULD KNOW

There are some very important things you should know about and these will be covered in the next five slides. They relate to:-

- ▶ Harassment
- ▶ Direct Discrimination
- ▶ Indirect Discrimination
- ▶ Pre-Employment Checks
- ▶ Unfair Dismissal

HARASSMENT

S26 of the 2010 Equality Act defines harassment as 'unwanted conduct related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual e.g. sexual harassment, the telling of dirty jokes. A case can be brought against the Council and the individuals concerned so you need to be aware of the implications of inappropriate and unacceptable behaviour.

DIRECT DISCRIMINATION

This occurs when someone is treated less favourably than another person because of a protected characteristic. It includes discrimination as a result of a characteristic (e.g. sexual orientation) or through their association with someone else with a protected characteristic.

INDIRECT DISCRIMINATION

Where an organisation has policies, criteria or processes that puts individuals/groups at a disadvantage related to one or more of the protected characteristics e.g. people with a disability.

PRE EMPLOYMENT CHECKS

It is now unlawful to ask health questions at the pre-employment stage and it is not allowed until after the job offer is made – and only then to explore whether reasonable adjustments need to be considered.

For example, 1000 young disabled people who had applied for jobs were questioned about their experience and over 70% said they felt they hadn't got the job because they were disabled.

UNFAIR DISMISSAL

Employees are able to make a claim for unfair dismissal to an Employment Tribunal if they can demonstrate that the reason for dismissal related to one of the protected characteristics (e.g. disability/gender). The qualifying period of 2 years to make a claim does not apply in such cases.

MAINSTREAMING EQUALITY

Mainstreaming equality is about the integration of equality of opportunity principles, strategies and practices into the everyday work of the organisation. It means that equality issues should be considered from the outset as an integral part of the policymaking and service delivery process and the achievement of equality should inform all aspects of the work of all individuals within an organisation as they go about their business'

The use of an equality impact assessment can assist Councils in mainstreaming equality (see next slide)

EQUALITY IMPACT ASSESSMENTS

These are a tool for identifying the potential impact of policies, services and functions on Services Users and employees. They can be used to identify barriers, actions to overcome these barriers and ensure that services reflect the needs of the public. They were introduced for use by public bodies following the publication of the Macpherson Report into the Stephen Lawrence Inquiry.

The Equality and Human Rights Commission provides guidance for public bodies on making such assessments:-

<https://www.equalityhumanrights.com/en/advice-and-guidance/equality-impact-assessments>

BENEFITS OF MAINSTREAMING

- ▶ Encourages more evidence based decisions
- ▶ Ensures policies are targeted
- ▶ Improves the availability of suitable accessible services
- ▶ Encourages greater openness about policy
- ▶ Increases confidence people have in the Council
- ▶ Improves of the reputation of the Council

NOW TEST YOURSELF

Try to answer the following :-

- 1) How would you define the term 'equality?'
- 2) How would you define the term 'diversity?'
- 3) Name at least five protected characteristics contained in the 2010 Equality Act.
- 4) What do you understand the term 'harassment' to mean in the context of equality and inclusion?
- 5) Why is it important to mainstream diversity?

WHAT NEXT?

Now that you have a basic understanding of Diversity and Inclusion, you are strongly recommended to ask your Council to provide you with the opportunity to attend a training course on this subject.

The training offered by One Voice Wales is interactive and explores all elements of the Council's role relating to Diversity and Inclusion in the depth that you would expect from your representative body. It will also give you the opportunity to engage with other Councillors enabling you to share experiences and learn from your peer group.