

Policy Equal Opportunity and Valuing Diversity	Issue Date APRIL 2002
Issuing Organisation POLICY & PERFORMANCE and HUMAN RESOURCES	Version Number: 1 Effective Date April 2002

MERTON VALUING DIVERSITY

COMMITMENT

Merton Council is committed to promoting equality of opportunity and social inclusion, eliminating unlawful discrimination and promoting good relations between employees and between communities of all backgrounds.

Harassment and unlawful discrimination by or against staff, Councillors or service users will not be tolerated; complaints will be taken seriously and investigated fairly, regardless of whether discrimination is direct or indirect. This includes a failure to respond to any issue without justification. Merton Council defines a racist incident as any incident which is perceived to be racist by the victim or any other person.

BEST PRACTICE

Merton’s objective is to address inequality and eliminate discriminatory institutional processes that prevent fair access to employment and a range of appropriate professional services.

No-one will be unlawfully excluded on the grounds of gender, disability, health including mental health, race, colour, nationality, ethnic or national origin, age, HIV status, social or economic status, legal immigration status, marital status, sexual orientation, religion, political beliefs, trade union membership, carer responsibilities and irrelevant criminal records and convictions. As an employer Merton is committed to equal pay for men and women. Merton recognises that a diverse workforce is better placed to serve all of the people living, working or learning in the borough. In valuing and promoting diversity Merton will do all in its power to make Merton a borough of choice for residents and employees.

Merton follows the Codes of Practice devised by the Equal Opportunities Commission, Commission for Racial Equality and Disability Rights Commission using appropriate national local government Standards to devise equality action plans. These processes enable the monitoring of the effectiveness of policies and practices, and responses to the needs of all groups within the community. This policy links the Merton Code of Practice

for Equality in Service Delivery and the Human Resources Strategy, which includes the continued development of equality of opportunity and social inclusion.

Merton's staff grievance procedure, aggressive incident reports, 'whistle-blowing' policy, complaints procedures, and the Third Party hate crime reporting procedure have been put in place to manage such incidents. Merton will take disciplinary action within agreed procedures where there is reasonable cause to believe that the policy is abused, ignored or breached. Where appropriate Merton will support staff or service users and work with the Police to take action against perpetrators.

WHERE RESPONSIBILITY LIES

An inclusive and fair Merton will benefit everyone, and the value placed upon diversity and inclusion should be evident to everyone. Every Councillor, employee, contractor and sub-contractor has a responsibility to adhere to this policy in carrying out their duties whether involved in policy, procedure, service development, needs assessment, consultation, service delivery, monitoring or promotion.

The overall responsibility for ensuring that the Equal Opportunity & Valuing Diversity Policy is implemented, remains with the Leader and the Chief Executive. However, Merton will work in partnership with local service providers, organisations and the community to implement this policy where practicable.

TRAINING FOR STAFF AND COUNCILLORS

It is the responsibility of managers to ensure members of staff are trained and understand equality and diversity issues in relation to Merton as a service provider and an employer, as well as those issues relevant to their areas of work. An understanding of equalities and diversity is a key element of Merton's staff competencies within the Performance Management Framework.

Corporate equality and diversity training is available and will be regularly reviewed. Equalities training and job related equalities information is also available through departments' Human Resource Units, officers' professional organisations and through the Disability Rights Commission, the Equal Opportunities Commission, the Commission for Racial Equality, the Local Government Association and the Employers Organisation for Local Government. Training for Councillors will include equality and diversity awareness in their role as Councillors.

PROMOTION, MONITORING AND REVIEW

This policy will be reviewed on a two yearly basis in consultation with Councillors, staff, appropriate national equality organisations, local voluntary organisations and the community. The application of this policy will be reviewed through the Best Value regime and through working to statutory

and local performance indicators. The results of impact assessments, reviews, initiatives, monitoring and consultation exercises will be publicised locally and reflected in changes to service delivery and revisions of this policy.

LEGISLATIVE GUIDANCE

In order to fulfil legal responsibilities, within resources available to us, Merton complies with the Sex Discrimination Act 1975, Race Relations Act 1976, Race Relations (Amendment) Act 2000, Disability Discrimination Act 1995 and Human Rights Act 1998, the Rehabilitation of Offenders and Act 1974 and Equal Pay Act 1975. For a fuller understanding of the legislation and definitions used in devising this policy please see page 3. These definitions form part of this policy.

March 2002

Head of Policy & Performance and Head of Human Resources

Legislation Overview & Definitions used in Devising this Policy

DISABILITY DISCRIMINATION ACT

It is unlawful to treat disabled people less favourably for a reason related to their disability without justification in employment, management, buying or renting of land or property and access to goods, services and facilities.

Direct discrimination is where a disabled person is treated less favourably than someone else on the grounds of their disability and that treatment cannot be justified. (Disability Rights Commission)

INDIRECT DISCRIMINATION IS FAILING TO MAKE REASONABLE ADJUSTMENTS FOR A DISABLED PERSON AND THAT FAILURE CANNOT BE JUSTIFIED. (DISABILITY RIGHTS COMMISSION)

RACE RELATIONS (AMENDMENT) ACT

It is unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin in employment, training, education, housing, public appointments, and provision of goods, facilities and services.

Direct discrimination means treating one person less favourably than another on racial grounds. Direct discrimination is unlawful under the Race Relations Act 1976. (Commission for Racial Equality)

Indirect discrimination means that a rule or condition which is applied equally to everyone can be met by a considerably smaller proportion of people from a particular racial group; the rule is to their disadvantage; and the condition or rule cannot be justified on non-racial grounds. All three conditions must apply. (Commission for Racial Equality)

'Institutional racism is the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people'. (Stephen Lawrence -MacPherson Inquiry).

'A racist incident is any incident which is perceived to be racist by the victim or any other person'. (Stephen Lawrence - MacPherson Inquiry).

SEX DISCRIMINATION ACT

It is unlawful for an employer to discriminate directly or indirectly on grounds of sex or marriage in the areas of employment, education, and the provision of goods, facilities and services and in the disposal or management of premises. Victimisation because someone has tried to exercise his or her rights under the Sex Discrimination Act or Equal Pay Act is prohibited.

Direct sex discrimination is where a woman (or man) is treated less favourably than a person of the opposite sex in comparable circumstances is, or would be, because of her (or his) sex. Types of direct sex discrimination include sexual harassment and treating a woman adversely because she is pregnant (Equal Opportunities Commission).

Indirect sex discrimination is where a condition or practice is applied to both sexes but it adversely affects a considerably larger proportion of one sex

than the other, and it is not justifiable, irrespective of sex, to apply that condition or practice (Equal Opportunities Commission).