

# Equality, Diversity and Inclusion Policy

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## Document Control

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# 1 Why does the Council need this Policy?

1.1 The purpose of this policy is to outline the Council's commitment to upholding the principles of equality, diversity, and inclusion and to put the consideration and due regard of the needs of our diverse citizens and employees, at the centre of the Council's strategies, policies, decision-making and activities.

1.2 This policy demonstrates a commitment to tackle any unlawful discrimination, harassment, victimisation, or other prohibited conduct in accordance with its legislative duties.

1.3 The policy will help ensure compliance with the Equality Act 2010, including the Public Sector (or General) Equality Duty, Specific Duties and Fairer Scotland Duty.

1.4 The policy will help ensure that the Council complies with the Education (Additional Support for Learning) (Scotland) Act 2004, as amended, which places specific duties on local authorities to ensure that children and young people with additional needs are given the support they require to reach their full potential.

1.5 This policy will help ensure that the Council complies with the Children and Young People (Scotland) Act 2014 which places corporate parenting responsibilities on the Council to work together to uphold the rights and support the needs and wellbeing of looked after and care experienced children, young people and care leavers across Scotland.

1.6 This policy was developed in consideration of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 which places a 'compatibility duty' on public bodies and local authorities not to act in a way which is incompatible with the UNCRC requirements. In consideration of the Act, this policy has been developed to assist children and young people in realising their rights as laid out in the United Nations Convention on the Rights of the Child (UNCRC), specifically with regards the 'General Principle of 'Non-Discrimination' (Article 2).

1.7 The policy will aid compliance with the Human Rights Act 1998 and the fundamental rights that everyone in the UK is entitled to and are considered as part of Integrated Impact Assessments.

1.8 The main risk the policy is designed to mitigate against is that of legal non-compliance, which also links to financial, operational, and reputational risks, covered under 6.1 below.

## 2 Application and Scope Statement

2.1 This policy applies to all employees<sup>1</sup> in any work activities and in any interactions with citizens<sup>2</sup>, community groups, job applicants, trade unions, partners, suppliers, funders and sponsors relevant parties. It also applies to elected members and links to the Councillors' Code of Conduct and the Member Officer Relations Protocol.

2.2 This policy is primarily concerned with ensuring that there is no unlawful discrimination, harassment, or victimisation for anyone in their dealings with Aberdeen City Council, based on the Equality Act 2010 protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

2.3 It is important to note that claims may be brought against employees who are responsible for discrimination, victimisation, prejudice or harassment in the course of their employment.

2.4 Under the Hate Crime and Public Order (Scotland) Act 2021, which came into force on 1<sup>st</sup> April 2024, employees should be aware that they may be prosecuted as individuals in regard to instances of racially aggravated harassment as well as aggravated prejudice or stirring up hatred against people in relation to the below characteristics:

- age
- disability
- race, colour, nationality (including citizenship), or ethnic or national origins.
- religion or, in the case of a social or cultural group, perceived religious affiliation.
- sexual orientation
- transgender identity
- variations in sex characteristics

2.4.1 Employees could be liable for an aggravated offence if they:

- Commit any criminal act that is motivated by malice and ill-will towards a person or a group of people based on their protected characteristic, either in the course of their work or outside of it.
- Participate in or associate with a group of people who commit any criminal act that is motivated by malice and ill-will towards a person or a group of people based on their protected characteristic, either in the course of their work or outside of it.

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<sup>1</sup> "Employees" in this policy refers to anybody engaged in work for Aberdeen City Council, including relief / casual workers, agency temps, interns, apprentices and volunteers. Employees of the Aberdeen City Health and Social Care Partnership will also use documentation approved by the Integrated Joint Board (IJB)

<sup>2</sup> "Citizens" in this policy refers to anyone who engages with council services; but it is acknowledged that some areas of the council use different terms including 'service user', 'patient' and 'client'.

### 3 Responsibilities

3.1 The Council will adhere to all its statutory responsibilities and duties under the Equality Act 2010.

3.2 Elected members are responsible for:

- Providing leadership and encouraging organisational compliance with the policy.
- Being visible and accessible to our diverse citizens and community groups to engage and listen proactively with them on issues relating to equality, diversity and inclusion.
- Having due regard to the Public Sector Equality Duty when decision making and scrutinising applicable reports and any applicable Integrated Impact Assessments that identify equality implications and mitigations.

3.3 Chief Officers and Directors are responsible for:

- Applying this policy within their service delivery remit to help embed a culture of progressive equality, diversity, and inclusion in the organisation.
- Ensuring that equality, diversity, and inclusion is taken account of in service planning and activity.
- Being accessible and visible to diverse citizens and communities, and ensuring they are actively listened to, learned from, and proactively consulted and engaged with in relation to service design and decisions that could affect them.
- Ensuring that there is equitable access to and awareness of Council goods, services and information within their service delivery remit.
- Ensuring that Integrated Impact Assessments are undertaken and completed properly as required.
- Taking reasonable action to address any areas of under-representation in their Cluster's workforce, seeking to remove barriers to employment and to create inclusive workspaces.

3.4 Specifically, the Chief Officer – Governance and Chief Officer – People and Citizen Services has overall responsibility for the production and monitoring of the Council's statutory Equality Outcomes Mainstreaming Report and Progress Report.

3.5 Specifically, the Chief Officer – People and Citizen Services has overall responsibility for the analysis and publication of statutory employment data and performance indicators relating to equality and diversity.

3.6 People Managers are responsible for:

- Ensuring that their employees are aware of and adhere to their responsibilities under the policy.

- Taking a customer-centred approach to designing services, actively engaging and communicating with internal and external stakeholders to understand their needs and lived experiences, ensuring that services are accessible, and citizens are empowered.
- Ensuring that Integrated Impact Assessments are undertaken and completed properly in line with guidance and information available to ensure that decisions on service delivery give due regard to the needs of our diverse communities.
- Undertaking equality, diversity and inclusion-related training, monitoring and managing their employees' completion of mandatory equality, diversity and inclusion training, and encouraging their employees to undertake any further, relevant training.
- Ensuring that they do not unfairly or unlawfully discriminate when acting on behalf of the Council, including during recruitment and selection processes or other employment-related activity.
- Actively challenging employee behaviour which may amount to unfair or unlawful discriminatory practice, or where this may have an impact on an employee's sense of inclusion and belonging, and taking appropriate action where required.
- Taking appropriate and proactive measures to protect employees from harassment and intimidation from citizens or others.
- Ensuring no one is victimised for raising issues of alleged unfair or discriminatory practice.
- Taking responsibility for embedding equality and diversity across their service and fostering inclusive environments for their team and others, making reasonable adjustments for employees where required.

### 3.7 All employees have responsibility for:

- Upholding the values and policies of a local authority, which include promoting equality, diversity and inclusion, and preventing and tackling discrimination, harassment and hate crime.
- Ensuring that no unlawful discriminatory practices are applied or tolerated when acting on behalf of the Council in relation to working with citizens, employees, or any others.
- Demonstrating in all and any work-related activities (including any work-related social events) that they support a culture which values equality, diversity and inclusion, as outlined in the Council's Guiding Principles, Capability Framework and Equality Outcomes.
- Undertaking equality-related training as required by the organisation.
- Informing their manager, a senior leader, or an employee within Employee Relations, if they become aware of an instance of discriminatory practice or inappropriate behaviour contrary to this policy.
- Reporting any incidents or allegations of aggravated offences that they witness or become aware of in the workplace, either by their colleagues, managers, customers, clients, partners, or any other third parties.

3.8 Any breach or misuse of this policy may result in disciplinary procedures.

## 4 Supporting Procedures and Documentation

4.1 An [Equality Mainstreaming Report](#) is published every two years and details the progress made by Aberdeen City Council in our duty under the Equality Act 2010 to eliminate discrimination; advance equality of opportunity; and foster good relations between persons who share a protected characteristic and those who do not.

4.2 [Equality Outcomes](#) are published every 4 years and reported on every 2 years in the Equality Mainstreaming Report. Equality outcomes highlight our targeted aims to eliminate discrimination, advance equality of opportunity and foster good relations with intended outcomes that result in the specific and identifiable improvements in people's life chances. The Equality Outcomes are reviewed and developed in consultation with relevant stakeholders.

4.3 The **Equality, Diversity and Inclusion Action Plan** sets out Aberdeen City Council's responsibilities and activities as an employer. The purpose of this is to engage with employees with protected characteristics to agree actions the Council will undertake to deliver its equality outcomes.

4.4 An [Integrated Impact assessment](#) (IIA) is a document that needs to be completed by council officers to ensure that the impact of business proposals, policies or decisions on different groups of people within our community or workforce is understood and any negative impact is mitigated against where possible. Council officers must collect and present evidence in their IIA that they have consulted with people who may be impacted by their proposals and / or persons, groups and organisations which represent them.

4.5 The [We CARE Charter and Commitments](#) is Aberdeen City Council's pledge to citizens about what they can expect when interacting with the Council. In particular, the two commitments of "accessible" and "empowered" are supported by this policy.

4.6 The [Guiding Principles](#) are Aberdeen City Council's guidelines for employees on the expected behaviours of all employees in how they work. To ensure all employees understand their responsibilities in supporting a culture that values equality, diversity and inclusion – one of the Guiding Principles is 'we value each other' which provides suggested behaviours of what this looks like (but also what it doesn't look like) in practice.

4.7 [The Aberdeen City Council Capability Framework](#) is a practical tool that supports the Guiding Principles by defining the skills and knowledge needed by all employees to meet the current and future needs of our customers and city. It is a key part of the appraisal process, and all employees are measured against this on an annual basis. This enables Aberdeen City Council to report annually on progress made towards achieving a culture that supports equality, diversity and inclusion and also to target communication and training to areas of the workforce where there is underperformance.



4.8 The [Budget Protocol](#) outlines the Council's budget processes and outlines the steps required to ensure that Integrated Impact Assessments are completed appropriately, that elected members comply with the Equality Act 2010, and that due regard is given to the impacts of budget options on those with protected characteristics and those living in socio-economic disadvantage.

4.9 The [British Sign Language Plan](#) and the [Gaelic Language Plan](#) are also relevant to the policy.

4.10 The policy links to the **Gender-Based Violence Policy and Guidance**. These documents outline the reporting process for gender-based violence and violence against women in the workplace.

4.11 For reporting gender-based violence and violence against women and girls in the community, Police Scotland can be contacted on 101 in the first instance. In an emergency call 999 if it is believed that someone is at immediate risk of harm. Local specialist services can also support to report and can be accessed on the [Domestic Abuse Support Database](#).

4.12 The policy also links to the following, which are on the Council's Intranet or, where available externally, linked below:

- Dignity and Respect at Work policy and accompanying procedure/guidance
- Managing Grievances policy and accompanying procedure/guidance
- Managing Discipline policy and accompanying procedure/guidance
- Employee Code of Conduct
- Recruitment and Selection guidance
- Special Leave policy
- Supporting Attendance and Wellbeing policy
- Family Friendly policy and associated guidance including – Maternity, Paternity, Adoption, Shared Parental Leave and IVF guidance documents.
- Smarter Working guidance
- Disability in the Workplace guidance
- Member Officer Relations Protocol
- [ACC Education Settings Anti-Bullying Policy 2023](#)
- [The Accessibility Strategy](#)
- Supporting Pupils: [Minimising Exclusion policy](#) and [guidance](#)
- Engagement Policy
- [Supporting Carers in the Workplace](#)
- [Transgender Equality and Transitioning in the Workplace Guidance](#)
- [Disability Leave Guidance](#)
- [Faith, Religion and Belief \(Spirituality\) Policy](#)
- [Equal Pay Policy](#)

## 5 About this Policy

5.1 The policy does not create any specific regulations or requirements other than what is stated under Core Principles below.

### Policy Core Principles

5.2 In line with the Public Sector Equality Duty under the Equality Act 2010 the Council will have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

5.3 Furthermore, in line with the Equality Act 2010, to ensure there is due regard for advancing equality of opportunity, the Council will:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

5.4 The Council will comply with its specific duties under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

5.5 The Council will comply with its duties under the Children and Young People (Scotland) Act 2014 and the Education (Additional Support for Learning) (Scotland) Act 2004 which provides the legal framework for supporting children and young people in their school education, and their families.

5.6 The Council will give due regard to the Supporting Children's Learning: Statutory Guidance on the Education (Additional Support for Learning) Scotland Act 2004 (as amended) Code of Practice (Third Edition) 2017 when carrying out its Education functions.

5.7 The Council will ensure that it is compatible with Section 6 of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 which states,

- “(1) It is unlawful (subject to subsection (4)) for a public authority to act, or fail to act, in connection with a relevant function in a way which is incompatible with the UNCRC requirements.”

5.8 It is recognised that the concept of equality and inclusion goes beyond the protected characteristics defined within the Equality Act 2010 and also includes other types of lived experience such as care experience, socio-economic background and veteran status. These groups, and other similar groups, should be taken into consideration along with the protected characteristics defined within the Equality Act 2010, particularly in consideration of the Fairer Scotland Duty which places a legal responsibility on public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions.

5.9 It is recognised that people with multiple or intersectional identities may face particular barriers and challenges and that protected characteristics should not just be considered themselves but also as combinations which can affect an individual's life experiences and needs.

5.10 Individual differences, preferences, needs and contributions will be understood, valued and celebrated with awareness and understanding of equality, diversity and inclusion communicated and promoted through training, guidance and targeted campaigns.

5.11 We will ensure that our policies, procedures and practices are fair, that they do not disadvantage or exclude any group or individual and that barriers to accessing and participating in services are removed. Integrated Impact Assessments will be undertaken where required for this purpose and will be published and accessible on the Council's external website.

5.12 Due regard to the needs of different citizens will be considered to ensure that people with protected characteristics are empowered, engaged, and involved in consultations and discussions in relation to decisions that could affect them, at the earliest possible opportunity. The views, input and feedback from citizens will be taken seriously with resultant decisions and outcomes communicated transparently.

5.13 Senior leadership teams and decision-makers at the Council will be accessible and visible to diverse citizens and communities and will undertake regular listening, engagement and two-way dialogue activities with them to better understand their cultures, needs and requirements.

5.14 It is recognised that having a diverse workforce and an inclusive work environment makes strong business sense and leads to improved organisational performance and better outcomes for citizens.

5.16 It is recognised that occupational segregation and labour inequality have an impact on pay gaps such as gender pay gap, disability pay gap and ethnicity pay gap, as well as a wider impact on equality issues such as violence against women and girls. Therefore, patterns of occupational segregation and areas of underrepresentation or inequality, including at leadership level, will be identified and proactively addressed.

5.17 Decisions concerning job applicants and employees will be based on ability and merit, though positive action will be taken and encouraged where required to lessen disadvantages, remove barriers and support individuals into employment and into promoted roles. Positive discrimination will not be permitted unless there are exemptions allowing for this under the Equality Act 2010.

5.18 Reasonable adjustments will be made in line with legislative requirements to enable individuals to overcome barriers to accessing and maintaining Council employment and development opportunities.

5.19 An inclusive, flexible and supportive work environment will be maintained that proactively seeks to eradicate all forms of unlawful discrimination, bullying, harassment, and victimisation, challenge stereotypes, and promote dignity and respect for all.

5.20 The Council will work towards preventing and eradicating sexism, misogyny and violence against women and girls in all its forms and addressing the underlying attitudes and systems that perpetuate it.

5.21 Procurement process, external funding, sponsorship and partnership arrangements are operated to ensure that others commissioned to provide services on behalf of the Council have similar policies covering equality, diversity and inclusion.

5.22 Discrimination, bullying, harassment, victimisation, or any form of prejudicial behaviour from those falling within scope of this policy, such as racist and sexist behaviour (including any form of violence against women and gender-based violence), will not be tolerated.

5.23 Complaints of unlawful discrimination, bullying, harassment, and victimisation whether against employees or citizens, or other relevant parties, will be taken seriously, and appropriately addressed through Council procedures, including the Unacceptable Actions Procedure, with employees and citizens supported throughout.

5.24 Employees accused of the aforementioned behaviour will be managed under relevant Council procedures. Due to the seriousness in which Aberdeen City Council takes these accusations, this behaviour may be considered as potential gross misconduct which could result in dismissal. Accusations against Elected Members would be handled under the Member Officer Relations Protocol or could be subject to a referral to the Ethical Standards Commissioner.

5.25 Any complaints handled under the Council's Complaints Handling Procedure which relate to discrimination are categorised as such and shared with the Equalities Team to enable monitoring. Any lessons identified are shared more widely, as appropriate, to ensure organisational learning from the feedback. If a citizen remains dissatisfied with the complaint decision, then they can escalate the matter to the Scottish Public Services Ombudsman to undertake an independent review. Employees or citizens who wish to

report a hate crime may do so directly through Police Scotland or may use a [third party reporting centre](#), which includes Aberdeen City Council itself.

5.26 The Equality Act 2010 provides the right to make a claim (appeal) to the First-tier Tribunal for Scotland in respect of disability discrimination relating to pupils in school education. Claims may be made by the parent, the young person or the child (where the child has the capacity to make the claim).

5.27 Equality and diversity data analysis and monitoring will be continuously undertaken to identify areas of the organisation that require targeted interventions and actions. An intersectional approach to data analysis will also be taken.

## 6 Risk

6.1 The following identified risks will be mitigated against through having this policy in place.

- The policy will help ensure that the Council meets legislative requirements in relation to equality, diversity and inclusion, including its responsibilities in respect of the public sector equality duties under the Equality Act 2010. This will reduce the risk of any statutory non-compliance and challenges, for example, decisions being judicially reviewed by interested parties.
- This policy mitigates against any risk that the Council does not meet the needs of its diverse employees and citizens and mitigates against making any inequalities worse or contributing to inequalities in the City.
- Financial risks should be mitigated by the policy, as it will help ensure that claims against the Council of unlawful discrimination, harassment or victimisation by employees, citizens, or others, do not occur, saving on potential costs of that type.
- Reputational risks should also be mitigated by the policy, as if the organisation is legally compliant, applying positive and progressive equality, diversity and inclusion practices in relation to employees, citizens, and others, this will help avoid complaints and any negative publicity that could otherwise arise if this were not the case.

6.2 The risks identified will be managed and mitigated through application of the policy across the Council and through appropriate training. This will be undertaken by ensuring the policy is readily available to employees and elected members, and that support is provided from the Equalities team specifically, and the People and Citizen Services cluster more generally, in the interpretation of the policy where required. Learning resources on equality, diversity and inclusion will be made available for employees with separate training for elected members. Equality, diversity and inclusion will also be a part of induction training, recruitment and selection training and other promotional events.

6.3 The production of bi-annual mainstreaming and progress reports, alongside the production and analysis of statutory performance data, will aid the monitoring and management of identified risks.

6.4 Monitoring will be undertaken of any feedback from stakeholders or others in relation to the identified risks and appropriate action taken if any concerns arise.

6.5 The policy will also support the organisation's "PREVENT<sup>3</sup>" obligations as part of the CONTEST framework by helping ensure that employees, citizens and others are treated fairly and with dignity and respect, so that a relationship of trust is built with all. This should indirectly assist with wellbeing and reduce vulnerability, helping to make people less susceptible to radicalisation and being drawn into terrorist organisations.

## 7 Environmental Considerations

7.1 The policy may indirectly contribute towards protecting and improving the environment, with studies showing that people in more equal societies tend to consume less, produce less waste, and emit less carbon on average. If there is equality for employees, citizens and communities, this may help to ensure that individuals have more resources, support, and information to make changes in their lives to contribute to combatting the climate and nature crises.

7.2 The climate and nature emergencies can exacerbate existing inequalities. Reducing inequality within and among countries is the aim of Goal 10, one of the United Nations 17 global Sustainable Development Goals. This policy may lead towards increased fairness and a just approach in contributing to combatting the climate and nature crises.

## 8 Policy Performance

8.1 Measures to determine the effectiveness of the policy will include compliance with the public sector general and specific equality duties and the progress made towards the Council's equality outcomes.

8.2 A variety of employee related equality data is gathered as part of the specific equality duties. This includes information on the composition of employees, recruitment, development, and retention with respect to the number and relevant protected characteristics of employees. This data is used to demonstrate progress made with performing the general equality duty under the Equality Act 2010. The Council will work towards an intersectional analysis of this data.

8.3 Feedback from and ongoing listening to employees, trade unions and citizens will provide an indication of whether the organisation is meeting its equality, diversity and

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<sup>3</sup> PREVENT is a national programme that aims to stop people from becoming terrorists or supporting terrorism. It works to ensure that people who are susceptible to radicalisation are offered appropriate interventions, and communities are protected against radicalising influences.

inclusion objectives in relation to employment. Any complaints received in relation to equality, diversity and inclusion from employees or citizens will also be monitored.

8.4 Performance information will be included in the Council's statutory Equality Outcomes Mainstreaming Progress Report produced every two years as part of its public sector equality duties, which is also submitted to Committee. The report will include details in respect of employees and citizens and give an indication of how the organisation is progressing towards meeting the general and specific equality duties, including the Council's equality outcomes.

## 9 Design and Delivery

9.1 The policy links to the 'Workforce' design principle in our current transformation programme, in that it is concerned with organisational culture and the promotion of equality, diversity and inclusion in the workplace. It also links to the 'Partnerships and Alliances' design principle, being concerned with how the organisation collaborates with external organisations to achieve successful outcomes, which encompasses some of the Council's equality outcomes.

9.2 The policy links to the 'Prosperous People' theme in the Local Outcome Improvement Plan (LOIP), which mentions people being entitled to live in a way they feel safe, supported, and fully included in life in the City, having an equal right to enjoy these aspirations. In addition, it indicates an ambition to support every child irrespective of circumstances to grow, develop and reach their full potential, where there is equality of opportunity for all. The policy also links to the 'Prosperous Place' theme in the LOIP, where all can prosper, reflecting the organisation's desire to help people, families, and communities to do well, succeed and flourish in every aspect, regardless of their background or circumstances.

9.3 The policy directly supports delivery of the Council's statutory obligations in relation to equality and diversity as referenced under 1.2, 2.2 and 2.4 above.

## 10 Housekeeping and Maintenance

10.1 The policy replaces the existing Diversity and Equality policy and will be reviewed annually with any necessary updates made to it.

## 11 Communication and Distribution

11.1 The policy will be shared directly with the Extended Corporate Management Team to enable communication and distribution in accordance with responsibilities set out in section 3.

11.2 The policy will also be communicated through the Council's intranet and will be placed on the relevant page(s) for all employees to view.

11.3 It will also be available to citizens and third parties via the Council's website.

11.4 Information will be made available in suitable formats to meet the needs of any individual requiring access to this information.

11.5 The principles of this policy and its expectations of employees will be communicated to employees through the mandatory training course on equality, diversity and inclusion and compliance monitored by managers accordingly.

## 12 Information Management

12.1 Information generated by the application of this policy will be managed in accordance with the Council's Corporate Information Policy and Supporting Procedures.

## 13 Definitions and Understanding this Policy

13.1 **Equality** – refers to providing equal opportunities to everyone and protecting people from being discriminated against. It is essentially about fairness and ensuring that everyone has the best possible chance to succeed in life, whatever their background or identity.

13.2 **Diversity** - refers to recognising and respecting and valuing differences in people. It is acknowledging the benefit of having a range of perspectives in decision-making. In the case of employment, it is about having a workforce that is representative of an organisation's customers or service users.

13.3 **Inclusion** - refers to an individual's experience within society and the workplace, and the extent to which they are valued and included. Inclusion is where people's differences are acknowledged and used to enable everyone to thrive. An inclusive environment is one in which everyone belongs without having to conform, that their contribution matters, and they can reach their full potential, no matter their background, identity, or circumstances.

13.4 **Equality Act 2010** - The Equality Act came into force in October 2010 and provides a modern, single legal framework to tackle disadvantage and discrimination. Under the Act it is unlawful to discriminate, harass or victimise someone because they have or are perceived to have a protected characteristic or are associated with someone who has a protected characteristic. The nine protected characteristics covered by the Act are:

- **Age** - A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).



- **Disability** - A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
- **Gender Reassignment** - Where a person undergoes, or proposes to undergo, a process for the purpose of reassigning their sex.
- **Marriage and Civil Partnership** - Marriage is a union between a man and a woman or between a same-sex couple. Same-sex and different sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).
- **Pregnancy and Maternity** - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
- **Race** - A race is a group of people defined by their colour, nationality (including citizenship) ethnicity or national origins. A racial group can be made up of more than one distinct racial group, such as Black British.
- **Religion or Belief** - Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
- **Sex** - A man or a woman.
- **Sexual Orientation** - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**13.5 Direct discrimination** – Is where a person has been treated less favourably than others on grounds of a protected characteristic. It can also occur by association or perception.

**13.6 Indirect discrimination** – Indirect discrimination occurs where a policy, practice, or rule that applies in the same way for everybody, disadvantages a group of people who share a protected characteristic. The organisation applying the policy, practice, or rule must show that there is a good reason for it.

**13.7 Harassment** – Is unwanted conduct related to one of the protected characteristics which has the purpose or effect of violating the victim's dignity or of creating an intimidating, hostile, degrading, humiliating, or offensive environment for the victim.

**13.8 Victimisation** – Is where a person is treated badly or subject to disadvantage because they have complained about discrimination, or they have helped someone who has been the victim of discrimination.

**13.9 The Public Sector Equality Duty** is set out in sections 149–157 and schedules 18 and 19 of the Equality Act 2010. Aberdeen City Council must, in the exercise of its functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13.10 **The Specific Duties** are listed in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 as amended. They require Aberdeen City Council to publish relevant information, showing compliance with the General Equality Duty, to help them in their performance of that duty. Each authority is required to report on mainstreaming the equality duty, publish equality outcomes and report on progress, assess and review policies and practices, gather and use employee information, publish gender pay gap information and statements on equal pay.

13.11 **Equality Outcomes** – Are the results a public authority aims to achieve to further one or more of the needs in the General Equality Duty. They are intended to achieve specific and identifiable improvements and are the changes that result for individuals and communities because of the action an authority has taken. There is a duty to publish equality outcomes and report on progress, publishing a fresh set every four years, with involvement of relevant parties in their compilation.

13.12 **Integrated Impact Assessment (IIA)** – Is a tool used to assess the impact of applying a proposed new or revised policy or practice, in relation to disadvantaged or vulnerable groups, against the needs of the general equality duty and the Human Rights Act. It also takes into consideration the 'Fairer Scotland Duty,' Children's Rights and climate and environmental impacts. In developing a policy or practice, the organisation must take account of and publish the results of the assessment, with actions taken to remove or mitigate any identified adverse impacts. A copy of the template IIA form is available on the Council's Intranet.

13.13 **Gender Based Violence / Violence Against Women and Girls (VAWG)** - includes domestic abuse, sexual harassment, stalking, sexual assault, and rape, and so-called "honour based" violence. VAWG is specifically any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women or girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

13.14 **Intersectionality** - means the interconnected nature of social categorisations such as race, disability, and sex as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage. For example, a

disabled woman's experience will differ from a black woman's experience based on the different intersections of disability and sex or race and sex.

**13.15 Occupational Segregation** – is the term used to describe when certain occupations or work groups have a higher proportion of a certain group than others. For example, some job roles or services may have a higher proportion of male workers compared to female workers. This can be described as 'horizontal occupational segregation', meaning different services or job roles, or 'vertical occupational segregation', meaning underrepresentation at different seniority or pay levels of the organisation.

**13.16 Reasonable Adjustments** - are changes an employer makes to remove or reduce a disadvantage related to someone's disability. Reasonable adjustments are specific to an individual person. Employers must make reasonable adjustments by law. Employers should consider if proposed reasonable adjustments:

- will remove or reduce the disadvantage.
- are practical to make.
- are affordable.
- could harm the health and safety of others.

**13.17 Positive Action** - allows employers to take action that may involve treating one group that shares a protected characteristic more favourably than others, where this is a proportionate way to enable or encourage members of that group to:

- overcome or minimise a disadvantage.
- have their different needs met.
- participate in a particular activity.

**13.18 Positive Discrimination** – means when an action gives more favourable treatment to members of a disadvantaged or underrepresented protected group of people and causes detriment to another protected group. For example, introducing quotas for recruitment or allowing job applications from certain protected groups only. Positive discrimination is against the law unless there is:

- a disability exception.
- an occupational requirement.

**13.19 Sexism** - Sexism is discrimination or bias against individuals based on their sex. In the workplace it manifests as unequal treatment, gender-based harassment and ingrained stereotypes that hinder the progress and fair representation of a particular gender, frequently disadvantaging women.

**13.20 Misogyny** - Misogyny is a way of thinking that upholds the primary status of men and a sense of male entitlement, while subordinating women and limiting their power and freedom.