

**Personnel Panel - 12 January 2004****AMENDMENTS REQUIRED TO THE COUNCIL'S EQUAL OPPORTUNITIES POLICY AS A RESULT OF RECENT REGULATIONS****Report of the Personnel Manager**

**Statutory Powers:-**     **The Employment Equality (Sexual Orientation) Regulations 2003**  
                                  **The Employment Equality (Religion or Belief) Regulations 2003**

**Financial Implications:- None**

**Purpose**

To gain authority of the Personnel Panel to amend the Council's Equal Opportunities Policy to take account of new regulatory requirements prohibiting discrimination on grounds of sexual orientation and religion or belief.

**Recommendation**

It is recommended that the Personnel Panel **RESOLVES** to incorporate the requirements of the above Regulations into the Council's Equal Opportunities Policy.

**Background**

1. The above Regulations became law in December 2003 and require all employers to have in place policies and processes to ensure that job applicants, employees, agency workers and self employed contractors are not discriminated against because of their Sexual orientation or Religious belief.
2. Sexual orientation is defined as orientation towards
  - Persons of the same sex
  - Persons of the opposite sex
  - Persons of the same sex and opposite sex
3. Religious Belief is defined as "any religion, religious belief or similar philosophical belief". The regulations have identified a number of factors which could be used to determine a belief
  - Collective worship
  - A clear belief system
  - A profound belief affecting way of life or view of the world

## **Guidance for Employers**

4. Application of the Regulations will raise many questions and draft guidance has been produced by ACAS to help employers understand their new responsibilities. The Employers Organisation (for Local Government) is producing a comprehensive guide for Authorities, to be published in February. Like most recent discrimination legislation the common view held is that actual detail will become apparent through emerging case law.

## **Monitoring**

5. Interestingly the new Regulations do not require employers to monitor the composition of their work force in respect of these areas. It is recognised that Religion, belief and sexuality are very personal issues and should not be monitored like sex, race or nationality.

## **Risk Assessment**

6. These new Regulations produce additional burdens on the Council in terms of its increased vulnerability to challenges of discrimination. As with the earlier Disability Discrimination Act, it is predicted that the legislation will tighten its grip through evolving case law and precedent. The full impact of the new Regulations will not be known for some time and will no doubt be incremental in their affect. The Council's Equal Opportunities policy supported by the current roll out of diversity training for all staff should help to reduce the risk of a challenge from these Regulations.

## **Human Rights Act**

7. There are clear implications under the Human Rights Act in respect of these Regulations covering privacy, family life, freedom of thought and discrimination.

**Reg Hambly**  
**Personnel Manager**

**Personnel Panel**  
**12 January 2004**

## **Background Papers:-**

**The Employment Equality (Sexual Orientation) Regulations 2003**  
**The Employment Equality (Religion or Belief) Regulations 2003**