

Protocol for Members and Co-opted Members on Language and Behaviour

This protocol provides to Members and Co-opted Members of the county council guidance from the Equality Act 2010 to support the requirement to promote equality through actions, behaviour and conduct (including use of social media) and the types of discrimination which can occur. This document should be read in conjunction with the Code of Conduct and forms part of it.

The following are definitions of the nine protected characteristics of the Equality Act 2010. These are deemed to be protected from unlawful behaviour such as harassment and offensive behaviour.

Age: An individual of a certain age or in or not in a certain age group. Discrimination by perception (someone thinks you are (or are not) a specific age or age group) and discrimination by association (you are connected to someone of a specific age or age group) is also included as part of this protected characteristic.

Disability: An individual who has a mental, physical or progressive condition, which is substantially long-term and adversely affects their ability to carry out normally day-day activities. Discrimination by perception or by association is also included as part of this protected characteristic.

Gender Reassignment: An individual who is undergoing, has undergone or is planning to undergo a process (or part of a process) for the purpose of reassigning their sex by changing the physiological or other attributes of their birth sex to their preferred sex. Individuals do not need to have undergone any specific treatment or surgery to change from their birth sex to their preferred gender. It also covers individuals who dress in a particularly way to express their preferred sex, in order for them to show their preferred gender identity.

Marriage and Civil Partnership: An individual who is legally married or in a civil partnership. Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex.

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: 'Race' includes; colour, nationality, citizenship, ethnic origins, or national origins. Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race.

Religion and Belief: Religion or belief can mean any religion, for example an organised religion like Christianity, Judaism, Islam or Buddhism, or a smaller religion like Rastafarianism or Paganism, as long as it has a clear structure and belief system. This also covers non-belief or a lack of religion or belief. In addition, discrimination by perception or association is also included as part of this protected characteristic.

Sex: Applies to men and women of any ages and includes being treated differently because of their sex and discrimination by perception or association. This characteristic also provides protection against forms of unwanted behaviour such as unwanted sexual attention, advances and propositions, physical or verbal sexual approaches which are either deliberate, unreasonable, imposed or offensive to the recipient.

Sexual Orientation: Applies to any sexual orientation (or discrimination by perception or association) and includes how sexual orientation is expressed, such as through an individual's appearance or the places visited.

Discrimination can come in one of the following forms:

- Direct discrimination - treating someone with a protected characteristic less favourably than others.
- Indirect discrimination - putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage.
- Harassment - unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them.
- Victimisation - treating someone unfairly because they've complained about discrimination or harassment

In all of the above characteristics, the discrimination does not have to be re-occurring and can be a one off event. It can include verbal threats of abuse, display of offensive material, any form of speech or action (such as nicknames, teasing, name-calling, pulling faces, jokes, pranks and comments) which are considered offensive, are deliberate and unwelcome or which are likely to bring the Authority into disrepute. Even if this behaviour is not deliberately meant to hurt the individual, it may still count as discrimination if they find it upsetting.