

UNDERSTANDING EACH PROTECTED CHARACTERISTICS

For further information and definitions on related issues e.g. discrimination, harassment, and victimisation please consult the Equality Glossary provided with this toolkit.

Race	For the purpose of the Equality Act 2010 ' <i>race</i> ' includes colour, nationality and ethnic or national origins. A racial group can be made up of two or more different racial groups (e.g. Black Britons).
Disability	Under the Equality Act 2010, a person is disabled if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.
Sex (e.g. inequality between males & females)	It is unlawful to discriminate against people because of their gender. We should prevent discrimination in recruitment and selection, determining pay, training and development, selection for promotion, discipline and grievances, countering bullying and harassment. Many employers have also found that making changes to their working practices makes good business sense and helps them attract the best people, including provisions for flexible working for people with caring responsibilities.
Age	The Act protects people of all ages. However, different treatment because of age is not unlawful direct or indirect discrimination if you can justify it, i.e. if you can demonstrate that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination.
Sexual Orientation	Legal protection from discrimination on the basis of sexual orientation applies to everyone, whatever their sexual orientation. This form of discrimination includes being treated less favourably because; you are lesbian, gay, bisexual or straight; people think you are lesbian, gay, bisexual or straight; or you are associated with someone who is lesbian, gay, bisexual or straight, for example a friend, relative or colleague. The law applies to direct and indirect discrimination as well as to harassment and victimisation.

Religion/Belief	In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Humanism is a protected philosophical belief but political beliefs would not be protected.
Gender reassignment status	The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change their gender. The Act no longer requires a person to be under medical supervision to be protected – so a woman who decides to live permanently as a man but does not undergo any medical procedures. It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured. Medical procedures for reassignment such as hormone treatment should not be treated as a 'lifestyle' choice.
marriage and civil partnership	Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.
pregnancy and maternity	A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination.
Welsh Language	The Welsh Language Act 1993 places a legal duty on public authorities to promote the use of the Welsh Language and to treat the Welsh and English languages equally. It offers the public the right to choose which language to use in their dealings with the Council. It recognises that Members of the public can express their views and needs better in their preferred language. It recognises that enabling the public to use their preferred language is a matter of good practice, not a concession. It sets out how the Council will implement that principle in the provision of bilingual services to the public in Wales, taking account of the developing linguistic nature of the County Borough.

Equality Impact Assessment Template Form

Description of Assessment *(Please specify below)*

EQIA Screening on Policy – “Trans Equality Policy”

Responsible Directorate *(Please specify below)*

Organisational Development

Responsible Officer *(Please specify below)*

Assessment Date *(Please specify below)*

Staff Involved in Assessment *(Please specify below)*



PART 1: SCREENING EXERCISE TO IDENTIFY ADVERSE IMPACT

Does this 'Option' have a <u>positive or an adverse impact</u> on any of the following protected characteristics? <i>(please complete all)</i>		<i>If yes</i>	Please describe what the impact will be?	What is the significance of the impact?	If low, please explain this 'significance' rating. <i>(if 'high' please complete template below)</i>
Race	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			<input type="checkbox"/> High <input type="checkbox"/> Low	
Disability	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			<input type="checkbox"/> High <input type="checkbox"/> Low	

Sex	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	→	Positive	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low	
Age	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			<input type="checkbox"/> High <input type="checkbox"/> Low	
Sexual Orientation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			<input type="checkbox"/> High <input type="checkbox"/> Low	
Religion and Belief	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			<input type="checkbox"/> High <input type="checkbox"/> Low	
Gender Reassignment Status	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	→	Positive	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low	
Marriage and Civil Partnership	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			<input type="checkbox"/> High <input type="checkbox"/> Low	
Pregnancy and Maternity	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			<input type="checkbox"/> High <input type="checkbox"/> Low	
Welsh Language	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			<input type="checkbox"/> High <input type="checkbox"/> Low	

PART2: ‘High Significance’ Adverse Impact Template Form

For each protected characteristics where an adverse impact has been identified and this impact has a high significance, a template form must be complete. Therefore, if an option is identified as having a highly significant adverse impact on ‘Race’ and ‘Religion and Belief’ a template form must be complete for each protected characteristics.

Which Protected Characteristics

Sex

Gender Reassignment Status

Please briefly explain why you have identified this protected characteristic as having a high ‘significance’ rating

Sex – In line with the Gender Reassignment Act 2004, it is felt this policy will have a positive impact on those who have obtained legal recognition, in the form of a Gender Reassignment Certificate. BGCBC is committed to not discriminating against people because of their gender, including Trans employees. This policy covers recruitment and selection, pay progression, selection for promotion, countering bullying and harassment, and redundancy selection.

Gender Reassignment Status – The Trans Equality Policy will have a highly positive impact on those who identify under the Trans umbrella. The Policy is based on the principle that we will ensure that no transgender person will be treated less favourably on the grounds that they are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex. The policy outlines a number of supportive actions, along with making it apparent that any employee undergoing a gender reassignment process should not be treated less favourably than they would be treated if absent due to sickness or injury.

Please briefly explain how the identified impact is likely to affect people?

The policy impact is unlikely to affect other people, other than those who identify as Trans.

What further information do you think is necessary understand, support or mitigate the impact of this ‘option’? *E.g. collection of secondary evidence, undertaking primary research, consulting/engaging with affected people*

As the impact is positive there is less research to undertake to understand the impact concerned. BGCBC will continue to work with external agencies and partners who are able to provide specialist support, expertise, and guidance in relation to the remit of the policy.

What possible action can be taken to reduce or mitigate [any potential](#) adverse impacts of this options(and any associated effects)?

This policy has a positive impact, and therefore there are no mitigation actions.