AGENDA ITEM

COMMITTEE: **RACE ADVISORY FORUM**

DATE: **5th APRIL, 2004**

SUBJECT: **NEW EQUALITY LEGISLATION**

REPORT BY: **HEAD OF EQUALITIES**

CONTACT OFFICER: **VAL GRANT** **01582 547147**

IMPLICATIONS:

LEGAL		**COMMUNITY SAFETY**	
EQUALITIES	✓	**ENVIRONMENT**	
FINANCIAL		**CONSULTATIONS**	
STAFFING		**OTHER**	

WARDS AFFECTED: ALL

PURPOSE

1. **To inform the Race Advisory Forum of the changes in legislation with regard to Sexual Orientation and Religion and Belief.**

RECOMMENDATION(S)

The Race Advisory Forum is recommended to:

2. **Note the requirements of the New Equality Legislation on Sexual Orientation and Religion and Belief.**

REPORT

3. New laws to prevent discrimination in the workplace on grounds of sexual orientation and religion came into force in December 2003. The sexual orientation regulations became law on the 1st December and the religion or belief regulations became law on the 2nd. December.

4. The regulations apply throughout the employment/vocational training relationship - during the recruitment process, in the workplace/training place, on dismissal and, in certain circumstances, after the employment/vocational training has finished.

What does the new regulations on religion and belief mean?

5. From December 2003 workers will have a specific right not to be discriminated against or harassed in the workplace on grounds of religion or belief, or the absence of a particular religion or belief.

6. The rights apply not only to the actual work environment but also to the recruitment process and to issues surrounding work such as providing references when a worker changes job.

7. Employers have an obligation not to act in a manner that discriminates directly or indirectly against holders of particular or any faiths or beliefs and, where necessary, to adapt working practices to accommodate the needs of individuals who practice a faith.

Religious observance in the workplace:

8. Although the regulations do not say that employers must make provision for observance in the workplace, the advice is that employers might want to consider providing a quiet space for daily prayers, and enabling staff to leave work for communal prayers – for example, Friday mid-day prayers for Muslims. However there is no requirement to provide space for communal prayers, the only obligation will be in enabling employees to leave work for communal prayers.

Sexuality legislation

9. The employment equality (sexual orientation) regulations 2003 came into effect on the 1st December 2003, placing a legal requirement on local councils and other employers to recognise lesbian, gay, and bisexual people as equal citizens. Consulting with recognised bodies is not enough and authorities are encouraged to ensure that the issues that are important to lesbians, gay men and bisexuals are heard and action is taken to include their needs.

10. The local government association and the employer's organisation in partnership with stonewall and unison launched new guidance on the 7th January 2004, to help councils fulfil their responsibilities as employers and service providers.

EQUALITIES IMPLICATIONS

11. The new legislation will help the Council to address discrimination experienced by employees and residents, based on sexuality and religion/belief.

PROPOSAL /OPTION

12. That the Race Advisory Forum note the requirements of the new legislation.