

Document Filename and Path

Equal Opportunity

Document Revisions

| Date of change | Document version | Details of change | Author's initials |
|-----------------------|-------------------------|--------------------------|--------------------------|
| 04 June 2020 | 1.0 | Creation | YL |
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Review Document and Distribution

| Name | Role | Sign Off | Date |
|-------------|-------------|-----------------|--------------|
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1 Purpose

- 1.1 We wholeheartedly support the principles of equal opportunity in employment and are opposed to all forms of unfair or unlawful discrimination. We will treat all job applicants, employees, clients in the same way, regardless of any protected characteristic (age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race (including nationality, ethnic or national origin), religion or philosophical belief, sex or sexual orientation).
- 1.2 We seek to promote equal opportunity in job adverts and recruitment, induction, employment, pay and benefits, training and career development (including promotions), terms and conditions of service, and also when managing any grievance or disciplinary issues. This policy can also apply to relationships with suppliers and contractors, as well as to potential employees.
- 1.3 The responsibility for observing the law and operating this policy lies with the “Managing Director”, but the policy can only work effectively with the support and commitment of all colleagues.
- 1.4 We believe that everyone has the right to be treated fairly and with dignity and respect at work, and to work without fear of discrimination, bullying or harassment. We welcome diversity amongst our staff, sub-contractors and visitors, recognising that individuals from a wide range of backgrounds and experience can contribute a wealth of experience to achieving our objectives.
- 1.5** We will regularly review this policy to ensure its continuing compliance with relevant employment legislation and the continuing success of its implementation by:
- ensuring there are no suspected practices in breach of this policy
 - ensuring that selection for promotion, training, work allocation etc. is carried out in a non-discriminatory manner
 - promoting a harmonious working environment and eliminating discrimination and harassment.
- 1.6 This policy is not contractual, but aims to set out how we normally deal with such issues. This policy does not form part of any employment contract and its contents are not to be regarded by any person as implied or express terms to any contract made with us. We reserve the right to amend and update this policy at any time.

2 Scope

- 2.1 This policy applies to all employees, including those on part-time, apprentice, fixed-term and job-share contracts, as well as casual workers and agency staff.

- 2.2 All employees also have a responsibility to apply good equal opportunity practices across our business. All employees, irrespective of their job or seniority, should familiarise themselves with this policy, and be aware of their responsibility and role in promoting equality of opportunity and not discriminating unfairly or harassing colleagues, job applicants or ex-employees, nor encouraging others to do so or tolerating such behaviour. Employees are also encouraged to challenge any unacceptable behaviour should they either witness it or experience it directly. Disciplinary action, including dismissal, may be taken against any employee found guilty of unfair discrimination, harassment and/or victimisation.
- 2.3 Employees should be aware that not only are we, as the employer, liable for any cases of discrimination or harassment that occur, but individuals also may be held personally liable for their own acts and behaviour.
- 2.4 Managers are responsible for ensuring that fair treatment of all individuals is effected within their department and/or section on a day to day basis, with particular reference to recruitment, selection, training and development opportunities and work allocation.
- 2.5 We will also obtain commitments from other persons or organisations such as consultants, subcontractors or agencies that they will also comply with this policy in their dealings with us and our employees.

3 Definition

- 3.1 Discrimination is unequal or different treatment which leads to one person being treated more or less favourably than others are, or would be, treated in the same or similar circumstances. It is unlawful if the less favourable treatment is on the grounds of a "protected characteristic" (age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race (including nationality, ethnic or national origin), religion or philosophical belief, sex or sexual orientation).

4 Types of discrimination

4.1 Direct discrimination

- 4.1.1 This occurs when a person or a policy treats a person less favourably on the grounds of a protected characteristic.

4.2 Indirect discrimination

- 4.2.1 This is where the application of a policy, criterion or practice (PCP) is such that:
- it is detrimental to a considerably larger proportion of people from the group that the person belongs to
 - the employer cannot justify the need for the application of the policy on a neutral basis
 - the person to whom the employer is applying it suffers detriment from the application of the policy.

4.3 Discrimination by association

4.3.1 This is discrimination against a person because they associate with someone who possesses a protected characteristic (eg discrimination against an employee who is not disabled themselves, but who has a disabled child).

4.4 Discrimination by perception

4.4.1 This is discrimination against a person because the discriminator perceives the person possesses that protected characteristic, even if the perception is incorrect.

4.5 Harassment

4.5.1 This occurs when a person is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment can be regarded as behaviour that is offensive, frightening or in any way distressing and it is the impact on the individual that is important. It may be intentional, obvious or violent, but it can also be unintentional or subtle

4.5.2 Harassment may be persistent, or an isolated incident and can take many forms, from relatively mild banter to actual physical violence. Harassment can be regarded as behaviour that is offensive, frightening or in any way distressing and it is the impact on the individual that is important. It may be intentional, which is obvious or violent, but it can also be unintentional or subtle and insidious.

4.5.3 Employees may not always realise that their behaviour constitutes bullying or harassment but they must recognise that what is acceptable to one person may not be acceptable to another. The fact that bullying or harassment was not intended does not mean that it cannot have occurred; however, bullying or harassment will not have taken place if the claimant's perception of the conduct in question is unreasonable in all the circumstances.

4.5.4 The person complaining of bullying or harassment need not necessarily be the person towards which the behaviour is directed. For example, a person who overhears comments made to someone else, and who is offended by those comments, may still make a complaint of bullying or harassment.

4.5.5 Examples of behaviour that may constitute harassment or bullying include (but are not limited to):

- **unwanted physical conduct** - such as unnecessary touching, patting, pinching, brushing against another person's body; insulting behaviour or obscene gestures; physical threats, aggressive behaviour and/or assault.

- **unwanted verbal conduct** - such as unwelcome advances; patronising titles or nicknames; offensive or insulting comments; propositions or remarks; innuendo; lewd or suggestive comments; over-familiar behaviour; slogans or songs; insensitive jokes, gossip and slander (including speculation about a person's private life and sexual activities); banter or abusive/offensive language which is either threatening or refers to a person's sex, race (including colour and ethnic or national origins), disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity or gender reassignment.
 - **unwanted non-verbal conduct** - such as racially or sexually based graffiti or graffiti referring to an individual's characteristics or private life; abusive or offensive gestures; leering, whistling, creation, distribution or display of suggestive or offensive pictures, objects or written materials (including "pin-up" calendars) or videos through any means.
 - **bullying** - includes unwanted physical contact or assault but also verbal bullying such as insulting or threatening comments; comments intended to undermine, belittle, embarrass or humiliate the recipient; personal abuse, either in public or private, which humiliates or demeans the individual involved.
 - **virtual bullying** - includes distribution of unwanted emails, texts, images or humiliating data published on social networking internet sites or abusing our technology or using the employee's own technology to contact a colleague in an intimidating or malicious manner.
 - **coercion** - including threats of dismissal or loss of promotion etc for refusal of sexual (or other) favours (or promises made in return for sexual or other favours); pressure to participate in political or religious groups etc.
 - **isolation or non-co-operation at work** - deliberate exclusion from communications including group emails, conversations or social activities; setting unrealistic deadlines; substituting responsible tasks with menial or trivial ones; withholding information or giving false information; constantly undervaluing effort.
- 4.5.6 Such conduct is employment related if, for example, submission to, or rejection of, the conduct is used as a basis for an employment decision; or if the conduct interferes with the affected person's work performance; or if it creates an intimidating hostile, humiliating or offensive working environment.
- 4.5.7 Bullying or harassment can be a single serious incident or persistent and repeated, continuing after the person subjected to it makes it clear that they wish it to stop.
- 4.5.8 **Third party harassment and discrimination** refers to harassment and/or discrimination of an employee by any person who is not one of our employees. Third party harassers and discriminators may include:
- customers or clients
 - suppliers and
 - independent contractors and consultants.

- 4.5.9 Any employee who believes that they have been the victim of third party harassment and/or discrimination should immediately inform their manager of the incident and we will take such steps as are reasonably practicable to prevent any recurrence. For the purposes of third party harassment or discrimination, it is immaterial whether the harasser and/or discriminator is a different person in each instance of harassment and/or discrimination.
- 4.5.10 If an employee harasses and/or discriminates against a client, supplier or an independent contractor or consultant the employee will be subject to disciplinary action.

4.6 Victimization

- 4.6.1 **Victimization occurs when a person is treated less favourably because they have committed or intend to commit a "protected act". "Protected acts" include previous legal proceedings brought against the employer or the perpetrator, or the giving of evidence at a disciplinary or grievance hearing or at tribunal, or making complaints about the perpetrator or the employer**

5 Further guidance on unlawful discrimination

- 5.1 Age – note that this covers both young and older people, and also their perceived age. Age-related bands are still however permitted in the National Minimum Wage bands and when calculating statutory redundancy payments.
- 5.2 Disability - it is unlawful to treat a disabled person unfavourably because of something 'arising in consequence of their disability'. Reasonable adjustments (see below) must be made if these would enable the disabled person to access any services or the ability to be employed, trained, or promoted to the same extent as a non-disabled person. A disabled person is defined as: *"someone who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities"*.
- "substantial" means neither minor nor trivial
 - "long term" means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions)
 - "normal day-to-day activities" include everyday things like eating, washing, walking and going shopping.

People with progressive conditions, such as HIV, cancer and multiple sclerosis, are covered from the point of diagnosis rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

- 5.3 Race - this includes colour, nationality and ethnic origin. It is unlawful to treat a person less favourably on grounds of the colour of someone's skin, nationality or ethnic origin.

- 5.4 Religion or belief – this covers not only any religion, religious belief or similar philosophical belief but also the lack of any religion or belief. A philosophical or political belief is not covered unless it is similar to a religious belief.
- 5.5 Sex – this covers both men and women. However, in the field of employment, a Genuine Occupational Requirement (GOR) can be lawful if a person of a particular gender is specifically required for a job.
- 5.6 Sexual orientation – this covers any sexual orientation, including homosexual, heterosexual and bisexual.
- 5.7 Part-time workers – a part-time worker is defined as someone who is ‘not identifiable as a full-time worker’. Part-time workers are entitled to be treated on the same basis and are entitled to the same benefits, pro-rata, as their full-time colleagues.
- 5.8 Equal pay - men and women should receive equal pay for work of equal value where work is the same or rated as equivalent regardless of the hours worked.

6 Reasonable adjustments for disabled individuals

6.1 **All employers have a duty to consider and make reasonable adjustments to facilitate the employment of a disabled person. These may include:**

- making adjustments to premises
- re-allocating some of a disabled employee’s duties
- transferring a disabled employee to a role better suited to their ability
- relocating a disabled employee to a more suitable office or location
- giving a disabled employee time off work for medical treatment or rehabilitation
- providing training or mentoring for a disabled employee
- supplying or modifying equipment, instruction and training manuals for disabled employees.

6.2 **We will consider and make any other reasonable adjustment to the employment arrangements or our premises if these substantially disadvantage a disabled employee or a disabled applicant. However, a number of factors will be taken into account in deciding if it is reasonable to make any changes. These include:**

- the extent to which an alteration will improve the situation for the disabled employee or applicant
- how easy it is to make the change
- the cost of the measure, both financially and in terms of the disruption it will cause
- our resources
- any financial or other help that may be available.

6.3 If an employee has a disability, or becomes disabled during the course of their employment, and feels that any such adjustments are appropriate, they should discuss this with their line manager in the first instance.

7 Recruitment and promotion

- 7.1 Our recruitment and promotion process must result in the selection of the most suitable person for the job, whether this on a full-time, part-time, casual, temporary, seasonal or contract basis. Our focus is on the skills, abilities, qualifications, aptitude and potential of individuals to do their jobs.
- 7.2 We will ensure that our job adverts encourage applications from all suitably qualified and experienced people, through either internal and/or external advertising.
- 7.3 All adverts will be carefully worded to ensure that no intent of either direct or indirect discrimination is interpreted nor is there indication of stereotyping of roles. They will normally state "We are an equal opportunity employer and value diversity". When advertising a position which has traditionally been done by one sex, adverts should specify they are open to both sexes.
- 7.4 Job descriptions will properly reflect the responsibilities of the jobholder and person specifications will include only requirements that are necessary and justifiable for the effective performance of the job.
- 7.5 Selection criteria and procedures are intended to ensure that individuals are selected, promoted and treated on the basis of their individual relevant merit, ability and suitability for the post. Membership of an under-represented group will not influence the appointment. Shortlisting and interviewing will normally be carried out by more than one person, to minimise the risk of conscious or unconscious bias.
- 7.6 The selection process will be carried out consistently for all jobs at all levels and will be fair and non-discriminatory. Interviews will be undertaken with an unbiased approach towards candidates and only questions which relate to the job and which are non-discriminatory will be asked. Questions about marriage plans; family intentions; religious or political commitments, etc. intention to join our pension scheme or to opt out; or about any other issues which may give rise to suspicions of unlawful discrimination should not be asked. Selection tests will be specifically related to the job and measure an individual's actual, or inherent, ability to do or train for the job.
- 7.7 All information provided by applicants will be treated as confidential and their details will be stored and processed in line with the requirements of data protection legislation.

8 Training and development

- 8.1 We are committed to ensuring equality of opportunity in terms of access to training to increase employees' knowledge and skills and to provide them with opportunities to develop their potential.

- 8.2 All employees are encouraged to discuss their career prospects and training needs with their manager on a regular basis. Opportunities for promotion and training will be communicated and made available to everyone on a fair and equal basis.
- 8.3 The provision of training will be reviewed to ensure that part-time workers, shift or remote workers or those returning to work following a break are able to benefit from training.
- 8.4 It is our policy not to unfairly discriminate in the provision of training. No age limits apply for entry to training or development schemes - these are open to all employees.
- 8.5 We will ensure that this aim is implemented through:
- continuous review and updating of training courses and literature
 - ensuring training materials are free from bias and do not discriminate, eg by showing minority groups or disabled people in lower skilled roles only
 - ensuring promotion and transfer criteria are justifiable
 - ensuring assessment criteria are clear and unbiased
 - ensuring staff conducting appraisal interviews, salary reviews and bonus reviews are aware of their obligations to carry these out fairly and consistently in line with this policy.

9 Terms and conditions of employment

- 9.1 We will ensure that all our employment policies including compensation, benefits and any other relevant issues associated with terms and conditions of employment, are formulated and applied in such a way as to remove/minimise any discrimination on the grounds of a protected characteristic or indeed any other characteristic unrelated to the performance of the job.
- 9.2 These will be reviewed regularly to ensure there is no discrimination. Length of service as a qualifying criterion for additional or improved benefits will not exceed five years unless clearly justifiable.
- 9.3 Employees will not be subjected to any detriment if they wish to join our pension scheme, nor will they be offered any inducement not to do so. This would include refusing promotion or training to someone who decided not to opt-out, or refusing or reducing a pay increase if it would bring the worker within the band of earnings that would make them eligible for auto-enrolment etc.

10 References

- 10.1 We will not discriminate against individuals who have left our organisation, either by failing to provide references that are based on accurate, factual information or by failing to provide a reference when we would normally do so.

11 HR policies and procedures

- 11.1** Our HR policies and procedures will be reviewed regularly to improve, amend or adapt current practices to promote equality of opportunity within our business.

12 Complaints procedure

- 12.1** Harassment, discrimination and bullying will not be tolerated. We recognise that making a complaint can be embarrassing and stressful. Sometimes the complainant simply wants the conduct or behaviour to stop and sometimes they want stronger action to be taken and therefore to take account of this we offer various routes of action.

- 12.2** Employees who believe they have been discriminated against should bring this to our attention as soon as possible. In the first instance, they are encouraged to do this informally, but where it has not been possible to resolve this informally, or where the matter is particularly serious, they are advised to use our grievance procedure. An employee who, in good faith, brings a complaint of discrimination must not be victimised or less favourably treated as a result. (However, false allegations that are found to have been made in bad faith will be dealt with under our disciplinary procedure.)

- 12.3** When dealing with general disciplinary matters, care is to be taken that employees or workers who have, are perceived to have, or are associated with someone who has, a protected characteristic, are not dismissed or disciplined for performance or behaviour which could be overlooked or condoned in other employees or workers.

13 Procedure for raising a complaint of bullying or harassment

- 13.1 General principles
- 13.1.1 Bullying and harassment will not be tolerated. We recognise that making a complaint can be embarrassing and stressful. Sometimes the complainant simply wants the conduct or behaviour to stop and sometimes they want stronger action to be taken. To take account of this, and to encourage employees and workers to discuss any problems in confidence with someone they trust and feel comfortable talking to, this procedure has various routes for action.
- 13.1.2 An employee or worker who thinks they are being bullied or harassed should either initially address the matter informally with HR department, or formally by following the procedure set out below. No judgements will be made about any complaints based on the course of action the employee or worker chooses to adopt.
- 13.1.3 Each complaint will be handled in strict confidence and with impartiality and will be promptly and thoroughly investigated. As any complaint of this nature will be regarded as serious it may be that the alleged offender will be suspended whilst the complaint is being investigated.
- 13.1.4 Anyone who brings a complaint of bullying or harassment will not suffer victimisation for having brought the complaint.
- 13.1.5 If any employee raises a complaint, that upon investigation, is proven to be deliberately malicious, then that employee will become the subject of disciplinary action. Any employee found to be in breach of this procedure will be subject to disciplinary action, which may lead to dismissal.
- 13.2 Informal procedure
- 13.2.1 It is usually best to try and sort things out quickly and as close to the problem as possible. Therefore, it may be sensible to try to resolve an issue informally by approaching the person directly, and making it clear to them that their behaviour is unwelcome, explain the effect that it is having and that it should stop.
- 13.2.2 Any employee or worker who does not want (or who does not feel able) to do this, particularly if feeling bullied or intimidated, or if they would find it too embarrassing, may speak with their manager or a member of the HR department". As a result of the advice, they may then feel able to approach the person directly, or may be willing to do so with support.
- 13.2.3 If the employee or worker chooses to address their concerns directly with the person concerned, they should be clear and assertive. They may find it helpful to ask a colleague to be with them in a support role. Alternatively, they could put their issue in writing to the alleged harasser.

- 13.2.4 The employee or worker may wish to keep a written record of the details of any incidents of perceived bullying (including date; time; place; name of person allegedly harassing the individual; what happened including verbatim quotes of relevant comments where possible; how the individual felt at the time; names of any witnesses and any action taken), and retain any texts, emails, voice messages or other evidence that may support his/her allegations.
- 13.2.5 If they do not wish to deal with this informally, or if informal steps have failed to resolve the problem, they can raise the matter in line with the formal procedure below and if necessary assistance should be sought.
- 13.3 Formal procedure
- 13.3.1 A formal complaint may be made to either the employee or worker's immediate line manager or to "any member of the HR team">.
- 13.3.2 The formal complaint should be detailed in writing and submitted without unreasonable delay.
- 13.3.3 It should contain the reasons for the complaint and all relevant facts surrounding the matter, including relevant dates, names and witnesses. The employee or worker should also indicate what we should do and any other suggestions or information that will assist in resolving the issue. Whilst recognising the employee or worker's feelings and the effect the alleged behaviour may have had, it is important to establish the facts and he/she will be asked to provide details of the allegations, ie:
- 13.3.4 what happened
- 13.3.5 where it occurred
- 13.3.6 when did it occur
- 13.3.7 who was involved
- 13.3.8 was this the first incident
- 13.3.9 were there any witnesses
- 13.3.10 whether any action has been taken previously to prevent further repetition of the behaviour.
- 13.3.11 In all circumstances, a full investigation will be undertaken as quickly as possible to establish the facts and decide upon the appropriate course of action.
- 13.3.12 The employee or worker may be supported throughout the process and at any meetings by a colleague of their choice.

- 13.3.13 The person investigating the complaint will be sensitive and will take care not to phrase questions in a way that implies that the bullying and or harassment may in some way have been directly or indirectly invited and to avoid remarks that appear to trivialise the experience or suggest that it was imaginary. The intention of the alleged bully / harasser is irrelevant, it is the effect on the complainant that is important.
- 13.3.14 Consideration will be given as to whether the alleged bully /harasser should be redeployed temporarily, or suspended on full pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.
- 13.3.15 All parties involved in the investigation are expected to respect the need for confidentiality. Failure on the part of any employee involved (whether the recipient, perpetrator or a witness) will be considered a disciplinary offence.
- 13.3.16 Copies of statements made by witnesses will be made available to both the person making the complaint and the alleged bully /harasser, but the names of the witnesses may be withheld if they request to remain anonymous and particularly if they have a genuine belief of fear of reprisal.
- 13.3.17 Outcome
- 13.3.18 Where the person in charge of dealing with the complaint believes, after investigation, that bullying or harassment may have taken place, if the alleged bully/harasser is an employee, they will invoke the disciplinary procedure to ensure that the employee accused of this behaviour has every opportunity to defend or explain their actions. The employee will be entitled to be accompanied at any disciplinary hearing. Common responses to allegations of bullying and or harassment include denial or disbelief that the behaviour was offensive or was not welcome. None of this alters the fact that a complaint has been made which may lead to disciplinary action.
- 13.3.19 The severity of the penalty imposed upon an employee believed to be guilty of bullying and or harassment will be consistent with other disciplinary offences. Where the bully/harasser is given a warning short of dismissal, discussions will take place with the person making the complaint, and, where necessary, any reasonable steps will be taken to alter working practices to minimise contact between the affected employees.
- 13.3.20 An employee who receives a warning or is dismissed for bullying and or harassment may appeal against the penalty in accordance with our disciplinary procedure. In serious cases, for example rape or assault, criminal charges may be appropriate and it may be necessary to refer the case to the police.
- 13.3.21 As a general principle, the decision to progress a complaint rests with the employee. However, we have a duty to protect all employees and workers and we may pursue a complaint independently if we consider it is appropriate to do so.

- 13.3.22 Where the complaint is made against a client/customer supplier or other business contact, this will be investigated and such steps will be taken as are reasonably necessary to protect the employee or worker. The complainant should not be moved except at his/her request or in exceptional circumstances.
- 13.3.23 Full consideration will be given to how the on-going working relationship between the parties should be managed going forwards. This may involve, for example, arranging for some form of mediation or counselling or a change in the duties or reporting lines of either party. This will apply even where a complaint is not upheld (for example where evidence is inconclusive).
- 13.3.24 Once this has been resolved and time has been given to allow relationships to stabilise and return to normal in the workplace, contact should be maintained with the affected employees informally. If further problems of bullying, harassment or victimisation are encountered, or the employee or worker continues to suffer stress or anxiety, immediate action should be taken to investigate or find a solution.

14 Related policies and documents

- Disciplinary policy
- Equal opportunity monitoring form
- Grievance policy
- Recruitment and selection policy