

## **Equal Opportunities Policy**

### **Our commitment**

The Company is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against customers.

### **The law**

The Equality Act makes it unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics". Discrimination after employment may be unlawful, e.g. in refusing to give a reference for a reason related to a protected characteristic.

It is unlawful to discriminate directly or indirectly in the provision of goods, facilities or services to customers because of a protected characteristic. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services.

Types of unlawful discrimination are listed below.

### **Direct discrimination**

Direct discrimination is defined as "where a person is treated less favourably than another because of a protected characteristic." In limited circumstances, employers can directly discriminate against an individual for a reason related to a protected characteristic where there is a genuine

occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

### **Indirect discrimination**

Indirect discrimination is defined as “where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.”

### **Associative discrimination**

Associative discrimination is defined as “where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.” (marriage, civil partnership, pregnancy and maternity are excluded)

### **Perceptive discrimination**

Perceptive discrimination is defined as “where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic.” (marriage, civil partnership, pregnancy and maternity are excluded)

### **Harassment**

See Dignity at Work Policy (below)

### **Third-party harassment**

Third-party harassment is defined as “where an employee is harassed by third parties such as clients or customers, and the harassment is related to a protected characteristic.” (marriage, civil partnership, pregnancy and maternity are excluded)

If an employee believes they have been harassed by a third-party, they must immediately inform their Manager, who will take reasonable steps to prevent the harassment happening again.

### **Victimisation**

It is unlawful to victimise someone because he or she has made or supported a complaint under the Equality Act. However, an employee will not be



protected from victimisation if he/she acted maliciously, made or supported an untrue complaint.

### **Dealing with discrimination**

If you consider that you may have been unlawfully discriminated against, you must use the Company's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the Dignity at Work Policy.

The Company will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

### **Dignity at work**

The Company is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect. Some harassment is unlawful discrimination and serious harassment may be a criminal offence.

### **Bullying**

Bullying is defined as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end". Examples of bullying would include picking on someone or setting him or her up to fail or making threats or comments about someone's job security without good reason.

### **Harassment**

Harassment is defined as "unwanted conduct related to sex, gender reassignment, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristic which:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct."

Examples of harassment would include: physical conduct ranging from unwelcome touching to serious assault, unwelcome sexual advances, demeaning comments about a person's appearance, unwelcome jokes or comments of a sexual or racial nature or about an individual's age, the use of obscene gestures, and the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a 'joke' may offend another person.

Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him or her, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain 'banter', flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

A single incident can be harassment if it is sufficiently serious.

### **Dealing with bullying or harassment**

If an employee thinks he / she is being bullied or harassed, he / she may be able to deal with the matter informally. The person may not know that his or her behaviour is unwelcome or upsetting. The employee may feel able to approach the person themselves, or with the help of someone else at the Company. The employee should tell the person what behaviour of his or hers they find offensive and unwelcome and say that they would like it to stop immediately.

If an informal approach does not resolve matters, or the employee thinks the situation is too serious to be dealt with informally, a formal complaint can be made, in writing, by using the Company's grievance procedure. In the case of grievances about bullying or harassment, the normal grievance procedure is modified. The employee can choose whether to raise their grievance with their Supervisor / Manager or with another Manager.

In bringing a complaint of bullying and / or harassment, the employee must include:



- the name of the person whose behaviour he / she believes amounts to harassment or bullying;
- the type of behaviour that is causing offence, together with specific examples if possible;
- dates and times when incidents of harassment or bullying occurred, and where they occurred;
- the names of any employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that the employee has already taken to try to deal with the harassment.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. Employees have the right to be accompanied by a work colleague or trade union representative at any meetings dealing with grievances in accordance with the grievance procedure.

Any employee accused of harassment or bullying will be informed of the exact nature of the complaint against him / her and afforded a full opportunity to challenge the allegations and put forward an explanation for his / her behaviour in a confidential interview, with a fellow worker or trade union representative present if he / she wishes in accordance with the grievance procedure. No employee will be presumed guilty following an allegation of harassment or bullying against him / her.

The Company reserves the right, at its discretion, to suspend any employee who is under investigation for harassment or bullying for a temporary period whilst investigations are being carried out. Such suspension will be for as short a time as possible and will be on full pay.

The Company will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

All employees have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, if it is established that an employee has made a deliberately false or malicious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.

## Employee responsibilities

Every employee is required to assist the Company to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Any employee who witnesses an incident that he / she believes to be harassment or bullying of another member of staff should report the incident in confidence either to his / her Supervisor / Manager, or to the H.R. Department, in writing. The Company will take all such reports seriously and will treat the information in strict confidence as far as it is possible to do so.

Employees can be held personally liable as well as, or instead of, the Company, for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Company's disciplinary procedure. Conduct of this type will often be gross misconduct which can lead to dismissal without notice.

## Records

The Company will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with the provisions of the Data Protection Act 1998.



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