

Equal Opportunities Policy

The company is an equal opportunities employer. We are committed to ensuring within the framework of the law that our workplaces are free from unlawful discrimination on the grounds of: (i) colour; (ii) race; (iii) nationality; (iv) ethnic or national origin; (v) sex; (vi) marital status; (vii) religion or belief; (viii) sexual orientation, (ix) disability or (x) age.

We aim to ensure that our staff achieve their full potential and that all employment decisions are taken without reference to irrelevant or discriminatory criteria. We have adopted the following policy as a means of helping to achieve these aims.

Discrimination can take many forms i.e. sex, race, disability, marital status/civil partnership, gender reassignment, sexual orientation, religion or belief and age. There is legislation covering these areas (as amended from time to time): the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, the Employment Equality (Religion or Belief) Regulations 2003, Employment Equality (Sexual Orientation) Regulations 2003, the Gender Recognition Act 2004, the Civil Partnership Act 2004 and the Employment Equality (Age) Regulations 2010.

Sex Discrimination

Direct discrimination

This occurs where either a woman or a man is treated less favourably on the grounds of his/her sex than a person of the opposite sex and suffers a detriment.

This also applies to:

- where a married person or civil partner is treated less favourably than an unmarried person or non-civil partner of the same sex to their detriment; and
- a person who is treated less favourably on the grounds that that person intends to undergo, is undergoing or has undergone gender reassignment to their detriment.

In other words, this occurs where someone is put at a disadvantage on discriminatory grounds in relation to his/her employment. Direct discrimination may occur even when unintentional. For example:

- A woman with young children is rejected for a job on the assumption that she might be an unreliable member of staff.
- A woman is rejected for a job as a builder on the assumption that she will not be physically strong enough.

Indirect discrimination

This occurs where a provision, criterion or practice is applied to both sexes but puts or would put one sex at a particular disadvantage compared to the other, and it is not a proportionate means of achieving a legitimate aim, irrespective of sex, to apply that provision, criterion or practice.

This also applies where a provision, criterion or practice puts a married person or civil partner at a disadvantage compared to an unmarried person or non-civil partner and cannot be shown that it is a proportionate means of achieving a legitimate aim.

In other words, this occurs where an individual's employment is subject to an unjustified condition, which one sex (or married person / civil partner) finds more difficult to meet although on the face of it the provision, criterion or practice is "neutral". For example: A requirement of a beard for selection criteria. This would have an obvious disparate adverse impact on women.

Full time work. This would have a disparate adverse impact on more women with small children as they are generally accepted as taking the primary childcare role.

Race Discrimination

Direct discrimination

This occurs a person is treated less favourably on racial grounds than others and suffers a detriment.

"Racial grounds" means colour, race, nationality or ethnic or national origins.

In other words and like sex discrimination, this occurs where someone is put at a disadvantage on discriminatory grounds in relation to his/her employment. Direct discrimination may occur even when unintentional. For example:

- An Irish employee is subjected to racist jokes by English colleagues.
- A Pakistani applicant for a senior post is not appointed because he might not "fit in" with the existing (all white) team.

Indirect discrimination

This occurs where a requirement or condition is applied to all racial groups but to the detriment of a considerably larger proportion of one racial group than others, and where it is not justifiable, irrespective of "colour or nationality" to apply that condition or practice.

This also occurs where a provision, criterion or practice puts or would put one racial group at a particular disadvantage compared to others, and it cannot be shown that it is a proportionate means of achieving a legitimate aim, irrespective of "race, ethnic or national origins", to apply that provision, criterion or practice.

"Racial group" means a group of persons defined by reference to colour, race, nationality, ethnic or national origins and references to person's racial group refer to any racial group into which they fall.

In other words, this occurs where an individual's employment is subject to an unjustified condition which one racial group finds more difficult to meet although on the face of it the (i) requirement or condition; or (ii) provision, criterion or practice, is "neutral". For example:

- A practice that all males have short hair. This would have a disparate adverse impact on Sikhs who wear turbans.

- A requirement for GCSE English as a selection criterion. This would have disparate adverse impact on people educated overseas and may not be justified if all that is needed is to demonstrate a reasonable level of literacy.

Disability Discrimination

Direct discrimination

This occurs where a person is treated less favourably on the grounds of his/her disability than someone who does not have such a disability.

In other words, this occurs where someone is put at a disadvantage on discriminatory grounds in relation to his/her employment. Direct discrimination may occur even when unintentional. For example:

A visually impaired applicant is rejected for a job working with computers on the assumption that he cannot do the job because of his impairment.

An applicant with arthritis who applies for the position of secretary states that this does not affect her typing and is rejected for the job on the assumption she can not carry out the job.

Disability related discrimination

This occurs where a person is treated less favourably for a reason, which relates to his/her disability, and it cannot be justified. For example:

An applicant with arthritis who applies for the position of secretary states that this does affect her typing and is rejected for the job without good reason.

Failure to make reasonable adjustments

This occurs where the employer has failed to make reasonable adjustments to that individuals' working practice. For example:

Failure to provide a worker with light duties who has lost an arm in an accident without first considering whether the working arrangements can reasonably be adapted to his needs.

Failure to recruit a wheelchair-bound member of staff without first considering whether the working arrangements or premises can reasonably be adapted to his needs.

Discrimination on the grounds of Religion or Belief

Direct discrimination

This occurs where a person is treated less favourably on the grounds of his/her religion or belief (or perceived religion or belief) than other persons and suffers a detriment.

In other words, this occurs where someone is put at a disadvantage on discriminatory grounds in relation to his/her employment. Direct discrimination may occur even when unintentional. For example:

An atheist man is ridiculed for his belief in a predominately Christian workplace.

A Mormon woman is subjected to innuendo or other offensive conduct of a religious nature at work.

Indirect discrimination

This occurs where a provision, criterion or practice puts or would put one religion or belief at a particular disadvantage compared to another, and it cannot be shown that it is a proportionate means of achieving a legitimate aim, irrespective of religion or belief, to apply that provision, criterion or practice.

In other words, this occurs where an individual's employment is subject to an unjustified condition, which one person of another religion or belief finds more difficult to meet although on the face of it the provision, criterion or practice is "neutral". For example:

- A provision that employees cannot pray during lunchtime on work premises. This would have an obvious adverse impact on Muslims who pray during the day.
- A provision that employees must work over the Christmas period. This would have an obvious adverse impact on Christians.

Discrimination on the grounds of Sexual Orientation

Direct discrimination

This occurs where either a woman or a man is treated less favourably on the grounds of his/her sexual orientation (or perceived sexual orientation) than other persons unrelated to that wo/man's sexual orientation and suffers a detriment.

In other words, this occurs where someone is put at a disadvantage on discriminatory grounds in relation to his/her employment. Direct discrimination may occur even when unintentional. For example:

- A man fails to obtain a job in a clothes shop because it is feared that customers might object to being assisted by him because he is gay.
- Whilst being interviewed, a job applicant says that she has a same sex partner. Although she has all the skills and competences required of the job holder, the organisation decides not to offer her the job because she is a lesbian.

This also includes less favourable treatment against heterosexuals.

Indirect discrimination

This occurs where a provision, criterion or practice puts or would put a person of one sexual orientation at a particular disadvantage compared to another, and it cannot be shown that it is a proportionate means of achieving a legitimate aim, irrespective of that person's sexual orientation, to apply that provision, criterion or practice.

In other words, this occurs where an individual's employment is subject to an unjustified condition which persons of another sexual orientation find more difficult to meet although on the face of it the provision, criterion or practice is "neutral". For example:

If a brewery were to seek a married couple to run a pub, the requirement that the couple were to be married would be provision, criterion or practice, which would place civil partners at a disadvantage, since

they cannot marry in conventional terms. The brewery would then have to show that the requirement pursued a legitimate aim and that it was proportionate in the circumstances.

Age Discrimination

Direct discrimination

This occurs where a person is treated less favourably on the grounds of his/her age (or perceived age) than other persons and suffers a detriment unless such treatment can be objectively justified.

In other words, this occurs where someone is put at a disadvantage on discriminatory grounds in relation to his/her employment. Direct discrimination may occur even when unintentional. For example:

A job advert that contains a minimum or a maximum age limit for recruitment is on the face of it discriminatory unless it can be justified.

Indirect discrimination

This occurs where a provision, criterion or practice puts or would put a person of one age group at a particular disadvantage compared to another, and it cannot be shown that it is a proportionate means of achieving a legitimate aim, irrespective of that person's age group, to apply that provision, criterion or practice.

"Age group" means that to belong to such a group, not all of the members of the group have to be of the same age – they may have a range of ages.

In other words, this occurs where an individual's employment is subject to an unjustified condition which persons of another age group find more difficult to meet although on the face of it the provision, criterion or practice is "neutral". For example:

A provision that employees must have held a driving licence for a minimum of 5 years. This would have a higher adverse impact on those under say 25 than those under 40.

Instructions to discriminate

This occurs where a person is treated less favourably by another person because s/he has failed to carry out instructions to discriminate on the grounds of age against a third person, or because s/he has complained that s/he has been given those instructions (whether or not s/he has carried them out).

An internal memo that no person under the age of 30 may be recruited for a management role.

Harassment

A person subjects another person to harassment where, on grounds of that other person's [sex (or is of sexual nature)] [race, ethnic or national origins] [disability] [sexual orientation] [religion or belief] [age], s/he engages in unwanted conduct which has the purpose or effect of:

- violating that other person's dignity, or

- creating an intimidating, hostile, degrading, humiliating or offensive environment for him.

And that such conduct shall be regarded as having the effect specified above only if, having regard to all the circumstances, including in particular the perception of that other person, it should reasonably be considered as having that effect.

Victimisation

This is applicable to all forms of discrimination.

Victimisation is applicable to all forms of discrimination and occurs where a person (“the discriminator”) treats a person (“the victim”) less favourably than other persons because the victim has done a “protected act and suffered a detriment. A protected act means a victim has:

Either brought or is bringing proceedings against the discriminator under the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, sections 62 to 65 of the Pensions Act 1995, Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003, or the Employment Equality (Age) Regulations 2010.

Otherwise done anything under or by reference to this Act or the above legislation in relation to the discriminator or any other person.

Given evidence or information in connection with proceedings brought by any person against the discriminator under the above legislation.

Alleged that the discriminator or any other person has committed an act, which (whether or not the allegation so states) would amount to a contravention of one of the above legislation.

A claim for victimisation would be made out if the discriminator merely suspects that the victim has done a protected act. For example:

After giving evidence for a colleague who had brought an employment tribunal claim against the organisation on the grounds of her sex, a worker applies for promotion. Her application is rejected even though she shows that she has all the necessary skills and experience. Her manager says she is a ‘troublemaker’ because she has given evidence at the tribunal and as a result should not be promoted.

A manager is approached by someone from another organisation saying that a former employee has applied for a job and asks for a reference. The manager says that he cannot recommend the worker on the grounds that he did not ‘fit in’ because he refused to socialise in the pub with his colleagues (his religion forbade alcohol).

Detriment

Detriment means that the treatment is of a kind that a reasonable person would or might take the view that in all the circumstances s/he had been disadvantaged. An unjustified sense of grievance cannot amount to a detriment and it is not necessary to demonstrate some physical or economic consequence.

Implementing Equality of Opportunity

Recruitment and employment decisions will be made on the basis of fair and objective criteria. Our selection procedures are reviewed from time to time to ensure that they are appropriate for achieving our objectives and for avoiding unlawful discrimination.

Person and job specifications shall be limited to those requirements, which are necessary for the effective performance of the job. Interviews will be conducted on an objective basis and personal or home commitments will not form the basis of employment decisions except where necessary.

The requirements of job applicants and existing members of staff who have or have had a disability will be reviewed to ensure that whatever possible reasonable adjustments are made to enable them to enter into or remain in employment with the Company. Promotion opportunities, benefits and facilities of employment will not be unreasonably limited, and every reasonable effort will be made to ensure that disabled staff participate fully in the workplace.

In accordance with recommended practice the ethnic, gender, sexual orientation, religion or belief composition of the Company's staff and applicants for jobs will be monitored [on an anonymous basis] at all levels.

Appropriate training will be provided to enable staff to implement and uphold the Company's commitment to equality of opportunity.

The Company recognises that the regular monitoring of ethnic origin, sex, disabilities, sexual orientation, religion or belief of its employees and applicants is essential to the thorough review of the effectiveness of this Policy and to this end the Company will initiate equal opportunity monitoring.

All supervisors and managers are responsible for eliminating any discrimination which they are aware. Failure to do so will be treated as a failure to fulfil all the responsibilities of their position. Similarly, all supervisors and managers are responsible for eliminating less favourable treatment of disabled persons for a reason or reasons which relate to their disability. Again, failure to do so will be treated as a failure to fulfil all the responsibilities of their position.

Working patterns will be reviewed so as to enable the Company to offer flexible working to staff and [carer] [childcare] responsibilities where possible. Where necessary special provision will be made for training for staff returning to work following a break for domestic reasons.

All staff has a right to equality of opportunity and a duty to implement this policy. Breach of the equal opportunities policy is potentially a serious disciplinary matter. Anyone who believes that he or she may have been disadvantaged on discriminatory grounds is entitled to raise the matter through the Company's Grievance Procedure or the Company's Harassment Policy.

This policy applies at all times and to all work-related functions and activities