

## **7. EQUAL OPPORTUNITIES AND POSITIVE WORKING ENVIRONMENT**

### **7.1 Equal Opportunities Policy**

- 7.1.1 We are committed to principle policy of equal opportunities in employment and to ensuring that within the framework of the law that our workplace is free from any form of less favourable treatment, whether through direct or indirect discrimination accorded to employees or job applicants, on the grounds of their age, race, religion, religious or philosophical belief, creed, colour, disability, ethnic origin, nationality, marital/civil partnership/parental status, sex or sexual orientation or gender reassignment or pregnancy or maternity related reasons.
- 7.1.2 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 therefore adopted the following Equal Opportunities Policy as a means of achieving this aim.
- 7.1.3 We state our wholehearted support for the principles and practices of equal opportunity and we recognise that it is the duty of all employees to accept their personal responsibility for fostering a fully integrated community at work by adhering to the principles of equal opportunity and maintaining a harmonious working environment.
- 7.1.4 We will actively promote equal opportunities throughout the organisation through the application of employment policies which will ensure that individuals receive treatment that is fair and equitable and consistent with their relevant aptitudes, potential, skills, experiences and abilities. All managers and supervisors will seek to ensure that all employees comply with these principles.
- 7.1.5 We will ensure that individuals are recruited and selected, promoted and trained on objective criteria having regard to the relevant aptitudes, potential, skills, experiences and abilities.

In particular, no applicant will be placed at a disadvantage by any practices which, although they are applied to all, have the effect of disadvantaging people for example of a particular race, sex, sexual orientation, religion or belief which are not necessary to the performance of the job or which constitute indirect discrimination. Reasonable adjustments will be made, where reasonably possible, if a disabled person is put in a detrimental position and such reasonable adjustments would remove or alleviate the detriment.

All staff have the right to equality of opportunity and a duty to implement this policy. A breach of this policy is potentially a serious disciplinary matter. Anyone who believes that they have been disadvantaged on discriminatory grounds is entitled to raise the matter through the grievance procedure.

### **7.2 Policy against harassment and bullying**

#### **7.2.1 Preamble**

Harassment in the employment situation is unlawful under discrimination legislation and as a consequence is unlawful behaviour. It is also improper and inappropriate behaviour which lowers morale and interferes with the effectiveness of people at work. It could also have a damaging effect on other staff who themselves are not themselves the object of unwanted behaviour.

It is the policy of this organisation to make every effort to provide a working environment free from all forms of harassment and intimidation.

All employees are expected to comply with the policy and to ensure that such conduct does not occur. Appropriate disciplinary action including summary dismissal for serious offences will be taken against any employee who violates this policy.

#### **7.2.2 Definition**

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them having regard to all the circumstances including the perception of the victim.

#### **7.2.3 Examples**

The following are examples but not an exhaustive list of inappropriate behaviour covered by this Policy:-

Physical conduct of a sexual nature, unwanted physical contact including unnecessary touching, patting, pinching or brushing up against another employee's body, assault.

Verbal conduct by nature of a sexual, racial, sexually oriented, or on the grounds of religion or belief: unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive comments on religious grounds, suggestive remarks, innuendoes or comments on sexual orientation.

Non-verbal conduct of an offensive nature; the display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling or making sexually suggestive gestures.

Conduct which denigrates or ridicules or is intimidatory or physically abusive to an employee because of his or her sex, race, sexual orientation, religion or belief such as derogatory or degrading abuse or insults which are so motivated and offensive comments about dress or appearance or physique, hygiene etc.

A single incident can amount to harassment if sufficiently grave.

### **7.3 Duty of Managers and Supervisors**

7.3.1 All supervisors and managers are responsible for eliminating and challenging any forms of harassment or intimidation of which they are aware. Failure to do so will be treated as a failure to fulfil all the responsibilities of their position.

7.3.2 No supervisor or manager shall threaten or insinuate, either explicitly or implicitly, that an employee's rejection of sexual advances or resistance to any racial abuse or abuse on the grounds of sexual orientation, religion or belief will be used as a basis for an employment decision affecting that employee. Such conduct shall be treated by the Company as a serious disciplinary offence by the supervisor or manager.

### **7.4 Harassment Complaints Procedure**

7.4.1 Wherever possible the person who believes that they are the subject of harassment may wish to resolve the problem by explaining to the individual concerned that the behaviour is not welcome, that it offends or makes the recipient uncomfortable and that it interferes with their work.

If you prefer, where you find it too difficult or embarrassing to take up the matter yourself, you should ask a colleague who will participate in an informal meeting between you and the individual concerned or will, at your request, approach the individual on your behalf.

- 7.4.2 The informal stage will not result in any formal internal investigation or disciplinary action but is intended to enable you to resolve the matter yourself without it going any further in the Company.
- 7.4.3 If you consider that you may have been subjected to conduct amounting to a criminal offence (such as a sexual assault), you may seek the assistance of your Manager to accompany you to make a formal complaint to a police officer or to provide you with any other assistance you may require.
- 7.4.4 Where informal resolution is not appropriate, is not requested or where the outcome has been unsatisfactory, you may raise the matter as a grievance using the grievance procedure set out in this Handbook. It is recognised that this type of grievance may be sensitive and difficult to formulate and you may seek assistance from a work colleague or a trade union representative to help you to prepare your grievance
- 7.4.5 A timely investigation will be conducted into the complaint in a confidential manner. All parties will be guaranteed a fair and impartial hearing.

Wherever possible, consideration will be given to ensuring that the complainant and the alleged harasser are not required to work together whilst the complaint is under investigation. In any serious case of alleged harassment, either or both of the parties may be suspended on full pay pending the completion of the investigation.

The complainant will be interviewed preferably by a person of the same sex/race where appropriate. Confidentiality will be assured. A diary should be kept by the complainant of the details of the allegations and dates when they occurred. Notes will also be kept of all stages of the investigation.

- 7.4.6 If the investigation reveals that the complaint is valid, senior management will give it its prompt attention and disciplinary action will be taken to stop the harassment immediately and prevent its recurrence. This may involve:
- moving the harasser to another post.
  - moving the complainant to a different place or post, if the complainant wishes. (We will not require the complainant to move if this is not acceptable).
  - offering the complainant counselling and leave to enable him or her to recover from the effect of the harassment.

However, the question of disciplinary action against the harasser is a separate matter and we will respect the rights of the harasser as to the confidentiality of any disciplinary sanction.

- 7.4.7 Employees shall also be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliation against an employee for complaining about harassment is a disciplinary offence and is also actionable through the Employment Tribunals.
- 7.4.8 Any complaint that is unfounded and not made in good faith, for example a malicious complaint will be treated as a disciplinary offence.

## 7.5 **Monitoring and Review Arrangements**

- 7.5.1 The Company recognises that the regular monitoring of employees and job applicants is essential to the thorough review of the effectiveness of this Policy and to this end the Company will initiate equal opportunity monitoring.

- 7.5.2 The successful implementation of this Policy depends upon the regular examination and progress towards equal opportunity.

## 7.6 **Grievance and Disciplinary Procedures**

- 7.6.1 The Company will ensure that any individual or group of employees who believe that they have experienced direct or indirect discrimination are properly represented in any grievance proceedings.
- 7.6.2 Any employee who feels that he or she has been treated unfairly in connection with their employment should raise their grievance through the Grievance Procedure when every effort will be made to secure a satisfactory resolution.

In addition, the Company will ensure that any employee making a complaint of unfair discrimination (or any employee assisting or representing) will be protected from any victimisation. Where the complaint relates to alleged harassment, the procedure outlined at **Section, 7.4** should be followed.

- 7.6.3 The Company will continue to treat unfair discriminatory conduct by any member of staff as a serious disciplinary offence.

## 7.7 **Training and Advertising**

- 7.7.1 The Company will train, develop and promote on the basis of merit and ability only. The Company will seek to encourage employees and job applicants of under represented groups by using the positive action measures available to the Company through the relevant legislation.
- 7.7.2 When vacancies are advertised both internally and externally, the Company will continue to ensure that such advertising, both in placement and content, is compatible with the terms of this Policy. To this end, opportunities will be taken through language, images or declarations, as appropriate, to show that the Company is an equal opportunities employer.

In practical terms this means that the wording of advertisements will be carefully scrutinised to ensure that any hidden discrimination is avoided or that discriminatory loaded wording is avoided.

Every effort will be made to ensure that the advertisements are placed in newspapers and publications so that as wide a readership as possible has access to the vacancies. This may include the placing of advertisements in ethnic publications and women's magazines.

- 7.7.3 To this end, "word of mouth" advertising, personal contacts and family relationships will be discouraged as the only means of recruiting new staff or promoting existing staff.

## 7.8 **Disability Policy**

### 7.8.1 **Policy Statement**

We wish to develop a working environment that will enable disabled persons with appropriate skills and qualifications to seek and maintain employment with us and to offer terms and conditions of service which reflect that. To that end we will:

- (1) provide equal opportunities for disabled persons in recruitment, education, training, promotion, transfer and terms and conditions of employment;
- (2) ensure that where practicable disabled people are given support and are provided with equipment and facilities to enable them to carry out their duties;

- (3) ensure that we meet the special needs that arise at work for disabled employees;
- (4) make reasonable adjustments to working arrangements or physical features of premises where they cause disadvantage for a disabled person;
- (5) provide a safe working environment for disabled employees.

#### **7.8.2 Recruitment**

You must ensure that discrimination against job applicants on the grounds of disability does not occur. It is unlawful to discriminate against a disabled person:

- in the arrangements made for determining who should be offered employment;
- in the terms on which the disabled person is offered employment; or
- by refusing to offer, or deliberately not offering, the disabled person employment.

The inclusion of unnecessary or marginal requirements in a job specification can lead to discrimination.

#### **7.8.3 Training**

All disabled employees will have equal access to training and development opportunities.

All employees will be made aware of our Policy on the employment of disabled people.

#### **7.8.4 Retention**

The duties and working conditions of disabled employees will be reviewed on request.

If a disabled employee is unable to continue carrying out existing duties we will try to find suitable alternative employment, with retraining being provided if necessary.

#### **7.8.5 Selection**

You must ensure that applications, shortlists, interviews and any other testing that is carried out does not discriminate against disabled people. Special arrangements for interviews and the way they are carried out may have to be made.

#### **7.8.6 Complaints**

Any employee who considers that they have been treated unfairly or discriminated against on the grounds of their disability may raise a complaint through the procedures for dealing with grievances.

#### **7.8.7 Employee's obligations**

A disability may not always be apparent and it is your duty to advise your Manager if you have an impairment or condition that you believe may amount to a disability. We will actively consider ways of continuing and securing the employment of employees and applicants who have a disability or become disabled during their employment.

### **7.9 Communication**

- 7.9.1 The principles in this Policy will be brought to the attention of all staff by means of publication in the Employee Handbook.

- 7.9.2 All employees are encouraged to bring to the attention of their immediate superior any act of discrimination they observe.
- 7.9.3 Employees who are newly disabled are encouraged to bring this to the attention of their immediate superior to enable a review of their treatment to be made. This review will include an assessment of physical features and arrangements to ensure that these do not place the disabled person at a substantial disadvantage. Where they do, then adjustments will be effected where reasonable to do so.