

EQUAL OPPORTUNITIES & DIGNITY AT WORK POLICY

Our Commitment and Aims

We are committed to providing equality of opportunity in our employment practices and procedures, and to avoiding unlawful discrimination being suffered by our employees, job applicants, clients or customers.

We will not 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".

We will not discriminate unlawfully against customers, contractors, suppliers or visitors using or attempting to use the goods, facilities and services that we provide.

This aim of this policy is to assist us in putting this commitment into practice to ensure all our employees are treated fairly, respectfully and without prejudice, so that you are able to maximise your full potential, and do not commit or are not subjected to unacceptable and unlawful acts of discrimination.

Our policy is implemented in accordance with the Equality Act 2010 and all other appropriate statutory requirements and has been compiled after consideration of all available guidance and relevant Codes of Practice.

We will strive to ensure that our work environment remains positive, free from harassment and bullying, and that everyone is treated with dignity and respect at all times in maintaining and sustaining equal opportunities in employment.

Types of Unlawful Discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct sex discrimination would be refusing to employ a woman because she was pregnant.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory, in relation to individuals that have a protected characteristic. However, for there to be a claim of indirect discrimination the provision, criterion or practice must also:

- be to the detriment of people who share the particular protected characteristic compared with people who do not;
- not be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct related to one of the prohibited grounds which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment will have taken place in such circumstances even if this effect was not intended by the person responsible for the conduct.

Third-party harassment

Third-party harassment occurs where an employee is harassed by third parties such as clients or customers and the harassment is related to a protected characteristic.

Associative discrimination

Associative discrimination is where an individual is directly discriminated against or harassed due to their association with another individual who has a protected characteristic.

Perceptive discrimination

Perceptive discrimination is where an individual is directly discriminated against or harassed due to a mistaken perception that he/she has a particular protected characteristic.

Failure to make reasonable adjustments

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have a disability and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Victimisation

Victimisation occurs where an employee is subjected to a detriment, because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she gave false evidence or information, or made a false allegation, if the evidence or information is given, or the allegation is made, in bad faith.

Dignity at Work

We have a separate 'Dignity at Work Policy' concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with once reported.

Training

We will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

Responsibilities

You are required to support us in meeting our commitment to provide equal opportunities in employment and to avoid unlawful discrimination.

If you commit serious acts of harassment you may be guilty of a criminal offence. As well as exposing us to liability for unlawful discrimination, you can be held personally liable for such acts.

Acts of discrimination, harassment, bullying or victimisation against you or customers are disciplinary offences and will be dealt with under our disciplinary procedure. Such acts may in certain circumstances be tantamount to gross misconduct and could lead to your summary dismissal.

Redress

If you consider that you may have been unlawfully discriminated against or been the victim of a breach of this policy, you may use our grievance procedure to make a complaint.

If your complaint involves bullying or harassment, you should refer to the 'Dignity at Work Policy.'

We will take all complaints seriously and will seek to resolve any grievance which we uphold.

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.

Monitoring and Review

We will monitor this policy periodically to judge its effectiveness and it will be updated in accordance with relevant changes in the law.

In particular, we will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promoted posts), and the number of people with disabilities within these groups. We will review our equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, we will implement them.

Information provided by job applicants and you for monitoring will be used only for this purpose. The data will be dealt with in accordance with the General Data Protection Regulations, where it cannot be anonymised or where there is a risk that the information can be identified to a particular person.

DIGNITY AT WORK

We are committed to creating a harmonious environment by ensuring equal opportunities and fair treatment for every employee in the workplace.

One of the key aims of the policy is to ensure we provide a positive working environment in which all staff feel comfortable and in which everyone is treated with respect and dignity, regardless of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief or any other personal factor or quality.

This policy aims to ensure that there is no bullying and harassment of and by any employee, contractor, or anyone else engaged to work on our premises. The purpose of this policy is to provide you with both protection and a procedure to raise and effectively deal with a complaint either informally or formally, if you believe you have been harassed or bullied.

Bullying and Harassment

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, e.g. a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure another person.

Examples, though not an exhaustive list, which may constitute bullying are:

- threats, abuse, teasing, gossip and practical jokes;
- humiliation and ridicule either in private, at meetings or in front of customers or clients;
- name calling, insults, devaluing with reference to age, appearance;
- setting impossible deadlines;
- excessive monitoring;
- removing responsibilities;
- withholding information.

Harassment, in general terms, is unwanted conduct related to a relevant protected characteristic, that:

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

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something which is meant to be 'banter' may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others.

Harassment may also occur where an individual is subjected to unwanted conduct due to his/her association with another individual who has a protected characteristic.

Harassment may also occur where a person engages in unwanted conduct towards another because he/she has a mistaken perception that the recipient has a protected characteristic.

Harassment may also occur where an individual is subjected to unwanted conduct from a third party, such as a client or customer. If you feel that you have been bullied or harassed by customers, suppliers, vendors or visitors, you should report any such behaviour to us in order that we can take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

For the avoidance of doubt, we will treat a single incident as harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under our disciplinary and dismissal procedure. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Examples, though not an exhaustive list, of behaviour which may constitute harassment are:

- physical contact ranging from touching to serious assault;
- verbal and written harassment through jokes, offensive language, gossip and defamatory references;
- unwanted nicknames related to a protected characteristic;
- excluding an individual from social activities due to his/her association with someone with a protected characteristic;
- ignoring an individual because he/she has a protected characteristic when in fact he/she does not have the perceived protected characteristic;
- intrusion by pestering, spying, following etc.

We will treat all such complaints of harassment and bullying seriously and will investigate them promptly, efficiently and in confidence.

The main aim of this policy is to provide a framework for resolving complaints of harassment or bullying and for stopping any behaviour that is causing offence or distress.

Raising a Complaint

You have a right to complain if you are treated in a manner that you believe constitutes harassment or bullying. This will include behaviour that has caused you offence, humiliation, embarrassment or distress.

Apart from complaints about the behaviour of colleagues, you also have the right to complain if you believe that you have been bullied or harassed by a third party, for example a customer, client or supplier.

If you raise a complaint under this policy, you are automatically protected and under no circumstances will you be subjected to any unfavourable treatment or victimisation as a result of making a complaint. However, if it is established that you have made a knowingly false or malicious complaint against another person about harassment or bullying, serious disciplinary action will be taken against you which may result in your dismissal.

If you witness an incident that you believe to be the harassment or bullying of another member of staff you should report the incident in confidence to your Line Manager. We will consider all such reports seriously and will treat the information in strict confidence, as far as it is reasonably possible to do so.

Reporting a Complaint

Before raising a formal complaint, you are encouraged in the first instance to talk directly and informally to the person to whom you believe is harassing you and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence to you, and request that it stop.

It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach may resolve the matter without the need for formal action.

If you would like support in making such an approach, you should contact your Line Manager.

However, if you feel unable to take this course of action, or if you have already approached the person to no avail, or if the harassment is of a very serious nature, you may decide to raise a formal complaint.

Formal complaints may be raised, in writing, with your Line Manager or, if preferred, a senior manager.

When lodging your complaint of harassment/bullying, you should state:

- the name of the person whose behaviour you believe 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 you have already taken to try to deal with the harassment or bullying.

Management Responsibility

When we receive a complaint of harassment or bullying, we have a duty to investigate the matter thoroughly and objectively and to take corrective action in order to ensure compliance with our Dignity at Work Policy.

We will be responsive and supportive towards anyone who raises a genuine complaint of harassment or bullying.

We reserve the right, at our discretion, to suspend you from duty pending investigation for harassment or bullying for a temporary period whilst investigations are carried out. Such suspension will be for as short a time as possible and will be on full pay.

If you are accused of harassment or bullying you will be informed of the exact nature of the complaint against you and afforded a full opportunity to challenge the allegations and put forward an explanation for your alleged behaviour in a confidential interview, with a companion present if you choose. It will not be presumed that following an allegation of harassment you are guilty.

We regard all forms of harassment and bullying as serious misconduct, and if you are found to have harassed or bullied a colleague you will be liable to serious disciplinary action up to and including summary dismissal.

Although not always necessary, if a complaint against you is not upheld, a voluntary transfer of either of the parties may be offered. Such transfers will be consensual.

If it is agreed neither party will move, we will monitor and check the situation in terms of our duty of care to determine whether there has been any form of victimisation or retaliation.

Alternatively, where a complaint is upheld it may be necessary, if practicable to relocate or transfer one of the parties to another department or function.

Following the meeting, you will be informed in writing of the outcome within five working days and told of any action that we propose to take as a result of your complaint. If you are dissatisfied with the outcome, you may make a formal appeal.

Your appeal should be made in writing to a Director. You should clearly state the grounds of your appeal, i.e. the basis on which you say that our findings were inaccurate or inappropriate. This should be done within five working days of the written notification of the outcome of the

grievance. An appeal meeting will be arranged to take place within 10 working days of the submission of your formal appeal.

Following the appeal meeting, you will be informed of the outcome within five working days.

We 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 General Data Protection Regulations.