



TOM WILLOUGHBY

Equal Opportunities, Equality and Dignity at Work Policy

The Company is committed to a policy of equal opportunities and equality in employment, not only for legal requirements, which necessitate compliance, but more importantly, the provision of equal opportunities is fundamental to the way in which we function as a business. The promotion of an effective policy fits naturally into the business environment, how we deal with our customers and our internal procedures for employees.

The Equality Act 2010 brings together and re-enforces aspects of previous legislation. The same 'groups' are covered but are now known as 'protected characteristics'.

The Company will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications without regard to race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability. The Company will also take all reasonable steps to provide a work environment in which all employees are treated with respect and dignity, and that is free of harassment based upon an employee's race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability. The Company will not condone any form of harassment, whether engaged in by employees or by outside third parties who do business with the Company.

Employees have a duty to co-operate with the Company to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under the Company's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this equal opportunities and dignity at work statement will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

You should draw the attention of your manager to suspected discriminatory acts or practices or suspected cases of harassment. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as potential gross misconduct in accordance with the Company's disciplinary procedure.

Policy

The Company is, therefore, committed to providing equality of opportunity for all employees by:

- Preventing any form of direct or indirect discrimination or victimisation or bullying. This includes sexual banter and offensive/suggestive comments which could be deemed harassment
- Promoting a good and harmonious working environment where all individuals are treated with respect and dignity and in which no form of intimidation or harassment and discrimination will be tolerated
- Fulfilling all legal obligations under relevant National and European Union legislation and associated Codes of Practice
- Being committed to ensuring customers are treated in a fair and equitable manner in our dealings with them and that all employees are protected from harassment and discrimination in their dealings with our customers.

Legislation

Legislation covers age, gender, marital or family status; gender reassignment; race, colour, nationality, ethnic or national origin; disability; sexual orientation, religion/belief; trade union membership or non-membership and in Northern Ireland political opinion. There are significant penalties associated with unlawful discrimination for both the organisation and the individual. All employees, therefore, have a duty and a responsibility to respect this policy and act in accordance with it. Acts which breach this policy will not be tolerated and will be regarded as misconduct, which could lead to disciplinary action being taken against the offending employee in accordance with the company's disciplinary procedure. Under equal opportunities legislation employees can be made personally liable for acts of discrimination.

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If anyone believes that he/she has suffered any form of discrimination, harassment or victimisation he/she is entitled to raise the matter through the formal Grievance Procedure. Acts which breach this policy will not be tolerated and will be regarded as misconduct, which could lead to disciplinary action being taken against the offending employee in accordance with the company's disciplinary procedure.

Legislation also covers witnesses to any unacceptable act if they feel the conduct they have witnessed creates an offensive and degrading environment for them.

Discrimination

Unfair and unlawful discrimination in employment occurs as a result of prejudice, misconception and stereotyping which hinders the proper consideration of an individual's skills, abilities, potential and experience. It can be direct or indirect, intentional or unintentional.

Unlawful direct discrimination occurs when a person is treated less favourably than another on the grounds of gender or marital status; age, race, colour, nationality or ethnic or national origin or sexual orientation or religion or belief where the reason for the less favourable treatment is that he/she suffers from a disability, is pregnant or on maternity leave; and in Northern Ireland political opinion. Direct discrimination, for example, can occur where a person is refused a job, training or promotion in any of these circumstances.

For the purposes of the Disability Discrimination legislation, the definition of 'disability' is far wider than what may be expected of preconceived notions of disability in common parlance. In terms of the Disability Discrimination Act 1995, an employee may be disabled if he/she suffers from a physical or mental impairment, which has a substantial and long-term adverse effect on his/her ability to carry out, normal day-to-day activities. The following have been held to amount to a 'disability': agoraphobia, ME, HIV, anxiety and depression, schizophrenia and learning disability.

Disability Discrimination occurs when an individual is unjustifiably disadvantaged in employment or recruitment for a reason connected with his or her disability unless the discrimination can not be avoided, by making reasonable adjustments. For example - failure to recruit a wheelchair user, without first considering whether the working arrangements or premises can reasonably be adapted to the individual's needs.

Unlawful indirect discrimination occurs when a condition or requirement is applied to all people, but which in practice is such that fewer people in certain groups are able to comply and it can not be shown to be justifiable. Some practices may look fair, but have unintended discriminatory effects.

Indirect discrimination on the grounds of race can occur for example, where a company makes a GCSE or Higher Grade English qualification a requirement as a selection criterion. This would have a disparately adverse impact on people educated overseas and may not be justified if all that is required for the job is to demonstrate a level of literacy.

Victimisation can occur when a person is treated less favourably than another, because he/she has brought proceedings, given evidence or complained about the behaviour of someone who has been discriminating against him/her or harassing him/her or others. Victimisation itself can be unlawful.

Associative Discrimination

It is forbidden to discriminate against someone because they associate with someone who has a protected characteristic.

This includes race; religion or belief; sexual orientation; age; disability; gender reassignment and sex.

Perceptive Discrimination

It is forbidden to discriminate against a person because you or one of your colleagues thinks they have a protected characteristic.

This includes race; religion or belief; sexual orientation; age; disability; gender reassignment and sex.

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Indirect Discrimination

It is forbidden to have a rule, policy or practice which applies to all employees but particularly disadvantages people who share a protected characteristic. This is opposed to direct discrimination where someone is treated less favourably because they have or are thought to have a protected characteristic.

This includes race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability.

Third Party Harassment

Any harassment is forbidden even if caused by individuals who are not employees of the Company, but only if it has occurred on at least two previous occasions.

Disability

It is forbidden to treat a person unfavourably because of something connected with the disability e.g. spelling mistakes due to dyslexia. It is now unlawful to ask after the health of an employee or candidate unless certain circumstances are present.

Gender Reassignment

There is protection for transsexual people and the individual is no longer required to be under medical supervision to be protected. Transgender people such as cross-dressers who are not transsexual are not protected.

Equal Pay

It is unlawful to not pay the same rate for the same work.

Pay Secrecy

It is unlawful to prevent or restrict an employee establishing if pay differences do exist.

Equal Opportunities Awareness

There are significant penalties associated with unlawful discrimination for both the Employee and the Company. The excuse of 'not knowing' about the legislation is not an acceptable defence; therefore, it is important that we are all aware of our responsibilities in this regard. It is up to each of us, and particularly management, to promote self-awareness and to cultivate the appropriate business behaviours amongst employees who report to them.

It is important that we do not allow unfair or unjustified assumptions about specific groups of people to influence our behaviour and interactions in the workplace.

Recruitment, Advertising and Selection

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant experience, abilities and qualifications. The Company is committed to applying its Equal Opportunities Policy Statement at all stages of recruitment and selection.

Advertisements will encourage applications from all suitably qualified and experienced people. When advertising job vacancies, in order to attract applications from all sections of the community, the Company will, as far as reasonably practicable:

- Ensure advertisements are not confined to those publications which would exclude or disproportionately reduce the numbers of applicants of a particular gender, sexual orientation, age, religion or racial group
- Avoid prescribing any unnecessary requirements which would exclude a higher proportion of a particular gender, sexual orientation, age, religion or racial group or which would exclude disabled job applicants
- Avoid prescribing any requirements as to marital or civil partnership status
- Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees of any particular gender, sexual orientation, age, religion or racial group or from employees with a disability.

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The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

With disabled job applicants, the Company will have regard to its duty to make reasonable adjustments to work provisions, criteria and practices or to work premises in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status, disability, children and/or domestic obligations.

Training and Promotion

The Company will train all managers in the Company's policy on equal opportunities and in helping them to identify discriminatory acts or practices or acts of harassment or bullying. Managers will be responsible for ensuring they actively promote equal opportunity within the departments for which they are responsible.

The Company will also provide training/guidance to all employees to help them understand their rights and responsibilities in relation to dignity at work and what they can do to create a work environment that is free of bullying and harassment.

Where a promotional system is in operation, it will not be discriminatory and it will be checked from time to time to assess how it is working in practice. When a group of workers predominantly of one race, religion, sex, sexual orientation or age group or a worker with a disability appears to be excluded from access to promotion, transfer and training, and to other benefits, the promotional system will be reviewed to ensure there is no unlawful discrimination.

Terms of Employment, Benefits, Facilities and Services

All terms of employment, benefits, facilities and services will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability.

Equal Pay

The Company is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, the Company will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

Bullying and Harassment

Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates an employee.

Harassment occurs where, on the ground of an employee's race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability, a person engages in unwanted conduct that:

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

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Conduct may be harassment whether or not the person intended to offend. Something intended as a 'joke' or as 'office banter' may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable to them.

Legislation also covers 'witnesses' to such an act if they believe the conduct creates an offensive and degrading environment for them.

Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other forms of behaviour, it may not always be clear in advance that it will offend a particular employee, for example, office banter and jokes. In these cases, the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him/her. A single incident can amount to harassment if it is sufficiently serious.

Harassment also occurs where, on the grounds of the employee's rejection of or submission to unwanted conduct of the kind specified above, a person treats the employee less favourably than he/she would treat him/her had he/she not rejected, or submitted to, the unwanted conduct.

Examples

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:

- unwelcome sexual advances, requests for sexual favours, other conduct of a sexual nature
- subjection to obscene or other sexually suggestive or racist comments or gestures
- the offer of rewards for going along with sexual advances or threats for rejecting sexual advances
- jokes or pictures of a sexual or racial nature
- demeaning comments about an employee's appearance
- questions about a person's sex life
- the use of nicknames related to an employee's sex, sexual orientation, gender reassignment, race, religion, age or disability
- picking on or ridiculing an employee
- isolating an employee or excluding him/her from social activities or relevant work-related matters.

Equal Opportunities Complaints Procedure

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. The Company will not ignore or treat lightly grievances or complaints of discrimination or harassment from members of a particular race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation or age or from employees, who have undergone gender reassignment, are married, have entered into a civil partnership or have a disability.

With cases of harassment, while the Company encourages employees who believe they are being harassed to notify the offender (by words or by conduct) that his/her behaviour is unwelcome, the Company also recognises that actual or perceived power and status disparities may make such confrontation impractical.

All employees have the right to a working environment free from unfair discrimination, harassment or victimisation of any kind. It is important that anyone experiencing any of these types of behaviour does not ignore the problem. Confidential advice and counselling can be made available. It can be made clear to the person concerned that the behaviour is considered to be offensive and that it must stop. An employee who feels unable to do this should ask his/her manager or, or if the manager is directly involved, a colleague or another manager to speak to the individual. This is an informal way of approaching the problem, however, if the situation persists then it should be raised formally through the Grievance Procedure.

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It is not necessary to have told the person whose behaviour is causing concern to stop or to have gone through the informal steps before making a formal complaint. Complaints should be raised as soon as possible so that the matter can be dealt with quickly. While it is preferable that a formal complaint should be made in writing, this will not preclude the investigation of a complaint, which has been made verbally. The matter should be raised first with the complainant's manager. If this would cause embarrassment or if the complainant feels it inappropriate, for example, if the manager is the subject of the complaint, then the matter should be raised with the managing director.

A confidential interview will be arranged to establish the full details. A prompt and thorough investigation will be carried out by an impartial investigator. It is useful to keep a record of events, incidents and dates to assist the investigation.

If you wish to make a complaint of discrimination or harassment, you should follow the following steps:

1. First of all, report the incident of discrimination or harassment to manager. If you do not wish to speak to your manager, you can instead speak to an alternative manager or to a member of the Human Resources Department.
2. Such reports should be made promptly so that an investigation may proceed and any action taken expeditiously.
3. All allegations of discrimination or harassment will be taken seriously. The allegation will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the details of your complaint. Confidentiality will be maintained during the investigatory process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate an allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser or discriminator so that he/she is able to fairly respond to the allegations. The Company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised the matter.
4. The Company will also invite you to attend at least one meeting at a reasonable time and place at which your complaint can be discussed. You must take all reasonable steps to attend that meeting and you have the right to be accompanied at it by either a trade union official or a fellow employee of your choice.
5. Once the investigation has been completed and after the meeting with you has taken place, you will be informed in writing of the outcome and the Company's conclusions and decision as soon as possible. You will also be notified in writing of your right to appeal against the Company's decision if you are not satisfied with it. The Company is committed to taking appropriate action with respect to all complaints of discrimination or harassment which are upheld.
6. If you wish to appeal against the Company's decision, you must appeal in writing to a more senior manager or to a director of the Company within five working days of the Company's decision. On receipt of an appeal, a more senior manager or a director (who may not be the person to whom you addressed your appeal) shall make arrangements to hear it at an appeal meeting and at that meeting you may again, if you wish, be accompanied by either a trade union official or a fellow employee of your choice. You must take all reasonable steps to attend that meeting. Following the meeting, the relevant manager or director will inform you in writing of the Company's final decision on your appeal.
7. You will not be penalised for raising a complaint, even if it is not upheld, unless your complaint was both untrue and made in bad faith.
8. If your complaint is upheld and the harasser or discriminator remains in the Company's employment, the Company will take all reasonable steps to ensure that you do not have to continue working alongside him/her if you do not wish to do so. The Company will discuss the options with you.

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9. If your complaint is not upheld, arrangements will be made for you and the alleged harasser or discriminator to continue or resume working and to repair working relationships.

Alternatively, you may, if you wish, use the Company's grievance procedure to make a complaint.

The formal procedure will provide:

- A right for both parties to be accompanied or represented.
- A commitment with regard to a realistic timescale for resolution of the problem.
- A commitment as to confidentiality as far as possible for everyone involved.
- Support to all parties during and after complaint/investigation.
- A fair and impartial hearing for those involved.

If the investigation reveals that the complaint is well-founded, prompt attention and disciplinary action designed to stop the behaviour immediately and prevent its recurrence will be taken. Disciplinary action against the person alleged to have committed the behaviour complained about may include dismissal, depending on the seriousness of the misconduct.

Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the Company's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Company's disciplinary procedure.

If the investigation reveals that the complaint is malicious, disciplinary action may be taken against the complainant.

Employees will be protected from intimidation, victimisation or discrimination should this occur as a result of filing a complaint or assisting in an investigation. Retaliation against an individual complaining about harassment is a disciplinary offence.

Monitoring Equal Opportunity and Dignity at Work

The Company will regularly monitor the effects of selection decisions and personnel, and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, the Company will implement them. The Company will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.