

1.1 Hugh Symons Group: Equal opportunity and non discrimination policy and rules

The Company is committed to a policy of treating all its employees and job applicants equally. No employee or potential employee shall receive less favourable treatment or consideration on the grounds of race, colour, religion or belief, nationality, ethnic origin, sexual orientation, gender, age, disability, marital status, part-time status, intending to, undergoing or having undergone treatment to change sex or will be disadvantaged by any conditions of employment that cannot be justified as necessary on operational grounds.

Principles

- There should be no discrimination on account of race, colour, religion or belief, ethnic origin, sexual orientation, gender, age, disability, nationality, marital status, part-time status, intending to, undergoing or having undergone treatment to change sex.
- The Company will appoint, train, develop, reward and promote on the basis of merit and ability.
- All employees have personal responsibility for the practical application of the Company's equal opportunities policy, which extends to the treatment of job applicants, employees customers and visitors.
- Special responsibility for the practicable application of the Company's equal opportunities policy falls upon managers, supervisors and personnel staff involved in the recruitment, selection, promotion and training of employees.
- The Company's grievance procedure is available to any employee who believes that he or she may have been unfairly discriminated against. The harassment complaints procedure set out in this policy is available to any employee who believes that he or she may have been harassed. Employees will not be victimised in any way for making such a complaint in good faith. Complaints of this nature will be dealt with seriously, in confidence and as soon as possible.
- Disciplinary action will be taken against any employee who is found to have committed an act of unlawful discrimination. Serious breaches of this policy and serious incidents of harassment will be treated as gross misconduct. Allegations of discrimination which are not made in good faith will also be considered as a disciplinary matter. Confidential records of ongoing matters dealt with in accordance with this policy will be kept.
- In the case of any doubt or concern about the application of this policy in any particular instance, consult the HR Department.
- The Company will keep under review its policy, procedures and practices on equal opportunities.
- The policy is communicated to all personnel via the Staff Handbook, a copy of which is issued to all members of staff., and is displayed all relevant notice boards. This is also all the Hugh Symons intranet site and is updated regularly.

Defining Discrimination

Direct discrimination

This is where a person is treated less favourably than another on grounds of race, colour, religion or belief, ethnic origin, sexual orientation, gender, age, disability, nationality, marital status, part-time status, intending to, undergoing or having undergone treatment to change sex. It also includes harassment, an explanation of which is set out below.

Indirect discrimination

This occurs when a condition or requirement is imposed which, on the face of it, is the same for everyone but is in fact unjustifiable as it has a disproportionate effect on certain individuals or specific groups.

For example, if the Company required that all employees should be at least 5'10" tall, fewer women than men would be able to comply. Some racial groups would also be at a disadvantage. Unless the Company could show that the height requirement was justifiable, indirect discrimination would have occurred.

Victimisation






This occurs when a person is treated less favourably than others because they have in good faith made a complaint of unlawful discrimination or harassment or because they have assisted another person making such a complaint.

Equal opportunities code of practice

Objectives

The Company has introduced this equal opportunities policy. The Company regards this as a commitment to make full use of the talents and resource of all its employees and to provide a healthy environment which will encourage good and productive working operations within the organisation. This code of practice describes how the policy is to be applied throughout the Company.

The Company is particularly concerned that equality of opportunity is maintained in the following areas.

-  recruitment and selection;
-  promotion, transfer and training;
-  terms of employment, benefits, facilities and services;
-  grievances and disciplinary procedures;
-  dismissals and redundancies

Code of practice

A copy of this policy statement will be displayed on all notice boards and sent to all staff.

The Company will ensure that all managers and supervisors with the responsibility for any of the areas of particular concern listed under 'Objectives' above are provided with the appropriate equal opportunities training where necessary.

The HR Department will regularly monitor the effectiveness of this policy to ensure that it is working in practice and review and update this policy as and when necessary.

Recruitment and Selection

The following principles should apply whenever recruitment or selection for positions takes place:

- individuals will be assessed according to their personal capability to carry out a given job;
- assumptions that only certain types of person will be able to perform certain types of work must not be made;
- any qualifications or requirements applied to a job which have or may have the effect of inhibiting application from certain types of person should only be retained if they can be justified in terms of the job to be done;
- any age limits applied to a job should only be retained if they can be justified in terms of the job to be done.
- recruitment solely or primarily by word of mouth should be avoided if its effect is or may be to prevent certain types of person from applying;
- selection tests should be specifically related to job requirements and should measure the person's actual or inherent ability to do or train for the work;
- selection tests should be reviewed regularly to ensure they remain relevant and free from any unjustifiable bias; either in content or in scoring mechanism;
- applications from different types of person should be processed in the same way;
- written records of interviews and reasons for appointment and non appointment should be kept;
- questions should relate to the requirements of the job; if it is necessary to assess whether personal circumstances may affect job performance, this should be done objectively without questions or assumptions being made which are based on stereotyped beliefs about certain types of person;
- where the Company's arrangements for recruitment and selection put disabled people at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments to the arrangements should be made to eliminate or if that is not reasonably practicable, reduce the disadvantage unless objectively justified;
- no decisions regarding recruitment or selection should be made by a person who has not read and understood this policy.

Promotion, transfer and training

The following principles should apply to appointments for promotion, transfer and training:

- assessment criteria and appraisal schemes should be carefully examined to ensure that they are not unlawfully discriminatory;
- assessment criteria and appraisal schemes should be monitored and, where such criteria or schemes result in predominantly one group for workers gaining access to promotion, transfer or training, they will be checked to make sure this is not due to any hidden or indirect discrimination;
- promotion and career development patterns will be monitored to ensure that access to promotion and career development opportunities in particular groups of workers are not unjustifiably being excluded;
- traditional qualifications and requirements for promotion, transfer and training, such as length of service, and age, which may discriminate against certain groups of workers shall be reviewed and will only continue to be applied if genuinely justified;
- policies and practices regarding selection for training, day release and personal development should not result in an imbalance in training between groups of workers unless this is objectively justified;
- where the Company's arrangements in relation to promotion, transfer or training put disabled workers at a substantial disadvantage for a reason connected with their disability, reasonable adjustments to the arrangements should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage unless objectively justified.

Terms of employment, benefits, facilities and services

The following principles shall apply to terms of employment, benefits, facilities and services:

- the terms of employment, benefits, facilities and services available to workers should be reviewed regularly to ensure that they are provided in a way which is free from unlawful discrimination;
- part-time workers should receive pay, benefits, facilities and services on a pro-rata basis to their full-time comparator unless otherwise objectively justified;
- where the Company's arrangements relating to terms of employment, benefits, facilities and services put disabled workers at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments to the arrangements should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage unless otherwise objectively justified;
- pay and bonus criteria, policies and arrangements should be carefully examined and monitored, and if it appears that any group of workers are disadvantaged by them they will be checked to make sure that this is not due to any hidden or indirect discrimination.

Grievances, disciplinary procedures, dismissals and redundancies

Workers who, in good faith, bring a grievance (or assist another to do so) either under this policy or otherwise in relation to an equal opportunities matter will not be disciplined, dismissed or otherwise victimised for having done so.

Any group of workers will not be disciplined or dismissed for performance or behaviour which would be overlooked or condoned in another group unless there is genuine and lawful justification for this.

Redundancy criteria and procedures will be carefully examined to ensure that they do not operate in an unlawfully discriminatory manner.

The provision of voluntary redundancy benefits will be equally available to all workers concerned unless there is a genuine and lawful justification for doing so otherwise.

Harrassment

Policy Statement

All employees have the right to work in an environment which is free from any form of harassment.

It is the Company's policy that the harassment of any of its employees is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action which could result in their dismissal.

Harrassment – What is it?

Harassment takes many forms, occurs on a variety of different grounds and can be directed at one person or many people. An essential characteristic is that it is unwanted by the recipient and that the recipient finds the conduct offensive or unacceptable. Conduct becomes harassment if it is persisted in once it has been made clear that it is regarded by the recipient as offensive, although a single incident may amount to harassment if sufficiently serious. It is the unwanted nature of the conduct which distinguishes harassment from friendly behaviour which is welcome and mutual.

Harassment can be based on:

- race, ethnic origin, nationality or skin colour;
- gender or sexual orientation;
- power or hierarchy;
- willingness to challenge harassment (leading to victimisation);
- membership, or non-membership of a trade union;
- disabilities, sensory impairments or learning difficulties;
- age;
- possible links to AIDS/HIV;
- status as an ex-offender;
- health;
- physical characteristics;
- personal beliefs;
- religion;
- intending to, undergoing or having undergone treatment to change sex.

Whilst not an exhaustive list, forms of harassment include:

- physical contact;
- jokes, offensive language, gossip, slander, offensive or sectarian songs and letters;
- posters, graffiti, obscene gestures, emblems, flags;
- offensive e-mail, screen savers etc;
- isolation or non co-operation and exclusion;
- coercion for sexual favours;
- pressure to participate in political/religious groups;
- intrusion by pestering, spying and stalking.

Harassment is unlawful in many cases and individuals may be legally held liable for their actions.

Procedure

Due to the seriousness with which the Company views harassment, informal and formal reporting procedures have been introduced which are separate from the Grievance Procedure as a mechanism for dealing with complaints of harassment.

All allegations of harassment will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject to harassment must not hesitate in using this procedure not fear victimisation. Retaliation against an employee who brings a complaint of harassment is a serious disciplinary offence which may constitute gross misconduct.

Team Managers will provide, in confidence, advice and assistance to employees subjected to harassment and assist in the resolution of any problems, whether through informal or formal means.

Informal Procedure

If an incident happens which you think may be harassment and you do not wish it to happen again, you may prefer initially to attempt to resolve the problem informally. In some cases it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends you or makes you uncomfortable and that it interferes with your work. You should make it clear that you want the behaviour to stop.

In circumstances where this is too difficult or embarrassing for you to do on your own you should seek support from a friend or a [Team Manager].

If you are in any doubt as to whether an incident or series of incidents which have occurred constitute harassment, then in the first instance you should approach a [Team Manager] on an informal basis. He or she will be able to advise you as to whether the complaint necessitates further action, in which case the matter will be dealt with formally/informally as appropriate.

If the conduct continues or if it is not appropriate to resolve the problem informally, it should be raised through the following formal process.

Formal Procedure

Where informal methods fail, or serious harassment occurs, you are advised to complain formally to your line manager.

Consideration will be given to the immediate separation of the complainant and the alleged harasser. In serious cases the alleged harasser may be suspended.

You will be interviewed by the person handling the complaint to establish full details of what happened. He or she will then carry out a thorough, impartial and objective investigation as quickly as possible. Those carrying out the investigation will not be connected with the allegation in any way. An investigation will be carried out quickly, sensitively and with due respect for the rights of both you and the alleged harasser.

The investigation will involve interviews with the person against whom you are making the complaint. The alleged harasser will be given full details of the nature of the complaint and will be given the opportunity to respond.

You and the alleged harasser will have the right to be accompanied and/or represented by a colleague or union representative at any interviews. You will not be asked to provide details of the allegations repeatedly unless this is essential for the investigation.

Strict confidentiality will be maintained throughout the investigation into the allegation. Where it is necessary to interview witnesses the importance of confidentiality will be emphasised to them.

When the investigation has been completed you will be informed whether or not your allegation is considered to be well founded.

If the allegation is well founded disciplinary action may be taken against a person alleged to have committed the behaviour you are complaining about and, depending on the circumstances and the seriousness of the complaint, may result in the dismissal of the person.

If the allegation is not well founded, consideration will be given to whether it is necessary to transfer or reschedule the work of both or either party, in cases where it would not be appropriate for you to continue to work in close proximity.

The Company takes these matters very seriously. However, malicious complaints or harassment can have a serious and detrimental effect upon a colleague. Any unwarranted allegation of harassment, made in bad faith, will be deemed potential gross misconduct. We are sure that all employees appreciate that this must be so to protect the integrity of this policy.

Disabilities

Policy

It is the Company's policy that disabled people, including job applicants and employees, should be able to participate in all of the Company's activities fully on an equal basis with people who are not disabled.

Disabilities – What are they?

For the purpose of this policy, disabilities are either physical or mental impairments that have a substantial and long term affect upon a person's ability to carry out normal day-to-day activities.

Some disabilities are immediately obvious, for example use of a wheelchair, while other disabilities may not be apparent at all, for example HIV infection. Certain conditions are not considered to be disabilities, for example poor eyesight which is corrected simply by wearing prescription spectacles, or addiction to alcohol or other substances. If you would like further information about whether a particular condition is a disability you should contact the HR Department.

Normal day-to-day activities are any of the following:

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or otherwise move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- or
- perception of risk of physical danger.

Principles

The general equal opportunity principles set out earlier in this policy will, unless objectively justified, apply in relation to disabled people.

The Company will take all reasonably practicable steps to ensure that disabled people are able to participate in its business and activities on an equal basis with people who are not disabled.

The Company will not, for a reason relating to a person's disability, treat disabled people less favourably than it treats, or would treat others to whom the same reason does not or would not apply, unless genuinely justified.

If any arrangements made by or on behalf of the Company, or any physical feature of premises occupied by the Company, put disabled people at a substantial disadvantage compared to people who are not disabled, the Company will take such reasonably practicable steps as it can to prevent this disadvantage.

The Company is particularly concerned that disabled workers are treated equally in the following areas:

- recruitment and selection;
- promotion, transfer and training;
- terms of employment, benefits, facilities and services;
- and
- dismissals and redundancies.

Procedure

Due to the wide variety of potential disabilities and the likelihood of a disability affecting different people in different ways, it would be inappropriate to prescribe rigid rules on how issues concerning disabled people should be dealt with. What is essential however, is that all managers, supervisors and personnel staff take all reasonably practical steps to ensure that disabled people are not less favourably treated or disadvantaged by comparison to people who are not disabled in relation to their work, working environment or by arrangements made by the Company.

The following general steps should always be considered where issues concerning disabilities rise or may arise.

- Be flexible. There may be many different ways to avoid discrimination or to minimise the effects of discrimination.
- Do not make assumptions. Whenever possible talk to the disabled person to find out how his disability affects him and what steps he thinks might help.
- Seek expert advice. Disability issues can be complex, you may need expert medical advice about a person's disability, or expert technical advice about adjustments to technology or premises that might help the disabled person.
- Think ahead. Try to anticipate the effects that certain arrangements may have on disabled people, even if there are no disabled employees at the time, to prevent problems occurring in the future.
- Consider any performance or attendance problems in the context of the person's disability and its affect on his or her ability to meet performance and attendance targets.
- Do not discipline or dismiss a disabled employee for performance or attendance based reasons without first establishing whether the performance or attendance is affected by the disability and appropriate adjustments to accommodate the disability have been made.

Further Guidance

Further guidance, both general and specific, on all the legislation referred to can be obtained from the HR Department.