

DIVERSITY POLICY

This policy sets out the Company's policy on diversity and explains the law and our commitment in relation to equality of opportunity.

Introduction

We are committed to being an equal opportunities employer and oppose all forms of unlawful discrimination.

Our objective is to have a diverse workforce and our long term aim is that the composition of our workforce will broadly reflect that of the community.

We believe that individuals will be treated on their merits and that employment-related decisions will be based on objective job-related criteria such as aptitude and skills. For these reasons, all employees, and particularly managers with responsibility for employment-related decisions, must comply with the policies described below.

We start by explaining the law and how it relates to certain employment practices. We then explain some specific legal issues relating to disability and pregnancy and we then set out our policy on the following areas:

- (a) recruitment;
- (b) pay and benefits;
- (c) promotion and training;
- (d) disciplinary, performance improvement and redundancy procedures.

The law

1. Current legislation outlaws discrimination against employees and other workers on grounds of sex, marital status, sexual orientation, race, colour, ethnic or national origin, nationality, religion or belief, disability and age. We have described this below as discrimination on grounds of “protected status” or membership of a “particular group”.

2. The law divides discrimination into four broad categories – direct discrimination, indirect discrimination, harassment and victimisation.

(a) Direct discrimination involves treating a person from one protected group less favourably on grounds of their membership of that group (for example not promoting an individual because of his or her race or sexual orientation). Direct discrimination cannot be justified (with the exception of age discrimination).

(b) Indirect discrimination occurs when an apparently neutral provision, criterion or practice is applied across all groups, but which would put members of a protected group at a particular disadvantage when compared with others (for example imposing a requirement that candidates for promotion be over six foot tall, which would particularly disadvantage women). Indirect discrimination will not be unlawful if it can be justified.

(c) Harassment is unwanted conduct based on sex, race, disability, religion or belief, sexual orientation, age or any other ground which:

(i) has the purpose or effect of violating an individual’s dignity; or

(ii) creates an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

(d) Victimisation has a particular legal meaning and involves treating a person less favourably because he or she has complained about discrimination or assisted somebody else in doing so.

3. It is not normally an answer to an allegation of discrimination to say that the discrimination was not intentional or deliberate.
4. The law makes it unlawful to discriminate against job applicants (in recruitment arrangements and decisions), employees and other workers (in relation to terms and conditions of employment/work, opportunities for training and promotion, dismissal and other matters) and to certain ex-employees (in relation to references).

Disability discrimination

5. The legislation covering disability discrimination is complex. The legislation makes it unlawful to treat a disabled person less favourably for a reason that relates to his or her disability unless this is justifiable. This is a broad test and includes, for example, treating someone less favourably because they need to take time off work for medical treatment. It is also unlawful to treat a disabled person less favourably on grounds of his or her disability, which is a narrow test and does not allow justification. The legislation also imposes a duty to make reasonable adjustments to accommodate the needs of the disabled person, which could include alterations to work stations, duties, hours or working practices.
6. The group of people protected as “disabled” within the legislation is wider than you might think. It covers not just those with physical disabilities, such as people in wheelchairs, but also people with mental impairments and less obvious physical impairments (such as, for example, some forms of RSI and clinical depression). Depending on the circumstances, lack of knowledge that someone is disabled may not be a defence. You will always consider that an individual might have an impairment that counts as a disability without you knowing this.

Pregnancy

7. The law treats less favourable treatment on account of pregnancy as being the same as less favourable treatment on grounds of sex. It is therefore unlawful direct sex discrimination to treat a woman less favourably than other staff because she is pregnant.

Our policies

8. We have set out our specific policies on various employment situations below.

Recruitment

9. All advertising and recruitment literature will reflect our commitment to equal opportunities and not enhance stereotypes. Wherever possible, all vacancies will be advertised simultaneously internally and externally. Where vacancies are to 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 particular groups. Do not rely solely upon “word of mouth” recruitment as this can perpetuate any existing mix of groups within our workforce.

10. The recruitment process will not disadvantage disabled people and reasonable adjustments to the process (and particularly at any interview) will be considered.

11. The criteria for selection will be fair and appropriate. Any criteria which disadvantages certain protected groups will be retained only when justifiable in terms of the job to be done.

12. Questions at interview will relate to the requirements of the job. Where it is necessary to assess whether personal circumstances will affect performance of the job

(for example where it involves unsociable hours or extensive travel) this will be discussed openly and objectively with all candidates without assumptions based on marital status or sex. Questions will not be asked of one protected group that would not be asked of everyone.

13. Selection procedures will be objective. Each candidate will be assessed according to his or her capability to carry out the job. It will not be assumed that certain groups will perform certain kinds of work or “will not fit in”.

14. When considering a disabled candidate’s suitability for the job, you will be assessed on the assumption that any reasonable adjustments have been made (for example, if someone needs a special keyboard and this is a reasonable adjustment, his/her ability to do the job compared with other candidates will be assessed on the assumption that the keyboard has been provided).

15. Wherever possible, more than one person will be involved in the recruitment process and all will have some training in equal opportunities.

16. The reasons for selection and rejection of candidates will, where practical, be recorded.

Pay and benefits

17. Equal pay will be paid for work of equal value, unless there is a genuine material fact that accounts for the variation.

18. Benefits will be offered to all employees equally unless there is a good justification for not doing so. We will try to be flexible and accommodate cultural or religious holidays and religious restrictions on hours of work.

Promotion and training

19. Employees will have equal opportunities for promotion and training and all employees will have the opportunity to discuss their future development and promotion prospects with their Managers. When general ability and personal qualities are the main requirements for promotion to a post, care will be taken to consider properly candidates with differing career patterns and general experience. There will be no stereotypical assumptions about the ambitions or otherwise of any individual from a particular group.

20. Training and development will not stop because someone is pregnant or has childcare responsibilities. Nor will it be assumed that such employees are not interested in promotion.

21. Managers will not base decisions about promotion, training or career development on whether or not the employee participates in social events with colleagues outside of office hours, particularly where those events involve alcohol, particular locations or activities and might therefore discourage individuals from certain groups from joining in.

Disciplinary, performance improvement and redundancy procedures

22. Care will be taken to ensure that members of one group are not sanctioned for performance or behaviour that would be condoned or overlooked in another group. For example, a man who takes emergency time off to deal with a domestic situation will be viewed no less sympathetically than a woman would be viewed in the same circumstances.

23. If selection for redundancy becomes necessary, direct and indirect discrimination will not occur in the selection criteria or process. For example, be careful when using absence-related criteria (because these may disadvantage disabled or pregnant workers) and adjustments might need to be made to ensure that such criteria are fair.

What to do if you have a complaint?

24. If you believe that discrimination is taking place, you could speak informally to the person responsible, [your Manager or the HR Department]. You may also consider a grievance or, if you are being harassed on grounds of your membership of a protected group, a complaint under our Bullying and Harassment Policy.

Your responsibilities

25. Whilst overall responsibility for this policy rests with [the HR Director], all Managers are responsible for ensuring that this policy is applied within their own area.

26. You have a personal responsibility to comply with this policy and do your best to ensure that it is adhered to in your day-to-day work. You must not discriminate or help others to do so in contravention of this policy. Breaches of this policy will be taken seriously and are likely to result in disciplinary action, up to and including dismissal. You may also be personally liable towards anyone you unlawfully discriminate against, and may have to pay compensation on top of any compensation we might be ordered to pay.

Application of this policy

27. We aim to apply this policy to all those working at our workplace, including agency, casual and freelance staff as well as employees. Aspects of this policy may need to be applied in different ways to cater for those who are not employees (for example the sections on recruitment are likely to apply mainly to employees).