

EQUAL OPPORTUNITIES POLICY (including Harassment and Disability)

The following document sets out the Company's policy on equal opportunities. The Company is committed to a policy of treating all its employees and job applicants equally. No employees or potential employee shall receive less favourable treatment or consideration on the grounds of gender, race, colour, religion or belief, nationality, ethnic or national origins, sexual orientation, gender re-assignment, age, disability, marital status or part-time status or be disadvantaged by any conditions of employment that cannot be justified as necessary on operational grounds.

1 PRINCIPLES

- 1.1 There should be no discrimination on account of gender, race, colour, perceived or actual religion or belief, ethnic or national origins, perceived or actual sexual orientation, gender re-assignment, age, disability, nationality or marital or part-time status.
- 1.2 The Company will appoint, train, develop, reward and promote on the basis of merit and ability.
- 1.3 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 (including former employees), customers and visitors.
- 1.4 Special responsibility for the practical application of the Company's equal opportunities policy falls upon managers, supervisors and personnel officers involved in the recruitment, selection, promotion and training of employees.
- 1.5 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.
- 1.6 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.
- 1.7 In the case of any doubt or concern about the application of this policy in any particular instance, consult the Company Secretary.
- 1.8 The Company will keep under review its policy, procedures and practices on equal opportunities.

2 EQUAL OPPURTUNIES CODE OF PRACTICE

2.1 **Objectives.** The Company has introduced this equal opportunities policy.

2.1.1 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,

2.1.2 This code of practice describes how the policy is to be applied throughout the Company;

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

2.2 **Code of Practice.**

2.2.1 An equal opportunities policy statement will be displayed on the Company's intranet. A copy of this policy is also available from the Company Secretary.

2.2.2 The Company will ensure that all managers and supervisors with responsibility for any of the areas of particular concern listed under 'Objectives' above are provided with the appropriate equal opportunities training where necessary. Up-to-date literature on equal opportunities is always available from the Company Secretary.

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

2.3 **Recruitment and Selection.**

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

2.3.1.1 Individuals will be assessed according to their personal capability to carry out a given job.

2.3.1.2 Assumptions that only certain types of person will be able to perform certain types of work must not be made.

2.3.1.3 Any qualifications or requirements applied to a job which have or may have the effect of inhibiting applications from certain types of person should only be retained if they can be justified in terms of the job to be done.

2.3.1.4 Any age limits applied to a job should only be retained if they can be justified in terms of the job to be done.

2.3.1.5 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.

- 2.3.1.6 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.
- 2.3.1.7 Selection tests should be reviewed regularly to ensure they remain relevant and free from any unjustifiable bias, either in content or in scoring mechanism.
- 2.3.1.8 Applications from different types or person should be processed in the same way.
- 2.3.1.9 Written records of interviews and reasons for appointment and non-appointment should be kept.
- 2.3.1.10 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.
- 2.3.1.11 When the Company's arrangements for recruitment and selection put disabled people at a substantial disadvantage due to a reason connected with their disability, reasonable adjustment to the arrangements should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage.
- 2.3.1.12 No decisions regarding recruitment or selection should be made by a person, who has not read and understood this policy.

2.4 **Promotion, transfer and training.**

- 2.4.1 The following principles should apply to appointments for promotion, transfer and training.
 - 2.4.1.1 Assessment criteria and appraisal schemes should be carefully examined to ensure that they are not discriminatory to gender, race or disabilities
 - 2.4.1.2 Assessment criteria and appraisal schemes should be monitored and, where such criteria or schemes result in predominantly one group of 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,
 - 2.4.1.3 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 being excluded unreasonably.
 - 2.4.1.4 Traditional qualifications and requirements for promotion, transfer and training, such as length of services, and age, which may discriminate against certain groups of workers shall be reviewed and will only continue to be applied if it is genuinely reasonable to be so in the circumstances.
 - 2.4.1.5 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 reasonable in all the circumstances.
 - 2.4.1.6 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 will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage.

2.5 Terms of employment, benefits, facilities and services.

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

2.5.1.1 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.

2.5.1.2 Part-time workers should receive pay, benefits, facilities and services on a pro rata basis to their full-time comparator unless otherwise objectively justified.

2.5.1.3 When 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 this disability, reasonable adjustments to the arrangements will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage.

2.5.1.4 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.

2.6 Grievances, disciplinary procedures, dismissals and redundancies.

2.6.1 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.

2.6.2 No member of a particular group of workers will be disciplined or dismissed for performance or behaviour which would be overlooked or condoned in another group unless there is genuine and lawful justification.

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

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

3 HARASSMENT.

3.1 Policy statement.

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

3.1.2 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.

3.2 What is it?

3.2.1 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 usually becomes harassment if it continues 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 that distinguishes harassment from friendly behaviour which is welcome and mutual.

3.2.2 Whilst not an exhaustive list Harassment can be based on:

- Race, ethnic or national origins, nationality or skin colour:
- Gender re-assignment or perceived or actual 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.
- Perceived or actual religion or belief.

3.2.3 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.

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

3.3 Procedure.

3.3.1 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. However, employees may choose to use the formal Grievance Procedure as an alternative.

3.3.2 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 nor fear victimisation. Retaliation against an employee who brings a complaint of harassment is a serious disciplinary offence which may constitute gross misconduct.

3.3.3 Managers will aim to 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.

3.4 Informal procedure.

3.4.1 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.

3.4.2 In circumstances where this is too difficult or embarrassing for you to do on your own you should seek support from a friend at work or the Company Secretary.

3.4.3 If you are in doubt as to whether an incident or series of incidents which have occurred constitute harassment, then in the first instance you should approach the Company Secretary 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.

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

3.5 Formal procedure.

3.5.1 Where informal methods fail, or serious harassment occurs, you are advised to complain formally to the Company Secretary.

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

3.5.3 You will be interviewed by the Company Secretary 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.

- 3.5.4 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.
- 3.5.5 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.
- 3.5.6 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.
- 3.5.7 When the investigation has been completed you will be informed whether or not your allegation is considered to be well founded.
- 3.5.8 If the allegation is well founded disciplinary action may be taken against the 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 that person.
- 3.5.9 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 either of you to continue to work in close proximity to each other.
- 3.5.10 The Company takes these matters very seriously. However, malicious complaints of harassment can have a serious and detrimental affect 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.

4 DISABILITIES.

4.1 Policy.

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

4.2 Definition of disabilities.

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

4.2.2 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 Company Secretary.

4.2.3 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 or physical danger.

4.3 Principles

- 4.3.1 The general equal opportunities set out earlier in this policy will apply in relation to disabled people.
- 4.3.2 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.
- 4.3.3 The Company will not, for a reason relating to a persons disability, treat disabled people less favourably than it treats, or would treat, others to whom the same reason does not or would not apply.
- 4.3.4 If any arrangements made by or on behalf of the Company, put disabled people at a substantial disadvantaged compared to people who are not disabled, the Company will take such reasonably practicable steps as it can to prevent this disadvantage.
- 4.3.5 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.

4.4 Procedure.

- 4.4.1 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 and supervisors 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.
- 4.4.2 The following general steps should always be considered where issues concerning disabilities arise or may arise:
- Be flexible. There may be many different ways to avoid discrimination or to minimise the effects of discrimination. Consider any performance or attendance problems in the context of the person's disability and its effect on his or her ability to meet performance and attendance targets.
 - 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.
 - Do not discipline or dismiss a disabled employee for performance or attendance-based reasons without first establishing whether the employee's performance or attendance is affected by the disability and that appropriate adjustments to accommodate the disability have been made.
 - Seek expert advice. Disability issues can be complex and 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 disable 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.