

## POLICY 11 – EQUAL OPPORTUNITIES POLICY

### 1 About this policy



- 1.1 All colleagues, consultants, officers, contractors, agency and casual workers are covered by this policy which commits the company to being an equal opportunity employer. It does not form part of the contract you have with us, but applies regardless of how long you have been with us.
- 1.2 You should read this policy in conjunction with our policy on harassment and bullying, and our grievance procedure. We reserve the right to amend this policy at any time.
- 1.3 All aspects of employment are covered by this policy. These include, but are not restricted to, the following:
- pay and conditions of employment
  - training and continuing professional development
  - recruitment processes
  - promotion policies
  - procedures for appraisals
  - procedures for addressing grievances and disciplinary matters
  - ending the employment contract
  - providing outgoing employees with references
  - how visitors are treated
  - how clients and suppliers are treated
  - how any other business contacts and associates are treated.

### 2 Our equal opportunities commitments and aims

- 2.1 We will not tolerate discrimination or harassment and are fully committed to promoting equal opportunities in employment. Our colleagues and anyone applying for a job with Westgrove will receive fair and equal treatment.
- 2.2 We ensure full access to everyone applying for a vacancy, and decisions concerning transfers and internal promotions are made so far as possible using only objective criteria.

- 2.3 We will never victimise anyone who makes a legitimate complaint if they, or somebody else, is being harassed or discriminated against.

### **3 How we define discrimination**

- 3.1 The following list gives you a general description of the types of acts that may both breach this policy and be unlawful. Sometimes actions can be intentional, and sometimes unintentional and we include examples of both types in this list:
- when somebody is treated less favourably because of a protected characteristic than somebody else has been - or would have been - in identical circumstances, then this is direct discrimination. Rejecting a job applicant because of their beliefs would, for example, amount to direct discrimination.
  - when a group of people with one of the protected characteristics (subject to a couple of exceptions) is put at a disadvantage by a provision, practice or criteria applied to all staff, this is indirect discrimination
  - when a hostile, humiliating, degrading or similarly offensive environment is created in relation to a protected characteristic, this is harassment. We also consider it harassment for a worker to be subjected to uninvited conduct related to a protected characteristic that - as an intended or unintended consequence - violates their dignity. Name calling, lewd comments, excluding colleagues, making insensitive jokes, and displaying pornographic material are all examples of harassment. We deal in detail with harassment under our separate policy on harassment and bullying
  - when a worker has complained about harassment or discrimination, or supported a colleague in their complaint, it is victimisation if they are then treated less favourably.
- 3.2 The 'protected characteristics' are:
- age
  - race (which includes colour and ethnic/national origin)
  - disability
  - religion or belief
  - gender
  - gender reassignment
  - pregnancy or maternity
  - sexual orientation
  - marital or civil partner status.

- 3.3 There are other actions which are illegal under the equal opportunities legislation, and these are collectively labelled other acts. Examples include:
- instructing another person - or applying pressure on them - to discriminate
  - knowingly assisting somebody else when they carry out a discriminatory act
  - discriminating against somebody believed to have a protected characteristic, whether or not they actually do, or because they associate with a third party who does.
- 3.4 There are practices which, although they appear to breach the aims of this policy, are in fact justifiable on objective and operational grounds. These are called lawful practices. If you are not sure whether some aspect of workplace behaviour you have experienced or witnessed is discriminatory or a lawful practice, please ask your manager for clarification.

## **4 How we carry out our responsibilities and duties**

- 4.1 Both management and staff are essential for ensuring the success of this policy and each has their own duties and responsibilities. We all have a legal responsibility to comply, and any of us - management and staff - may be found personally liable for unlawful discrimination if we breach the terms of the policy.
- 4.2 Overall responsibility for the effective implementation and operation of the policy lies with management, specifically with the board of directors. Everyone working at managerial level is expected to act in full accordance with this policy, lead by example, and attain and maintain appropriate standards of behaviour within the teams they manage.
- 4.3 The ethos and standards covered by this policy can only be achieved and maintained if all staff also co-operate fully, and it is important to understand that you also have a legal responsibility to comply. If you breach this policy, you may also make Westgrove liable for your actions and both of us may have to pay compensation to anyone who claims against us. We accordingly expect you to take personal responsibility for adhering to the policy's aims and commitments and for drawing any breaches to our attention.
- 4.4 We also encourage all colleagues to take part in promoting equal opportunities across Westgrove. Please contact your manager if you have any ideas about how we could do this better, or you would like to play a bigger role.

## 5 How we recruit, promote and make other selections



- 5.1 We carry out all recruitment, promotion and other types of selection procedures - such as for redundancy exercises - on the basis of merit using non-discriminatory and, as far as possible, objective criteria.
- 5.2 Advertisements for vacancies must not include wording that may discourage some groups of people from applying, or stereotype in any way, and they must be placed where they can reach as wide and diverse a pool of potential candidates as possible.
- 5.3 Nobody applying for employment with Westgrove must be asked about their health or whether they have a disability before a job offer is made, except in very limited situations. It may, for example, be justifiable to ask whether the applicant needs any disability-related measures put in place for the interview, or to check that they are capable of carrying out a key part of the job. It is acceptable to make some job offers dependent on a medical examination.
- 5.4 It is unlawful to ask job applicants anything that might suggest intent to discriminate on the grounds of a protected characteristic. Asking an applicant about their religion for a job entailing weekend working would not, for example, be permissible.
- 5.5 Including health or disability questions in equal opportunities monitoring exercises is acceptable, but the data gathered must not be used for selecting or other employment-related decisions.
- 5.6 We are required by Law to ensure that all employees are entitled to work in the U.K. Assumptions about immigration status should not be made based on appearance or apparent Nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a Passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the Human Resources department or U.K visas and immigration.

## 6 How we enforce this policy and handle breaches

- 6.1 We investigate any complaint or allegation you raise regarding a potential breach of this policy, and if you believe you have been harassed or discriminated against you should contact your manager as soon as possible. If you want to take formal action, you will need to follow our grievance procedure and read our policy on harassment and bullying.

- 6.2 You will face disciplinary action if we find you have harassed or discriminated against anyone else in breach of this policy. Sometimes this type of behaviour may amount to gross misconduct, in which case you will be dismissed without notice and with no payment in lieu of notice.
- 6.3 Occasionally, people make complaints knowing them not to be true. They might do this to avoid or deflect disciplinary action, for example. We view any complaint made in bad faith as an act of misconduct and this will normally lead to disciplinary action. In exceptional cases, bad faith complaints can lead to summary dismissal for gross misconduct.

## **7 How we monitor whether the policy is working**

- 7.1 We may record and analyse information about equal opportunities within the workplace, and when you join Westgrove we may gather and process this data about you in line with our Data Protection Policy. We use the information to make sure this policy is operating properly and refine it, to review the composition of the workforce, and to promote workplace equality.