

Equality Policy

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This policy document forms part of the terms and conditions of employment for employees at **Nemco Utilities Limited**, ("the Organisation").

For any policy to be effective it must be applied throughout the Organisation and apply to all staff regardless of position or seniority. This policy is governed by the Equality Act 2010, which makes it unlawful to discriminate directly or indirectly, in recruitment, employment or service delivery because of a protected characteristic (defined below).

If you have any questions regarding these guidelines and how they apply to you please consult your **Line Manager** before taking any action that may breach these guidelines.

1. Policy Statement

1.1. This Organisation is an equal opportunity employer and is committed to ensuring that the terms and conditions of employment of the employee and potential employee are equitable and non-discriminatory. This means that job applicants and employees will be treated fairly regardless of their sex, age, marital status (inc. civil partnerships), sexual orientation, gender reassignment, race, ethnic origin, disability, religion or religious beliefs, trade union membership, contractual terms (e.g. part time or temporary) pregnancy or maternity status.

1.2. The Organisation will seek to promote equal opportunities preventing any form of discrimination and fostering good relations between people of different groups whether they be employees, service users or other parties into whom the Organisation comes into contact in the process of service delivery, and prevent harassment and bullying by publicising and communicating this policy; by providing appropriate training and guidelines for those with designated responsibilities and by raising awareness through staff development.

1.3. Further, the Organisation will continually monitor its policies and practices to ensure that these principles are upheld. It is the employee's right to be treated with dignity and respect, which in turn will be conducive to performance, self-development and career advancement. Every executive, manager and employee has a responsibility to implement this policy and observe the Equality Act 2010 requirements.

1.4. The key principles of this equal opportunities policy are to:

- a) provide equality for all
- b) promote an inclusive culture
- c) respect and value differences of everyone
- d) prevent discrimination, harassment and victimisation
- e) promote and foster good relations across the workforce and with partners and service users

This means being aware of the impact of our behaviour and thinking about the impact of employment policies on people from the protected groups listed below.

2. Definitions

2.1. Discrimination

For the purposes of this policy, discrimination means treating people less favourably than others on the grounds of their sex, age, marital status (inc. civil partnerships), sexual orientation, gender reassignment, race, ethnic origin, disability, religion or religious beliefs, trade union membership, contractual terms (e.g. part time or temporary) pregnancy or maternity status, (including perception of any of these protected characteristics or association with the same), whether this be direct or indirect by applying a provision, exclusion, criterion or practice, which disadvantages such persons.

2.2. Sexual Orientation

For the purposes of this policy, sexual orientation means sexual orientation for a person of the same sex, different sex or for persons of both sexes. It does not include sexual practices or preferences. Discrimination can occur based on a perception of a person's sexual orientation, even if that perception is wrong. It can also include discrimination against a person by reason of the sexual orientation of someone they associate with.

2.3. Gender Reassignment

For the purposes of this policy, gender reassignment means a desire to be known or to become a person of a gender different to that to which they were born.

2.4. Religion/Religious Beliefs

For the purposes of this policy, religion or religious beliefs is defined as any religion, religious belief or similar philosophical belief. It does not include philosophical or political beliefs unless that belief is similar to a religious belief. Discrimination can occur based on a perception of a person's religion or beliefs even if that perception is wrong. It can also include discrimination against a person by reason of the religion or religious beliefs of someone they associate with.

2.5. Disability

For the purposes of this policy, A person has a disability if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. This means that, in general:

2.5.1 The person must have an impairment that is either physical or mental

2.5.2 The impairment must have adverse effects which are substantial

2.5.3 The substantial adverse effects must be long-term and

2.5.4 The long-term substantial adverse effects must be effects on normal day-to-day activities

2.6. Harassment

For the purposes of this policy harassment is defined as any hostile unwanted, unreasonable and/or offensive behaviour, which adversely affects a person's dignity, self-confidence and well-being and creates a hostile environment and which leads to that person feeling intimidated, degraded or humiliated.

2.7. Racial harassment

For the purposes of this policy racial harassment is defined as any action, conduct, comment, gesture or behaviour that is offensive, embarrassing, insulting or intimidating. It may include derogatory remarks, quips, jokes, innuendoes, taunts or physical abuse which is racially derogatory and potentially offensive and relates to a person's race, religion or ethnic origins.

2.8. Sexual harassment

For the purposes of this policy sexual harassment is defined as:

- 2.8.1 Any action, conduct, comment, gesture or physical contact of a sexual nature that is unwelcome and might reasonably be seen by an employee or prospective employee as placing an implicit or explicit condition on employment.
- 2.8.2 Any persistent, unwelcome action, conduct, comment, gesture or physical contact of a sexual nature that is likely to cause offence, embarrassment or humiliation to an employee or creates an offensive working environment.

2.9. Bullying

For the purposes of this policy bullying is defined as repeated treatment with the purpose of controlling individuals or making them insecure in their roles or treatment that has that effect.

2.10. Victimisation

For the purposes of this policy, victimisation is defined as treating persons less favourably because of something they have done under or in connection with asserting their rights under any employment legislation or regulations or supporting someone who has done so.

3. Organisational responsibilities

- 3.1 Diversity is central to business and all employees have a responsibility for taking action. Leadership on diversity and equality is provided by the **Directors**. The Management Team will set out the overall strategy and implement central initiatives, facilitate best practice and provide policy advice and support to all staff.
- 3.2 The Health, Safety and Welfare Forum performs a key role in supporting the Organisation's diversity and equality objectives. It provides advice and promotes education / raises awareness to ensure that the needs of employees are understood and met in both policy and practice.
- 3.3 The Organisation embeds equality and avoids unlawful discrimination in all aspects of employment, including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- 3.4 Person and job specifications are limited to those requirements that are necessary for the effective performance of the job.

- 3.5** Candidates for employment or promotion will be assessed objectively using a numerical scoring system against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. A minimum of two interviewers will independently score the candidate and the scores are combined to reach a concluding score.
- 3.6** Disability and personal or home commitments will not form the basis of employment decisions.
- 3.7** The Organisation will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours worked, the time at which these are to be worked and the place at which work is to be done when considering requests for variations to these standard working practices and will refuse requests only if the Management Team considers it has good business reasons, unrelated to any protected characteristic. The Organisation will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.
- 3.8** The Organisation monitors the diversity composition of the existing workforce and all aspects of employment, and considers and takes any appropriate action to address any problems that may be identified as a result of the monitoring process.
- 3.9** The Organisation screens new policies, initiatives and programmes for their potential impact on equality - to meet the needs of people from the protected groups.
- 3.10** The Organisation commits to equal pay for all employees through published pay and increment scales that are based on the job role and responsibility and attainment of additional skills and qualifications. An employee's pay will not be affected by any of the characteristics detailed in 2.1.

4. Line Manager responsibility

- 4.1** Line managers have a responsibility both to set a good example, and to deal promptly and fairly with complaints of harassment or bullying. They must give full consideration to complaints of conduct which is either deliberately, or likely to be taken as, harassing or offensive. It is the responsibility of all managers to:
- a) ensure that the standards established within this policy are adhered to within their own area of responsibility

- b) familiarise themselves with the Equal Opportunities Policy and the Dignity at Work policy and bring them to the attention of their staff
- c) ensure that they are not instructing employees to act in a discriminatory manner or are not putting pressure on employees to discriminate
- d) ensure that information on equal opportunity is incorporated into induction processes for new or temporary staff and supported by on-going training
- e) screen new policies, initiatives, programmes for their potential impact on equality and to meet the needs of people from the protected groups

5. Individual responsibility

5.1 Every employee is required to assist the Organisation to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable for any unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence. Individuals should:

- a) co-operate with any measures introduced to ensure equality of opportunity
- b) report any discriminatory acts or practices
- c) not encourage or attempt to make others practice unlawful discrimination
- d) not victimise anyone as a result of them having reported or provided evidence of discrimination; and
- e) not harass, abuse, bully or intimidate others
- f) participate in Equality and Diversity training

6. Monitoring

6.9. Employees and job applicants may be asked to complete a form providing information regarding their sex, race or ethnic origin. This form will be used solely for the purpose of monitoring the effectiveness of the Organisation's equal opportunities policy and to ensure that the Organisation meets its obligations as an equal opportunities employer.

6.10. All data collected on staff will be dealt with in accordance with the Data Protection Act 1998 and is treated as confidential.

7. Procedure for Discriminatory Conduct

7.9. Any member of staff may use the Organisation's grievance procedure to complain about discriminatory conduct. The complaint will be thoroughly investigated and considered based on the facts of the investigation. No individual will be penalised for raising such a grievance

unless it is untrue and made in bad faith. If the matter relates to harassment or bullying of any kind the anti-harassment and bullying procedure set out below should be followed.

7.10. Any employee who discriminates against any other employee on the grounds of sex, age, marital status (inc. civil partnerships), sexual orientation, gender reassignment, race, ethnic origin, disability, religion or religious beliefs, trade union membership, pregnancy or maternity status, will be subject to the Organisation's disciplinary procedure as set out in the grievance and disciplinary policy. In serious cases where such behaviour has been deemed to constitute gross misconduct it will result in summary dismissal in the absence of mitigating circumstances. This statement should be read in conjunction with the anti-harassment and bullying procedure set out below at clause 6.

8. Positive Action on Equal Opportunities

8.9. The Organisation will regularly monitor the composition of the workforce and of job applicants. Should inequalities become apparent positive action may be taken to redress the balance (provided that it is lawful) including such measures as:

8.10. Advertising jobs in ethnic or female interest publications as appropriate.

8.11. Encouraging under-represented groups to apply for suitable posts or undergo training.

8.12. Making contact with disabled people via the local job centre.

8.13. Considering whether any reasonable adjustment can be made to work premises or the working arrangements to accommodate a disabled employee or job applicant.

8.14. Introducing assertiveness training.

9. Anti-Harassment & Bullying Procedure

9.9. As well as its commitment to equal opportunities, the Organisation is committed to providing a work environment for employees, which is free from harassment or bullying on the grounds of sex, age, marital status (inc. civil partnerships), sexual orientation, gender reassignment, race, ethnic origin, disability, religion or religious beliefs, pregnancy or maternity status. This may include embarrassment, intimidation, threats or discrimination by employees or others outside of the organisation.

9.10. Reasonable measures will be taken to ensure that no employee is subject to harassment or bullying. In recognition of these principles the Organisation will also not condone any conduct, which may be construed as sexual harassment.

9.11. Any complaints of harassment or bullying (whether it is directed at you or a third party) should be made to your **Line Manager or in confidence to any senior Manager**. The matter will be dealt with in a discreet and confidential manner and appropriate action will be taken. It is the duty of all employees and in particular management and supervisors, to ensure that the anti-harassment & bullying policy is implemented. Harassment or bullying will be taken to have occurred if a reasonable individual would or ought to have known that the behaviour was unwelcome or offensive.

9.12. Harassment and bullying are disciplinary offences that may in the most serious cases lead to dismissal. Individuals should be aware that in some circumstances they may be held personally liable for acts that are unlawful.

9.13. Incidents of sexual or racial harassment can be taken to amount to gross misconduct, which will be dealt with under the Organisation's disciplinary policy and may lead to summary dismissal. Less serious infringements may lead to an apology from the harasser, letter of reprimand, suspension or relocation of the harasser.

9.14. In dealing with reports of harassment or bullying the following principles will apply:

9.14.1. All reports will be taken seriously, treated in confidence and investigated by a manager who is independent of the situation.

9.14.2. All complaints will be progressed and dealt with according to the Organisations' grievance and disciplinary procedure.

9.14.3. Where the Organisation has reason to believe that there is a risk to the personal safety of the complainant or of another person, or that a criminal offence has been committed, the Organisation may take legal advice and/or inform the police before proceeding with any internal action.

9.14.4. The victimisation or harassment of a complainant or the respondent, or any witnesses will be regarded as a disciplinary offence.

9.14.5. Malicious complaints will be regarded as a disciplinary offence.

9.14.6. Employees will be able to complain of behaviour that they find offensive even if it is not directed at them and the complainant need not possess the relevant characteristic themselves

Date of Implementation

This policy is effective from **10/11/2010** and shall not apply to any actions that occurred prior to this date. This policy is reviewed annually or in the event of a change in legislation or guidance to ensure compliance with any future best practice or legal obligations.