

Equality and Dignity at Work Policy.

OUR COMMITMENT

This policy sets out the actions of Brymor Group Southern Limited ("Organisation"). The Organisation is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against customers.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment.

THE LAW

It is unlawful to discriminate (directly or indirectly) in recruitment or employment against any of the "protected characteristics" listed below:

- Age
- Disability
- Sex
- Gender reassignment
- Pregnancy
- Maternity
- Race (which includes colour, nationality and ethnic or national origins)
- Sexual orientation
- Marriage or in a civil partnership

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Employees should not discriminate against or harass a member of the public whether the employee or the member of the public is providing a service or goods.

TYPES OF UNLAWFUL DISCRIMINATION

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and Acas pregnancy and maternity).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic when they do not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable:

- The harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);
- It must be aware that the previous harassment has taken place; and
- It must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare their treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

EQUAL OPPORTUNITIES IN EMPLOYMENT

The Organisation will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.

Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The Organisation will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times 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 such requests only if the Organisation considers it has good reasons, unrelated to any protected characteristic, for doing so. The Organisation will comply with its obligations in relation to statutory requests for contract variations. The Organisation will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The Organisation will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

CUSTOMERS, SUPPLIERS AND OTHER PEOPLE NOT EMPLOYED BY THE ORGANISATION

The Organisation will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the company.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

GRIEVANCES

If you consider that you may have been unlawfully discriminated against, you may use the Organisation's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy below.

The Organisation will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the Organisation's grievance procedure does not affect your right to make a complaint to an employment tribunal. The complaint to an employment tribunal must normally be made within three months of the complaint of discrimination being made.

MONITORING AND REVIEW

This policy will be monitored periodically by the Organisation to judge its effectiveness and will be updated in accordance with changes in the law.

In particular, the Organisation will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups and will review its equal opportunities policy in accordance with the results shown by the monitoring.

If changes are required, the Organisation will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

DIGNITY AT WORK

The Organisation is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Some harassment is unlawful discrimination and serious harassment may be a criminal offence.

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

Examples of bullying would include picking on someone or setting them up to fail or making threats or comments about someone's job security without good reason.

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- Has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or

- Is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

Examples of harassment include:

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances;
- Demeaning comments about a person's appearance;
- Unwelcome jokes or comments of a sexual or racial nature or about an individual's age;
- Excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is homosexual, spouse is black or parent is disabled;
- Repeated name calling related to an individual's religion or belief,
- Ignoring an individual because they are perceived to have a protected characteristic (whether or not they do, in fact, have that protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
- The use of obscene gestures; and the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, calendars or pin-ups.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

Behaviour that any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct that unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

A single incident can be harassment if it is sufficiently serious.

If you think you are being bullied or harassed, you may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. You may feel able to approach the person yourself, or with the help of someone else at the Organisation. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Organisation's grievance procedure. In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager or with another manager.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings.

The Organisation will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld.

However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

YOUR RESPONSIBILITIES

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 as well as, or instead of, the Organisation, for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Organisation's disciplinary procedure. Conduct of this type will often be gross misconduct which can lead to dismissal without notice.

The Organisation is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against customers.



M Dyer
Managing Director
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