

# Jacksons Fencing

## Equal Opportunities and Diversity Policy

### **Responsibility**

Neil Jordan

### **Last Reviewed**

October 2022

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## **Introduction**

H. S. Jackson & Son (Fencing) Ltd is committed to ensuring that, as far as is practicable, all employees, job applicants, customers/clients, and other people with whom we deal are treated fairly and are not subjected to unfair or unlawful discrimination.

This policy is not contractual, but aims to set out the way in which the company aims to manage equal opportunities and diversity, highlighting our aims of promoting equality and diversity while promoting a culture that actively values difference, and recognises that people from divergent backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work.

## **Scope of this policy**

This policy applies to all employees, including those on part-time, apprentice, fixed-term and job-share contracts, as well as casual workers and agency staff.

As part of your employee induction, employees are expected to read and familiarise themselves with this policy.

## **Aims of this policy**

Every employee is entitled to a working environment that encourages dignity, equality, harmony and respect amongst individuals so as to promote good working practices with a view to maximising the performance and the return to the employer and the employees. Our policy is designed to ensure that current and potential workers are offered the same opportunities regardless of a protected characteristic as stated in the Equality Act (sex, race including ethnic origin, colour, nationality and national origin, age, religion or belief, sexual orientation, disability, marital status or civil partnership, pregnancy/maternity, gender reassignment) or indeed any other characteristic unrelated to the performance of the job. We seek to ensure that no one suffers, either directly or indirectly, as a result of unlawful discrimination. This extends beyond the individual's own characteristics, to cover discrimination by association and by perception.

We recognise that an effective equal opportunity policy will help all employees to develop to their full potential, which is clearly in the best interests of both employees and our business. We aim to ensure

that we not only observe the relevant legislation but also do whatever is necessary to provide genuine equality of opportunity.

We expect everyone who works for us to be treated, and to treat others, with respect. Our aim is to provide a working environment free from harassment, intimidation, or discrimination in any form that may affect the dignity of the individual.

We further recognise the benefits of employing individuals from a range of backgrounds, as this creates a workforce where creativity and valuing difference in others thrives. We value the wealth of experience within the community in which we operate and aspire to have a workforce that reflects this.

### **Legal considerations**

The following pieces of legislation apply to this policy:

- the Rehabilitation of Offenders Act 1974
- the Protection from Harassment Act 1997
- the Human Rights Act 1998
- the Sex Discrimination (Gender Reassignment) Regulations 1999
- the Racial and Religious Hatred Act 2006
- the Equality Act 2010
- the Enterprise and Regulatory Reform Act 2013
- any Codes of Practice issued by the Equality and Human Rights Commission
- plus any amendments to the above legislation.

### **Definitions and types of discrimination**

Discrimination can take different forms, the main types are:

#### **1. Direct discrimination**

Direct discrimination occurs where one person is treated less favourably than another because of a protected characteristic set out in this policy. Some examples include:

- Treating any individual less favourably than others on grounds of a protected characteristic (sex, race, disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity or gender reassignment)
- Expecting a person, solely on the grounds stated above, to comply with requirements that are different to the requirements for others, for any reason whatsoever
- Imposing on an individual requirements that are in effect more onerous than they are on others. This would include applying a condition (which is not warranted by the requirements of the position) which makes it more difficult for members of a particular group to comply than others not of that group

Other types of direct discrimination are:

Associative discrimination - i.e. someone is discriminated against because he/she associates with someone who possesses a protected characteristic

- Perceptive discrimination - i.e. discrimination on the grounds that the person is perceived as belonging to a particular group (e.g. sexual orientation, religion or belief), irrespective of whether or not this is correct

## 2. Indirect discrimination

Indirect discrimination occurs when an unjustifiable requirement or condition is applied, which appears to be the same for all, but which has a disproportionate, adverse effect on one group of people. This is discrimination even though there was no intention to discriminate. For example, a requirement for UK based qualifications could disadvantage applicants who have obtained their qualifications outside of the UK; this could amount to indirect discrimination on the grounds of race.

## 3. Harassment

i.e unwanted conduct which has "the purpose, intentionally or unintentionally, of violating dignity, or which creates an intimidating, hostile, degrading, humiliating or offensive environment" for the individual. It is important to remember that it is not the intention of the harasser but how the recipient perceives their behaviour, which determines whether harassment has occurred.

## 4. Victimisation

i.e treating a person less favourably because he or she has committed a "protected act". "Protected acts" include previous legal proceedings brought against the employer or the perpetrator, or the giving of evidence at a disciplinary or grievance hearing or at tribunal, or making complaints about the perpetrator or the employer or their alleged discriminatory practices.

- any other act or omission of an act, which has the effect of disadvantaging one person against another, purely on the above grounds.

On all occasions where those in control of employees are required to make judgements between them, for example disciplinary matters, selection for training, promotion, pay increases, awards etc it is essential that merit, experience, skills and temperament are considered as objectively as possible.

### **Responsibility for this policy**

The overall responsibility for implementing and monitoring the effectiveness of this policy rests with the senior management of the company.

Managers and supervisors/team leaders have a crucial role to play in promoting equality of opportunity in their own areas of responsibility on a day to day basis.

All employees, irrespective of their job or seniority, should familiarise themselves with this policy, and be aware of their responsibility and role in promoting equality of opportunity and not discriminating unfairly or harassing colleagues, job applicants or ex-employees, nor encouraging others to do so or tolerating such behaviour. Employees are also encouraged to challenge any unacceptable behaviour should they either witness it or experience it directly. Disciplinary action, including dismissal, may be taken against any employee found guilty of unfair discrimination, harassment and/or victimisation.

Employees should be aware that not only is the employer liable for any cases of discrimination or harassment that occur, but individuals also may be held personally liable for their own acts and behaviour.

## **Recruitment and selection**

We aim, through appropriate information, training and supervision, to ensure that all those who are responsible for recruitment and selection are familiar with this policy.

Selection will, as far as possible, be conducted on an objective basis and will focus on the applicants' suitability for the job and their ability to fulfil the job requirements. Our interest is in the skills, abilities, qualifications, aptitude and potential of individuals to do their jobs.

Person specifications will be reviewed to ensure that criteria are not applied which are discriminatory, either directly or indirectly, and that they do not impose any condition or requirement which cannot be justified by the demands of the post. Shortlisting and interviewing will normally be carried out by more than one person, to minimise the risk of conscious or unconscious bias.

Questions asked of candidates will relate to information that will help us to assess their ability to do the job. Questions about marriage plans, family intentions, religious or political commitments, caring responsibilities, intention to join our pension scheme or to opt out, or about any other issues which may give rise to suspicions of unlawful discrimination should not be asked. Selection tests will be specifically related to the job and measure an individual's actual, or inherent, ability to do or train for the job.

Job adverts should encourage applications from all types of candidates and should not be stereotyped. They will normally state: "H. S. Jackson & Son (Fencing) Ltd is an equal opportunity employer and values diversity". When advertising a position which has traditionally been done by one sex, adverts should specify they are open to all sexes.

## **Training and development**

We recognise that equal opportunity responsibilities do not end at selection, and involve commitment to ensure that wherever possible, all employees receive the widest possible range of development opportunities for advancement, in line with the business needs of the company.

All employees are encouraged to discuss their career prospects and training needs with their manager on a regular basis. Opportunities for promotion and training will be communicated and made available to everyone on a fair and equal basis.

The provision of training will be reviewed to ensure that part-time workers, shift or remote workers, or those returning to work following a break are able to benefit from training.

No age limits apply for entry to training or development schemes - these are open to all employees.

## **Terms and conditions of employment**

We will ensure that all of our employment policies including compensation, benefits and any other relevant issues associated with terms and conditions of employment, are formulated and applied in such a way as to remove/ minimise any discrimination on the grounds of a protected characteristic (sex, race, disability, sexual orientation, religion or belief, age, marital status or civil partnership, pregnancy/maternity, gender reassignment) or indeed any other characteristic unrelated to the performance of the job.

These will be reviewed regularly to ensure there is no discrimination. Length of service as a qualifying criterion for benefits will not exceed five years unless clearly justifiable. Employees will not be subjected to any detriment if they wish to join our pension scheme, nor will they be offered any inducement not to do so. Examples include refusing promotion or training to someone who decided not to opt-out, or refusing or reducing a pay increase if it would bring the worker within the band of earnings that would make him/her eligible for auto-enrolment etc.

## **Grievances, disputes and disciplinary procedure**

Employees who believe they have been discriminated against should bring this to our attention as soon as possible. In the first instance, employees are encouraged to do this informally, but where it has not been possible to resolve this informally, or where the matter is particularly serious, they are advised to use our internal grievance procedure. An employee who, in good faith, brings a complaint of discrimination must not be victimised or less favourably treated as a result. However, false allegations that are found to have been made in bad faith will be dealt with under the appropriate disciplinary procedures.

Bullying or harassment will not be tolerated, and any individual who feels that he/she has been subjected to bullying or harassment should refer to our bullying and harassment policy. Equally, anyone who witnesses incidents of bullying or harassment should report this to his/her manager or an appropriate senior member of staff.

When dealing with general disciplinary matters, care is to be taken that employees or workers who have, are perceived to have, or are associated with someone who has, a protected characteristic are not dismissed or disciplined for performance or behaviour which could be overlooked or condoned in other employees or workers.

## **References**

We will not discriminate against individuals who have left our organisation by providing references that are not based on factual information nor fail to provide one based on a protected characteristic.

## **Retirement**

We have no fixed retirement age and anyone who wishes to work beyond State Pension Age may choose to do so.

## **Communication of this policy**

All job applicants, employees and workers will be made aware of this policy, which may be made available in alternative formats (e.g. large print, translation, etc) where appropriate. Reference will be made to it in our Employee Handbook, given to all employees on joining us. Customers/clients may also be made aware of this policy.

In addition, employees will be reminded of this policy from time to time through such means as advertisements, application forms, posters, training courses and emails.

## **HR policies and procedures**

Our HR policies and procedures will be reviewed regularly to improve, amend or adapt current practices to promote equality of opportunity within our business.

Relevant data will be collected to support this. Personal details provided by employees or job applicants for the purposes of equal opportunity monitoring are confidential and will therefore be kept apart from all other records and not used for any other purpose.

## **Implementation, monitoring and review of this policy**

This revised policy was last reviewed in October 2022.

Neil Jordan, Finance Director, has overall responsibility for implementing and monitoring the policy, which will be reviewed on a regular basis following its implementation and may be changed from time to time.

Any queries or comments about this policy should be addressed to him.