

D.W. ELECTRICAL

EQUAL OPPORTUNITIES POLICY

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Procedures

WHAT IS MEANT BY EQUAL OPPORTUNITIES?

Equal opportunities are not about treating everyone the same, nor is it about giving someone an unfair advantage or unjustified preferential treatment at the expense of others. Equal opportunities is about treating everyone fairly and not treating some people unfairly for reasons that cannot be justified.

There exists a range of legislation which imposes a minimum standard of behaviour on employers and individuals. These Acts of Parliament bind everyone in England, Wales and Scotland.

Unlawful Discrimination

- Direct Discrimination – treating one person less favourably than another in any aspect of recruitment, employment, promotion, re-deployment, redundancy, standard of appraisal, job analysis or terms and conditions.
- Indirect Discrimination – applying a requirement or condition which, whether intentionally or not, adversely affects any person, or member of a particular racial group, considerably more than others and cannot be justified.
- Victimisation – victimising any individual who makes a complaint in good faith under the Race Relations, Sex Discrimination or Disability Discrimination Acts, or who gives evidence in connection with proceedings brought under those Acts.
- Harassment/Bullying – these are often closely related and it can be difficult to distinguish between them. Harassment based on sex, race or disability may amount to unlawful discrimination as defined in the relevant legislation.
- *Sexual Harassment* - there is no one definition of what constitutes sexual harassment, but generally speaking it is unwanted, unreasonable and offensive words or conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. It is important to recognise that men can be the victims of sexual harassment as well as women.

Examples of sexual harassment include:

- Unwanted physical contact

- Applying pressure, by threats or inducements, to obtain sexual favours
- Leering or pestering
- The display or circulation of sexually explicit material
- Insults or ridicule of a sexual nature

Sexually explicit remarks, jokes or actions can also be offensive.

- Racial Harassment - any display of racial prejudice by word or conduct which is unwanted, unreasonable and offensive. Racially derogatory remarks or jokes can be considered offensive behaviour, which reinforces racial stereo-types.

Lawful Discrimination

- *Positive Action* - The Sex Discrimination Act (1975) and the Race Relation Act (1976), as amended, allow employers to encourage applications from a particular gender or racial group on the grounds that they are underrepresented in specific occupations. Legislation also allows employers to provide training courses exclusively for existing employees from under-represented groups. These measures are known as Positive Action.
- *Genuine Occupational Qualification* - When recruiting, an employer can discriminate in favour of a person from a particular ethnic group or gender where a person's ethnic group or gender is a genuine occupational qualification (GOQ) for a particular job. GOQ's can only be claimed in very limited circumstances, for example where considerations of privacy and decency or authenticity are involved.

Legislation

The following is a brief description of the main legislation regarding equal opportunity:

- **Equal Pay Act 1970 (as amended)** - makes it unlawful to discriminate between men and women with regard to pay and other terms of their contracts of employment.
- **Sex Discrimination Act 1975 (as amended)** - makes it generally unlawful to discriminate directly or indirectly against women or men on the grounds of sex or marital status.
- **Race Relations Act 1976 (as amended)** - makes it generally unlawful to discriminate directly or indirectly against anyone on racial grounds, which includes colour, race, nationality, or ethnic or national origin.
- **Disability Discrimination Act 1995 (as amended)** - makes it unlawful for an employer to treat a disabled person less favourably than someone else because of his or her disability, unless there is a good reason. In order to help a disabled person to do the job, employers will have to look at what changes

they could make to the workplace or to the way the work is done, and make changes that are reasonable. In deciding what is reasonable, employers will be able to take into account how much the changes would cost and how much they would help. Employers will not be expected to make any changes which would break health and safety rules.

- **The Protection from Harassment Act 1997 (as amended)** - makes provision for protecting persons from harassment and similar conduct.
- **Public Interest Disclosure Act 1998 (as amended)** - to protect individuals who make certain disclosures of information in the public interest, for example that a person has failed to comply with any legal obligation to which they are subject, and to allow such individuals to bring action in respect of victimisation.
- **Employment Equality (Sexual Orientation) Regulations 2003** – provides the right not to be discriminated against on the grounds of actual or perceived sexual orientation or the actual or perceived sexual orientation of others the employee associates with, e.g. friends, colleagues, acquaintances, relatives. Sexual Orientation is defined as heterosexuality, homosexuality or bi-sexuality.
- **Employment Equality (Religion or Belief) Regulations 2003** – makes it unlawful to discriminate on the grounds of actual or perceived religion or belief or for lacking a religion or belief. The regulations define religion or belief as “any religion, religious belief or similar philosophical belief”.

Advertising

D W Electrical shall ensure that its advertising material is free from any indication of an intention to discriminate unlawfully.

D W Electrical shall make every effort to carry out its advertising in such a way as to encourage applications from all suitable candidates regardless of their race, colour, nationality, ethnic or national origin, religious belief, gender, marital status, sexual orientation or disability.

Recruitment and Selection

Initial Applications - there shall be clear and consistent procedures for dealing with applications for employment. All applications for employment with D W Electrical shall be monitored with regard to equality of opportunity.

Interview-

- Selection interviews shall be conducted by
- Questions asked at interviews shall relate to the requirements of the job and shall be consistently applied.
- Interviewers shall avoid making generalised assumptions on the grounds of race, colour, nationality, ethnic or national origin, religious belief, gender, disability, marital status, sexual orientation, domestic commitments, or any other irrelevant factor.
- Records of interviews shall be kept for twelve months and shall include the reasons why applicants are rejected.

People with Disabilities -

- When making decisions about a disabled person's suitability for employment, account shall be taken of all the information available including past assessments of the applicant's abilities and disability. Where appropriate, the professional opinion of a doctor from the Employment Medical Advisory Service should be sought.
- Where necessary, reasonable modifications shall be made to the selection process to remove any unintentional or unjustified disadvantage to an applicant with a disability.

Ex-Offenders

D W Electrical shall make every effort to avoid unfair discrimination on the basis of unrelated criminal convictions. In many cases, an individual's offending record may have no bearing on employment under consideration. Where there is doubt as to whether the previous conviction(s) are relevant or not, it is a matter of exercising judgement based on the facts of the offence (e.g. seriousness, whether work-related, how long ago, evidence of re-offending) and the nature of the employment opportunity.

In seeking information about offences, it is important that any information given by the applicant is not used against them in any way and is only made known to those who have a need to know.

The Rehabilitation of Offenders Act provides that, except for certain exempt occupations, some minor convictions may be regarded as "spent" after a period of time. Such spent convictions must be disregarded when considering someone's suitability for employment.

Dealing with Discrimination

Acts of unlawful discrimination or victimisation by D W Electrical Staff shall be treated as disciplinary offences.

Should members of D W Electrical staff feel that they have experienced unfair treatment, discrimination or victimisation during employment they should in the first instance contact their line manager/work supervisor.

If the incident occurs within the working environment of D W Electrical staff, the procedure will be to follow the standard line management route until the situation has been resolved. If this is deemed not to be the most desirable route, the complaint should be addressed directly to the Managing Director.

For employed status apprentices the relevant industry grievance procedures take precedence.

Where these industry procedures are inapplicable or in default, statutory provision will apply and may involve Training and Enterprise Councils or, with effect from April 2001, the National and/or Local Learning and Skills Council(s) or the appropriate representative contracting organisation.

All complaints shall be dealt with promptly and effectively, without prejudice to the individual's legal rights. Grievances shall not be ignored or treated lightly on the assumption that the complainant is over-sensitive about discrimination.

All D W Electrical staff and sub-contractors shall make every effort to ensure that persons who complain of discrimination do not suffer victimisation or reprisals as a result of their complaints.

D W Electrical staff and apprentices can obtain information on dealing with discrimination from ECA Equal Opportunities representatives and the National Equal Opportunities Officer.

Dealing with Harassment and Bullying

Racial and sexual harassment, as well as harassment concerning religious belief, disability or sexual orientation can make the working environment of employees and apprentices intolerable and their performance can suffer as a result.

Any such actions, which are unwanted and adversely affect working relationships, are disciplinary offences within D W Electrical. This applies to less obvious forms of offensive behaviour, such as racially or sexually offensive remarks voiced out of the hearing of the individual concerned.

D W Electrical staff and sub-contractors have a responsibility for recognising harassment when it occurs and they should make every effort to ensure that the harassment ceases.

Persons may experience harassment that is not obvious to the staff that can help. Incidents at the workplace should be reported to the person's line manager/work supervisor.

The grievance procedure in cases of harassment and bullying is as detailed above.

Positive Action

A person working in an environment where he or she is in a minority may need special support. D W Electrical shall offer every support to the individual concerned in order to develop his or her career.

Dated: 15 January, 2009

Other working arrangements – where possible, consideration shall be given to alternative working arrangements, for example to assist in certain domestic circumstances or for cultural or religious needs.

Trade Union Membership

D W Electrical staff and apprentices may join a relevant union if they wish and are eligible to do so under the union's rules. The recognised trade union in the craft sector of the Electrical Installation Engineering Industry is the Amalgamated Engineering and Electrical Union.

Union members may seek help and advice from their union on, for example, disciplinary matters, grievances, discrimination, victimisation, harassment and bullying.

Recording, Monitoring and Reviewing

D W Electrical shall record, monitor and review the implementation of its equal opportunities policy in order to ensure its effectiveness. Results of this programme shall form the basis of positive action.

D W Electrical shall monitor and record relevant statistics, e.g. relating to the sex, ethnicity and disability of individuals, in the following areas:

- Applications or employment
- Successful selection tested candidates and those with secured work placements
- Early leavers
- Apprentices with successful outcomes
- These statistics shall be regularly evaluated to see if there are any anomalies and to ensure that the Policy is being put into practice.
- D W Electrical shall keep records of the reasons given by staff for leaving. D W Electrical shall also keep records of the reasons given by apprentices for leaving training without achieving their individual training goal. All information recorded will be used to help D W Electrical monitor and evaluate the provision of equal opportunities within its employment and training provisions, with a view to reducing staff turnover and apprentice dropout rates.
- All personal information collected for the purpose of equal opportunities monitoring will be treated as confidential and not misused, in accordance with the Data Protection Act 1984.

Responsibilities and Liabilities

All D W Electrical staff and apprentices shall be made aware of the Equal Opportunities Policy and Procedures on induction. Where practicable, the Policy statement shall also be made known to all applicants for employment.

Dated: 15 January, 2009

Although overall responsibility for implementing D W Electrical Equal Opportunities Policy and Procedures rests with senior management, it is the responsibility of all staff and apprentices to ensure that they have read the Policy and Procedures statement and comply with it.

All D W Electrical sub-contractors shall be made aware of the Equal Opportunities Policy and Procedures and their duty to ensure that the Policy is upheld. Failure by sub-contractors to uphold the Policy may result in the termination of their sub-contract.

Personal Liability – if an employee or an apprentice, in the course of their employment, discriminates unlawfully against any individual on the grounds of race, gender or disability they are personally liable.

Vicarious Liability – D W Electrical as an employer, is liable for any discriminatory act done, with or without its knowledge or approval, by an employee in the course of his or her work unless D W Electrical can show that all practicable steps were taken to prevent the employee discriminating.

Any employee has the right to discuss concerns related to equal opportunities with the Business Manager.

Any complaint will be taken seriously and dealt with in a timely and sensitive manner in accordance with the appropriate grievance and disciplinary procedure.