

# EQUAL OPPORTUNITIES POLICY (ASSOCIATE VERSION)

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## APPROVAL CONTROL

ROLE	NAME	DATE
Head of HR	Gail Butcher	1.03.2016

## VERSION CONTROL

VERSION	AUTHOR NAME	VERSION CHANGES	DATE
5.1	Gail Lawrence	New template. Combined with Disability Policy and Retirement Policy	1.03.2016
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## OBJECTIVE

The objective of this policy is to communicate our approach to equal opportunities.

## APPLICABILITY

This Policy applies to all permanent, temporary, fixed term contract employees and consultants, contractors, agents and subsidiaries acting for, or on behalf of Huntswood ("Huntswood representatives").

## SCOPE

To ensure a working environment free from unlawful discrimination, harassment, bullying or victimisation on the grounds of age, disability, sex (including pregnancy, maternity and gender reassignment), race, sexual orientation, religion or belief, because someone is married, in a civil partnership or of part time status.

The policy applies to the recruitment and selection of permanent, temporary, fixed term contract employees, contractors and consultants, terms and conditions of employment, associate contracts, training, work allocation, transfer, promotion and disciplinary & grievance procedures. Any decisions made in these areas will be made on the basis of the relevant merits and abilities of the individual.

All employees and associates have personal responsibility for the application of this policy.

## TYPES OF DISCRIMINATION

Discrimination may occur in the following ways:

- **Direct discrimination** is where an individual is treated less favourably than another because of their age, disability, gender reassignment, marriage status, pregnancy and maternity, race, religion or belief, sex or sexual orientation (protected characteristics)
- **Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic
- **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic
- **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic

### Direct age discrimination

Direct age discrimination can occur if an individual is treated less favourably because of their age.

### Indirect age discrimination

Indirect discrimination means selection criteria, policies, benefits, employment rules or any other practices which, although they are applied to all employees and associates, have the effect of disadvantaging people of a particular age unless the practice can be justified. Indirect discrimination is unlawful whether it is intentional or not.

### **Direct disability discrimination**

Direct discrimination occurs where, because of disability, an individual receives less favourable treatment than someone who does not have a disability.

### **Indirect disability discrimination**

Indirect disability discrimination can occur where person A applies to person B a provision, criterion or practice which applies to everyone, but particularly disadvantages disabled people.

### **Direct sex discrimination**

Direct sex discrimination can occur on grounds of gender.

### **Indirect sex discrimination**

Indirect sex discrimination can occur where a person applies a provision, criterion or practice to person A which applies or would apply equally to person B, but which puts or would put people of the same sex as person B at a particular disadvantage when compared with people of the same sex as person A.

### **Direct religious discrimination**

Direct religious discrimination can occur when on the grounds of the person's religion or belief; they are treated less favorably than another person would be treated because they follow, or are perceived to follow, or do not follow a religion or belief.

### **Indirect religious discrimination**

Indirect discrimination occurs where person A applies a provision, criterion or practice which is applied equally to others not of the same religion or belief but which puts or would put individuals of the same religion or belief at a particular disadvantage when compared with other individuals.

### **Direct race discrimination**

Direct race discrimination can occur where an individual is treated less favourably on the grounds of colour, race, nationality (including citizenship), ethnic or national origin.

### **Indirect race discrimination**

Indirect race discrimination can occur where a provision, criterion or practice which, on the face of it, has nothing to do with race and is applied equally to everyone but puts or would put people of the same race or ethnic or national origins at a particular disadvantage when compared with others

## **PART TIME WORKERS**

Discrimination can occur if a part time worker is treated less favourably than a full time worker by virtue of his/her part time status.

## **DISABILITY**

### **Retention**

As part of its commitment to equal opportunities Huntswood will ensure that all reasonable measures are taken to retain disabled workers in employment.

It will be the responsibility of the individual's Line Manager/team leader to identify issues of disability and retention with regard to an individual, for example where dismissal is being considered on the grounds of sickness or incapacity.

Huntswood will make such adjustments as are reasonable to enable a disabled individual to carry out his/her duties. These may include, but are not limited to, provision of specialist equipment and training, job redesign, retraining, flexible hours, remote working and/or redeployment to a suitable alternative vacancy.

If, as a result of a disability, an individual is absent from work for a period of 7 days Huntswood may request a medical, vocational or functional assessment of the employee. The aims and objectives of this assessment will be agreed by both parties. Following such an assessment a phased return to work will be arranged where possible and in consultation with the employee.

### **Principles of reasonable adjustment**

Where an individual requires or may require an adjustment to the working arrangements or environment he/she should bring this to the attention of his/her Line Manager. The prime responsibility for arranging appropriate adjustments will lie with the Line Manager and the HR Department. However, in many cases a team approach will be appropriate, for example, when arranging training courses where the responsibility may pass to the training course coordinator.

The person responsible for arranging the adjustment will at all times consult the individual concerned, whose agreement will be sought. The expertise of the disabled individual concerning his/her own disability will be recognised.

Where the person with the prime responsibility for arranging reasonable adjustments does not have the relevant knowledge or experience he/she will consult HR. Where required an outside specialist may be consulted with the agreement of the disabled individual.

Once an adjustment has been made its operation may need to be reviewed at agreed intervals to assess its continuing effectiveness.

## **AGENCY WORKER REGULATIONS (AWR)**

The AWR places obligations on employers that use agency workers.

### **Rights of agency workers from the first day of their assignments**

Rights that apply from day one includes the right to access shared facilities and amenities that Huntswood comparable employees can access, such as kitchen facilities and the staff room and also the right to be given the same information about job vacancies as employees (except when as a result of restructuring).

### **Rights of agency workers after the 12-week qualifying period**

Agency workers are entitled to the same basic working and employment conditions as a comparable worker directly recruited by Huntswood in relation to pay (basic pay, overtime & shift allowances), working hours, night work, rest periods, rest breaks; and contractual annual leave entitlement. This does not include pension, company sick pay, company maternity/adoption pay, redundancy pay or bonuses linked to long service.

After the qualifying period, pregnant agency workers are also entitled to paid time off for antenatal care and, potentially, paid time off during an assignment if it is unsuitable for pregnant workers. It is the agency's responsibility to seek alternative work for the worker if a health and safety risk means that the assignment is unsuitable, and to pay her for the duration of the assignment if no suitable alternative work is available.

### **How the 12-week qualifying period is calculated?**

An agency worker will meet the qualifying period for equal treatment with a comparable permanent employee once he/she has carried out the same, or a similar role with Huntswood for 12 weeks. If the agency worker changes employment agencies during the qualification period, this will not affect his or her rights.

The 12-week period does not need to be continuous. Certain breaks will pause the time during which the worker accrues service, and he or she will resume accumulating service on return from the break.

If an agency worker is absent for a reason related to pregnancy or maternity during a protected period or due to maternity, paternity or adoption leave (which is provided for through his or her relationship with the agency) the 12-week period will continue to accrue throughout the absence period.

### **Requests from an agency worker for information under the AWR**

For day one entitlements the agency worker can request the information direct from Huntswood and we must respond within 28 days of receiving the request.

For entitlements after the 12-week qualifying period this request needs to be made to their Agency after the 12 weeks have elapsed. If the Agency does not respond within 30-days, then the agency worker can write directly to Huntswood who will have 28 days to respond.

All requests for information on equal treatment entitlements must be passed to the HR Department to respond.

## **RECRUITMENT, PROMOTION, AND TRAINING**

The recruitment, and selection process is crucially important to any equal opportunities policy. We will endeavour through appropriate training to ensure that those individual entrusted with selection and recruitment decisions will not discriminate, whether consciously or subconsciously, or be influenced by others' prejudices when making these decisions.

Job descriptions will be in line with our equal opportunities policy.

A consistent and non-discriminatory approach to the advertising of vacancies will be used at all times.

Short listing and interviewing will be carried out by more than one person.

Interview questions will relate to the requirements of the job.

Reasonable adjustments to the recruitment process shall be made as required to ensure that no applicant is disadvantaged because of his/her disability.

Before a disabled applicant is judged to have failed to meet the requirements of the job description and person specification, or to be less suitable than other applicants, full consideration will be given to whether any reasonable adjustments would make the applicant the best person for that post.

On induction the Line Manager will be responsible, in consultation with the disabled individual, for ensuring reasonable adjustments are made to enable the individual to work safely and effectively. Where Huntswood does not have the relevant knowledge or experience to make the reasonable adjustments an outside specialist may be consulted.

## VICTIMISATION

Victimisation is the treatment of, but not limited to, a person less favourably than another as a consequence of something done by that person in connection with discrimination or harassment.

## PROCEDURE FOR COMPLAINT

We consider any breach of this policy by a representative to be misconduct and will take appropriate action in accordance with contractual arrangement.

If you feel that you have been discriminated against then you should make a complaint in accordance with the complaints procedure.

## TABLE OF DEFINITIONS

The table of definitions provides definitions of terms used within the policy document

TERM	DEFINITION
Huntswood Representative	All permanent employees, temporary employees, fixed term contract employees, consultants, contractors, agents and subsidiaries acting for, or on behalf of Huntswood

## POLICY RESPONSIBILITIES

The following table defines the business roles and their responsibilities in regard of the policy document.

RESPONSIBILITY	ROLE	DEFINITION
Owner	Head of HR	The Owner ensures the policy is reviewed and maintained on a regular basis
Reviewer	Chief of Staff	The Reviewer ensures the policy document aligns with relevant legislation and company requirements
Author	Head of HR	Shall update the policy document in a succinct time frame on receiving updates from the reviewer and in accordance with company policy writing guidelines
Policy Audience	Huntswood Representative	Must apply the business policy to the business they undertake on behalf of Huntswood

## APPLICABLE STANDARDS AND LEGISLATION

- Equality Act 2010