

## Equal Opportunities & Harassment Policy

Incorporates requirements under Equality Act 2010

### 1. Scope

This policy applies to all staff employed on a permanent, fixed term or temporary contract regardless of role or location.

#### Statement of Intent

LLUK aims to create a culture that respects and values each other's differences, that promotes dignity, equality and diversity, and that encourages individuals to develop and maximise their true potential.

We aim to remove any barriers, bias or discrimination that prevent individuals or groups from realising their potential and contributing fully to our organisation's performance and to develop an organisational culture that positively values diversity.

We are committed wherever practicable, to achieving and maintaining a workforce that broadly reflects the local community in which we operate.

Every possible step will be taken to ensure that individuals are treated fairly in all aspects of their employment with the Company including our recruitment and selection procedures, flexible working practices, parental and dependants leave, annual leave, discipline, grievance and induction, development, promotion, supervision and appraisal, and working environment as well as contract terms and conditions.

Our aim is that the workforce will be truly representative of all sections of society.

We will strive to ensure that the treatment of all job applicants and employees, in every aspect of employment, is:

- free from discrimination or harassment on the grounds of sex (including gender reassignment), marriage and civil partnership, pregnancy and maternity, sexual orientation, race, ethnic or national origin, religion or belief, disability, age or contractual status

and based solely on the objective assessment of ability and job-related criteria. Selection for training will be on the basis of job requirement only.

Intimidation, harassment and bullying will not be tolerated, and any complaints will be investigated and may lead to disciplinary action.

## 2. Statutory Requirements

This policy implements provisions from the following legislation:

The Equality Act 2010. This Act, effective from October 2010, brings together, and replaces previous legislation, namely:-

Sex Discrimination Act (1975) (as amended)  
Race Relations Act (1976) (as amended)  
Disability Discrimination Act (1995) (as amended)  
Equal Pay Act (1970)  
Part –time Workers (Prevention of Less Favourable Treatment) Regulations (2000)  
Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations (2000)  
Employment Equality (Sexual Orientation) Regulations (2003)  
Employment Equality (Religious Belief) Regulations (2003)  
Employment Equality (Age) Regulations 2006

All employees are responsible for complying with this policy. Managers, supported by Human Resources as appropriate, should likewise ensure that neither they, nor the people reporting to them, discriminate against or harass existing or prospective employees.

## 3. Discrimination and Harassment

The Company recognises that many people in our society experience discrimination. Discrimination is acting unfairly against a group or individual through for example exclusion, verbal comment, denigration, harassment, victimisation, a failure to appreciate needs or the assumption of such needs without consultation.

Discrimination can be direct or indirect (where there is a policy, practice or procedure that applies to everyone but has an effect which particularly disadvantages a particular group and cannot be justified).

All forms of discrimination are unacceptable, regardless of whether there was any intention to discriminate or not. Employees have a duty to co-operate to ensure that this policy is effective in ensuring equality and diversity and in preventing discrimination. Employees should draw the attention of their line manager to suspected discriminatory acts or practices or cases of bullying or harassment.

### 3.1 Definitions of Discrimination

#### Protected Characteristics

The protected characteristics as listed in the Equality Act 2010 are sex, sexual orientation, marriage or civil partnership, gender reassignment, race, religion or belief, age, disability, pregnancy and maternity.

Direct Discrimination is when you treat someone less favourably than others because of a protected characteristic, whether or not the employee possesses that protected characteristic. For example, not employing someone because they are a woman or they are a particular race or because they are a carer of a disabled person. Only direct age discrimination is capable of justification.

Indirect Discrimination is when an employer has a policy, practice or procedure that applies to everyone has an effect which particularly disadvantages people who share a protected characteristic, and which cannot be justified in relation to the job.

## **Detriment arising from disability**

This is a new type of disability discrimination that has been introduced by the Equality Act 2010. It is when an employer treats an employee unfavourably because of something arising in consequence of the employee's disability, and it cannot be justified in relation to the job. For example, dismissing someone because of their poor attendance record when their absence was as a consequence of a disability, and without the employer being able to show that the dismissal was a proportionate means of achieving a legitimate aim.

Duty to make reasonable adjustments is where an employer's provision, criterion or practice puts a disabled person at a substantial disadvantage in relation to others who are not disabled, the employer has a duty to take reasonable steps to avoid the disadvantage, including changes to physical features, providing auxiliary aids and providing information.

Harassment is unwanted conduct related to a relevant protected characteristic (sex, sexual orientation, gender reassignment, race, religion or belief, age, disability) that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment. This includes protection against third-party harassment where the employer has failed to take reasonable, practicable steps to prevent the harassment.

Victimisation is when a person is treated badly because they have made a complaint about discrimination or have given evidence in a discrimination case.

## **Positive discrimination is unlawful.**

Positive action is proportionate steps taken to enable or encourage people who share a protected characteristic to overcome or minimise a disadvantage, to meet their needs or to participate, when the organisation reasonably thinks that people who share the protected characteristic suffer the disadvantage, or have needs that are different, or a disproportionately low number of such people participate in an activity. Examples would include setting equality targets (but not quotas which are unlawful); encouraging people from particular groups to apply where they are under-represented; training for promotion or skill training for employees from under-represented groups who show potential.

## Occupational requirement

If an employer can show that possessing a particular protected characteristic is a crucial requirement for a job and is a proportionate means of achieving a legitimate aim, then the employer will not be acting unlawfully to refuse to employ someone who does not possess that characteristic. The exception applies where being of a particular sex, race, disability, religion or belief, sexual orientation or age – or not being a transsexual person, married or a civil partner – is an occupational requirement.

## 4. Disability

Employees who are disabled or who become disabled in the course of their employment should inform and may also wish to advise the company of any 'reasonable adjustments' to their employment or working conditions which they consider necessary or which they consider would assist them in the performance of their work. Where reasonable or reasonably practicable such adjustments will be made.

## 5. Complaints

Employees who feel they have been discriminated against should raise the matter with their line manager. Initially the employee and manager should aim to resolve the matter informally. It may be that discriminatory action is unwitting and easily resolved once the problem is clear. Any complaint of discrimination or unfair treatment under this policy can be raised informally in the first instance with the line manager or Managing Director.

Complaints of harassment can often be resolved informally by

- asking the person creating the problem to stop
- putting the complaint in writing to the person
- asking a friend or colleague to speak to the person
- asking the Managing Director or line manager to make an informal approach to the person

If the informal approach does not resolve the problem, the employee is dissatisfied with the outcome, or the complaint is very serious, or their line manager is the cause of the complaint, the employee should raise the matter, in writing, as a formal grievance under the LLUK's Grievance Procedure.

If, after investigating the complaint, the company considers that there are reasonable grounds to uphold the complaint, then disciplinary action will be taken against the person against whom the complaint is made. This action may result in their dismissal.

Employees who feel they have been unfairly accused can also raise a complaint under LLUK's Grievance Procedure.