

## **Knowle West Health Park Company**

### **Equal Opportunities Policy**

*(Extract from the company handbook)*

#### *The Policy*

It is the Company's policy to provide equal opportunities in employment and not to discriminate irrespective of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity (the "protected characteristics"). The Company aims to treat all employees, former employees, clients, suppliers and other members of the public with whom the Company comes into contact with respect and dignity.

The Company seeks to employ a workforce which reflects the diverse community at large because it values the individual contribution of people irrespective of gender, sexual orientation, marital or civil partner status, gender reassignment, disability, race, colour, nationality, ethnic or national origin, religion or belief.

The Company recognises its legal obligations under anti-discrimination legislation and will treat employees, clients and members of the public with whom it comes into contact in a manner which is consistent with the spirit of this legislation.

#### *Application of the Policy*

This policy applies to all the Company's employees, irrespective of seniority, and to all applicants for employment with the Company.

If this policy of Equal Opportunities is not applied, valuable talent and potential may be wasted. Discrimination, harassment, and victimisation are not only illegal, but also affect morale and profitability generally, and can bring about a climate of fear, insecurity, and poor work performance. It is therefore vital that you understand your responsibilities.

The Company takes Equal Opportunities very seriously and will not tolerate acts which breach this policy. It is your responsibility to ensure your conduct conforms with the expected standards and reflects this policy. Wilful failure to apply the policy or evidence of discrimination, harassment, or victimisation may result in disciplinary action being taken against you, and in serious cases, dismissal.

#### *Forms of discrimination*

**Direct discrimination** - where someone is treated less favorably than another person because of a protected characteristic.

**Associative discrimination** - this is direct discrimination against someone because they are associated with another person who possesses a protected characteristic.

**Discrimination by perception** - this is direct discrimination against someone because others think that they possess a particular protected characteristic. They do not necessarily have to possess the characteristic, just be perceived to.

**Indirect discrimination** - this can occur when you have a rule or policy that applies to everyone but disadvantages a person with a particular protected characteristic.

**Harassment** - this is behaviour that is deemed offensive by the recipient. Employees can now complain about the behaviour they find offensive even if it is not directed at them.

**Victimisation** - this occurs when someone is treated badly because they have made or supported a complaint or grievance under this legislation.

### *Recruitment and selection*

We aim to ensure that no job applicant receives less favourable treatment on any of the unlawful grounds set at the beginning of this policy. All applicants for employment and all employees applying for alternative positions within the Company shall be assessed according to their skills, experience, and suitability to do the job.

Job advertisements will be non-discriminatory. Job advertisements should avoid stereotyping or using wording that may discourage particular groups from applying. They should include an appropriate short policy statement on equal opportunities and a copy of this policy shall be sent on request to those who enquire about vacancies.

Applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with the Chief Executive's approval. For example:

- Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
- Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.
- Positive action to recruit disabled persons.
- Equal opportunities monitoring (which will not form part of the decision-making process).

Applicants should not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants should not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without the approval of the Chief Executive (who should first consider whether such matters are relevant and may lawfully be taken into account).

We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from the UK Border Agency.

To ensure that this policy is operating effectively, and to identify groups that may be under-represented or disadvantaged in our organisation, we monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment. The information is removed from applications before shortlisting, and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.

### *Staff training and promotion and conditions of service*

Equal consideration will be given to all employees for training and development.

Employee training needs will be identified through regular training needs analysis. All employees will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit.

### *Termination of employment*

We will monitor redundancy criteria and procedures to ensure that they are fair and objective and are not directly or indirectly discriminatory.

We will also ensure that disciplinary procedures are carried out fairly and uniformly for all staff, whether they result in the giving of disciplinary warnings, dismissal or other disciplinary action.

### *Disability discrimination*

If you are disabled, or become disabled in the course of your employment with us, you are encouraged to tell us about your condition. This is to enable us to support you as much as possible. You may also wish to advise your Line Manager or the Chief Executive of any reasonable adjustments to your working conditions or the duties of your job which you consider to be necessary, or which would assist you in the performance of your duties. Your Line Manager OR the Chief Executive may wish to consult with you and with your medical adviser(s) about possible reasonable adjustments. Careful consideration will be given to any such proposals and they will be accommodated where possible and proportionate to the needs of your job. Nevertheless, there may be circumstances where it will not be reasonable for us to accommodate suggested adjustments and we will ensure that we provide you with information as to the basis of our decision not to make any adjustments.

### *Breaches of the policy*

If you feel that the Policy has not been applied in your case you may prefer to discuss the matter informally in the first instance with your Line Manager. You are of course entitled to raise a formal complaint at any time and in such circumstances you are asked to use the Company's Grievance Procedure, as set out in this Handbook.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the relevant procedure. Employees who make such allegations in good faith will not be victimised or treated less favourably as a result. False allegations which are found to have been made in bad faith will, however, be dealt with under our Disciplinary Procedure.

Any Employee who is found to have committed acts of discrimination or harassment will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We always take a strict approach to serious breaches of this policy.

## *Anti-Harassment and Bullying Policy*

The Company aims to create an environment in which all employees respect and uphold the dignity and wellbeing of each other. In particular, the Company recognises the right of every employee to work in an atmosphere free of harassment and to complain about it if it occurs.

The Company will not tolerate any form of harassment of one employee by another. Harassment may take many forms. It can range from extreme forms such as violence and bullying, to less obvious actions like ignoring an individual. Whatever the form of harassment or bullying it will be unwanted behaviour that is unwelcome and unpleasant.

### *What are Harassment and Bullying?*

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment often (but not exclusively) targets the gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age of the victim.

A single incident of unwanted or offensive behaviour to one individual can amount to harassment.

Individual employees may in some cases be legally liable for harassment of colleagues or third parties (including clients), and may be ordered to pay compensation by a court or employment tribunal.

Examples of harassment include:

- unwanted physical conduct or "horseplay". Physical conduct ranges from touching, pinching, pushing or brushing past someone or invading their personal space, to grabbing, shoving, punching and more serious forms of physical or sexual assault;
- unwelcome sexual behaviour, which the harasser may perceive as harmless flirting, and which may involve unwanted suggestions, advances, propositions or pressure for sexual activity;
- suggestions that sexual favours may further a career or that refusal of sexual favours may hinder it;
- continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
- inappropriate behaviour whether in the form of offensive or intimidating comments or gestures or insensitive jokes or pranks;
- mocking, mimicking or belittling a person's disability;
- outing or threatening to out someone as gay or lesbian;
- the sending or displaying of material that is pornographic or obscene or that some individuals or groups may find offensive (including e-mails, text messages, video clips and photographs taken or sent using mobile phones or via the internet);

- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

A person may be harassed even if they were not the intended "target." For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him or her.

Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated and threatened. Power includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct.

Legitimate and constructive criticism of a worker's performance or behaviour or reasonable requests made of workers in the course of their employment will not constitute bullying.

Examples of bullying include:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority;
- unjustifiably excluding colleagues from meetings or communications.

### *Application of the Policy*

This policy covers harassment or bullying which occurs both in the workplace and in settings outside the workplace, such as business trips, events or social functions organised for or on our behalf and whether on or off our premises.

All employees are expected to comply with this policy. Failure to comply with this policy may result in disciplinary action being taken against you and in serious case dismissal.

### *Breaches of the Policy*

Wherever possible, if you believe that you have been the subject of harassment you should, in the first instance, ask the person responsible to stop the harassing behaviour as it is unacceptable to you. Person-to-person reproof at an early stage will often be sufficient to stop the behaviour that is causing offence without involving third parties.

If you need help or advice, you may wish to seek the involvement of trusted friends. You are of course entitled to raise a formal complaint at any time and in such circumstances you are asked to use the Company's Grievance Procedure, as set out in this Handbook.

If investigation reveals that the complaint is valid, prompt action designed to stop the harassment immediately and prevent its recurrence will be taken.

If the harasser or bully is an employee, the matter will be dealt with under our Disciplinary Procedure. If the harasser or bully is a third party, you should notify your

Line Manager or the Chief Executive. The Company will then decide what appropriate action will be taken.

Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

Whilst the aims of this policy are clearly stated, and are to be upheld, any employee who raises a complaint which upon investigation is proven to be deliberately vexatious may be subject themselves to disciplinary action and, in serious cases, dismissal.

