

<b>Policy Name:</b>	Equality & Diversity
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## **1. EQUALITY & DIVERSITY STATEMENT**

The Spear & Jackson Group of Companies (herein after called the 'Group') is committed to eliminating discrimination and both encouraging and promoting diversity amongst its workforce, policies, practices and procedures.

All employees, whether part-time, full-time or temporary, will be treated fairly and with respect.

The Group will recruit from the widest possible talent pool and ensure selection for employment, promotion, training or any other benefit will be on the basis of aptitude and ability.

All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.

To that end the purpose of this policy is to embrace diversity and provide equality and fairness for all the individuals in the Group's employment and not to discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, ethnic origin, colour, nationality, national origin, religion or belief, sex and sexual orientation. All of which are covered by the following legislation: -

- the Equal Pay Act 1970;
- the Sex Discrimination Act 1975;
- the Race Relations Act 1976;
- the Disability Discrimination Act 1995;
- the Employment Rights Act 1996;
- the Human Rights Act 1998;
- the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000;
- the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2000;
- the Employment Equality (Sexual Orientation) Regulations 2003;
- the Employment Equality (Religion or Belief Act) Regulations 2003;
- the Work and Families Act 2006;
- the Employment Equality (Age) Regulations 2006; and
- any other relevant legislation in force from time to time relating to discrimination in employment and the provision of goods, facilities or services.

**The Spear & Jackson Group of Companies oppose all forms of unlawful and unfair discrimination**

## **2. POLICY STATUS**

This policy has been agreed with Senior Management and has the full support of the Group's Board of Directors.

This policy does not give contractual rights to individual employees. The Group reserves the right to alter any of its terms at any time, which employees will be notified of in writing.

### **3. SCOPE OF POLICY**

This policy applies to all employees, contractors and job applicants.

### **4. LINKS TO OTHER POLICIES**

The Group's Equality & Diversity Policy defines the broad principles and commitments of the Group. It does not seek to define all possible circumstances that may arise and it may be appropriate to refer to other Company policies.

### **5. GLOSSARY OF TERMS**

A Glossary of Terms is attached to the back of this policy to aid easy reference.

### **6. EQUALITY & DIVERSITY 10 KEY PRINCIPLES**

- i. To create an environment in which individual differences and the contributions of all employees are recognised and valued;
- ii. Promote equality and diversity in the workplace as good management practice and which makes sound business sense;
- iii. Develop a culture that promotes dignity & respect for all and for which all employees pay due regard to;
- iv. Instill appreciation by all of the shared right to not experience unlawful discrimination in the workplace;
- v. Ensure the understanding of all that any act of discrimination, including bullying, harassment, victimisation or intimidation will not be tolerated;
- vi. Make certain all training, development and progression opportunities are available to all staff;
- vii. Investigate all breaches of the equality policy and instigate disciplinary proceedings where allegations of misconduct are identified;
- viii. Ensure the sustained support of this policy by senior management and the board of directors;
- ix. Complete regular reviews all our employment practices and procedures to ensure fairness;
- x. Undertake regular monitoring and review of the policy.

### **6. What is Discrimination**

Discrimination is unlawful when it takes place on one of the following grounds (the 'protected characteristics'):

- age
- disability
- gender re-assignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

## **7. DEFINITIONS OF DISCRIMINATION**

Discrimination can take a number of forms, abbreviated definitions are provided below with more detailed definitions provided in the glossary of terms attached to the back of this policy: -

- **Direct Discrimination** occurs where a person is treated less favourably on the grounds of race, racial group, colour, ethnic or national origins, sex, pregnancy, marital status, disability or sexual orientation or religion or belief.
- **Indirect Discrimination** occurs when an apparently neutral practice or requirement disproportionately disadvantages one group and cannot be justified by the needs of the business.
- **Victimisation** occurs where a person is treated less favourably because she or he has made a complaint of discrimination. This also applies to individuals who may have assisted or supported the complainant, for example, as a witness or by showing sympathy.
- **Harassment** occurs when unwanted conduct takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may involve physical acts or verbal and non-verbal communications and gestures. This will include physical, verbal and non-verbal acts.

## **8. EMPLOYEE RIGHTS & RESPONSIBILITIES**

All employees have the right not to experience unlawful discrimination in our workplace. All employees also have a responsibility to understand this policy and help the Group implement it.

All employees [workers, agency workers and contractors] have a duty not to discriminate against each other and not to help anyone else do so.

## **9. EMPLOYER RESPONSIBILITIES**

As an employer, the Group's responsibilities under this policy are vast and related to normal employment activities.

The following information provides further information on these specific aspects of responsibility.

### **9.1 Recruitment and Selection**

The Group recognises the benefits of having a diverse workforce and will take steps to ensure that they: -

- (i) endeavour to recruit from the widest pool of qualified candidates practicable;
- (ii) ensure employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
- (iii) ensure the selection criteria and processes utilised at all stages of the recruitment & selection process (inc. short-listing, recruitment and selection) do not unlawfully discriminate on the grounds of sex (including marital status, gender reassignment, pregnancy, maternity and paternity), sexual orientation (including civil partnership status), religion or belief, age or disability;
- (iv) ensure wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups;
- (v) advise all recruitment agencies acting for the Group of the Equality & Diversity Policy and requirements not to discriminate and to act accordingly;
- (vi) ensure that all jobs have a clear, accurate and documented job specification to provide clear focus of what the job involves and the skills, experience and qualifications which are relevant and necessary to do the job.

### 9.2 Terms & Conditions of Service

The Group will treat all employees equally and create a working environment which is free from unlawful discrimination and which respects the diverse backgrounds and beliefs of employees.

Terms and conditions of service for employees will comply with anti-discrimination legislation. The provision of employment benefits will similarly not unlawfully discriminate against any employee on the grounds of their age; gender; marital status; race; religion or belief; sexual orientation or on the grounds of disability.

Where appropriate and necessary, the Group will endeavour to provide appropriate facilities and conditions of service which take into account the specific needs of employees which arise from their ethnic or cultural background; gender; responsibilities as carers; disability; religion or belief or sexual orientation.

The Group will ensure that decisions made under the disciplinary, grievance, performance and attendance management policies are carried out fairly and without discrimination.

### 9.3 Promotion and Career Development

Promotion within the Group will be made purely on the basis of merit. The Group will not unlawfully discriminate against any employee in making promotion or training decisions. The Group believes all employees should have an equal opportunity to progress and develop.

The Group will advertise promotion and transfer opportunities and will endeavor to ensure that training and development opportunities are made known to all relevant employees.

The Group will ensure selection criteria and processes for promotion will be kept under review to ensure that there is no unjustifiably discriminatory impact on any particular group.

The Group will conduct routine performance monitoring and appraisals objectively and measure performance in a transparent and objective way, without prejudice or bias.

### 9.4 Training

All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities.

Training needs will be identified through regular reviews/training needs analysis/appraisal discussions etc.

### 9.5 Termination of employment

The Group will ensure that they avoid discrimination in making decisions about dismissal or redundancy.

Where possible the Group will ensure that any manager's decision to dismiss an employee is endorsed by another manager and the HR department.

### 9.6 Adapting Working Practices

The Group will make reasonable adjustments to the working environment to give employees or potential employees with disabilities equal opportunities, e.g. provide additional equipment or support, re-arrange duties and make changes to premises in appropriate cases.

All employees who believe they may have a disability are encouraged to tell the Group about this so that the Group can actively explore what adjustments might be appropriate.

#### 9.7 What to do if you have been discriminated against?

If you believe you may have been discriminated against, please tell us. You can speak informally with your manager or HR. If you want to make a more formal complaint, you are encouraged to raise the matter through the Group's Grievance procedure.

#### 9.8 Complaints of discrimination

Allegations of potential breaches of this policy will be treated seriously. Employees who make such allegations in good faith will not be victimised or treated less favourably as a result. However, false allegations of a breach of this policy which are found to have been made in bad faith will be dealt with under the Group's disciplinary procedure.

All complaints received will be investigated in accordance with the Groups grievance procedure, with disciplinary proceedings instigated where deemed necessary and the complainant informed of the outcome accordingly.

The Group will monitor the number and outcome of complaints of discrimination made.

### **10. DEALING WITH THIRD PARTIES**

The Group will not unlawfully discriminate in dealings with any third parties, e.g. Contract Agencies, Suppliers, Procurement, Customers etc.

Employees are similarly required to not discriminate against any third parties of the Groups e.g. visitors / customers / suppliers and the Group equally expect their visitors / customers / suppliers not to discriminate against employees.

The Group will take appropriate action against any visitor / customer / supplier found to have done so.

### **11. GROUP EQUALITY & DIVERSITY POLICY COMPLIANCE**

All employees of the Group are expected to pay due regard to the provisions of the policy and are responsible for ensuring compliance with it when undertaking their jobs or representing the Group.

Acts of unlawful discrimination on any of the protected characteristics by employees of the Group will result in disciplinary action. Failure to comply with this policy will be treated in a similar fashion.

### **12. MONITORING**

Where it is possible to do so and where doing so will not cause offence or discomfort to those it is intended to protect, the Group will undertake periodical monitoring to assist the Group: -

- establish whether the equality policy is effective in practice;
- analyse the effect of other policies and practices on different groups;
- highlight possible inequalities and where appropriate investigate underlying causes; and
- take action where the Group thinks it is needed to address problems or reduce disparities.

The Group will collect this information anonymously and will use it only for monitoring purposes and not for any other purpose. The Group will protect the confidentiality of the information provided.

The Group will store equal opportunities data as confidential personal data and restrict access to this information accordingly.

Equal opportunities information will be used exclusively for the purposes of equal opportunities monitoring and have no bearing on opportunities or benefits.

### **13. REVIEW**

The Group will review the operation of its Equality & Diversity Policy on a regular basis and will instigate an immediate review should any non-compliance or problem concerning equality and diversity issues be identified.

<b>Glossary of Terms</b>	
<b>Equality Act 2010</b>	The Equality Act 2010 is the law which bans unfair treatment and helps achieve equal opportunities in the workplace and in wider society.
<b>Diversity</b>	<p>‘Diversity’ is a broader term than ‘equality’ or ‘equal opportunities’ or ‘equality of opportunity’.</p> <p>Diversity is about recognising, valuing and taking account of people’s different backgrounds, knowledge, skills and experiences, which make us unique and that organisations benefit from by encouraging and using those differences to create a productive workforce</p> <p>In contrast to equal opportunity, diversity is not about treating people equally but rather it is about recognising and responding to different needs, experiences and aspirations and acting accordingly. Diversity is complimentary to equality of opportunity.</p>
<b>Equal Opportunities Monitoring</b>	<p>Is the collection and analysis of information about a person that is used in order to check that a policy or procedure does not have an adverse impact on a particular group of people or amounts to unlawful discrimination.</p> <p>Information can be collected on race, disability, gender, age, and in some circumstances sexual orientation and religion or belief.</p>
<b>Protected Characteristics</b>	<p>A protected characteristic is a group which is protected from discrimination under equality legislation.</p> <p>The Equality Act 2010 covers nine protected characteristics; age’ disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.</p>
<b>Unlawful Discrimination</b>	Includes ‘direct discrimination’, ‘indirect discrimination’, ‘victimisation’ and ‘harassment’.
<b>Direct Discrimination</b>	<p>Occurs where a person is treated less favourably on the grounds of race, racial group, colour, ethnic or national origins, sex, pregnancy, marital status, disability or sexual orientation or religion or belief. For example, it would be direct discrimination if a manager excludes an employee from a training course just because she is gay.</p> <p>It is also direct discrimination when someone is treated worse than someone else because they associate with someone with a protected characteristic or because they are perceived to have a protected characteristic. For example, it would be direct discrimination if an employee ostracised a colleague because the colleague has a gay flatmate or because he thinks the colleague is gay.</p>
<b>Indirect Discrimination</b>	Occurs where an apparently neutral provision, criterion or practice would put a substantially higher proportion of the members of one sex, or people of a particular racial group or religion or belief, sexual orientation or with a disability at a particular disadvantage compared with other persons unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

<b>Cont.</b>	For example, imposing a requirement that job applicants must speak fluent English disproportionately disadvantages non-English groups and would be unlawful unless it could be justified on genuine business grounds. It is also discrimination when a disabled person is treated unfavourably because of something connected to their disability and this cannot be justified by the needs of the business or when the business fails to make reasonable adjustments for a disabled person.
<b>Victimisation</b>	Occurs where a person is treated less favourably because she or he has made a complaint of discrimination. This also applies to individuals who may have assisted or supported the complainant, for example, as a witness or by showing sympathy.
<b>Harassment</b>	Occurs when unwanted conduct takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may involve physical acts or verbal and non-verbal communications and gestures. This will include physical, verbal and non-verbal acts.
<b>Positive Action</b>	Is where you encourage the participation of or access to services for members of under-represented groups. Positive action is not to be confused with positive discrimination. Positive action is often used as a way to minimise the effects and outcomes of past discrimination on groups. In some limited circumstances, employers or training bodies are allowed to take special measures relating to access to training for particular work, or encouragement to apply for particular posts.
<b>Positive Discrimination</b>	<p>Is where you make a decision in someone's favour because of his or her particular characteristic, e.g. race, gender or disability. Positive discrimination is usually unlawful, unless it falls within one of the very limited exceptions contained in the anti-discrimination legislation in relation to disability or as a genuine occupation requirement.</p> <p>For example, where women are under-represented in senior management posts, running special training for women to encourage them to apply for senior posts is an example of positive action and lawful. However, the appointment of a woman to a senior post solely on the basis of her gender would be an example of positive discrimination and would be unlawful.</p>
<b>Genuine Occupational Requirement</b>	In very limited circumstances, it will be lawful for employers to specify that job applicants must have, or must not have, a particular protected characteristic under the Equality Act 2010. The requirement must be 1) crucial to the post and not just one of several important factors, 2) relating to the nature of the job in question, rather than the nature of the employing organisation and 3) a proportionate means of achieving a legitimate aim. For example, where being of a particular racial or religious origin is an essential requirement for the job, or for reasons of decency or privacy.
<b>Liability</b>	Employers have a legal liability for any act of discrimination (including harassment) carried out by their employees unless the employer can show that they have taken all reasonably practicable steps to prevent it.