



**Essential  
Site Skills**

# EQUALITY AND DIVERSITY POLICY

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This document is to be reviewed upon alteration or after every 12 months by an authorised person in line with company quality procedures.

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## **EQUALITY AND DIVERSITY POLICY**

### **PURPOSE**

The purpose of this document is to provide guidance to staff and learners on equality and diversity matters.

Essential Site Skills Ltd (ESS) is committed to positive action to promote equality of opportunity in employment and training and to regularly monitor the results of this commitment.

### **SCOPE**

This policy relates to all delivery staff and learners.

### **POLICY OBJECTIVES**

We all have a responsibility to ensure that ESS equality and diversity policy is properly and fully implemented. We must critically examine our attitudes to people to ensure that no trace of unfair discrimination affects our judgement.

Staff should ensure that they treat colleagues and learners in a reasonable and non-discriminatory manner, and that they do not act in any way that might give rise to allegations of discrimination or harassment.

The management team should treat all their staff fairly at all times and career opportunities should be based on individual merit, ability and potential and on no other criteria.

No one should receive more or less favourable treatment than another unless justified on the grounds of merit. It is every person's right to be treated with fairness and consideration at all times.

### **The Law**

It is unlawful to discriminate in employment against a person on the grounds of gender, sexual orientation, age, race, religious belief or disability. Employment issues particularly affected by the legislation relating to discrimination are recruitment, promotion, transfer, pay and access to other benefits. It also has implications for the way you deal with your colleagues.

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### **Discrimination**

In relation to gender and race it is recognised that discrimination can be both direct and indirect.

Direct discrimination occurs when a person is treated less favourably than others (in the same or similar circumstances) on the grounds of race, gender, age, disability or other inappropriate grounds.

Indirect discrimination can occur where a condition or requirement adversely affects one particular group considerably more than another and which cannot be justified in terms of the requirements for performing the job or task.

In relation to disability, discrimination occurs if, for a reason which relates to a person's disability, that person is treated less favourably than others to whom the reason does not apply and this treatment cannot be justified.

### Harassment

Harassment is a form of discrimination. Harassment at work comprises a wider range of unacceptable and unwanted physical, verbal or non-verbal behaviour that affects people's dignity. Any behaviour which shows lack of respect and which creates an atmosphere in which people feel uncomfortable and unwelcome can constitute harassment.

It may be experienced by anyone on a variety of grounds including race, gender, political and religious beliefs and disability. Sexual, racial and (in Northern Ireland) religious harassment is unlawful; within Essential Site Skills Ltd, harassment, for whatever reason, will not be tolerated and may lead to disciplinary action. The company views any bullying as harassment and acts of bullying will be treated as harassment, under the terms of this policy.

Sexual harassment could include:

- Any behaviour which patronises, intimidates or offends, e.g. remarks, looks, jokes or offensive language.
- Any behaviour which makes people feel viewed as sexual objects and which causes offence, even if unintended.
- Provocative suggestions or propositioning people.
- The display of pornographic, semi pornographic or suggestive material, electronic or paper.

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- Deliberate, potentially objectionable physical contact to which the person has not consented or had the opportunity to object to.
- Threats of failure, or promises of success or other rewards in exchange for sexual favours.
- Although this most often involves women being harassed by men, the company's policy applies equally well to harassment occurring between people of the same gender, or of men by women.

*Racial harassment could include:*

- Any behaviour which causes discomfort, intimidates or offends or which incites others to do so – derogatory names, insults, racist jokes or ridiculing cultural difference.
- The display or circulation of offensive material, including racist graffiti, electronic mail or information published through the internet.
- Verbal abuse and threats of physical attack.

*Personal harassment could include:*

- Behaviour which makes direct or indirect reference to disability or impairment – and thus causes discomfort, patronises, insults or offends people with a physical, sensory or mental disability.
- Behaviour which makes direct or indirect reference to religion or culture thereby causing discomfort or offence.
- Repeated gibes in reference to personal traits, appearance or sexual orientation.
- Remarks regarding age which create an offensive environment and are sufficient to violate a person's dignity.
- Invasion of privacy or practical jokes causing physical or psychological distress.
- Pressure to become involved in anti-social or criminal behaviour.
- Messages to or about a person, including electronic mail or text messages that are offensive, insulting or cause discomfort.

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### Bullying

Bullying is the misuse of power or position to persistently criticise and condemn; to openly humiliate and undermine an individual's ability until this person becomes so fearful that their confidence crumbles and they lose belief in themselves. These attacks on the individual are normally sudden, irrational, unpredictable and usually unfair.

Bullying could include:

- Verbal and/or physical intimidation – threats, shouting, derisory remarks, often in front of others.
- Ostracism, or conversely, excessive supervision.
- Undermining of the individual's position by changing work objectives/guidelines without consultation, taking credit for the target's work, deriding the target's work to supervisors, etc.
- Removing areas of responsibility and giving people menial or trivial tasks to do instead.
- Withholding information.
- Spreading malicious rumours.
- Persistent criticism.
- Messages, including electronic mail and text messages that are threatening, derisory or defamatory.

### Victimisation

It is unlawful to victimise anyone who has sought to exercise, or has assisted another to exercise, his or her rights under legislation concerned with preventing discrimination. Equally, ESS will not tolerate the victimisation of any member of staff who has brought a complaint, or assisted a colleague to bring a complaint.



### Action against Discrimination, Harassment, Bullying or Victimisation

If you feel you are being harassed, unfairly discriminated against, or victimised by someone (regardless of their status) you should complain (either formally or informally) to the management team.

If at all possible, make it clear to the person causing offence that such behaviour is unacceptable to you.

If you feel unable to confront the person directly or if talking to them has no effect, you may talk to your tutor/assessor, your supervisor or another senior figure on site.

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### Disabilities

As far as possible, Essential Site Skills Ltd wants people with disabilities to have the same chance of getting a job, and of getting on at work, as non-disabled people.

Many people with disabilities have the skills and qualities to compete on equal terms with other staff. We need to make sure that there are no barriers preventing them from achieving their full potential. Essential Site Skills Ltd will not tolerate discrimination against anyone on the grounds of disability.

### Legislation

The intention of Essential Site Skills Ltd policy is to build upon the statutory position and to pursue an effective policy of promoting equality of opportunity throughout the company.

The current statutory position is as set out in the Equal Pay Act (1970); the Sex Discrimination Act (1975); the Race Relations Act (1976); the Disability Discrimination Act (1995); the Employment Relations Act (1999); the Human Rights Act (1998); the Employment Equality (Sexual Orientation) Regulations 2003; the Employment Equality (Religion or Belief) Regulations 2003 and the Employment Equality (Age) Regulations 2006.

Harassment may constitute unlawful discrimination under the Sex Discrimination Act (1975) and the Race Relations Act (1976). Under the Public Order Act (1986) (as amended by the Criminal Justice and Public Order Act (1994)) a person will be guilty of a criminal offence if he or she intentionally causes a person harassment, alarm or distress by using abusive or insulting words or behaviour, or by displaying written material, signs or pictures, which are threatening or abusive.

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### Complaint of Unfair Treatment

Anyone wishing to lodge a complaint of unfair treatment must complete a Complaint of Unfair Treatment form and submit it to either your tutor/assessor or line manager (as appropriate) and otherwise referred to as the nominated person. Please ensure envelopes are marked 'Private and Confidential'

If the complainant has indicated they do not wish to take any action, it is the responsibility of the nominated person to maintain confidential records in case the incident escalates. If the complainant has indicated they wish to take action, it is the responsibility of the nominated person to arrange a meeting in a suitable environment to discuss.

It is the responsibility of the nominated person to investigate the complaint and document any appropriate actions on the Complaint of Unfair treatment form until a satisfactory outcome has been achieved.

If at this stage a satisfactory outcome has not been achieved, it is the responsibility of the nominated person to inform either the management team, operations director or managing director (as appropriate).

It is the responsibility of either the management team or operations director (as appropriate) to investigate and monitor the situation until a satisfactory outcome is achieved, or signposted for further investigation.





<b>PART C ACTION TAKEN &amp; RESPONSE LOGGED (please complete additional sheet if required)</b>		
<b>Date</b>	<b>Action or Response Given</b>	<b>Action Taken By (Name)</b>

<b>PART D COMPLAINT SUMMARY RESOLUTION OR RESPONSE (please complete additional sheet if required)</b>		
<b>Date</b>	<b>Action or Response Given</b>	<b>Action Taken By (Name)</b>

***For Office Use Only:***

Signed:	
Complainant Informed of Action or Resolution: (Verbally / Written)	
Date:	