

EQUAL OPPORTUNITIES POLICY AND PROCEDURE

It is the policy of VB Pro Ltd to treat all job applicants and employees fairly and equally, regardless of their protected characteristics (sex, trans-gender status, sexual orientation, religion or belief, marital status, civil partnership status, age or perceived age, race, colour, nationality, national origins, ethnic origin or disability). (*Sex Discrimination Act 1975, Race Relations Act 1976/2000, Equal Pay Acts 1975, Disability Discrimination Act 1995/2005, Employment Equality Regulations 2003/05/06 and Human Rights Act 1998, Equality Act 2010*).

Through this policy and procedure and the training and development of staff, VB Pro Ltd will do all it can to promote good practice and to reduce the likelihood of discrimination or harassment occurring. Furthermore, the company will monitor the composition of the workforce and introduce positive action, where appropriate if it appears that this policy is not fully effective.

Procedure

1. VB Pro Ltd is an equal opportunity employer. Equal opportunity is about good employment practices and efficient use of our most valuable asset, our employees. Every employee has personal responsibility for the implementation of the policy. Any instance of doubt about the application of the policy, or other questions, should be addressed to the Managing Director, as should any requests for special training.
2. The company will not discriminate on grounds of sex, trans-gender status, sexual orientation, religion or belief, marital status, civil partnership status, race, ethnic origin, colour, nationality, national origins, disability, age or perceived age.
3. The policy applies to the process of recruitment and selection, promotion, training, conditions of work, pay and benefits and to every other aspect of employment, including general treatment at work and the processes involved in the termination of employment.
4. Where increased pay and/or enhanced benefits are offered to employees on the basis of length of service, these are intended to reward loyalty, maintain motivation and reflect higher levels of relevant experience.
5. The policy applies to job applicants (both internal and external) and all employees whether full time, part time, casual, temporary, seasonal or contract. The policy also applies equally to the treatment of our customers/clients and suppliers.
6. Employees should note that the imposition of any provision, criterion or practice which has a disproportionate adverse impact on someone on grounds of his or her protected characteristics will be unlawful, unless it can be justified on grounds of business need.

7. When establishing criteria for recruitment and promotion into vacant posts, the company will consider carefully whether any minimum or maximum number of years of relevant experience is necessary for effective performance of the job. Such restrictions will not be imposed unless there is a proper job-based reason why they are necessary.
8. The company operates a default retirement age of 65 (unless or until the retirement age legislation changes) for all employees. Employees have the right, however, to submit written requests to continue working beyond this age and all such requests will be treated open-mindedly and fairly.
9. The company will, whenever it is operationally possible to do so, agree to any request from an employee who is within two years of retirement (ie at any time after his or her 63rd birthday) to reduce his or her hours of work with a view to a phased retirement. The precise reduction to the number of days or hours worked will be discussed individually in each case.
10. Employees who are disabled or become disabled in the course of their employment should inform the company about their disability. Management will then arrange to discuss with the employee what "reasonable adjustments" to his or her job or working conditions or environment might assist him or her in the performance of his or her duties. The employee will also be encouraged to suggest any adjustments that he or she believes would be helpful. Careful consideration will be given to any proposals and, where reasonable and reasonably practicable such adjustments will be made. There may, however, be circumstances where it will not be reasonable or reasonably practicable for the company to accommodate proposals put forward by the employee.
11. Any member of staff may use the Grievance Procedure to complain about discriminatory conduct. If the matter relates to sexual or racial harassment or harassment on the basis of disability, sexual orientation, gender reassignment, religion or belief or age, then the complaint must be raised directly with the Managing Director. A full investigation will be undertaken in line with the Grievance Procedure. The company is concerned to ensure that staff feel comfortable about raising such complaints. No individual will be penalised for raising such a complaint, unless the substance of the complaint is untrue or the complaint is made in bad faith.
12. Where an employee is falsely accused of discriminatory conduct, then he or she may implement the company's Grievance Procedure. In this instance, the person who made the false accusation will be subjected to disciplinary action. In serious cases, such behaviour may be deemed to constitute gross misconduct and may result in summary dismissal in the absence of mitigating circumstances.

13. The composition of the workforce and of job applicants will be monitored on a regular basis. Should inequalities become apparent, positive action may, if appropriate, be taken to redress the imbalance, including such measures as:
 - a. advertising jobs in ethnic or female interest publications
 - b. introducing assertiveness training
 - c. introducing English language training
 - d. introducing computer training for employees over age 50
 - e. encouraging under-represented or disadvantaged groups to apply for employment or training
 - f. making contact with disabled people via the local Job Centre Plus.

14. This policy will be monitored on a regular basis by senior management. Where there are issues with the way the policy is working, these will be looked at closely with a view to identifying measures to improve the effectiveness of the policy.

The following conveys an understanding of these laws and our obligations under this legislation:

Sex Discrimination Act 1975

The Sex Discrimination Act 1975 (SDA) makes it unlawful to discriminate on grounds of sex or marital status in recruitment, promotion and training.

- Direct sex discrimination occurs when a person of one sex is treated less favourably on grounds of sex than a person of the other sex would have been treated in the same circumstances.
- Indirect sex discrimination can occur where a requirement or condition is applied equally to men and women, but the proportion of one sex that can satisfy the condition is much smaller than the proportion of the other sex. Unless it can be proven that the condition is essential for the job, indirect discrimination may have taken place. It has also been established that discrimination against part-time workers may constitute indirect discrimination against women because nationally, and in most organizations, the majority of part-time workers are women. Restricting employment by means of age limits is another possible instance of indirect discrimination.
- The third type of discrimination covered by the Act is victimization. This occurs when an individual is discriminated against because they have exercised their rights under the Act.

Race Relations Act 1976

The Race Relations Act 1976 (RRA) makes it unlawful to discriminate on grounds of race, colour, nationality or ethnic or national origin. This Act covers recruitment, promotion and training. The Act covers direct discrimination, indirect discrimination and victimization. Examples of indirect discrimination would include recruiting from sources, which exclude areas of high settlement of minority ethnic groups or insisting on British qualifications. Word of mouth recruitment in an organization where people from ethnic minority communities are under-represented would also constitute indirect discrimination.

Section 8 of the Asylum and Immigration Act 1996, which came into effect on 27th January 1997 is also relevant. It deals with the issue of illegal working and makes it a criminal offence to employ a person who is not entitled to live or work in the United Kingdom. The act obliges employers to check that new employees are entitled to live and work in the UK by carrying out a number of checks before employment commences. The Commission for Racial Equality has warned that employers should ensure that any changes they make to their recruitment and selection procedure to comply with the new act do not put them in breach of the Race Relations Act. In particular, the CRE guidance states that employers should ensure that the checks (including documentation requests and their retention) are carried out at the same stage and in the same way for all applicants and without bias or discrimination on the basis of their race, colour or ethnic background.

Equal Pay Acts 1975

The Equal Pay Act (1970) came into force originally at the end of 1975 and its purpose was to eliminate discrimination in pay between men and women. It was amended in 1983 to include work of equal value and most claims are now under this part of the Act. The Act allows an individual to claim pay equal to that received by members of the opposite sex on the grounds that they are doing:

- Like work
- Work rated as equivalent under a job evaluation scheme
- Work of Equal Value - in terms of demands made under such headings as effort, skill and decision-making

Claims can be pursued through the Employment Tribunal system.

Disability Discrimination Act 1995

The employment sections of the Disability Discrimination Act came into effect on 2nd December 1996. This Act operates in a similar way to the Race Relations Act and the Sex Discrimination Act, but also places a duty on an employer to make 'reasonable adjustments' to premises or working practices to allow a disabled person to be employed.

The definition of disability is wide and includes physical disabilities, sensory disabilities (visual or hearing impairment), learning difficulties, mental health problems as well as progressive conditions such as Multiple Sclerosis and Aids.

Human Rights Act 1998

The Human Rights Act was incorporated into UK law on 1st October 2000 and is intended to implement the European Convention on Human Rights in the UK. The latter outlines several issues, including rights to freedom of thought, conscience & religion, the right to respect for private and family life and in particular, 'The enjoyment of the rights and freedoms... shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.'

In terms of recruitment it may outlaw discrimination on grounds of sexual orientation, religious belief or possibly family circumstances in addition to the types of discrimination discussed above.

Equality Act 2010

The Equality Act 2010 came into force on 1st October 2010 and harmonises the various definitions of indirect discrimination and victimisation found in previous equality legislation, in order to help protect minority groups and those who are discriminated against. Key changes include:

- Protected Characteristics: The headings of **age, disability** (which includes mental health and people diagnosed as clinically obese), **race, religion or belief, sex, sexual orientation, gender reassignment, marriage and civil partnership, and pregnancy and maternity** are now to be known as '**protected characteristics**'.
- Discrimination:
 - **Direct discrimination:** discrimination because of a protected characteristic.
 - **Associative discrimination:** direct discrimination against someone because they are associated with another person with a protected characteristic.
 - **Indirect discrimination:** when a rule or policy that applies to everyone but disadvantages a person with a protected characteristic.
 - **Harassment:** behaviour deemed offensive by the recipient.
 - **Harassment by a third party:** behaviour deemed offence made by a third party e.g. a contractor
 - **Victimisation:** discrimination against someone because they made or supported a complaint under Equality Act legislation.
 - **Discrimination by perception:** direct discrimination against someone because others think they have a protected characteristic (even if they don't).
- Health and disability screening as part of the interviewing process, unless proven to be essential for the role undertaken (ie heaving lifting for a removal company) or in order to monitor diversity, is now unlawful.
- Employees or prospective employees may not be treated unfavourably because of something connected to a disability for example dyslexia.
- It is unlawful to discriminate against someone who is or has changed their gender
- Age is still the only protected characteristic by which direct discrimination can be justified. The default retirement age of 65 remains lawful unless or until retirement age legislation changes.
- Changes to tribunal procedures includes enabling judges to recommend changes to the practise of an entire business rather than just to the way an individual is treated and to assess dual discrimination claims against protected characteristics.
- Pay secrecy clauses within contractual agreements are now unenforceable and staff are now free to discuss wages with each other.