

## **Equality & Diversity Policy**

### **Statement of Policy**

The Terry Group Ltd is committed to eliminating discrimination and encouraging diversity amongst our workforce. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.

To that end the purpose of this policy is to provide equality and fairness for all in our employment and not to discriminate on grounds of gender, marital status, race, ethnic origin, colour, nationality, national origin, disability, sexual orientation, religion or age. We oppose all forms of unlawful and unfair discrimination.

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

### **Reasons for the Policy**

The Company wishes to employ the most suitable and appropriately qualified people for the work to be undertaken. Consequently, sound business reasons support the promotion by the Company of equal opportunities in employment.

Over a period of time, legislation has been introduced to encourage equal opportunities and to render discrimination unlawful. The Equality and Human Rights Commission has been established to work towards the elimination of discriminatory practices, and has devised codes of practice which contain practical advice on ways to avoid discrimination and on the management of an equal opportunities policy.

### **Our commitment:**

- To create an environment in which individual differences and the contributions of all our staff are recognised and valued.
- Every employee is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Training, development and progression opportunities are available to all staff.
- Equality in the workplace is good management practice and makes sound business sense.
- We will review all our employment practices and procedures to ensure fairness.
- Breaches of our equality policy will be regarded as misconduct and could lead to disciplinary proceedings.

- This policy is fully supported by senior management.
- The policy will be monitored and reviewed annually.

## Equality of Treatment

The policy aims to ensure that members of staff adhere to the principle of equality of treatment.

It prohibits acts of discrimination whereby one individual is treated less favourably than another on the grounds of age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex or sexual orientation. These areas are termed “protected characteristics”.

Examples of such discrimination by an employer include:

- deliberately refusing or omitting to make an offer of employment
- restricting or denying access to promotion, transfer, training, or other benefits or facilities
- dismissing an individual
- subjecting an individual to some other detriment (for example, racial or sexual harassment)
- Discriminating in the arrangements made for deciding who should be offered a job.

The *Equality Act 2010* identifies a number of different types of discrimination. These are:

*Direct Discrimination* - when someone is treated less favourably than another person because of a protected characteristic they have.

*Associative Discrimination* - also considered as direct discrimination, and occurs when someone is treated less favourably than another person because they associate with someone who possesses a protected characteristic.

*Perceptive Discrimination* - also considered as direct discrimination, and occurs when someone is treated less favourably than another person because others think they have a particular protected characteristic. It applies even if the person does not have that characteristic.

*Indirect Discrimination* - when there is a condition, rule or policy that applies to everyone, but which particularly disadvantages people with a protected characteristic. It may be justified if it can be proven that it was a “proportionate means of achieving a legitimate aim”, but this must be shown to be fair & reasonable, and that other “less discriminatory” alternatives have been reviewed before a decision was made.

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

*Harassment by a third party* – employers are potentially liable for the harassment of their staff or customers by people they don’t themselves employ, i.e. a contractor.

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

A manager or employee who contravenes (or knowingly aids another person to contravene) the Company's policy may be held personally liable for committing an act of lawful discrimination and may, together with the company, be subject to legal proceedings.

## **Responsibilities**

The management official with overall responsibility for the application of the equal opportunities policy is:

Dave Allen, Managing Director

Each manager is responsible for communicating the policy to all employees, providing operational procedures and training, and monitoring the application of the policy. Managers and supervisors are responsible for ensuring that they and all staff under their control understand the policy and observe the correct procedures.

All employees have an important part to play in the application of the policy, that their attitudes and actions are consistent at all times with both the spirit and the letter of the policy.

## **Recruitment, Selection and Promotion**

The Company's intention in respect of recruitment, selection and promotion is to appoint the most able candidate for each job regardless of that person's age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex or sexual orientation.

In order to ensure that this intention is realised, the requirements of each job are identified and all candidates assessed against the same criteria at each stage of the selection process, to ensure that fairness and consistency are achieved throughout.

Similarly, all candidates for promotion possessing appropriate skills, knowledge and experience are given the same degree of consideration.

Employee appraisals are concerned only with the assessment of actual performance in the job.

Assumptions about individuals in relation to their age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex or sexual orientation, are unacceptable.

All employees, whether full or part time, irrespective of age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex or sexual orientation, will be treated equally with regards to all terms & conditions of employment.

## **Training**

Educational and vocational courses leading to relevant qualifications are available to employees regardless of age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex or sexual orientation, and members of under-represented groups are encouraged to apply.

Training in matters relating, directly or indirectly, to equal opportunities is regarded as a vital component in the training programmes for managers and supervisors, both as a means to

maintaining the level of awareness of the policy and of ensuring that the policy is operating as the company intends.

### **Conditions of Employment and Provision of Benefits and Services**

All conditions of employment, employee benefits and services apply irrespective of age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex or sexual orientation.

Accommodation and facilities are provided, as far as it is practicable to do so, having proper regard for the needs of the disabled.

### **Observing the policy**

The overall aim of the policy is to promote a harmonious working environment for all members of staff. Therefore, the appropriate supervisor or manager should be informed if an occasion arises, or is suspected to have arisen, where an individual experiences unfavourable treatment on the grounds of age, disability, gender reassignment, marriage or civil partnership, race, religion or belief, sex or sexual orientation.

An employee with a grievance concerning the application of this policy should follow the grievance procedure.

It is a disciplinary offence to discriminate intentionally against a fellow employee or job applicant in contravention of this policy.

### **Sexual or Racial Harassment**

Sexual or racial harassment is a form of discrimination. It is unlawful behaviour and in direct contravention of the company's Equality & Diversity Policy.

Sexual or racial harassment is unwanted conduct of a sexual or racial nature, which is either personally offensive or fails to respect the rights of others. It includes making gestures, comments or 'jokes', the display of offensive material and physical contact or assault.

Managers and supervisors have a responsibility to eliminate any sexual or racial harassment or intimidation of which they are aware.

An employee who believes that he or she is, or has been, the subject of sexual or racial harassment should, initially, raise the matter with his or her immediate Supervisor or Line Manager. The matter can be raised with the Managing Director, if preferred.

Formal investigations of complaints will be dealt with in accordance with the company's grievance and disciplinary procedures, and will be handled sensitively and confidentially, with due respect for the rights of those concerned.

If the outcome of the investigation reveals that a complaint is justified, appropriate action,

Including disciplinary action, will be taken. Retaliation or victimisation of an employee who has complained about harassment will also be treated as a disciplinary offence.

## **Bullying or Harrassment**

Everyone should be treated with dignity and respect at work. Bullying and harassment of any kind are in no-one's interest and will not be tolerated by the Terry Group.

### *What are bullying and harassment?*

Examples and definitions of what may be considered bullying and harassment are provided below for guidance. Generally they are defined as something that has happened to a person that is unwelcome, unwarranted and causes a detrimental effect. If employees complain they are being bullied or harassed, then they have a grievance which will be dealt with, regardless of whether or not their complaint accords with a standard definition.

### *How can bullying and harassment be recognised?*

There are many definitions of bullying and harassment.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Harassment, in general terms, is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. Under the Equality Act 2010, harassment applies to all protected characteristics except pregnancy, maternity, marriage & civil partnerships. Employees may now also complain of behaviour they find offensive even if it is not directed at them, and the complainant need not possess the relevant protected characteristic themselves.

Employees are also protected from harassment because of perception & association (see above).

The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. Nor do they need to happen “face to face”. For this reason we have listed below some examples of what is unacceptable behaviour (this list is not exhaustive):-

- spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- copying memos or other written communications that are critical about someone to others who do not need to know

- ridiculing or demeaning someone - picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances - touching, standing too close, display of offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities

### **Third Party Harassment**

Employees are protected from harassment by third parties, for example customers, clients, sub-contractors etc. However the company needs to have been made aware of the harassment and the harassment must have taken place on at least two previous occasions. Once aware of any third party harassment the company will take all reasonable steps to prevent any reoccurrence.

### **Receiving a Complaint**

If a complaint is made by an employee with regards to any alleged incident of discrimination or bullying, this complaint will initially be investigated in accordance with the Company Grievance Policy.

Such complaints, or information from staff relating to such complaints, will be dealt with fairly, confidentially and sensitively.

If the grievance is upheld or if further investigation is needed, then the Company Disciplinary Policy will be followed with regards to the employee who allegedly carried out the bullying or harassment.

In cases which appear to involve serious misconduct, if there is reason to separate the parties, a short period of suspension of the person making the alleged discrimination, bullying or harassment may be considered while the case is being investigated.

There may be cases where somebody makes an unfounded allegation of discrimination, bullying and/or harassment for malicious reasons. These cases will also be investigated and dealt with fairly and objectively under the disciplinary procedure.

### **Victimisation**

No employee is to be victimised, i.e. treated badly, because they have made or supported a complaint or raised a grievance under the Equality Act or in line with this equal Opportunities Policy, or because they are suspected of doing so.

However, an employee is not protected from victimisation under the Equality Act if they have

maliciously made or supported an untrue complaint.

### **Monitoring**

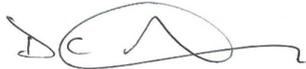
The Company will monitor and continuously review the operation of the policy and expects all employees to co-operate by providing relevant information, where necessary. All such information will be treated as strictly confidential and used solely for this purpose.

### **Legislation**

The Company will comply with all current Equal Opportunities & Human Rights legislation, including (but not restricted to) the following, and all future amendments of –

- The Equality Act 2010
- Employment Rights Act 1996
- Employment Act 2008
- Work and Families Act 2006

Signed



Name: David C Allen  
Managing Director

Date: 16<sup>th</sup> March 2021