

# Equal Opportunities and Diversity Policy

## Policy Statement

- We are committed to promoting equality of opportunity for all staff and job applicants. We aim to create a working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.
- We do not discriminate against staff on the basis of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (protected characteristics).
- The principles of non-discrimination and equality of opportunity also apply to the way in which staff treat visitors, clients, customers, suppliers, and former staff members.
- All staff have a duty to act in accordance with this policy and treat colleagues with dignity at all times, and not to discriminate against or harass other members of staff, regardless of their status.
- This policy does not form part of any employee's contract of employment and may be amended at any time.

## Who is covered by the policy?

This policy covers all individuals working at all levels and grades, including senior managers, officers, directors, employees, consultants, contractors, trainees, home-workers, part-time and fixed-term employees, volunteers, casual workers and agency staff (collectively referred to as **staff** in this policy).

## Scope and purpose of the policy

- This policy applies to all aspects of our relationship with staff and to relations between staff members at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.
- We will take appropriate steps to accommodate the requirements of different religions, cultures, and domestic responsibilities.
- An Apple A Day Supply does not operate any compulsory retirement age, and each employee may choose for themselves when to stop working, subject to them continuing to be sufficiently fit to perform their job to a satisfactory standard.

- If you believe that you may have been discriminated against you are encouraged to raise the matter through our Grievance Procedure.

## **Forms of discrimination**

- Discrimination by or against an employee is generally prohibited unless there is a specific legal exemption. Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- Direct discrimination occurs where someone is treated less favourably because of one or more of the protected characteristics set out above. For example, rejecting an applicant on the grounds of their race because they would not "fit in" would be direct discrimination.
- Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that also puts other people with the same protected characteristic at a particular disadvantage. For example, a requirement to work full time puts women at a particular disadvantage because they generally have greater childcare commitments than men. Such a requirement will need to be objectively justified.
- Harassment related to any of the protected characteristics is prohibited. Harassment is unwanted conduct that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in section 7 of this policy.
- Victimisation is also prohibited. This is less favourable treatment of someone who has complained or given information about discrimination or harassment or supported someone else's complaint.

## **Recruitment and selection**

- We aim to ensure that no job applicant suffers discrimination because of any of the protected characteristics above. Job selection criteria should be relevant to the job, and short-listing of applicants should be done by more than one person wherever possible.
- Job advertisements should avoid stereotyping or using wording that may discourage groups with a protected characteristic from applying.
- 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.

## **Disability discrimination**

- If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.
- If you experience difficulties at work because of your disability, you may wish to contact your line manager to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager may wish to consult with you and your medical adviser(s) about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable, we will explain our reasons and try to find an alternative solution where possible.
- We will monitor the physical features of our premises to consider whether they place disabled workers, job applicants or service users at a substantial disadvantage compared to other staff. Where reasonable, we will take steps to improve access for disabled staff and service users.

## **Bullying and Harassment**

- This policy covers harassment or bullying which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions. It covers bullying and harassment by staff and by third parties such as customers, suppliers, or visitors to our premises. All staff should take the time to ensure they understand what types of behaviour are unacceptable under this section of the policy.
- All staff have a right to be treated with dignity and respect, free from harassment and bullying. Staff must treat colleagues and others with dignity and respect and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.
- We will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. Harassment or bullying by an employee will be treated as misconduct under our Disciplinary Procedure. In some cases, it may amount to gross misconduct leading to summary dismissal.

## **What is harassment?**

Harassment is any unwanted physical, verbal, or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault.
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it.
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome.
- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet).
- offensive or intimidating comments or gestures, or insensitive jokes or pranks.
- mocking, mimicking, or belittling a person's disability.
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender.
- outing or threatening to out someone as gay or lesbian; or
- 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 them.

## What is bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal, and non-verbal conduct. Bullying may include, by way of example:

- 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; or
- deliberately excluding someone from meetings or communications without good reason.

Legitimate, reasonable, and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

## Informal steps

- If you are being bullied or harassed, you should initially consider raising the problem informally with the person responsible, if you feel able. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your line manager or if it relates to them another manager, who can provide confidential advice and assistance in resolving the issue formally or informally.
- If you are not certain whether an incident or series of incidents amount to bullying or harassment, you should initially contact your line manager (or another manager) informally for confidential advice.
- If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below.

## **Raising a formal complaint**

- If you wish to make a formal complaint about bullying or harassment, you should raise a formal grievance under the Grievance Procedure.
- Your written grievance should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.
- We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it.
- We will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of all parties concerned.
- It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 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.

## **Confidentiality and data protection**

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.

- Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.
- Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

### **Breaches of this policy**

- Allegations regarding potential breaches of this policy will be treated in confidence. Staff who make such allegations in good faith will not be victimised or treated less favourably as a result. If you believe you have suffered any such treatment you should inform your line manager. If the matter is not remedied, you should raise it formally using our Grievance Procedure.
- False allegations which are found to have been made in bad faith will, however, be dealt with under our Disciplinary Procedure.
- Any member of staff who is found to have committed an act of discrimination, or to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation, will be subject to disciplinary action. Such behaviour may constitute gross misconduct and, as such, may result in summary dismissal. We take a strict approach to serious breaches of this policy.

### **Who is responsible for this policy?**

- All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.
- Staff should disclose any instances of harassment or bullying of which they become aware to An Ashley Salmon, Team Leader. Any concerns that require escalation should be referred to Gemma Edgar, Operations and Business Development Manager.
- 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.

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