Equal Opportunities/Anti-Harassment – Policy and General Arrangements

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Amendment Record

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Document Name	Document Number

References

Reference Name / Link if applicable

Glossary of Terms and Definitions

Abbreviation or Term	Definition

1 Purpose

This Policy applies to all staff who are employed in the UK on a PAYE basis in the UK, working for SPL Powerlines UK Ltd and Power and Infrastructure Resourcing Ltd.

SPL Powerlines UK Group are signatories to the Women in Rail/ Rail Industry Association, Equality, Diversity & Inclusion Charter for the UK Railway Industry.

https://womeninrail.org/wp-content/uploads/2020/10/charter.png

2 Aims

The Company is a committed Equal Opportunities employer. We want to ensure the workplace is a non-discriminatory and harassment free working environment, and that advancement within the Company is on the basis of ability, performance and aptitude for work.

The Company will comply with Equal Opportunities legislation in force from time to time, in recruitment and pre-recruitment initiatives, selection, induction, employment contracts, any collective agreements with trade unions, pay, benefits, performance reviews, training, redundancy and all other aspects of employment within the Company.

Discrimination on the grounds of actual or perceived, age, sex, sexual orientation, race, disability and religion or belief will not be tolerated. The underlying principle of the Company's Equal Opportunities and anti-harassment policy is to treat everyone with respect and consideration. Any incidents of discrimination contrary to the principles or Equal Opportunities will be treated as a serious disciplinary matter.

3 Principles

There will be no discrimination under the Protected Characteristics (as defined in the Equality Act 2010)

- Age,
- disability,
- gender reassignment,
- marriage and civil partnership,
- pregnancy and maternity,
- race,
- religion or belief,
- sex, and
- sexual orientation

The following characteristic are also protected:

- Marital status
- Part-Time status
- Fixed term status [in line with the Fixed Term Workers Regulations]

The Company will appoint, train, develop, reward and promote on the basis of merit and ability.

All employees have personal responsibility for the practical application of the Company's Equal Opportunities and anti-harassment policy, which extends to the treatment of job applicants, employees (including former employees), customers and visitors.

Special responsibility for the practical application of the Company's Equal Opportunities and Anti-Harassment Policy fall upon Managers, Supervisors and Human Resources involved in recruitment, selection, promotion and training of employees.

The Company's grievance procedure is available to any employee who believes that he or she may have been unfairly discriminated against. The harassment complaints procedure set out in this policy is available to any employee who believes that they have been harassed. Employees will not be victimised in any way for making such a complaint in good faith. Complaints of this nature will be dealt with seriously, in confidence and as soon as reasonably practical.

Disciplinary action will be taken against any employee who is found to have committed an act of unlawful discrimination. Serious breaches of this policy and serious incidents of harassment will be treated as gross misconduct. Allegations of discrimination that are not made in good faith will also be considered as a disciplinary matter. Confidential records of ongoing matters dealt with in accordance with this policy will be kept.

In the case of any doubt or concern about the application of this policy in any particular instance, consult HR. The Company will keep under review its policy, procedures and practices on Equal Opportunities.

4 Objectives

The Company will ensure that equality of opportunity is maintained in all areas, including, the following:

- Recruitment and Selection.
- Promotion, Transfer and Training.

- Terms of Employment, Benefits, Facilities and Services.
- Grievances and Disciplinary Procedures.
- Dismissals and Redundancies..

5 Recruitment & Selection

The following principles will apply whenever recruitment or selection for positions takes place:

- Individuals will be assessed according to their personal capabilities, training and experience to carry out a given role.
- Assumptions that only certain types of individuals will be able to perform certain types of work will not be made.
- Any qualifications or requirements applied to a job which have or may have the effect of inhibiting applications form certain types of individuals will only be sustained if they can be justified in terms of the job to be done.
- Any age limits applied to a job will only be retained if they can be justified in terms of the job to be done and comply with legislation in force from time to time.
- Selection tests will be specifically related to job requirements and will measure the individual's actual or inherent ability to do or train for the work.
- Written records of interviews and reasons for appointment and non-appointment will wherever possible be made and kept in accordance with GDPR regulations in force from time to time.
- Questions will relate to the requirements of the job. If personal circumstances are declared that may affect the job performance, this will be considered under reasonable adjustments, objectively, without any outcome being decided before careful consideration.
- Where the Company's arrangement for recruitment and selection put people at a substantial disadvantage due to a reason connected with their disability or health condition, reasonable adjustments to the arrangements will be made to eliminate, or if not reasonably practical reduce the disadvantage unless objectively justified.
- No decisions regarding recruitment or selection will be made by a person who has not read and understood this policy.

6 Promotion, Transfer & Training

The following principles will apply to appointments for promotion, transfer and training:

- Assessment criteria and appraisal schemes will be carefully examined to ensure that they are not unlawfully discriminatory.

- Promotion and career development patterns will be monitored to ensure that access to promotion and career development opportunities do not unjustifiably exclude any particular groups of individuals.

- Traditional qualifications and requirements for promotion, transfer and training such as length of service and age, which may discriminate against certain groups of workers will be reviewed and will only continue to be applied if genuinely justified.

- Policies and Practices regarding selection for training, day release and personal development should not result in an imbalance in training between groups of workers unless this is objectively justified..

7 Terms of Employment, Benefits, Facilities & Services

The following principles shall apply to the terms of employment, benefits, facilities and services:

- The terms of employment, benefits, facilities and services available to workers including those working part time and on fixed term contracts will be free from unlawful discrimination.

8 Harassment

All employees have the right to work in an environment which is free from any form of harassment.

It is Company policy that the harassment of any of its employees is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action.

9 Definition of Harassment

Harassment takes many forms, occurs on a variety of different groups and can be directed at one person or many people. An essential characteristic is that it is unwanted by the recipient and that the recipient finds the conduct offensive or unacceptable. Conduct becomes harassment if it persists, once it has been made clear that it is regarded by the recipient as offensive, although a single incident may amount to harassment. It is the unwanted and objectively offensive nature, of the conduct which distinguishes harassment from friendly behaviour which is acceptable, welcome and mutual engaged.

The Company will deal with any incidents of potential harassment or conduct that creates an intimidating, hostile, degrading, humiliating or offensive environment that it becomes aware of

whether or not the behaviour is persistent or unwanted. The Company will not tolerate harassment.

Harassment can be based on:

- Race, ethnic origin, nationality or skin colour.
- Gender or sexual orientation.
- Power or hierarchy.
- Willingness to challenge harassment (leading to victimisation).
- Membership, or non- membership of a trade union.
- Disabilities, sensory impairments or learning difficulties.
- Age.
- Health/Physical Characteristics.
- Religion or beliefs.

Whilst not an exhaustive list, forms of harassment include:

- Physical Contact.
- Jokes, offensive language, gossip, slander, offensive or sectarian
- Songs and letters.
- Posters, graffiti, obscene gestures, emblems, flags.
- Offensive email, screen savers etc.
- Isolation, or non-cooperation and exclusion.
- Coercion for sexual favours.
- Pressure to participate in political/religious groups.
- Intrusion by pestering, spying and stalking.
- Inappropriate Social media/cyber bullying

Harassment is unlawful in many cases and individuals may be personally and legally held liable for their actions.

10 Harassment Procedure

Due to the seriousness with which the Company views harassment, informal and formal reporting procedures have been introduced which are separate from the Grievance procedure as a mechanism for dealing with complaints of harassment.

All allegations of harassment will be dealt with promptly. Employees who feel that they have been subjected to harassment must not hesitate in using this procedure nor fear victimisation.

Retaliation against an employee who brings a complaint of harassment is a serious disciplinary offence which may constitute gross misconduct.

The HR Department will provide advice and assistance to employees subjected to harassment and assist in the resolution of any problems, whether through informal or formal means.

11 Informal Procedure

If an incident happens which an employee thinks may be harassment and they do not wish it to happen again, they may prefer initially to attempt to resolve the problem informally. In some cases, it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends the employee or makes them uncomfortable and that it interferes with their work. Employees should make it clear that they want the behaviour to stop. In circumstances where this is too difficult or embarrassing for an employee to do this on their own, they should seek support from a colleague, line manager or HR Manager.

If an employee is in any doubt whether an incident or series of incidents which have occurred constitute harassment, in the first instance they should approach the HR Department on an informal basis. If the conduct continues or is not appropriate to resolve the problem informally, it should be raised through the following formal process.

12 Formal Procedure

Where the informal methods fail, or serious harassment occurs, employees are advised to complain formally to the HR Department and/or their line manager. Consideration will be given to the immediate separation of the complainant and the alleged harasser. In all cases, the alleged harasser may be suspended whilst the Company investigates. Complainants will be interviewed by the HR department handling the complaint to establish full details of the alleged incident. An investigation will be carried out quickly, sensitively and with due respect for the rights of both the complainant and the alleged harasser. The investigation will involve interviews with the person against whom the complainant is making the complaint. The alleged harasser will be given full details of the nature of the complaint and will be given the opportunity to respond.

The complainant and the alleged harasser will have the right to be accompanied and/or represented by a colleague or union representative at any interviews. Complainants will not be asked to provide details of the allegations repeatedly unless that it is essential for the investigation. Strict confidentiality will be maintained throughout the investigation into the allegation. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

When the investigation has been completed the complainant will be informed whether or not his/her allegation is considered to be well founded and the next steps of appropriate action taken.

The Company takes these matters very seriously. However, malicious complaints of harassment can have a serious and detrimental effect upon a colleague and the working environment. Any unwarranted allegation of harassment, made in bad faith, may be deemed as potential gross misconduct. The Company are sure that all employees appreciate that this must be so to protect the integrity of this policy and this should not act as a deterrent to employee with genuine complaints.

13 Disabilities

It is Company policy that anyone who has a health condition or a disability, including job applicants and employees should always be treated appropriately in compliance with the legislation in force from time to time.

14 Definition of Disability

For the purpose of this policy, disabilities are either physical or mental impairments that have a substantial and long term affect upon a person's ability to carry out normal day-to-day activities as per the definition in the Disability Discrimination Act 1995. Some disabilities are immediately obvious, while other disabilities may not be so apparent at all. Certain conditions are not considered to be disabilities, for example poor eyesight which is corrected simply by wearing prescription spectacles, or an addiction to alcohol or other substances. If you would like further information about whether a particular condition is a disability you should seek independent legal advice.

Normal day-to-day activities include the following:

- Mobility.
- Manual dexterity.
- Physical coordination.
- Continence.
- Ability to lift, carry or otherwise move everyday objects.
- Speech, hearing or eyesight.
- Memory or ability to concentrate, learn or understand.
- Perception of risk of physical danger..

15 Principles

The general Equal Opportunities principles set out earlier in this policy will, unless objectively justified, apply in relation to people with disabilities.

If any arrangements made by or on behalf of the Company, or any physical feature of the premises occupied by the Company, put people with disabilities at a substantial disadvantage compared to people who are not disabled, the Company will take such reasonably practical steps as it considers reasonable to mitigate any challenge. The Company is particularly concerned that disabled workers are treated equally in the following areas:

- Recruitment and selection.
- Promotion, transfer and training.
- Terms of employment, benefits, facilities and services.
- Dismissals and redundancies.

16 Procedure

Due to the wide variety of potential disabilities and the likelihood of a disability affecting different people in different ways, it would be inappropriate to prescribe ridged rules on how issues concerning people with disabilities should be managed.

What is essential however is that all managers and supervisors take all reasonably practical steps to ensure that people with disabilities are not treated less favourably or disadvantaged in comparison to people who are not disabled, in relation to their work, working environment or by arrangements made by the Company.

The following general steps will always be considered where issues concerning disabilities arise or may arise:

1. Flexibility – there may be different ways to avoid discrimination or to minimise the effects of discrimination.
2. Avoiding assumption making – whenever possible talk to the disabled person to find out how the disability affects them and what steps they think may help.
3. Seeking expert advice – disability issues can be complex, it may be necessary to seek expert medical advice about a person's disability, or expert technical advice about adjustments to technology or premises that might help the disabled person.
4. Thinking ahead – anticipating the effects that certain arrangements may have on disabled people, even if there are no disabled employees at the time, to prevent problems occurring in the future.
5. Considering performance or attendance – problems in the context of the person's disability and its effect on his or her ability to meet performance and attendance targets must be taken into account.

17 Compliance & Assurance

The implementation and maintenance of the arrangements within this document will be the subject of continuous review and audit.

This policy has been authorised by the SPL Powerlines UK Ltd and Power Infrastructure Resourcing Ltd Joint Managing Directors.

This policy is subject to statutory legislation updates and may be amended at any time by the company, in order to meet these requirements.