

EQUAL OPPORTUNITIES POLICY

Policy Statement.

Magnum Scaffolding (Contracts) Limited is committed to and working towards being an Equal Opportunities Employer.

The aim of our policy is to ensure that: -

no employee or job applicant is treated less favourably than another on grounds Age; Disability; Gender reassignment; Marriage and civil partnership; Pregnancy and maternity; Race; Religion or belief; Sex (gender); and Sexual orientation. disadvantaged by conditions and requirements.

Ensure Direct, indirect, harassment and victimisation Discrimination does not take place in the workplace.

Policy.

Appointment to Magnum Scaffolding (Contracts) and promotion within the company will be considered solely based on merit, ability and the needs of the company.

Magnum Scaffolding (Contracts) is committed to ensuring the effectiveness of the policy. To this end, while overall responsibility for monitoring and reviewing the effective working of the policy and procedures for its delivery has been vested in the Board. Responsibility also lies with all individuals involved in recruitment and selection as well as management of Human Resources.

Any employee who believes that he or she has been treated unfairly in any respect of the policy will be entitled and encouraged to raise the matter via the Grievance Procedure at the earliest possible opportunity.

It is the duty of all employees of Magnum Scaffolding (Contracts) to accept their personal involvement in the effective implementation of the equal opportunity policy. Should it be found that an employee has breached the policy, the disciplinary procedure will be invoked.

Other relevant company Policies and Procedures are "Managing Capability Procedure" and the "Sickness and Absence Management Policy".

The company will comply with the provisions of the Equality Act 2010

Guidance

Grounds for Discrimination

Age.

The Equality Act protects employees from discrimination, harassment and victimisation because of age, which may include because they are 'younger' or 'older' than a relevant and comparable employee. However, under the Act, limited exceptions in some other areas, including pay and other employment benefits, can be allowed based on length of service.

Disability

The Equality Act protects employees from discrimination - direct, including by association and by perception, indirect, harassment and victimisation - because of disability. For example, the dismissal of an employee because they are dyslexic could be potentially discriminatory. Under the Act, a person is disabled if they have a physical or mental impairment which has a long-term (usually lasting more than a year) and substantial adverse effect on their ability to carry out normal day-to-day activities. A number of impairments, such as cancer, HIV and multiple sclerosis are automatically considered disabilities and other progressive conditions will be considered a disability as soon as the symptoms of that condition have an effect. What constitutes a disability can be variable and difficult to define. remember that:

- a reasonable adjustment is a change or adaptation to the physical or working environment that has the effect of removing or minimising the impact of the individual's impairment in the workplace so they are able to undertake their job duties, and;
- employers are accountable for deciding what (if any) reasonable adjustments will be made. It is good practice for employers to seek advice in coming to this decision. The focus is very much on the employee's ability to function on a day-to-day basis rather than on medical diagnosis.

Gender reassignment

The Equality Act protects employees from discrimination, harassment and victimisation relating to gender reassignment.

In the Act, someone who proposes to, starts, or has completed a process to change his or her gender is referred to as a 'transsexual'.

Previously, people reassigning their gender had to be under medical supervision to be covered, but this is no longer the case. For example, a male employee who decides to live as a woman, but does not undergo any medical procedures, must not be harassed if the employee begins to use female toilet facilities.

It is discriminatory to treat a transsexual employee less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment. An employer must not treat them any differently than it would if they were absent because they were ill or injured.

In law, cross-dressers are not regarded as transsexual people as they do not intend to live permanently in the gender opposite to their sex at birth. While they are not specifically protected under the Act as cross-dressers, if they are harassed because

they are perceived to be transsexual or to have a particular sexual orientation, they may be in a position to claim discrimination under the relevant protected characteristics.

As a matter of good practice, employers and employees should not try to make a distinction whether a colleague is a cross-dresser or transsexual. An employer should make it clear to all staff that it agrees that a transsexual employee, once living and working in their new gender, can then use the toilet facilities for that gender.

Marriage and civil partnership

The Equality Act protects employees from direct discrimination (although not the forms by association or by perception), indirect discrimination and victimisation because of marriage or civil partnership. For example, an employee must not be ignored for promotion because they are in a civil partnership. However, single people and couples in relationships which are not legally recognised are not protected.

As well as direct discrimination by perception or association, harassment because of this characteristic is also not covered by the Equality Act, but Equality and Discrimination are legal provisions where claims against some behaviours might be made. For example, there might be circumstances where harassment of an employee in a marriage or civil partnership amounts to discrimination because of sex or sexual orientation, or sexual harassment. Regarding civil partnership, there might be circumstances where an employee in a civil partnership may have grounds to bring a claim of sexual orientation discrimination.

Pregnancy and maternity

The Equality Act protects an employee from one type of direct discrimination and victimisation because of their pregnancy, or for taking/seeking to take maternity leave. For example, an employer must not take into account pregnancy-related illness when considering other sickness absence or in making a decision about her employment. During this time, any other discrimination because of her sex would be a separate and overlapping matter which might amount to sex discrimination and/or sexual harassment.

A particular aspect of the Pregnancy and maternity protected characteristic is that a woman who is pregnant or on maternity leave must not be treated unfavourably because of pregnancy or maternity leave. That means there is no need for her to show that she has been treated less favourably than a man, or a woman who was not pregnant, just that she was in fact treated detrimentally because of pregnancy or maternity.

Race

The Equality Act protects employees from discrimination, harassment and victimisation because of the protected characteristic of Race, which may include different elements that often merge.

Types of Discrimination

Direct discrimination

Direct discrimination occurs where someone is treated less favourably directly because of:

- a protected characteristic they possess – this is ordinary direct discrimination; and/or
- a protected characteristic of someone they are associated with, such as a friend, family member or colleague – this is direct discrimination by association; and/or
- a protected characteristic they are thought to have, regardless of whether this perception by others is actually correct or not – this is direct discrimination by perception.

Indirect discrimination

This type of discrimination is usually less obvious than direct discrimination and can often be unintended. In law, it is where a provision, criterion or practice is applied equally to a group of employees/job applicants, but has (or will have) the effect of putting those who share a certain protected characteristic at a particular disadvantage when compared to others without the characteristic in the group, and the employer is unable to justify it.

Harassment

Harassment is defined as ‘unwanted conduct’ and must be related to a relevant protected characteristic or be ‘of a sexual nature’. It must also have the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Generally, harassment:

- includes bullying, nicknames, threats, jokes, ‘banter’, gossip, inappropriate questions, excluding an employee (for example - ignoring them or not inviting them to meetings), insults or unwanted physical contact
- can be verbal, written or physical
- is based on the victim’s perception of the unwanted behaviour rather than that of the harasser, and whether it is reasonable for the victim to feel that way
- can also apply to an employee who is harassed because they are perceived to have a protected characteristic, whether they actually have it or not
- can also apply to an employee who is harassed because they are associated with someone with a protected characteristic
- can also apply to an employee who witnesses harassment because of a protected characteristic and that has a negative impact on their dignity at work or the working environment, irrespective of whether they share the protected characteristic of the employee who is being harassed.

Victimisation

Victimisation is when an employee suffers what the law terms a ‘detriment’ - something that causes disadvantage, damage, harm or loss - because of:

- making an allegation of discrimination, and/or
- supporting a complaint of discrimination, and/or
- giving evidence relating to a complaint about discrimination, and/or

- raising a grievance concerning equality or discrimination, and/or
 - doing anything else for the purposes of (or in connection with) the Equality Act 2010
- Victimisation may also occur because an employee is suspected of doing one or more of these things.

Relevant Magnum Scaffolding (Contracts) Limited Policies.

Disciplinary Procedure.

Grievance Procedure.

Managing Capability Procedure.

Sickness and Absence Management Policy.

Further references and sources of information.

Acas website page Business solutions.

Acas Helpline

Acas guidance. (Available to download)

Prevent discrimination: support equality

Discrimination: what to do if it happens

Equality and Discrimination: Understand the basics

Age and the workplace: a guide for employers and employees

Disability discrimination: key points for the workplace

Gender reassignment discrimination: key points for the workplace

Marriage and civil partnership discrimination: key points for the workplace
Religion or belief discrimination and the workplace

Sex discrimination: key points for the workplace

Sexual orientation discrimination: key points for the workplace

Race discrimination: key points for the workplace

Asking and responding to questions of discrimination in the workplace

Managing redundancy for pregnant employees or those on maternity leave

Bullying and harassment at work: a guide for managers and employers

Bullying and harassment at work: a guide for employees

Code of practice on discipline and grievance

Guide on discipline and grievances at work
Age discrimination

Disability discrimination

Gender identity discrimination

Marriage and civil partnerships

Maternity leave and pay

Race discrimination

Religion or belief discrimination

Sex discrimination

Sexual orientation discrimination


Equal pay

The Equality and Human Rights Commission <http://www.equalityhumanrights.com/>

Equality Advisory Support Service. EASS helpline on 0808 800 0082 (Text phone: 0808 800 0084)

Trade Organisations.

FTA, NASC and Chamber of Commerce

Signed: 

Dated: 10th January 2023