

Equality, Diversity & Inclusion Guidance

Policy



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Purpose of the Policy

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'To be the most diverse and inclusive organisation not only within our industry, but recognised by all our staff, clients and partners as having a culture and leadership that promotes opportunity '

'We are on a Journey'

Bidvest Noonan are committed to providing services for our clients and employment to a community with an increasing variety of backgrounds. To do this effectively it is essential that we promote equality and embrace diversity and inclusion and treat all of our employees and client's with dignity and respect.

Bidvest Noonan is committed to encouraging equality, diversity and inclusion among our workforce, and eliminating unlawful discrimination.

The aim is for our workforce to be truly representative of all sections of society and our clients and for each employee to feel respected, valued and able to give their best.

Equality is not about treating everyone the same; it's about ensuring that access to opportunities are available to all by taking account of people's differing needs and capabilities.

Diversity is about recognising and valuing differences through inclusion, regardless of age, disability, gender, racial origin, religion, belief, sexual orientation, commitments outside of work, part-time or shift work, language, perspectives, opinions and values.

Inclusion is ensuring we as a Company take steps to ensure everyone is included and feels welcome.

To Celebrate and Embed Diverse and Inclusive practices across all areas of our business, it is our aim to become an employer of choice and market leader in championing equal opportunities for all.

Responsibilities

Executive Board

- Agree the Equality Vision and Objectives
- Oversee the delivery of the objectives by the Equality and Diversity Group
- Demonstrate leadership on equality, diversity and inclusion through all levels of the Company and both internal and external

Equality, Diversity & Inclusion (EDI) Committee

- Monitor and report to the Executive Board
- Mainstream equality, diversity & inclusion within service delivery, through the development, promotion and review of equality objectives, strategy, policies, and procedures.
- Measure Company annual performance against national standards and recommendations.
- Ensure the review and development of policies to respond to any changes in legislation, national guidelines, the business need and best practice initiatives, reporting progress and performance to the Executive Board and other sub-groups as appropriate.
- Achieve a culture of Equality, Diversity and Inclusion throughout the Company
- Promote engagement across all diverse groups and develop a sense of inclusion
- Demonstrate leadership on equality, diversity and inclusion through all levels of the Company and both internal and external
- Ensure training is made available to managers and employees regarding their rights and obligations under the equality, diversity and inclusion policy.

Managers

- Provide equality, fairness and respect for all in our employment, whether temporary, part-time or full-time
- not unlawfully discriminate because of the Equality Act 2010 (GB/NI) or The Employment Equality's Act 1998-2015, Equal Status Acts 2000-2018 (ROI) protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex, sexual orientation and member of the Traveller community.
- Encourage equality, diversity and inclusion in the workplace to ensure we are an employer of choice in the industry.
- Create a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.
- Take seriously complaints of bullying, harassment, victimisation and unlawful discrimination by fellow employees and clients. Such acts will be dealt with as misconduct under the Bidvest Noonan's disciplinary procedures, and appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice.
- Make opportunities for training, development and progress available to all staff, who will be helped and encouraged to develop their full potential, so their talents and resources can be fully utilised to maximise the efficiency of the Company.
- Attend all training relevant to role in relation to rights and obligations under the equality, diversity and inclusion policy.

Employees

- Staff have the right to be treated fairly in all aspects of the employee cycle and can expect to work in an environment where diversity is valued, and equality of opportunity is promoted.

- Not be discriminated against or discriminate others on any grounds including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- Employees have a responsibility to ensure our colleagues, clients and members of the public are treated with dignity and respect and the principles of this policy are adhered to at all times.
- Oppose and avoid all forms of unlawful discrimination.
- All staff should understand they, as well as their employer, can be held liable for acts of bullying, harassment, victimisation and unlawful discrimination, in the course of their employment, against fellow employees, customers, suppliers and the public.
- Attend all training relevant to role in relation to rights and obligations under the equality, diversity and inclusion policy.

The Law

In GB the Equality Act 2010 provides protection for employees, in regard to not unlawfully discriminating directly or indirectly in recruitment or employment because of a protected characteristic. The nine protected characteristics under the Act are:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy/maternity
6. Race
7. Religion or belief
8. Sex
9. Sexual orientation

(Legislation within NI and IOM slightly differs)

In ROI, the Employment Equality Acts 1998-2015 provides protection for employees, in regard to not unlawfully discriminating directly or indirectly in recruitment or employment because of a protected characteristic. The nine protected characteristics under the Act are:

1. Age
2. Disability
3. Gender
4. Civil status: this includes single, married, separated, divorced, widowed people, civil partners and former civil partners.
5. Family status: refers to the parent or primary carer/s of a person under the age of 18 with a disability
6. Race
7. Religion or belief
8. Sexual orientation
9. Member of the traveller community

Types of Unlawful Discrimination

Direct Discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a Protected Characteristic they have, or are perceived to have, or because of their association with someone who has a Protected Characteristic.

Indirect Discrimination

Indirect discrimination occurs where someone is disadvantaged by an unjustified provision, criterion or practice that puts other people with the same Protected Characteristic (with the exception of pregnancy or maternity) at a particular disadvantage.

Disability Discrimination

Whilst disability is one of the Protected Characteristics, there are additional forms of discrimination which are relevant specifically when an individual is disabled. If an employee is, or becomes disabled, then the Company encourages him/her to inform their line manager and the Human Resources Department about their condition, so that the employee can be supported as appropriate.

If an employee experiences difficulties at work because of their disability, they should discuss any difficulties with their line manager and the Human Resources department to establish if there are any reasonable adjustments that would help to overcome or minimise this difficulty. The Company will be considered to have discriminated against an employee or a job applicant if it fails to make reasonable adjustments.

The Company will also be considered to have discriminated against a disabled person if it unjustifiably treats him/her less favourably because of something arising as a consequence of their disability. The Company will not be considered to have discriminated against a disabled person in such a case if it did not know, and could not reasonably have been expected to know, that the person had the disability.

It's important to remember that not all disabilities are visible and physical. Other types of disability can include –

- Visual disability - This can include visual loss and visual impairment.
- Hearing disability - The can include severe to profound hearing loss.
- Mental health disability - This can include mood disorders, anxiety, organic brain disorders.
- Learning disability - This involves a permanent limitation in a person's ability to learn.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010/Employment Equality Acts 1998-2015 or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Harassment

Harassment is unwanted conduct related to a 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. Employees can complain of behaviour that they find offensive even if it is not directed at them and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

The Company can be potentially liable for the harassment of employees by people (third parties) such as contractors, visitors etc. The Company can be liable when harassment has occurred and the Company/employees manager is aware this has taken place and have not taken reasonable steps to prevent this from happening again.

Positive Action

Positive Action, unlike positive discrimination, is lawful and permits employers to address underrepresentation e.g. increasing the percentage of women in management positions. Positive Action can be taken to encourage people from particular groups to take advantage of opportunities for work and training. This can be done when under-representation of particular groups has been identified.

Recruitment and Selection

The Company is committed to ensuring that no job applicant receives less favourable treatment in the selection process than any other and will ensure that only the most capable individual is recruited. The Company will assess the effectiveness of its processes by monitoring all recruitment by gender, age, ethnic origin and disability. Applicants should not be asked about their health or disability before a job offer is made (although that offer may be conditional upon Occupational Health approval being received). The Company is required by law to ensure that all employees have the right to work in the United Kingdom (UK) and Ireland and so all prospective employees must be able to produce original documents before their employment commences to confirm their right to work.

The Equality Act allows an employer to take a Protected Characteristic into consideration when deciding who to recruit or promote. However, a Company can only do this when there are candidates who are “as qualified as” each other. The Company would also need evidence to show that people with that Protected Characteristic face difficulties in the workplace, or are disproportionately underrepresented in the workplace, or in the particular role. In these circumstances, a Company can choose to use the fact that a candidate has that Protected Characteristic as a ‘tie-breaker’ when determining which one to appoint.

Failure to make Reasonable adjustments

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Interacting with Members of the Public

In ROI, The Equal Status Acts 2000-2008 prohibits discrimination in the provision of goods & services, accommodation and education. It covers the same 9 grounds of discrimination in the Employment Equality Acts. Under the Act a member of the public must not be treated differently or denied access to facilities on the basis of a protected ground.

Procedure

Where a breach of this policy occurs, it is recommended that the matter be resolved informally in the first instance to provide an opportunity for improvement, rather than revert to a formal procedure. Any decision to proceed in this way is at the Company’s discretion and will depend on the circumstances of each case.

Informal Approach

Any employee who believes that he or she is being discriminated against, victimised or harassed, should where possible indicate directly to the person complained of that the behaviour in question is unacceptable and ask them to stop the offensive behaviour. They should be advised that if the offensive behaviour does not cease, the matter will result in a formal complaint.

Should the complainant find it difficult to approach the person complained of, they should escalate this to the next level of management in the first instance.

It is expected at the informal stage that measures to try and resolve the matter will be implemented. Resolution may include mediation, on-going monitoring to achieve a change in behaviour, relevant training and coaching processes.

Formal Approach

If the employee believes that a direct approach is not appropriate or has been unsuccessful in doing so, the employee may make a formal written complaint to their line manager or the next level of management. A copy of the complaint will be shared with the person complained of in order for them to be able to fully respond to the concerns raised.

Malicious Complaints

It is fully expected that employees will act responsibly regarding this issue. False accusations can have serious effect on innocent individuals and will not be tolerated by the Company. Should an investigation show that a false accusation has been made in bad faith, appropriate disciplinary action, which could include dismissal, will follow.

Improper Conduct by Clients, Customers, Contractors, Visitors or other Third Parties

If any employee is subjected to improper conduct by a client, customer, contractor, supplier, visitor or other third party, they should raise this immediately with their Line Manager or Human Resources Department.

The Company will investigate any complaint through the appropriate channels and, where possible, take appropriate steps to prevent a recurrence of the improper conduct.

Where possible, and especially if requested by the individual, the Company will try to minimise the possibility of them coming into further contact with the third party.

This Policy is primarily concerned with conduct in the workplace or relating to employment, social events which take place outside office hours and which are not organised by the Company are not within the Company's control, and the Company cannot accept liability for improper conduct that may occur at these events.

The Company will take appropriate action against any of its employees found responsible for improper conduct outside normal working hours where in the reasonable opinion of the Company:

- the Company is likely to be or has been brought into disrepute; and/or
- such conduct creates a hostile or intimidating environment during working hours; and/or
- such conduct has an adverse effect on an individual's or third party's ability to perform their job or function properly.

Reporting improper conduct on behalf of others

The Company believes that all employees should take responsibility for ensuring that fellow employees and third parties are not subjected to improper conduct. If you witness improper conduct, or reasonably believe that a fellow employee, worker, contractor or third party is the subject of improper conduct by another employee, worker, contractor or third party you should notify your Line manager immediately or the Human Resource department.

All allegations will be treated in the strictest confidence by the Company, save where it is necessary to progress any investigation and appropriate disciplinary or other procedure.

Please refer to the Bullying & Harassment policy for further detail.