



## EQUALITY, DIVERSITY AND INCLUSION POLICY

### 1. SCOPE

For the purposes of this procedure the term 'Company' will be used in describing EMVA Ltd.

The purpose of this procedure is to outline the commitment of EMVA Ltd to ensuring equality of opportunity, fair treatment and prevention of discrimination and harassment for our workforce and associated parties, and to provide guidance of our expectations in relation to the above.

The policy and procedure applies to all employees whether permanent, temporary, trainees, casual, part-time, fixed term workers, agency staff and consultants, as well as job applicants. EMVA Ltd employees should also apply its principles to clients, customers, competitors, visitors and others who they may come into contact with during their working day.

The Company will not tolerate any kind of discrimination and/or harassment and as such, any breaches of this policy/procedure may be dealt with via the Disciplinary Procedure.

EMVA will promote British values through our curriculum and personal development. We will uphold statutory requirements of the Government.

### 2. DEFINITIONS:

**The Company** – EMVA Ltd

**Protected characteristics** – The Equality Act 2010 covers nine protected characteristics;

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

It is also unlawful to treat someone differently because they work part-time or are on a fixed term contract.

**Discrimination (direct)** – Treating people less favourably than others because of a protected characteristic.

Examples of direct discrimination;

- A job advert that openly says 'no disabled people need apply'

Equality, Diversity and Inclusion Policy – produced September 2015

Review Date: September 2016

Review Date: September 2017

Review Date:

- Asking a job applicant if they have children and then not employing them if they do
- a female candidate with the best qualifications and experience does not get an interview, but a male candidate with less qualifications does

**Perceptive discrimination** - is a type of direct discrimination. An employer must not treat a person less favourably because it thinks (albeit incorrectly) that the employee has a 'protected characteristic'. For example, an employer does not offer a vacancy to the most suitable candidate because in interview they take the view (incorrectly) that the person is gay - this is direct discrimination because of sexual orientation.

**Associative discrimination** – this is also a type of direct discrimination and occurs when a person is treated less favourably due to their association with another person with a protected characteristic. For example a non-disabled employee who is discriminated against because of action she needs to take to care for a disabled dependant.

**Discrimination (in-direct)** – when a working condition or rule disadvantages one group of people more than another.

Examples of indirect discrimination;

- All information about promotion opportunities in a multinational workforce is printed in English
- A view that only men are strong enough to do the job.
- A policy that part-time working is not allowed
- Requiring 'O' level/GCSE maths for a basic clerical job.
- Requiring all qualifying experience for a job to be attained in this country.
- Throwaway comments such as “you’re a bit young for a post of this responsibility”

**Objective Justification** – Some workplace rules which may appear discriminatory may be allowed, so long as it can be objectively justified (although this is a very grey area in law). For example; Insisting that no beards are worn by canteen workers could be seen to in-directly discriminate against those whose religious beliefs require them to have a beard, however it may be justified if the job involved handling food and if it were to be shown that having a beard was a genuine hygiene risk which could not be prevented in some way (e.g. by use of PPE).

**Bullying/Harassment** – unwanted conduct, offensive or intimidating behaviour affecting a person’s dignity at work.

Examples of harassment;

- sexist language which aims to humiliate, undermine or injure its target or has that effect
- Racist or sexist jokes, banter, ridicule or taunts, graffiti
- spreading malicious rumours, or insulting someone by word or behaviour
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- overbearing supervision or other misuse of power or position (e.g. deliberately undermining a competent worker by overloading and constant criticism)
- unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected

### 3. RESPONSIBILITIES:

Everyone has a responsibility to act in accordance with this procedure. It is also important to point out that not only are we governed by policy/procedure at work but also by the law. Deliberate acts of discrimination could fall under the definition of a 'hate crime' which is a criminal offence.

Equality, Diversity and Inclusion Policy – produced September 2015

Review Date: September 2016

Review Date: September 2017

Review Date:

Managers are responsible for ensuring that the policy and procedure are read and understood by employees and that the principles are implemented in practice.

Managers, supervisors or those in a position of responsibility are expected to 'lead by example' and should promote the aims and principles in their day to day actions.

The company will deal promptly with discriminatory graffiti, abuse or any other discriminatory practices regardless of whether a complaint is made about them.

The Director is responsible for reviewing and updating the policy and will develop action plans where appropriate to ensure effective implementation. They will also facilitate provision of training for key managers in Equality, Diversity & Inclusion matters as appropriate.

#### **4. KEY PRINCIPLES AND EXPECTATIONS:**

EMVA Ltd are committed to encouraging diversity and eliminating discrimination and harassment. We want each and every employee/student to feel that they are valued, respected and treated fairly and equally.

##### **Our aims and expectations:**

- No one is discriminated against. Unfair or unlawful discrimination of any type will not be tolerated.
- Every employee/student is entitled to a working environment that promotes dignity and respect to all. Intimidation, bullying or harassment in all forms will not be tolerated.
- We will embrace diversity by valuing and respecting each other's rights as individuals
- Employment processes will be managed in a way that is non-discriminatory and provides fair and equal opportunity to all employees, including but not limited to:
  - Recruitment and Promotion
  - Training and Development
  - Use of temporary staff/ Agency workers
  - Staff facilities and benefits
  - Pay and other rewards
  - Performance Management
  - Absence Management
  - Dismissal
  - Retirement

#### **5. RAISING AND DEALING WITH CONCERNS**

If an employee/student feels that they are being harassed or discriminated against in the workplace, they should raise their concerns via the Company's grievance procedure, which is available via the Director.

All complaints will be taken seriously and dealt with as quickly as possible.

All employees/students are aware that discrimination and harassment are disciplinary offences which may result in dismissal. Where such incidents come to management's attention independently of a grievance, they will be investigated quickly under disciplinary procedures.

Some cases, which begin as a grievance, may need to be incorporated into a disciplinary investigation.

Equality, Diversity and Inclusion Policy – produced September 2015

Review Date: September 2016

Review Date: September 2017

Review Date:

Employees/students can be accompanied by a work colleague or a union representative throughout these procedures.

#### **External parties – raising concerns:**

While formal grievance procedures usually only cover existing employees, external parties (such as job seekers) can also have discrimination complaints. Ignoring complaints will create a poor image of the Company and listening to the complaints can assist in identifying possible discriminatory practices. Therefore:

- Job applicants who have been unsuccessful in obtaining an interview or appointment to a job may contest the decision. In this case they may be invited to discuss the matter with the Director or other member of senior management if appropriate.
- Applicants who claim the refusal of an interview or appointment was discriminatory are able to make a complaint to the HR Manager or other member of senior management.
- Such complaints will be thoroughly investigated and, if appropriate, disciplinary procedures will be applied.
- The complainant will be told in writing of the results of the investigation and of his or her right appeal.

#### **Possible Outcomes:**

Where investigations show that a grievance is justified, some or all of the following actions may need to be considered:

- Stop the discriminatory practice or harassment, offender to offer an apology/assurance about future conduct to the victim, issue warning that any repeat issues would likely end in dismissal.
- Take disciplinary action against the discriminator or harasser, including moving or dismissing him or her where appropriate.
- Avoid solutions that rely on moving the victim (if the applicant is a current employee/student) but, where necessary, offer him or her redeployment, a different manager or training or placement opportunities as applicable.
- Offer the victim suitable support and counselling where appropriate
- Provide counselling and training for the offender.
- Even where a grievance cannot be formally established (for example, where there are no witnesses to an allegation or harassment), counselling may be necessary for either or both parties if employee relationships are to be restored.

## **6. CODES OF PRACTICE**

This section gives specific practical guidance (codes of practice) on how to manage key processes to ensure Equality & Diversity expectations are met:

- Recruitment & Promotion
- Training & Appraisal
- Redundancy
- Retirement

## **7. RECRUITMENT & PROMOTION CODE OF PRACTICE:**

By implementing fair and effective selection processes, the Company aims to ensure that no job application or promotion/transfer opportunity is subject to discrimination.

Internal promotions or transfers from post to post are considered a legitimate use of human resources, and it is correct for staff to enjoy the opportunity for advancement within the Company.

Equality, Diversity and Inclusion Policy – produced September 2015

Review Date: September 2016

Review Date: September 2017

Review Date:

Likewise it is considered to be entirely correct to offer employment to suitable candidates who have undertaken the appropriate training courses within the Company.

All decisions to promote/transfer and recruit staff should be made on the basis of merit and ability.

The selection process is of crucial importance and must therefore be carried out according to objective, job-related criteria by those who have been appropriately trained in relation to Equality,

Diversity & Inclusion. The Company will endeavour, through appropriate training, to ensure that people making selection decisions do not discriminate, whether directly or indirectly, in making those decisions.

The following summary gives guidance on how this can be achieved, more detail can be found in 'Appendix A – Guidance for Recruitment/Promotions':

- Applicants for posts should be given as much clear and accurate information as possible through advertisements, job descriptions and interviews in order to enable them to assess their own suitability for a post.
- Where it becomes necessary to advertise a position or promotion opportunity, information about such posts shall be placed and prominently displayed where it is likely to reach a wide and diverse audience
- Recruitment literature shall not imply that there is a preference for one group of applicants (e.g. use of photographs of only members of one sex or one ethnic group) unless there is a genuine occupational requirement (discuss with Director)
- All specifications for posts should only include essential requirements that are actually necessary and justifiable for the effective performance of the job.
- All interviews shall be thoroughly conducted on an objective basis and shall deal only with the applicant's suitability for the job and ability to fulfil the job requirements. This should be clearly measured and documented via a recruitment selection matrix/scoring system.
- Appropriate authorisation for recruitment/promotion/transfer must be gained. The designated people to approve appointments, promotions and transfers are noted below. Each designated person is responsible for these processes with employees up to their own level of authority, for example a Supervisor could not promote a Site Manager to Project Manager.

#### **7.1 AUTHORITY LEVELS FOR OFFICE STAFF**

The Programmes Manager will often work together with the Director in making these decisions:

#### **8. TRAINING & APPRAISAL CODE OF PRACTICE:**

EMVA Ltd's policy is that it will not discriminate in the provision of training courses.

Reasonable arrangements/adjustments will be made where requested to make training accessible for all

All staff/students shall be encouraged to discuss their career prospects and training needs with their departmental head and/or senior management.

Appropriate training shall be provided to enable staff to perform their job effectively, without discrimination. However the availability of such training will be based on business needs as well as employee career aspirations.

Encouragement will be given to all staff to take full advantage of training opportunities especially where in the past they have not been sufficiently confident to do so.

Subject to funding, special training will be provided for those who are disadvantaged in educational and social terms and, wherever possible, in terms of disability.

#### **9. REDUNDANCY CODE OF PRACTICE**

Where more than one person is at risk of redundancy it is of the utmost importance that a fair and transparent selection process is followed.

Equality, Diversity and Inclusion Policy – produced September 2015

Review Date: September 2016

Review Date: September 2017

Review Date:

Employees will be selected for redundancy on the basis of a scoring system, utilising an agreed set of fair criteria – available from the Director.

Employees will not be down-scored on the basis of any protected characteristic (including absence due to disability and pregnancy).

The scoring should be undertaken by at least one manager and it should then be checked and verified by an independent third party.

Employee's scores will be shared with them in confidence and they will be given the opportunity to challenge scores that they do not agree with.

All employees (including those who feel that they have been discriminated against during the redundancy selection process) have the right to appeal.

## **10. RETIREMENT CODE OF PRACTICE**

The law on retirement has changed - it is no longer permissible to dismiss someone on the grounds of retirement.

Older workers can voluntarily retire at a time they choose and draw any occupational pension they are entitled to by handing in their notice in the same way any other leaver would do.

Due to the physical nature of work on our sites, to ensure the health and safety of our employees, any site employees choosing to work beyond 65 will be subject to a risk assessment and consideration of any reasonable adjustments.

### **FAQ's relating to retirement:**

"I have an older employee who is not performing as well as I would wish, what can I do now that I can not dismiss him on retirement grounds when he reaches 65?"

Discuss this with them to establish a cause. Failure to address any poor performance with an employee because there is an expectation they will retire soon may be discriminatory. You will need to establish a reason for poor performance, setting improvement periods and agreeing what training and development would help them to meet the standards required. If levels are not improved and you have followed a proper performance management process, it may become necessary to dismiss the employee on capability grounds.

"What can I say to an older employee at a meeting to discuss their future plans?"

Its best to start any discussion in a general way, ask the employee what their future plans are and how they view their medium and long term plans. Any direct question such as "are you planning to retire in the near future" are best avoided. If the employee indicates they wish to retire there is no problem in talking to them about the date of their retirement and any working arrangements leading up to the retirement.

## **11. APPENDIX A – GUIDANCE FOR RECRUITMENT / PROMOTIONS**

This guide has been developed to ensure that all candidates within a recruitment or promotion selection process are sourced from a diverse pool and are treated equally, fairly and without discrimination.

Job Descriptions and Job Specifications:

- Every job must have a job description (contact Director for a template)
- Job descriptions must be written in a clear and concise manner. For example "needs to reach and bend to erect scaffolding" is better than "needs to be physically fit" or "needs to give clear information to clients by telephone" is better than "needs a good command of English"
- Job descriptions and specifications should be reviewed prior to the commencement of recruitment action.
- If a new or revised job description is required it should be prepared in advance of recruitment.

Equality, Diversity and Inclusion Policy – produced September 2015

Review Date: September 2016

Review Date: September 2017

Review Date:

Criteria contained in the specification should be strictly relevant to the requirements of the job. The criteria should not be unnecessarily restrictive so as to exclude particular disadvantaged groups, since this may be viewed as indirect discrimination and therefore unlawful.

All specifications for posts should only include essential requirements that are actually necessary for the effective performance of the job. Requirements that are convenient, rather than essential may be discriminatory. However, dependant on the requirement, it may be possible to include these as a 'desirable' element to assist in selection and short-listing – for more guidance please contact HR.

#### Advertising:

Appropriate authorisation for recruitment/promotion/transfer must be gained. The designated people to approve appointments, promotions and transfers are noted below. Each designated person is responsible for these processes with employees up to their own level of authority, for example a Supervisor could not promote a Site Manager to Project Manager.

Applicants for posts should be given as much clear and accurate information as possible through advertisements and job descriptions in order to enable them to assess their own suitability for a post.

Information about vacancies shall be placed and prominently displayed where it is likely to reach a wide and diverse audience (e.g. local press for new positions or in employee newsletter or communal areas for internal promotion opportunities).

Adverts should state that "we welcome applications from all sections of the community"

Recruitment literature shall not imply that there is a preference for one group of applicants (e.g. use of photographs of only members of one sex or ethnic group or use of terms such as 'mature person' or 'young graduate') unless there is a *genuine occupational requirement* which limits a post to a particular group (which must be discussed with HR in advance).

Advertisements must be clear and unambiguous, so that applicants will be able to determine their own suitability and a copy of the job description should be made available where possible.

Vacancies will be notified to the local Job Centre.

Recruitment procedures will be reviewed regularly to ensure that sufficiently diverse sections of the community are reached.

#### Application Forms:

Only an approved application form should be used for recruitment purposes (standard form is available from HR).

It is no longer acceptable for any health related questions to be asked on the application form. However it is acceptable to ask questions which ensure equal access to the process for all applicants such as "Please contact us if you need the application form in an alternative format"

All applications must be acknowledged as speedily as possible. If there is any delay applicants should be kept informed of developments.

#### Selection Process

Short-listing must only be based on the information provided by the applicant in the application/covering letter. The criteria given in the advert and job description/specification should be used to form the short-listing criteria.

The application should not be used as a test of literacy unless a high standard of literacy is a genuine criterion, in which case this should be stated in the advert, job description or specification.

If academic qualifications are one of the criteria for initial selection they should not be unnecessarily high for the particular job. Assumptions must not be made about the standard of overseas qualifications or when the qualifications were achieved.

The criteria for initial selection must be consistently applied to all applications.

There should be no artificial restrictions on the numbers to be short-listed

Where this initial selection results in an unmanageable number of suitable applicants a further scoring system may be applied, for example using the 'desirable' elements of the job description. If this does not reduce numbers sufficiently, ultimately and as a last resort only, a random selection may be made; details of how the selection was randomised such be kept for audit purposes.

- Any potentially disabled applicant should be short-listed, if in any other ways they meet short-listing criteria.
- Reasons for rejection on short-listing must be recorded for inspection within the monitoring process.

#### Interviews

- All staff involved in interviewing shall be trained in accordance with this code of practice.
- When inviting short-listed candidates to interview it is acceptable to ask "Please contact us if you need any adjustments for the interview". However other health related questions such as a health assessment questionnaire cannot be used until a conditional offer has been made to the selected candidate.
- Interviewers should prepare questions and a scoring criteria in advance of the interview (contact HR for an example template)
- In addition to the scoring criteria, interviewers must keep adequate notes of the interview in order to be able to make a fair comparison between candidates.

In determining whether to reject a candidate interviewers may only consider factors relevant to the job and whether training is appropriate. When a candidate does not possess a certain requirement for the job, but is nevertheless short-listed for interview, the candidate should not be subsequently rejected solely on the grounds of not possessing that requirement. Reasons for rejection should be recorded for incorporation into the recruitment monitoring process.

- All interviews shall be thoroughly conducted on an objective basis and shall deal only with the applicant's suitability for the job and ability to fulfil the job requirements. This should be clearly measured and documented via a recruitment selection matrix/scoring system.
- Where it is necessary to assess whether personal circumstances will affect performance of the job (for example, where it involves unsociable hours or extensive travel), this should be discussed objectively without detailed questions based on assumptions for discriminatory reasons. Questions about marriage plans or family intentions should not be asked as they could be construed as showing a bias against women. Information necessary for HR records can be collated after a job offer has been made.
- In the interview candidates should not be asked questions which could be seen as directly or indirectly discriminatory (examples of such unacceptable questions are given below). Neither should their fluency in the English language be used as a selection criterion unless it is a bona fide requirement of the job as specified in the job description/advert.
- Selection decisions must not be influenced by any protected characteristics or assumptions of such.
- Informal interviews must not take place unless they are clearly part of the formal selection process.
- All applications and interview notes should be kept for 3 months after the end of recruitment actions

#### **11.1. EXAMPLES OF DISCRIMINATORY QUESTIONS;**

Some questions put to candidates could be regarded as discriminatory. It is important that no questions should be asked which are not relevant to the candidate's ability to do the job.

None of the example questions set out below or similar questions should ever be asked at an interview. All could be discriminatory and in that context would breach current legislation:

- Would you mind travelling around on your own at night?
- Would you insist on having special food in the canteen?
- How do you think others will react to working with a black colleague?

Equality, Diversity and Inclusion Policy – produced September 2015

Review Date: September 2016

Review Date: September 2017

Review Date:



- Did your male subordinates mind taking orders from you?
- What does your husband think of you doing this kind of work?
- What is your view of what some people have started to call sexual harassment?
- Do you mind the occasional joke in bad taste?
- What problems have you experienced at work because of your colour?
- Are you familiar with our customs and the British way of life?

### **11.2 HEALTH CHECKS FOR APPLICANTS**

Under the Equality Act 2010 it is no longer possible for an employer to ask any health related questions before a conditional offer of employment has been made.

This means that you should not ask any health related questions either on the application form or at interview, this includes enquiring about an applicant's sickness absence history.

You can however still ask if the applicant needs any assistance in completing the application form or if they require any adjustments to enable them to attend interview.

In addition, if there are essential elements of the role which have a health related requirement then you can ask questions which are aimed purely at establishing that the applicant can satisfy these health requirements (either with or without reasonable adjustments). It is important to explain the reason why you are asking these questions and only to ask health related questions which are entirely relevant to that essential element of the role.

Once you have made a conditional offer to the selected applicant(s) at that point you can ask them to complete a health assessment questionnaire, provide sickness absence history and attend Occupational Health if necessary.

If these checks reveal a potential disability then the company must make reasonable adjustments to enable the candidate to take up the post. If you reject them because they have a disability without considering any possible adjustments the company may be liable to a discrimination claim. If the applicant has a poor sickness absence history which is not linked to a disability then it is acceptable to reject them on these grounds.