



<b>Document Reference:</b>	<b>KITS/L3/HR/159</b>			
<b>Document Title:</b>	<b>Equal Opportunities Procedure</b>			
<b>Purpose:</b>	<p>This procedure aims set to out the Kelly Integrated Transport Service's policy on equal opportunities. The equal opportunities procedure supports the Equal opportunities policy statement detailing the way in which equal opportunities issues are dealt with by Kelly ITS.</p> <p>Kelly ITS has introduced this equal opportunities procedure as a commitment to make full use of the talents and resource of all its employees and to provide a healthy environment which will encourage good and productive working operations within the organisation. This procedure describes how the policy is to be applied throughout the company.</p>			
<b>Financial Implications:</b>	Low			
<b>Synopsis: Summary of Changes:</b>	<p><b>Issue 1:</b> 18/04/08 New document issued  <b>Issue 2:</b> 15/05/09 Annual review, change of job titles to Managing Director, Operations Director, Health and Safety Manager, Quality and Environment Manager.  <b>Issue 3:</b> 12/11/10 Job title change from QE to HSQE Manager.  <b>Issue 4:</b> 17/02/11 Point added to section 5.3.1 covering the requirement to state that Kelly ITS is an equal opportunity employer.  <b>Issue 5:</b> 10/05/16 Document re-numbered, job titles updated and harassment section added.</p>			
	<b>Name:</b>	<b>Title:</b>	<b>Date:</b>	<b>Signature:</b>
<b>Reviewed By:</b>		Group Health and Safety Manager	10/05/16	
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<b>ELECTRONIC DOCUMENT: FIELD LENGTH WILL BE ADJUSTED. UNCONTROLLED IF PRINTED</b>				

## 1.0 Purpose

This procedure aims set to out the Kelly Integrated Transport Service's policy on equal opportunities. The equal opportunities procedure supports the Equal opportunities policy statement detailing the way in which equal opportunities issues are dealt with by Kelly ITS.

Kelly ITS has introduced this equal opportunities procedure as a commitment to make full use of the talents and resource of all its employees and to provide a healthy environment which will encourage good and productive working operations within the organisation. This procedure describes how the policy is to be applied throughout the company.

Kelly ITS is particularly concerned that equality of opportunity is maintained in the following areas:

- Recruitment and selection.
- Promotion, appraisal, transfer and training.
- Terms of employment, benefits, facilities and services.
- Grievance and disciplinary procedures.
- Dismissals, resignations and redundancies.

## 2.0 Scope

Kelly ITS will ensure that all managers and supervisors with responsibility for any of the areas of particular concern listed above are provided with the appropriate equal opportunities training where necessary which may be updated as required.

## 3.0 Definitions

*Not Applicable.*

## 4.0 Responsibilities

### 4.1 Managing Director

Responsible for ensuring that a process is established within the company to ensure fair treatment of all staff.

### 4.2 Kelly Group Legal Director

Responsible for providing guidance and support to the KITS HR Administrator, as required.

### 4.3 HR Administrator, supported by the Management Team

Responsible for the application of this procedure and general management of the Equal Opportunities process within the organisation.

#### 4.4 All Employees

Are to comply with this procedure. Attendance at training is considered compulsory once notification have been sent to the member of staff.

#### 5.0 Process

##### 5.1 Statement of principle

5.1.1 An equal opportunities policy statement (KITS/L1/COR/007) will be displayed on all notice boards and sent to all staff. The summary policy statement and this full document are available on the company intranet.

5.1.2 The company's statement of principle on equal opportunities is:

*"The company is committed to a policy of treating all its employees, workers and job applicants equally. No employee or potential employee shall receive less favourable treatment on the grounds of:*

- race, colour, nationality, ethnic or national origins
- religion or belief
- sex or marital/civil partner status
- sexual orientation
- gender or gender reassignment
- age (or perceived age)
- disability (past or present)
- trade union membership (or non-membership)
- part-time or fixed term status

No employee or potential employee shall be disadvantaged by any conditions of employment that cannot be justified as necessary on operational grounds.

5.1.3 The company aims to encourage, value and manage diversity and is committed to equality for its entire staff. The company wishes to attain a workforce which is representative of the communities from which it is drawn."

5.1.4 Employees are expected to work with the company to these aims. In certain circumstances an employee can be personally liable for discrimination against a fellow employee or a job applicant.

## 5.2 Principles

- 5.2.1 There should be no discrimination, whether direct or indirect, on any of the grounds set out in the company's statement of principle on equal opportunities contained in. The types of discrimination which are prohibited are defined below.
- 5.2.2 Discrimination can occur in the following forms:
- a) **direct discrimination** – this is treating someone less favourably because of their membership of a protected group. An example of this is paying someone less because of their sex or because they belong to a particular racial group.
  - b) **indirect discrimination** - this is treating people in the same way but in a way which adversely affects the members of a protected group. An example of this is telling everyone they have to work late at night – although applied to everyone, it will adversely affect those employees with childcare responsibilities and these tend to be women.
  - c) **victimisation** – this is treating someone less favourably because they have asserted their right not to be discriminated against as a member of a protected group. An example of this would be an employee claiming that they had been discriminated on the grounds of their disability and then their manager deciding when they left not to give them a reference because they had claimed disability discrimination.
  - d) **harassment** – this is unwanted conduct which has the effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for someone or violating their dignity, because they belong to a protected group. More information on what can constitute harassment is set out in the company's anti-harassment procedure (section 5.8 of this document).
- 5.2.3 The Kelly ITS will appoint, train, develop, reward and promote on the basis of merit and ability.
- 5.2.4 All employees have personal responsibility for the practical application of the company's equal opportunities policy, which extends to the treatment of job applicants, employees (including former employees), customers/clients and visitors.
- 5.2.5 Special responsibility for the practical application of the company's equal opportunities policy falls upon Managers, Supervisors and the HSQE department members involved in the recruitment, selection, appraisal, promotion and training of employees and the way their terms of employment are fixed.
- 5.2.6 The company's Grievance Procedure is available to any employee who believes that they may have been unfairly discriminated against. Copies of the Grievance Procedure and available on the KITS intranet. The harassment complaints procedure set out in the company's anti-harassment section of this document (section 5.8). 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 possible.

5.2.7 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. Unwarranted allegations of discrimination which are not made in good faith may also be considered as a disciplinary matter. Confidential records of [ongoing] matters dealt with in accordance with this policy will be kept.

5.2.7 In the case of any doubt or concern about the application of this policy in any particular instance or situation, please consult the **HR Administrator** as soon as possible.

5.2.8 The company will keep under review its policy, procedures and practices on equal opportunities.

### 5.3 Recruitment and selection

5.3.1 The following principles should apply whenever recruitment or selection for positions takes place, whether externally or internally:

- a) Include a statement on all recruitment advertisements stating that Kelly ITS is an equal opportunities employer.
- b) Individuals will be assessed according to their personal capability to carry out a given job.
- c) Assumptions that only certain types of person will be able to perform certain types of work must not be made.
- d) Any qualifications or requirements applied to a job which have or may have the effect of inhibiting applications from certain types of person should only be retained if they can be justified in terms of the job to be done.
- e) Any age limits applied to a job should only be retained if they can be objectively justified in terms of the job to be done – in most cases this will not be the case and managers should consult the **HR Administrator** if considering an age limit for a particular post.
- f) The use of years of experience as a criteria for a particular role will need to be objectively justified.
- g) Recruitment solely or primarily by word of mouth should be avoided as its effect is or may be to prevent certain types of person from applying.
- h) Selection tests should be specifically related to job requirements and should measure the person's actual or inherent ability to do or train for the work.
- i) Selection tests should be reviewed regularly to ensure they remain relevant and free from any unjustifiable bias, either in content or in scoring mechanism.

- j) Applications from different types of person should be processed in the same way and the same questions asked at interview.
- k) Written records of interviews and reasons for appointment and non-appointment should be kept.
- l) Questions at interview should relate to the requirements of the job.
- m) Where any provision, criterion or practice for recruitment and selection puts disabled people at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments should be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage. This could, for example, be making different interviews for an applicant with mobility problems or arranging for facilities for applicants with sight or hearing impairments.
- n) Decisions regarding the method of recruitment or selection or who is recruited or selected should only be made by a person who has read and understood this policy [and undergone relevant training].

## **5.4 Promotion, transfer and training**

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

- a) Assessment criteria and appraisal schemes should be carefully examined to ensure that they are not discriminatory, whether directly or indirectly.
- b) Assessment criteria and appraisal schemes should be monitored on a regular basis and, where such criteria or schemes result in predominantly one group of workers gaining access to promotion, transfer or training or being awarded a particular appraisal grade, they should be checked to make sure this is not due to any hidden or indirect discrimination.
- c) Promotion and career development patterns will be regularly monitored to ensure that access to promotion, training and career development opportunities is not denied to particular groups or types of workers.
- d) Traditional qualifications and requirements for promotion, transfer and training, such as length of service, years of experience or age may discriminate against certain workers and will need to be objectively justified by reference to the job requirements.
- e) Policies and practices regarding selection for training, day release and personal development should not normally result in an imbalance in training between groups of workers.

- f) Where any provision, criterion or practice relating to promotion, appraisal, transfer or training puts disabled workers at a substantial disadvantage for a reason connected with their disability, reasonable adjustments will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage. For example, this could be making training available for a disabled worker in a different way, in a different location or at a different time.

## 5.5 Terms of employment, benefits, facilities and services

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

- a) The terms of employment, benefits, facilities and services available to workers should be reviewed regularly to ensure that they are provided in a way which is free from unlawful discrimination.
- b) Part-time workers should receive pay, benefits, facilities and services on a pro rata basis to their full-time comparator unless otherwise objectively justified – managers who are responsible for part-time workers should, in particular, take advice from the **HR Administrator** when assessing pay (including any bonus) and benefits for part-time workers.
- c) Where any provision, criterion or practice relating to terms of employment, benefits, facilities and services puts disabled workers at a substantial disadvantage due to a reason connected with their disability, reasonable adjustments will be made to eliminate or, if that is not reasonably practicable, reduce the disadvantage. Managers responsible for disabled workers should, in particular, take advice from the **HR Administrator** when assessing pay (including any bonus) and benefits for disabled workers.
- d) Pay and bonus criteria, policies and practices should be carefully examined and regularly monitored, and if it appears that any group of workers are disadvantaged by them they will be checked to make sure that this is not due to any hidden or indirect discrimination.

## 5.6 Grievances, disciplinary procedures, dismissals and redundancies

5.6.1 Workers who, in good faith, bring a grievance (or assist another to do so) either under this policy or otherwise in relation to an equal opportunities matter will not be disciplined, dismissed or otherwise suffer any adverse treatment for having done so.

No member of a particular group of workers will be disciplined or dismissed for performance or behaviour which would be overlooked or condoned in another group unless there is genuine and lawful justification for different treatment.

Redundancy criteria and procedures will be carefully examined to ensure that they are not applied and do not operate in an unlawfully discriminatory manner.

The provision of any voluntary redundancy benefits will be equally available to all workers unless there is a genuine and lawful justification for doing otherwise.

## 5.7 Disability policy

- 5.7.1 It is Kelly ITS's policy that disabled people, including job applicants and employees, should be able to participate in all of the company's activities fully on an equal basis with people who are not disabled.
- 5.7.2 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 rigid rules on how issues concerning disabled people should be dealt with. What is essential, however, is that all managers, supervisors take all reasonably practical steps to ensure that disabled people are not less favourably treated or disadvantaged by comparison to people who are not disabled in relation to their work, working environment, or by any provision, criterion or practice used by the company. Managers and supervisors need to be aware in particular that an employee on long-term sick leave or with intermittent sickness absence may be disabled.
- 5.7.3 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, resignations and redundancies.
- 5.7.4 For the purpose of this policy, disabilities are either physical or mental impairments that have a substantial and long term effect upon a person's ability to carry out normal day-to-day activities. Particular conditions such as HIV and some forms of cancer are covered from the point of diagnosis and do not have to already be long term – please contact **HR Administrator** for further information about what is covered by normal day to day activities and the status of particular illnesses.
- 5.7.5 Some disabilities are immediately obvious, for example use of a wheelchair, while other disabilities may not be apparent at all, for example HIV infection. Certain conditions are not considered to be disabilities, for example poor eyesight which is corrected simply by wearing prescription spectacles, or addiction to alcohol or other substances. If you would like further information about whether a particular condition is a disability you should contact **HR Administrator**.
- 5.7.6 The general equal opportunity principles set out earlier in this policy will apply in relation to disabled people whether they currently have a disability or whether they had a disability in the past.
- 5.7.7 The company will take all reasonably practicable steps to ensure that disabled people are able to participate in its business and activities on an equal basis with people who are not disabled.
- 5.7.8 The company will not, for a reason relating to a person's disability, treat disabled people less favourably than it treats, or would treat, others to whom the same reason does not or would not apply, unless that treatment would be justified.

5.7.9 If any provision, criterion or practice used by or on behalf of the company, or any physical feature of premises occupied by the company, puts disabled people at a substantial disadvantage compared to people who are not disabled, the company will take such reasonably practicable steps as it can to prevent this disadvantage. This is known as the duty to make reasonable adjustments.

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

- a) Be flexible. There may be many different ways to avoid discrimination or to minimise the effects of discrimination. A small adjustment may be all an employee needs.
- b) Consider any performance or attendance problems in the context of the person's disability and its effect on their ability to meet performance and attendance targets.
- c) Do not make assumptions. Whenever possible talk to the disabled person to find out how their disability affects them and what steps they think might help.
- d) Do not discipline or dismiss a disabled employee for performance or attendance-based reasons without first establishing whether the employee's performance or attendance is affected by the disability and that appropriate adjustments to accommodate the disability have been made.
- e) Seek expert advice. Disability issues can be complex and you may need expert medical advice about a person's disability, or expert technical advice about adjustments to technology or premises that might help the disabled person.
- f) Think ahead. Try to anticipate the effects that certain issues may have on disabled people, even if there are no disabled employees at the time, to prevent problems occurring in the future.

## **5.8 Harassment**

### **5.8.1 Harassment, What is It?**

Harassment takes many forms, occurs on a variety of different grounds 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 is persisted in once it has been made clear that it is regarded by the recipient as offensive, although a single incident may amount to harassment if sufficiently serious. It is the unwanted nature of the conduct which distinguishes harassment from friendly behaviour which is welcome and mutual.

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

### 5.8.2 Procedure

- a. 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.
- b. All allegations of harassment will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject 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.
- c. HR Administrator will provide, in confidence, advice and assistance to employees subjected to harassment and assist in the resolution of any problems, whether through informal or formal means.

### 5.8.3 Informal Procedure

- a) If an incident happens which you think may be harassment and you do not wish it to happen again, you 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 you or makes you uncomfortable and that it interferes with your work. You should make it clear that you want the behaviour to stop.
- b) In circumstances where this is too difficult or embarrassing for you to do on your own you should seek support from a friend, your Line Manager or HR Administrator.
- c) If you are in any doubt as to whether an incident or series of incidents, which have occurred constitute harassment, then in the first instance you should approach your Line Manager or HR Administrator on an informal basis. They will be able to advise you as to whether the complaint necessitates further action, in which case the matter will be dealt with formally or informally as appropriate.
- d) If the conduct continues or if it is not appropriate to resolve the problem informally, it should be raised through the following formal process.

### 5.8.4 Formal Procedure

- a) Where informal methods fail, or serious harassment occurs, you are advised to complain formally to your Line Manager or HR Administrator.
- b) Consideration will be given to the immediate separation of the complainant and the alleged harasser. In serious cases the alleged harasser may be suspended.

- c) You will be interviewed by the Line Manager or HR Administrator handling the complaint to establish full details of what happened. He will then carry out a thorough and objective investigation as quickly as possible. An investigation will be carried out quickly, sensitively and with due respect for the rights of both you and the alleged harasser.
- d) The investigation will involve interviews with the person against whom you are 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.
- e) You and the alleged harasser will have the right to be accompanied and/or represented by a colleague or union representative at any interviews.
- f) 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.
- g) When the investigation has been completed you will be informed whether the allegation is considered to be well founded.
- h) If the allegation is well founded disciplinary action may be taken against the person alleged to have committed the behaviour you are complaining about and, depending on the circumstances and the seriousness of the complaint, may result in the dismissal of that person.
- i) If the allegation is not well founded, consideration will be given to whether it is necessary to transfer or reschedule the work of both or either party, in cases where it would not be appropriate for you to continue to work in close proximity.
- j) The Company takes these matters very seriously. However, malicious complaints of harassment can have a serious and detrimental effect upon a colleague. Any unwarranted allegation of harassment, made in bad faith, will be deemed potential gross misconduct. We are sure that all employees appreciate that this must be so to protect the integrity of this policy.

## 6.0 Monitoring / Auditing

The **Compliance** Manager will monitor the effectiveness of this policy to ensure that it is working in practice and will review and update this policy as and when necessary.

## 7.0 Related Documents

KITS/L1/COR/007 Equal Opportunities Statement Policy