

	Bethell Construction Policy	Procedure Ref : BCL / HR / 05 Issue No. : 2 Issue Date : 01.10.110 Originated By : Emma Spencer Approved By : Vinny O'Dowd Page: Page 1 of 3
	Equal Opportunities	

Our Commitment

Bethell strives to promote equality of opportunity and fair and equal practices in employment and against customers. Bethell values the strength of its diverse workforce and encourages an inclusive working culture which promotes dignity and respect.

This policy is intended to assist the Company to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief or because someone is married or in a civil partnership. These are known as protected characteristics.

Discrimination after employment may also be unlawful, for example, refusing to give a reference for a reason related to one of the protected characteristics.

Employees should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include maternity and pregnancy, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity, or creating hostile, degrading, humiliating or offensive environment. It does not matter whether or not his effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for associations with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, pregnancy or maternity).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that they have a particular protected characteristic, when they do not in fact have that protected characteristic (other than marriage and civil partnership, pregnancy and maternity)

Third party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, pregnancy and maternity) by third parties such as clients or customers. For the Company to be liable:



- the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment)
- it must be aware that the previous harassment has taken place
- it must have failed to take reasonable steps to prevent the harassment from happening again

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare their treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the Company is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

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 Company has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Equal opportunities in employment

Bethell wishes to create a supportive and inclusive working culture that helps employees reach their full potential.

The Company will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The Company will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which the work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Company considers it has good reasons, unrelated to any protected characteristic, for doing so. The Company will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The Company will monitor ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The Company cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the Company may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that the Company identifies as being under-represented in particular types of job and where applicants are equally qualified.

Customers, suppliers and other people not employed by the Company

The Company will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the Company.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their line manager who should in turn advise HR and take appropriate action.

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Training

The Company will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The Company will provide additional training to managers to enable them to deal more effectively with bullying and harassment. Please refer to the Company's inappropriate behaviour policy (BCL/HR/07) for further details regarding bullying and harassment.

Your responsibilities

Every employee is required to assist the Company to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the Company for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the Company's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If you consider that you have been unlawfully discriminated against, you may use the Company's [Grievance procedure \(BCL/HR/09\)](#) to make a complaint.

The Company will take any complaint seriously and will seek to resolve any grievance that it upholds. Employees will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and in bad faith.

Use of the Company's grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months of the discrimination occurring.

Monitoring and review

This policy will be monitored by the HR department to judge its effectiveness and will be updated in accordance with the changes in legislation.

If under-representation is identified as part of the equal opportunities monitoring process, appropriate lawful action will be put in place to rectify the imbalance, prevent discrimination and promote equality of opportunity.

Information provided by applicants and employees for monitoring purpose will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

Related documents

- [Equality and diversity policy statement \(BCL/HR/06\)](#)
- [Equal opportunities managers guidance – Age \(BCL/HRG/04\)](#)
- [Equal opportunities managers guidance – Disability \(BCL/HRG/05\)](#)