

# EQUAL OPPORTUNITIES & DIVERSITY

## Policy and Procedures



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## Equal Opportunities & Diversity Policy Version Control

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<b>Document Title</b>	Equal Opportunities & Diversity Policy
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### Scope

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This policy explains the steps needed to be followed by both managers and employees of SWTG in order to ensure the company applies best practice and complies with legislation.

### Application

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This policy is applicable to all employees at whatever level of SWTG hierarchy, as well as sub-contractors who undertake activities on behalf of SWTG and any visitors to SWTG premises. This policy and its mandatory application will be communicated to all employees, sub-contractors, visitors and interested parties.

As part of the SWTG induction process, new starters should be told about this policy and shown where it is located on the organisation's intranet. The HR HSEQ department is responsible for informing job applicants of this policy. Employees are responsible for informing their visitors to the premises of this policy.

### Policy Summary

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SWTG is committed to promoting equality and diversity, by providing an inclusive and supportive working environment for all employees, service users and service providers.

The aim of this policy is to ensure that SWTG complies with equal opportunities legislation, creating a climate of equal treatment that provides opportunities for employees and which ensures that the talents and resources of the workforce are fully utilised and valued to maximise the efficiency of the organisation. This policy is a guide for both managers and employees.

## Responsibilities Matrix

<b>Employee</b>	<b>Manager</b>	<b>Human Resources</b>
Ensures that they develop to their full potential.	Ensures that all employees are given the same opportunities in recruitment, training, and promotion.  Conducts regular support and supervision with employees to maximise the potential of each employee.	Provides managers with support and advice.
Ensures that they conduct themselves appropriately and that they do not discriminate against colleagues, clients or customers or treat them less favourably.  Challenges discriminatory practises and ensures that breaches of this policy are raised with their immediate manager or an appropriate manager.	Makes sure that all complaints in respect of discrimination are investigated in line with the appropriate SWTG policy.	Ensures managers are familiar with correct policy and procedure when dealing with discrimination complaints.  Provides managers with support and advice when investigating discrimination complaints.

## Introduction

This policy is designed to help all employees develop their full potential and to ensure that the talents and resources of the workforce are fully utilised to maximise the efficiency of SWTG. This means that all SWTG employees will be given the same opportunities in recruitment, training, and promotion, regardless of:

- Age
- Race, nationality, national origin, or colour
- Gender, gender reassignment, sexual orientation and marital or family status
- Disability and infection with progressive conditions, for example: HIV/AIDS, hepatitis, SARS and other potentially progressive conditions, religion, or religious beliefs

## Policy

Employees rightly expect to be treated fairly and considerately and this expectation is generally supported by the law. All employees are expected to abide by the requirements of legislation and this policy by:

- Not treating any employees/service users/customers less favourably on grounds of race, colour, nationality, ethnic origin, religious or political belief or affiliation, age, trade union membership, gender, gender reassignment, marital status, sexual orientation, disability (direct discrimination);
- Not imposing requirements or conditions on an employee/service user/customer, which are, in effect, more onerous on that individual than they are on others. For example, this would include applying a condition (which is not warranted by the requirements of the position) which makes it more difficult for members of a particular race, age, or sex to comply than others not of that race, age, or sex (indirect discrimination);
- Not treating an employee/service user/customer less favourably than others are, or would be treated in the same or similar circumstances, because they have made a complaint or allegation of discrimination or have acted as a witness or informant in connection with proceedings under the Disability, Race or Sex Discrimination legislation(victimisation);

- Not making unwanted approaches that include unwelcome physical, verbal, or non-verbal contact affecting the dignity of women and men at work or any third party (harassment)
- Not persistently criticising, abusing or ridiculing, either in public or private, an employee/service user/customer, which humiliates and demeans the individuals involved, gradually eroding their self-confidence and self-respect (bullying)

SWTG recognises the right of an employee to belong to, or not to belong to a TU, and membership or non-membership of such a union will not be considered in any way during the career of the employee.

SWTG will ensure that managers understand their role regarding managing diversity, and how this inter-links with other quality initiatives. It is the responsibility of all managers and supervisors to implement, monitor and actively promote this policy, including coaching and advising staff on good practice and legal implications.

Individual employees are responsible for challenging discriminatory practices (even when behaviour is not directed at them personally), and for raising breaches of this policy with their immediate line manager. Since discrimination in its many forms is against SWTG policy, any employee offending will be dealt with under the Disciplinary Policy.

## Religious Holidays

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SWTG respects an individual's right to hold and practice their religious beliefs if these beliefs do not infringe upon the rights of service users or others.

The managers' primary concern must be to adequately cover the needs of the service.

However, managers will be expected to demonstrate that they have made every attempt to be flexible where leave for a religious holiday has been requested. Such leave can be taken as (paid) annual leave or as unpaid leave.

## Fairness in Recruitment

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No permanent vacancy or long-term secondment should be advertised or publicised (internally or externally) in a way that discourages applications from any sector of the population unless there is a genuine and justifiable requirement for the post. If in doubt, contact HR or a member of the Senior Management Team.

All applications will be considered on merit. Everyone will be assessed as far as practicable against a set of objectives, non-discriminatory criteria that will be directly related to the demands of the particular vacancy.

All advertisements, application forms and other recruitment material should clearly state that SWTG is committed to equal opportunities.

All interviews should be conducted in accordance with the terms and spirit of this policy. The interview questions will be closely related to the selection criteria and will be asked in order to elicit information that will give a fair assessment of that particular applicant's ability to perform the tasks required by the vacancy.

SWTG will, where appropriate, make reasonable adjustments to its arrangements for interviews and conditions of employment in order to ensure that the applicants with

disabilities are not disadvantaged. In addition, SWTG undertakes to interview all applicants who declare a disability and meet the minimum criteria for a job vacancy.

## Promotion

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Vacancies will, if practicable, be filled through internal advertising. Assessment of internal applicants should be made objectively and without bias by using the selection criteria related to the demands of the vacancy.

## Training

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Employees involved in recruitment and the management or supervision of others should receive initial and ongoing training to help them understand and comply with the law and our policy.

All employees will have equal access to training. Specific and/or additional training may be made available for employees with disabilities as a part of SWTG's reasonable adjustments.

## Employment of People with Disabilities

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SWTG is committed to looking for opportunities for employment of people with disabilities and ensuring that they are afforded equal opportunities to enter employment and develop their potential with the organisation. In addition to complying with the requirements of the Disability Discrimination Act 1995, the organisation will follow the procedure designed to provide for fair consideration and selection of people with disabilities and to satisfy their training and career development needs.

The HR department will take care that all recruitment complies with the Code of Practice on the Employment of Disabled People and DDA 1995. The HR Department will make sure that:

- SWTG Equal Opportunities and Diversity Policy is a feature of recruitment advertising
- Steps are taken to encourage applications from disabled people
- All applicants with a disability who meet the essential criteria for a job vacancy are interviewed and considered based on their abilities
- Reasonable adjustments of job descriptions are considered to accommodate the needs of a disabled person

Managers will take all reasonable steps to ensure that the working environment does not prevent people with disabilities from taking up positions for which they are suitably qualified. Where special steps need to be taken to ensure health and safety, the Health and Safety Officers and the members of HR will brief members of the department concerned.

If employees of SWTG become unable to perform their normal duties because of disability in the course of their employment, the organisation will take all reasonable steps to make sure they maintain or return to the roles appropriate to their experience and abilities. Consideration will be given to reasonable adjustments to the job and working conditions, redeployment, and retraining, enabling them to remain with the company whenever possible.

The HR Department will seek any necessary expert help in assessing disability and exploring possibilities for appropriate and practical adjustments.

Where an employee's performance falls to an unacceptable level through deterioration in their disability, the capability procedure should be followed.

## Equal Treatment of Part-Time Workers

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SWTG is committed to providing equal opportunities in recruitment, employment, training, and promotion for all part-time workers.

It is necessary to ensure that part-time employees are not treated less favourably than their full-time equivalents in respect of the following entitlements:

- The hourly rate of pay
- Access to the SWTG pension schemes
- Contractual sick pay
- Annual leave

Previous or current part-time status will not of itself constitute a barrier to access to training or promotion to a post, whether the post is full-time or part-time.

With regards to maternity, paternity and parental leave, part-time workers will not be treated less favourably than their full-time equivalents in terms of:

- Calculating the rate of maternity pay
- The length of service required to qualify for payment
- The length of time for which the payment is received

When selecting for redundancy part-time workers must not be treated less favourably than comparable full-time workers. For more information on redundancy issues, please refer to the Redundancy Policy and Procedure.

SWTG will always give consideration to all requests to change to part-time working or job-sharing, and where possible explore with the staff how this change could be accommodated. Please refer to the Flexible Working Policy.

## Equal Treatment of Fixed-Term Workers

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It is SWTG's policy to provide equal treatment to all employees on fixed-term contracts in respect of the overall employment package and general working conditions. Fixed-term employees might be excluded from specific benefits only when it is objectively justified.

SWTG will ensure that all fixed-term employees are informed of permanent vacancies on the same basis as permanent staff by the usual practice of displaying the vacancy on SWTG's websites and intranet.

For redundancy rights of fixed-term contract employees, please refer to the Redundancy Policy and Procedure.

## Age Diversity at Work

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SWTG is committed to employing people of all ages in line with the Employment Equality (Age) Regulations 2006. (It is now superseded by the **Equality Act 2010**). Age, or age-related criteria or age ranges should not be used in SWTG advertisements.



Training and development opportunities will be open to all employees as there is potential to waste talent if particular age groups are automatically excluded from training and development programmes.

Reward and promotion always reflect the value of individual contributions, job evaluation and standards of job performance and are not based on age related criteria.

When considering retirement or redundancy, SWTG is committed to giving fair consideration to any of the following alternatives:

- Phased retirement
- Flexible working
- Working beyond normal retirement age
- Working on self-employed basis
- Voluntary working

Managers will ensure that the risks to older people in the workplace will be adequately controlled.

## Progressive Conditions

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People with HIV/AIDS and other conditions who may not consider themselves to be disabled, may be protected by the DDA, because HIV can be a progressive condition, controlled by drugs.

It is SWTG policy to ensure that all employees with potentially contagious diseases, for example: HIV/AIDS, SARS, hepatitis, etc. are treated equally and not discriminated against, and that all possible measures are taken within the company to ensure they have reasonable time off work for health-check appointments and any necessary workplace adjustments.

As a person's HIV status is not obvious, it is up to the infected worker to disclose his/her status to line management. SWTG will encourage further disclosure only when necessary and will do everything possible to ensure the support of fellow workers. Further disclosure might be beneficial when the infected employee explicitly wishes and consents to it in order to reduce the stress of not divulging or when it helps facilitate the person's ability to do the job.

If the infected worker does not want to disclose his/her HIV status, SWTG is obliged by the Data Protection Act and the Human Rights Act to keep it confidential. All necessary staff training on how to deal with the information will be carried out. If an adjustment is necessary, the employee's colleagues do not need to be told the precise medical reason.

Any harassment of SWTG workers infected with HIV or other potentially contagious diseases will not be tolerated and the offenders will be dealt with using the Disciplinary Procedure.

It is unnecessary and potentially discriminatory to ask somebody about their HIV status on application or interview. Pre-or post-employment HIV screening may be discriminatory under DDA if this leads to a job offer being unjustifiably withdrawn or altered. The risk of infection of HIV in the workplace is extremely low.

The duty to make reasonable adjustments does not apply to the provision of benefits under an occupational pension scheme, especially if the costs of providing benefits would be

substantially greater than for a non-disabled employee. However, SWTG is committed to seek actuarial advice and/or medical evidence and give fair consideration to:

- How the schemes it currently operates can be adapted to provide every employee, including those with progressive/fluctuating conditions, with the same benefits
- What alternative provision can be made for people with such conditions

## Maintaining this Policy

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SWTG will monitor the effectiveness of this policy and its general compliance within SWTG.


This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation and applicable standards and guidelines.

This policy is fully supported by the top management of SWTG. In support of this intent, the policy will be reviewed at least annually. SWTG will provide sufficient financial support and all other necessary resources for the full implementation of this policy.

## Approval for this Statement

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This statement was approved by the Board of Directors on 14 November 2022.

Name	Roy Wyatt
Signature	
Date	14 November 2022

## Appendices

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### *Appendix 1- Equality Legislation & Codes of Practice*

#### **Sex Discrimination Acts 1975/1986/1999**

The Sex Discrimination Act (SDA) makes it unlawful to discriminate against a person, directly or indirectly, on the grounds of sex, marriage, and transsexualism. The Acts cover the entire area of sex discrimination in employment including recruitment, advertising, selection, promotion, and training.

#### **Direct and Indirect Sex Discrimination**

Direct sex discrimination occurs where a person of one sex is treated less favourably, on the grounds of sex, than a person of the other sex would be in the same or not materially different circumstances.

Indirect sex discrimination occurs where the proportion of one sex which can comply with a requirement or condition, is much smaller than the proportion of the other sex that can comply with it.

#### **Race Relations Act 1976 (Equality Act 2010)**

The Race Relations Act forbids racial discrimination in employment. It makes it unlawful to discriminate against a person, directly or indirectly, on the grounds of race.

The Act covers the entire area of racial discrimination in employment including those areas relating to recruitment, advertising, selection, promotion, and training.

#### **Direct and Indirect Racial Discrimination**

Direct racial discrimination consists of treating a person on racial grounds less favourably than others are or would be treated in the same or similar circumstances. Racial grounds include race, colour, and nationality.

Indirect racial discrimination involves applying a requirement or condition which, although applied equally to all persons of all racial groups, has a disproportionately adverse effect on a particular racial group and cannot be justifiable on any grounds other than racial grounds.

#### **The Disability Discrimination Act 1995/2005**

The Disability Discrimination Act 1995 makes it unlawful to discriminate against disabled persons in connection with employment, the provision of goods, facilities and services or the disposal or management of premises.

#### **Human Rights Act 1998**

The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law. Article 8 introduces the right to respect for private and family life. Consequently, the Act may offer some protection to lesbians and gay men, who up until now have not been specifically protected under UK equality legislation. Article 9 provides the right to freedom of thought, conscience and religion and Article 11 provides the right to freedom of peaceful assembly and freedom of association, including the right to form and join trade unions.

**Age Diversity - Employment Equality (Age) Regulations 2006**

The Code on Age Diversity, published by the Department for Education and Skills covers good practice in six aspects of the employment cycle: recruitment, selection, promotion, training and development, redundancy, and retirement.

**Rehabilitation of Offenders Act 1974 (Legal Aid, Sentencing and Punishment of Offenders Act 2012)**

The Rehabilitation of Offenders Act provides that an individual with a record of a previous conviction may become rehabilitated after a given period. It lays down that if after a given period, the individual has not committed another serious offence, the conviction is regarded as spent and the individual as having been rehabilitated.

This Act provides that someone who has a spent conviction does not have to refer to it under most circumstances and could regard such offences as not having happened.

**The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000/ Amendments 2002**

The regulations were introduced to make sure part-time workers are not treated less favourably in their terms and conditions than comparable full-time workers. Any different treatment must be justified objectively. This means that part-timers are entitled to:

- The same hours of pay
- The same access to the company pension schemes
- The same entitlements to annual leave and maternity/parental leave on a pro rata basis
- The same contractual sick pay
- No less favourable treatment in training and promotion
- No less favourable treatment in redundancy selection

**Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002**

The regulations were introduced to ensure employees on fixed-terms contracts receive the same kind of pay and benefits as comparable workers on permanent contracts.

The regulations allow for different treatment provided the fixed-term employee's overall employment package is not less favourable than that of a permanent employee. Fixed-term employees can be excluded from specific benefits provided this is objectively justified.

The regulations do not apply to agency workers i.e., those who have been placed to work on a temporary basis by a third party, employees under a contract of apprenticeship or employees who are on work experience scheme organised by the Government or funded in whole or part by an Institution of the European Union.

The regulations also limit the number of years the employee can be employed on successive fixed-term contracts.

## *Appendix 2 - Service Delivery - Legislation and Codes of Practice*

### **Mental Health Act 1983/2007/2017**

The main aim of this Act is to safeguard the rights and protect the interests of those people subject to mental health assessment, particularly in the event of compulsory admission to hospital (known as 'sectioning'). The Act also affords more protection to people with mental disorders regarding compulsory admission, detention, and treatment.

### **Disabled Persons (Services, Consultation and Representation) Act 1986**

The Act embraces the principles of individual rights, entitlements and self-determination and formally recognises the needs of carers. This Act applies to all disabled people including those with learning disabilities.