

Purpose

To set out Company policy with respect to Equal Opportunities.

Scope

The policy applies to all employees of Smart Solutions (Recruitment) Ltd. (SSR)

Our Commitment

The Company is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment or to customers.

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.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The Company has a separate Dignity at Work policy which deals with these issues.

Responsibilities

The overall responsibility for ensuring that this policy is implemented, maintained, monitored and communicated to all employees rests with the Human Resources Department.

The Law

It is unlawful to discriminate directly or indirectly in recruitment or employment on grounds of sex, gender reassignment, pregnancy, colour, race, nationality, ethnic or national origins, sexual orientation or religion or belief, or because someone is married or is a civil partner. It is unlawful to treat someone less favourably on grounds of disability than others without that disability are, or would be treated, unless the less favourable treatment can be justified, or to fail to make reasonable adjustments to overcome barriers to employment caused by disability. It is unlawful to discriminate unjustifiably on grounds of age in relation to employment. Discrimination after employment may be unlawful, e.g. in refusing to give a reference or in the form of reference given.

It is unlawful to discriminate directly or indirectly in the provision of goods, facilities or services to customers on grounds of sex (which may include gender reassignment), pregnancy, religion or belief, sexual orientation, colour, race, nationality, or ethnic or national origins. It is unlawful to discriminate, without justification, on grounds of disability or 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.

Some types of harassment or bullying will be unlawful discrimination.

It is unlawful to victimise someone because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another in comparable circumstances on a prohibited ground. An example of direct sex discrimination would be refusing to employ a woman because she was pregnant. Unlike the other forms of discrimination, direct discrimination on the grounds of age can be justified.

Indirect discrimination is where a provision, criterion or practice is applied which is such that it would be to the detriment of a considerably larger proportion of the relevant group to which the individual belongs than to others, which is not objectively justifiable and which is to the individual's detriment. An example of indirect sex discrimination could be requiring everyone to work full time unless there is a good reason, unrelated to sex, as to why the particular job has to be done on a full-time basis, since requiring everyone to work full time will normally adversely affect a higher proportion of women than men.

Harassment is where there is unwanted conduct related to one of the prohibited grounds which has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, or is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

Failure to make reasonable adjustments is where arrangements disadvantage an individual because of a disability and reasonable adjustments are not made to overcome the disadvantage.

Victimisation is where someone is treated less favourably than others because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

Equal opportunities in employment

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 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 prohibited ground of discrimination, for doing so. The Company will comply with its obligations in relation to statutory requests for contract variations. The Company will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The Company will monitor the 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 which 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 which the Company identifies as being underrepresented in particular types of job.

Dignity at work

The Company has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

Customers, suppliers, sub-contractors' 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 manager who will take appropriate action.

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 training to all existing and new employees and others engaged to work at the Company to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. The Company will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

Placement of Employees / Learners

Our aim is to ensure equality of treatment for all our clients in terms of the quality and appropriateness of the direct training and practical work based experience which we have responsibility for providing. The training will be provided in accordance with the employees / learner's individual needs. Any requirements for a placement in terms of previous skills or abilities will be strictly relevant to the occupation. Selection tests will only be applied where their use is essential. We will not knowingly place clients with any organisation or employer that unlawfully discriminates in any way.

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

We intend that no clients should have to suffer discrimination from any member of our staff or from employers or other sub-contractors under our direction. Learners have similar rights in the workplace to those enjoyed by other employees. All complaints of discrimination, abuse, victimisation or harassment will be treated seriously and investigated immediately with confidentiality and sensitivity. If an allegation of such behaviour by any of staff is substantiated, this will be dealt with as misconduct under our disciplinary code. Employers found to be unlawfully discriminating are in breach of contract with us, and as such, liable to termination of the contract.

If you consider that you may have been unlawfully discriminated against, you may use the Company's grievance procedure to make a complaint. If your complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

The Company will take any complaint seriously and will seek to resolve any grievance which it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made 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 beginning with the act of discrimination complained of.

Monitoring and review

This policy will be monitored periodically by the Company to judge its effectiveness and will be updated in accordance with changes in the law. In particular, the Company will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its equal opportunities policy in accordance with the results shown by the monitoring. If changes are required, the Company will implement them.

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

Queries and Amendments

Any queries should be addressed to the Human Resources Department. Any amendments will be notified by revision of this document.