
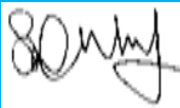


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## Equality, Diversity & Inclusion Policy Statement

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## **STATEMENT**

The achievement of equality, diversity, and inclusion [EDI] is central to the Company's mission as a provider of recruitment services. The Company embraces diversity and aims to promote the benefits of diversity in all of our business activities. We seek to develop a business culture that reflects that belief. We will expand the media in which we recruit to in order to ensure that we have a diverse employee and candidate base. We will also strive to ensure that our clients meet their own diversity targets.

The legislation relevant to this policy is:

- Equality Act 2010 (the Act)
- Part Time Workers Regulations 2000
- Criminal Justice Act 2003
- Protection from Harassment Act 1997

McGinley Support Services will treat everyone equally and will not discriminate on the grounds of an individual's "protected characteristic" under the Equality Act 2010 (the Act) and will make every effort to ensure that all employees and workers are treated with courtesy, dignity and respect irrespective of gender, race, religion or belief, nationality, colour, pregnancy and maternity, sexual orientation, disability, age, marriage and civil partnership, union or non-union membership and socio-economic background. It will not discriminate because of any other irrelevant factor and will build a culture that values meritocracy, openness, fairness and transparency.

Our aim is to eliminate all bias and unlawful discrimination in relation to job applicants, employees, our business partners, and members of the public in recruitment and in all stages of the employee lifecycle.

Our goal is to ensure that these commitments, reinforced by our values, are embedded in our day-to-day working practices with all our customers, colleagues and partners. We aim to create an organisation, which recognises the contribution of all staff. We will be supportive, fair, just and free from discrimination. We want McGinley Support Services to be regarded as an exemplar employer within the public and private sector, and believe that any modern organisation has to reflect all the communities and people it serves.

In the pursuit of our aims we seek to continually extend, improve and strive for excellence in the comprehensive range and quality of recruitment services and training provided by the company and by its partners.

Objectives relating to fair and inclusive practices will be included in all employees' performance indicators and will form an integral part of performance reviews throughout the year.

The policy is applicable to all employees, secondees, agency staff, clients, communities, suppliers and contractors, whether permanent or temporary. The policy applies to all processes relating to employment and training and to any dealings with customers and clients. Decisions relating to customers and communities will be based on business-related criteria only and any irrelevant information will not form part of the process.

The policy will be reviewed on an ongoing basis to reflect changes in the law, demographics and internal business requirements. Progress relating to the policy will be recorded annually and a full report will be presented to the Management Board to debate progress and review the policy status.

Management of EDI should be seen as part of an effective management system. Consistency in applying the policy and clear communication will demonstrate an understanding of what fairness and respect really mean.

#### **GENERAL POLICY**

1. McGinley Support Services is committed to the provision of EDI for all and continues to formulate, implement, monitor and review policies and practices to this end.
2. We also wish to support and protect groups which are not protected by explicit legislation where relevant. For example, we strive to provide opportunities for ex-offenders and military veterans.

#### **RESPONSIBILITY**

Everyone has a role to play and is responsible for challenging questionable behaviour and practice which is not in line with our values and culture. McGinley Support Services will take any breach of this policy seriously, and a breach could lead to formal disciplinary action being taken.

1. Overall responsibility for EDI within the company lies with the HR Director, who is responsible for ensuring that the EDI Policy is implemented under the jurisdiction of champions within the company.
2. The HR Director or a representative is responsible for taking any action on decisions relating to equal opportunities in employment and recruitment matters, co-ordinating the monitoring of the effectiveness of the policy and providing general guidance in relation to this policy. Ensuring that no unacceptable behaviour takes place in the areas of the business for which they are responsible and that the people for whom they are responsible know such behaviour is unacceptable and what to do if it occurs and ensuring that they do not ignore or treat lightly grievances or complaints from members or any complaint of discrimination on the assumption that the individual is over-sensitive about discrimination. All complaints must be treated seriously. Failure to carry out their duties in respect of equal opportunities may result in disciplinary action being taken against the Manager concerned.

3. The company will ensure that all staff are made aware of the EDI Policy and procedures. All employees of the company are responsible for ensuring that their actions are carried out in the terms of the general policy and codes of practice. They may be held personally accountable should any complaint arise and possibly subject to disciplinary action. Every employee has a responsibility in fulfilling and complying with this policy and code of practice.

All staff also have a positive duty to report any incidents of bullying, harassment or discrimination of which they become aware and support colleagues who are the targets of harassment, discrimination or who are being bullied by informing the Human Resources Department or their Line Manager.

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.

## **APPLICATION**

1. The general policy relates to all aspects of employment, including advertisements, recruitment, selection, pay, terms and conditions of service, training, secondment, re-deployment, benefits, promotions, grievance and disciplinary procedures, redundancy and termination. The company will consider EDI implications when entering into contractual relationships with other organisations such as tendered purchasing contracts and collaborative arrangements.
2. People not employed by the company but who are involved in the company's activities, such as visitors, clients and external contractors and agency workers are expected to operate within the terms of the general policy.
3. The policy applies to the treatment of existing as well as potential employees.

## **DEFINITIONS**

### **What is Discrimination?**

Discrimination occurs when decisions are taken or attitudes apparent about an individual or group based on prejudice or stereotyping. This can be direct or indirect and can occur on a variety of grounds, e.g. race, sex, sexual orientation, disability, age, religion or belief, transgender, maternity or pregnancy, marriage or civil partnership, Trade Union membership and ex-offender status.

### **Direct Discrimination**

Direct Discrimination is any behaviour or decision, deliberate or unintentional, which causes a person to be treated less favourably, or be disadvantaged, because of a protected characteristic, compared with another in the same or similar circumstances, e.g. not promoting a woman because of her pregnancy or not selecting someone for promotion because of their race.

## **Perception and Association**

Direct discrimination also includes discrimination by perception or association, e.g. discrimination against a person because of their association with someone who possesses a protected characteristic or because they are believed to possess a protected characteristic. An example of this would be discrimination because of the sexual orientation of the individual's child or because of the perceived sexual orientation of the individual.

## **Indirect Discrimination**

Indirect discrimination is when a provision, criterion or practice is applied to everyone and cannot be justified, and by doing so puts an individual, certain group of people with a protected characteristic or groups of people at a disadvantage, e.g. stating that all applicants must be physically strong in an advertisement for a clerical position.

## **Harassment**

Under the Act, harassment is defined as unwanted conduct that relates to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. This includes unwanted conduct of a sexual nature. The Company is committed to providing a work environment free from unlawful harassment. The Company will ensure that the employees do not harass any individual.

Examples of prohibited harassment are:

1. verbal or written conduct containing derogatory jokes or comments
2. slurs or unwanted sexual advances
3. visual conduct such as derogatory or sexually orientated posters
4. photographs, cartoons, drawings or gestures which some may find offensive
5. physical conduct such as assault, unwanted touching, or any interference because of sex, race or any other protected characteristic basis
6. threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits in return for sexual favours
7. retaliation for having reported or threatened to report harassment.

If an individual believes that they have been unlawfully harassed, they should make an immediate confidential report to either their Line Manager or the Human Resources Department followed by a written complaint as soon as possible after the incident. The details of the complaint should include:

- Details of the incident
- Name(s) of the individual(s) involved
- Name(s) of any witness(es)

The Company will undertake a thorough investigation of the allegations. If it is concluded that harassment has occurred, remedial action will be taken.

All employees and workers will be expected to comply with the Company's policy on harassment in the workplace. Any breach of such a policy will lead to the appropriate disciplinary action.

Any individual who the Company finds to be responsible for harassment will be subject to the disciplinary procedure and the sanction may include termination.

### **Victimisation**

Victimisation occurs when a person is treated poorly because that person has, in good faith, made or supported a complaint or allegation under the Equality Act, or because they are suspected of having done so.

### **Disabled People**

It is also discrimination to treat a disabled person unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia) and which cannot be justified or where a reasonable adjustment has not been made. There is no need to find a comparator to evidence unfavourable treatment for a disabled person.

### **Who is disabled?**

For the purposes of this policy, someone has a disability if he or she satisfies the definition of a disabled person as stated within the Equality Act 2010 ("The Act").

The Act defines a person with a disability as 'someone who has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'

### **If you or someone you are working with is disabled**

In some cases it will be readily apparent which of our employees or applicants for jobs are disabled. Once the Company is aware that someone has a disability, the practical effect, or effects, if any, of that disability on the individual's ability to do the job will be discussed with the employee, as well as how any such effects might be reduced.

It is not always obvious that someone has a disability. If the Company is not aware that an employee has a disability, it is difficult to offer help and assistance. If any employee believes that he or she has a disability and would like to discuss assistance they should contact the Human Resources Department for further assistance and information. This will be treated in the strictest confidence.

### **Reasonable adjustments**

To comply with the Equality Act 2010, the Company must make reasonable adjustments to any physical features of its premises and working arrangements that may place a disabled person at a substantial disadvantage. In such circumstances, the named person/role should be consulted at the earliest stage.

Where appropriate, the Company will make reasonable adjustments to take account of any specific needs that disabled employees may have.

### **DURING EMPLOYMENT**

The Company aims to ensure that all terms and conditions of employment, induction procedures, opportunities for promotion and training, disciplinary, grievance, termination and redundancy procedures do not discriminate against disabled people.

### **MEDICALS**

The Company may ask people to undergo a medical examination. This applies to all employees or workers whose roles require them to work in safety critical positions, whether or not they are disabled. A job applicant will only be asked to have a medical examination when his or her health or disability is clearly relevant to their job performance or to the environment in which the job is carried out. No questionnaires or tests will be carried out for internal employees until the applicant has been made an offer of employment. In the case of contractors some tests are mandatory for health and safety reasons and because we have a duty of care.

### **DIVULGING INFORMATION**

In accordance with the Data Protection Act 1998, the Company will not divulge any information about an employee's disability or any other protected characteristic unless it is absolutely necessary to do so. Such disclosures will usually only be necessary to ensure that a reasonable adjustment can be implemented or in the case of transgender employees to support the individual with their consent.

Where it becomes necessary to pass on such information, the matter will be discussed with the employee in the first instance, and will ensure that the information divulged to any third party is kept to a minimum.

### **EMPLOYEES WHO BECOME DISABLED**

An occupational health assessment will be carried out to determine any adjustments that need to be made to the work environment. The adjustments will be agreed between the employee, Human Resources and Occupational Health and any agreed action will be recorded and reviewed as necessary.

Careful consideration will be given to requests from newly disabled employees for reduced or part-time hours/duties, whether on temporary or permanent basis and appropriate adjustments to remuneration will apply.

## **RECRUITMENT PROCEDURES**

The Company aims to ensure that selection criteria, including any qualifications and aptitude tests, are relevant or significant in terms of each job - where necessary, reasonable adjustments will be made to the application, interview and selection procedures. On application for a position, every applicant should always be asked if any reasonable adjustments are required for the applicant prior to any job interview.

If you would like more information about how we support disabled people you should contact the Human Resources Department.

## **AGENCY RECRUITMENT PROCEDURES**

If a staff member's role within the Company dictates that they are in a position to offer temporary workers assignments or placements they agree not to discriminate unlawfully when deciding which candidate/temporary worker is submitted for a vacancy or assignment, or in any terms of employment or terms of engagement for temporary workers. The Company will ensure that each candidate is assessed in accordance with the candidate's merits, qualifications and ability to perform the relevant duties for the role.

## **RECRUITMENT AND SELECTION**

The recruitment and selection process is crucially important to any equal opportunities policy. We will endeavour through appropriate training to ensure that employees making selection and recruitment decisions will not discriminate, whether consciously or unconsciously, in making these decisions.

Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy.

Job descriptions, where used, will be revised to ensure that they are in line with our equal opportunities policy. Job requirements will be reflected accurately in any personnel specifications.

We will adopt a consistent, non-discriminatory approach to the advertising of vacancies.

We will not confine our recruitment to areas or media sources which provide only, or mainly, applicants of a particular group.

All applicants who apply for jobs with us will receive fair treatment and will be considered solely on their ability to do the job.



All employees involved in the recruitment process will periodically review their selection criteria to ensure that they are related to the job requirements and do not unlawfully discriminate.

Short listing and interviewing will be carried out by more than one person where possible.

Interview questions will be related to the requirements of the job and will not be of a discriminatory nature.

We will not disqualify any applicant because he/she is unable to complete an application form unassisted unless personal completion of the form is a valid test of the standard of English required for the safe and effective performance of the job.

Selection decisions will not be influenced by any perceived prejudices of other staff.

## **MONITORING**

We will maintain and review the employment records of all employees in order to monitor the progress of this policy.

Monitoring may involve:

- the collection and classification of information regarding the race in terms of ethnic/national origin and gender of all applicants and current employees
- the examination by ethnic/national origin and gender of the distribution of employees and the success rate of the applicants and
- recording recruitment, training and promotional records of all employees, the decisions reached and the reason for those decisions.

The results of any monitoring procedure will be reviewed at regular intervals to assess the effectiveness of the implementation of this policy. Consideration will be given, if necessary, to adjusting this policy to afford greater equality of opportunities to all applicants and staff.

## **IMPLEMENTATION**

Consultation with staff will be a necessary part of implementing the general policy and the specific policies and procedures.

Staff will be informed of their responsibilities in relation to promotion and implementation of the EDI Policy and Procedures during their induction to McGinley Support Services and at various intervals during their employment.

Appropriate training through the staff induction programme will be provided to assist with implementation of the policy.

McGinley Support Services will adopt the best EDI practice in the light of both internal and external research and experience.

## **COMPLAINTS**

Any complaint made with regard to inequality shall be dealt with under the terms of the appropriate complaints procedures.

In the first instance, all employees are encouraged to resolve any situation of perceived discrimination, harassment or bullying, by talking directly, politely unambiguously to the person concerned, who may be unaware that their behaviour is unacceptable.

If malicious, unfounded complaints are upheld the person responsible may be subject to disciplinary action.

Whilst your complaint will be treated in confidence, it may be necessary to involve others but this would be on a strictly need to know, confidential basis.

## **Grievances**

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 that 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 organisation will implement them.

The company treats personal data collected for reviewing equality of opportunity in recruitment and selection in accordance with its data protection policy. Information about how data is used and the basis for processing is provided in the organisation's job applicant privacy notice.