



EQUAL OPPORTUNITY POLICY

Dated May 2024

Policy statement

We are an equal opportunity Employer, and we are committed to a policy of treating all our Employees and job applicants equally and to avoiding unlawful discrimination against our Employees or customers.

We strive to ensure that everyone's working lives are free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities and diversity and inclusion in employment. This policy helps us to put this commitment into practice.

By complying with this policy, you are helping to ensure that we create working lives that are free from discrimination, where everyone can achieve their potential.

We act in accordance with and comply with The Equality Act 2010 and The Employment Rights Act 1996.

We will avoid unlawful discrimination in all aspects of employment including recruitment and selection, promotion, transfer, opportunities for training, pay and benefits, other terms of employment, discipline, selection for redundancy and dismissal.

It is our policy to take all reasonable steps to employ and promote Employees based on their abilities and qualifications without regard to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality and ethnic or national origins), religion or belief, sex and/or sexual orientation. In this policy, these are known as the protected characteristics.

Procedure overview

We will appoint, train, develop and promote based on merit and ability alone. Employees have a duty to cooperate with us to ensure that this policy is effective to ensure equal opportunities and to prevent discrimination.

Action under our disciplinary procedure will be taken against any Employee who is found to have committed an act of improper or unlawful discrimination.

Serious breaches of the equal opportunities policy will be treated as potential gross misconduct and could render the Employee liable to summary dismissal. Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination.

Employees must not harass, bully, or intimidate other Employees for reasons related to one or more of the protected characteristics.

Such behaviour will be treated as potential gross misconduct under our disciplinary procedure. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

Employees should draw the attention of your Line Manager to suspected discriminatory acts or practices. Employees must not victimise or retaliate against another Employee who has made allegations or complaints of discrimination or who has provided information about such discrimination.

When we are providing services, goods, or facilities, Employees must not discriminate against or harass a member of the public. We are under a duty to make reasonable adjustments to overcome barriers to using services caused by disability including the removal, adaptation, or alteration of physical features.

In addition, we need to think ahead and make reasonable adjustments to address any barriers that may impede disabled people from accessing a service. Such behaviour will be treated as potential gross misconduct under our disciplinary procedure. Employees should support fellow Employees who suffer such treatment and are making a complaint.

What is direct discrimination

Direct discrimination occurs when, because of one of the protected characteristics, a job applicant or another Employee is treated less favourably than other job applicants or Employees are treated or would be treated.

The treatment will still amount to direct discrimination even if it is based on the protected characteristic of a third party with whom the job applicant or Employee and not on the job applicant's or Employees own protected characteristic.

In addition, it can include cases where it is perceived that a job applicant or another Employee has a particular protected characteristic when in fact they do not.



Discrimination after employment is also unlawful if it arises out of and is intricately connected to the employment relationship, for example refusing to give a reference or providing an unfavourable reference for a reason related to one of the protected characteristics.

We will take all reasonable steps to eliminate direct discrimination in all aspects of employment.

What is indirect discrimination

Indirect discrimination is treatment that may be equal in the sense that it applies to all job applicants or Employees, but which is discriminatory in its effect on, for example, one particular sex or racial group.

Indirect discrimination occurs when there is applied to the job applicant or Employee a provision, criterion, or practice (PCP) which is discriminatory in relation to a protected characteristic of the job applicant's or Employees.

A PCP is discriminatory in relation to a protected characteristic of the job applicant's or Employees if:

- applied, or would be applied, to persons with whom the job applicant or Employee does not share the protected characteristic
- PCP puts, or would put, persons with whom the job applicant or Employee shares the protected characteristic at a particular disadvantage when compared with persons with whom the job applicant or Employee does not share it
- puts, or would put, the job applicant or Employee at that disadvantage
- cannot be shown by Darwen Electrical Services Ltd to be a proportionate means of achieving a legitimate aim

We will take all reasonable steps to eliminate indirect discrimination in all aspects of employment.

What is Associative discrimination

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic.

What is Perceptive discrimination

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, and pregnancy and maternity).

What is Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant or likely to undermine, humiliate or injure the person on the receiving end.

What is Harassment

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity which are covered by direct discrimination provisions in the Equality Act 2010) that has the purpose or effect of violating a person's dignity; or is reasonably considered by that person to create an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

What is Victimisation

Victimisation occurs when an Employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because they have raised or supported a grievance or complaint of unlawful discrimination, or because they have issued employment tribunal proceedings for unlawful discrimination, or they have given evidence in connection with unlawful discrimination proceedings brought by another Employee.

However, an Employee is not protected if they give false evidence or information, or make a false allegation, and they do so in bad faith.

Post-employment victimisation is also unlawful, for example refusing to give a reference or providing an unfavourable reference because the former Employee has done one of the protected acts set out above.

We will take all reasonable steps to eliminate victimisation in all aspects of employment.



Sources of recruitment

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in respect of abilities and qualifications.

We are committed to applying our equal opportunities policy at all stages of recruitment and selection.

Advertisements

We will aim to positively encourage applications from all suitably qualified people. When advertising job vacancies, to attract applications from all sections of the community, we will, as far as reasonably practicable:

- ensure advertisements are not confined to those areas or publications which would exclude or disproportionately reduce the numbers of applicants with a particular protected characteristic
- avoid setting any unnecessary provisions or criteria which would exclude a higher proportion of people with a particular protected characteristic

Where vacancies may be filled by promotion or transfer, they will be published to all eligible Employees in such a way that they do not restrict applications from Employees with a particular protected characteristic.

However, where, having regard to the nature and context of the work, having a particular protected characteristic is an occupational requirement and that occupational requirement is a proportionate means of achieving a legitimate aim, we will apply that requirement to the job role, and this may therefore be specified in the advertisement.

Failure to make reasonable adjustments

This is where a physical feature or a provision, criterion or practice puts a person who is disabled at a substantial disadvantage compared with someone who does not have that disability and the Employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Selection methods

The selection process will be carried out consistently for all jobs at all levels. The selection of new Employees will be based on the job requirements and the individual's suitability and ability to do, or to train for, the job in question.

Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment, promotion or transfer will be assessed objectively against the requirements for the job.

With disabled job applicants, we will have regard to our duty to make reasonable adjustments to work provisions, criteria, or practices or to physical features of work premises or to provide auxiliary aids or services in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with persons who are not disabled.

Selection tests

Any selection tests which are used will be limited to questions relating to the job and/or career requirements.

The tests will measure the individual's actual or inherent ability to do or to train for the work or career.

Thus, questions or exercises on matters which may be unfamiliar to applicants with a particular protected characteristic will not be included in the tests if they are unrelated to the requirements of the job.

The tests which are used will be reviewed from time to time to ensure that they remain relevant and free from any unjustifiable bias, either in content or in scoring mechanism.

Applications and interviewing

All applications will be processed in the same way. The Employee responsible for short-listing, interviewing, and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application.

Wherever possible, all applicants will be interviewed by at least two interviewers. All questions that are put to the applicants will relate to the requirements of the job.



If it is necessary to assess whether personal circumstances will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based on assumptions about any of the protected characteristics.

Training, transfer, and promotion

We will take such measures as may be necessary to ensure the proper training, supervision, and instruction for all Managers to familiarise them with our policy on equal opportunities, and in order to help them identify discriminatory acts or practices and to ensure that they promote equal opportunity within the departments for which they are responsible.

The training will also enable Managers to deal more effectively with complaints of bullying and harassment.

We will also provide training to all Managers to help them understand their rights and responsibilities under our equal opportunities and dignity at work policies and what they can do to create a work environment that is free from discrimination, bullying and harassment.

All persons responsible for selecting new Employees, training, transfer or promotion to other jobs will be instructed not to discriminate because of one or more of the protected characteristics.

Where a promotional system is in operation, the assessment criteria will be examined to ensure that they are not discriminatory. The promotional system will be checked from time to time to assess how it is working in practice.

When a group of Employees who predominantly have a particular protected characteristic appear to be excluded from access to promotion, transfer, and training and to other benefits, our systems and procedures will be reviewed to ensure there is no unlawful discrimination.

Terms of employment, benefits, facilities, and services

All terms of employment, benefits, facilities, and services will be reviewed from time to time in order to ensure that there is no unlawful direct or indirect discrimination because of one or more of the protected characteristics.

Equal pay and equality of terms

We are committed to equal pay and equality of terms in employment. We believe all individuals should receive equal pay where they are carrying out like work.

In addition, we operate our equal pay system through, work rated as equivalent or work of equal value.

To achieve this, we will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

We ensure as a fair and equitable Employer we pay our Employees in line with statutory legislation, we do this by adhering to National Minimum Wage (NMW) and National Living Wage (NLW) guidance.

Your responsibilities

You need to play your part in helping us create working lives that are free from harassment and bullying, and where everyone can achieve their potential.

Acts of discrimination, harassment, bullying or victimisation against Employees or customers are disciplinary offences and will be dealt with under our disciplinary procedure. We treat this type of conduct extremely seriously and it may lead to dismissal without notice.

Grievances and complaints

All allegations of discrimination will be dealt with seriously, confidentially, and speedily we will not ignore or treat lightly grievances or complaints about unlawful discrimination from Employees.

Such complaints should be raised promptly under the terms of our grievance procedure. If the complaint involves bullying or harassment, the grievance procedure is modified as set out in the dignity at work policy.

Employees will not be penalised for raising a grievance, even if it is not upheld, unless the complaint was both untrue and made in bad faith.

Monitoring equal opportunity

We will regularly monitor the effects of selection decisions and personnel practices and procedures to assess whether equal opportunity is being achieved.



This will also involve considering any possible indirectly discriminatory effects of our standard working practices. If changes are required, we will implement them. we will also make reasonable adjustments to our standard working practices to overcome substantial disadvantages caused by disability. This policy will be clearly communicated to all Employees and subject to review on an annual basis.

End of Document

Policy review date May 2025