HR policy

Equal Opportunities and Dignity at Work

Revision Schedule

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<th>Rev. No.</th>
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<td>Rev 0</td>
<td>07/06/10</td>
<td>Transfer to Morgan Sindall - Original Document</td>
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<tr>
<td>Rev 1</td>
<td>02/11/10</td>
<td>Update due to legislative changes</td>
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1. **Purpose**
To provide a common approach to Equality of Opportunity and Dignity at Work throughout Morgan Sindall for all job applicants and employees and to define the behaviours and approaches which are, and which are not, acceptable to the company.

2. **Scope**
The policy applies to all aspects of employment and to all employees, such term to include established and temporary employees, and also customers, subcontractors, consultants and any third party.

3. **Responsibility and policy**

3.1 **Responsibility**
Implementation and adherence— all directors, managers, employees.
Upgrade and maintenance – Director of HR.

3.2 **Policy**
Morgan Sindall is fully committed to the principle of equality of opportunity and creating a work environment free of harassment, victimisation and bullying. It is the company’s policy to treat all job applicants and employees fairly and equally regardless of

- Sex
- Pregnancy or maternity
- Gender reassignment (which includes people who are proposing, have started or completed the gender change)
- Sexual orientation
- Religion or belief (including what an individual does not believe in)
- Marriage and civil partnership
- Age
- Race (which includes colour, nationality and ethnic or national origins)
- Disability (including other factors which may arise as a consequence of a disability).

which are known as ‘protected characteristics’.

Morgan Sindall aims to ensure that all employees and job applicants are given the opportunity to achieve their full potential and will ensure that decisions made in respect of the advertising of jobs, recruitment and appointment to them, training, conditions of work, pay, promotion, dismissal and to every other aspect of employment are taken solely on merit and that judgements made are free from the effect of bias or prejudice.

In order to further this goal, wherever possible, in order to accommodate a more diverse workforce, adjustments to working practices will be considered.

The company believes that the work environment must afford dignity to all and be free of unwanted conduct that violates another’s dignity or is intimidating, hostile, degrading, offensive
or humiliating to others in any way. A behaviour may be experienced as offensive even where it
is not directed personally at the complainant.

4. Policy details

4.1 General principles
As an equal opportunities employer, the company recognises the need to promote methods of
encouraging diversity in its workforce, in addition to consistently fair treatment of all its
employees.

Morgan Sindall will endeavour to ensure that:

1) No employee is disadvantaged by requirements or conditions which cannot be justified solely
   on objective job related criteria or substantiated business need.
2) A zero tolerance approach to bullying, victimisation and harassment is adopted across the
   business.

Employees should note that the imposition of any act which has a disproportionate adverse
impact on someone for a reason related to sex, pregnancy or maternity, gender reassignment,
sexual orientation, religion or belief, marriage and civil partnership, age, race or disability will
generally be not only against the law but against the stated aims and policy of this company.

This policy also applies to organised work related events regardless of the fact that these may
be held outside of the company’s premises and in the employees’ own time

In the event of any query or doubt a senior member of the HR team should be consulted.

Section 3 gives a full explanation of types of discrimination and examples.

4.2 Responsibility for application of the policy
Within Morgan Sindall everyone has a right to equality of opportunity and dignity at work and
everyone has a duty to observe, enact and support the policy to ensure that the measures
introduced to comply with equality of opportunity and ensure the dignity of all, are followed.

Every manager and employee has a personal responsibility for implementation of the policy.
Directors, managers and supervisory staff and human resource specialists have a particular
responsibility to ensure that the policy is fairly and consistently applied, and will be provided with
information concerning equal opportunities and discrimination.

No employee in any position in the company must, in the provision of our services, discriminate
against or harass any other employee, member of the public, subcontractor, customer or any
other third party.

Appropriate training will be available to enable staff to implement and uphold the Morgan Sindall
commitment to equality of opportunity and dignity at work.

4.3 Breach and remedy of the policy
Breach of this policy is potentially a serious disciplinary matter. Violations of this policy will be
treated as a disciplinary offence, as will any attempt to victimise or retaliate against an
employee or other third party bringing a complaint. Disciplinary action will be taken in
accordance with the current Morgan Sindall Disciplinary and Dismissal policy and procedures.
Conduct or behaviour which breaches this policy will often be gross misconduct which will lead
to dismissal without notice.

Employees should report any bullying or harassment by employees, customers, suppliers,
visitors or others to their manager who will take appropriate action and anyone who believes
that he or she may have been discriminated against or has been subjected to unfair treatment in
contravention of this policy is entitled to raise the matter through the grievance procedure.
All employees are assured that where the grievance concerns any discrimination or harassment issues then the complaint will be taken seriously, investigated objectively and confidentiality will be maintained throughout the investigation of the allegation to the maximum extent possible.

No employee, subcontractor, customer or any other third party will be penalised, victimised or subjected to any detriment for complaining that his or her dignity has been breached through a colleague’s or third party’s (e.g. customers, suppliers or member of the public) words or actions. However if the complaint is untrue and has been brought maliciously (e.g. out of spite) disciplinary action will be taken against the complainant.

If at any time there are grounds to believe that an employee, subcontractor, customer or any other third party has been bullied, harassed, victimised or otherwise caused offence to another employee, the company will instigate an investigation into the alleged behaviour. This will be the case whether or not there has been a formal complaint. Furthermore, any employee who witnesses an incident that may reasonably be viewed as offensive is obliged to report in factual terms what he or she saw or heard to a senior manager or member of the HR team.

Action will be taken against third parties where there has been any discrimination, harassment, bullying or victimisation towards another in the employment context.

4.4 Monitoring
All employees and job applicants will be asked to complete a form denoting their sex, race, ethnic origin, age and any disabilities that they have. The company guarantees that the information provided on this form will be used solely for the purpose of monitoring the effectiveness of the policy. Any information obtained for this purpose will be kept in a format which does not contain the identity of the respondent and will be kept separate from other personnel records.

4.5 Sub-contractor and customer interface
If either a subcontractor or customer, or any other third party, harasses an employee on the grounds of one or more of the protected characteristics the company is liable if there is an awareness that:

- The action has occurred on at least two occasions
- It is aware that the harassing action has taken place
- Reasonable steps have not been taken to prevent a repeat of it.

Action must be taken by the company whether or not a complaint has been lodged.

Sub-contractors
All contracts between Morgan Sindall and sub-contractors to supply goods, materials and services must include a clause prohibiting unlawful discrimination or harassment by sub-contractors and their employees. Morgan Sindall also encourages sub-contractors and potential sub-contractors to provide equality of opportunity in their employment practices.

Customers
Customers will be made aware of this policy and of their right to fair and equal treatment irrespective of sex, pregnancy or maternity, gender reassignment, sexual orientation, religion or belief, marriage and civil partnership, age, race or disability.

4.6 Equal opportunities commitment
As Morgan Sindall is committed to treating people with fairness and respect opportunities for employment and training will be open to all candidates and selection for employment, promotion, transfer, training and access to benefits, facilities and services will be fair and equitable and based solely on merit.
The following best practice provisions will ensure compliance with the policy on Equal Opportunities in employment.

**Recruitment**
Decisions are to be taken on the basis of skills, aptitudes, abilities, competencies and team-working demands required by the job, which will be fair and objective.

**Selection**
Selection decisions are to be taken purely on the basis of merit. Person and job specifications will be limited to those requirements which are necessary for the effective performance of the job. Questioning must be confined to relevant job related issues and selection decisions based on skills, aptitudes, competencies and team-working capabilities of the candidate. No candidate will be rejected on the basis of trade union membership, spent conviction, or any other discriminatory reason.

**Promotion**
All employees are encouraged to develop their skills and qualifications and to take advantage of promotion and development opportunities within the organisation. Promotion decisions are to be based on capability or demonstrated potential to do the job which would normally be consistent with the assessments made and wider considerations associated with the succession planning process.

**Training and development**
All employees are encouraged to take advantage of relevant and suitable opportunities for training to develop to their full potential.

**Redundancy selection**
Selection for redundancy will be based upon objective business, job and performance related criteria to ensure that the skills which the business requires to progress, are retained.

**Reasonable Adjustments**
The company is obliged to make reasonable adjustments so as to not disadvantage any individual who has a disability. This includes taking reasonable steps to provide auxiliary aids/auxiliary services where this would alleviate any disadvantage.

### 4.7 Dignity at work commitment

The company is committed to creating a work environment free of harassment, victimisation and bullying where everyone is treated with dignity and respect. No-one should feel threatened, intimidated or degraded. All employees have a responsibility to behave in a way that is courteous and reasonable towards their colleagues, customers, sub-contractors and any other third party.

Employees suffer a breach of the right to dignity at work where they suffer, during their employment, harassment, victimisation or bullying or any act, omission or conduct, which causes them to be alarmed or distressed.

All workers should encourage a person who says they have been bullied or harassed to seek help and to be sensitive to their feelings.

All workers should refrain from taking part in, encouraging or condoning gossip about cases of alleged or actual harassment or bullying.

### 5. Explanation of terms

Discrimination concerning sex, pregnancy or maternity, gender reassignment, sexual orientation, religion or belief, marriage and civil partnership, age, race or disability is covered by the Equality Act 2010 and these forms of discrimination are therefore illegal. Discrimination is carried out where on the basis of one or more of these reasons, a person is treated less
favourably than others or conditions or requirements are applied to them which a smaller number of that category can comply with. The requirement is therefore to the detriment of that person because he or she cannot comply with it.

It is also unlawful to:

- Instruct another person to discriminate
- Put pressure on someone to discriminate
- Aid someone in committing an unlawful discriminatory act.

Discrimination which disadvantages a person can be carried out in the following forms:-

- Direct discrimination – including associative and perceptive discrimination
- Indirect discrimination
- Victimisation
- Harassment
- Bullying
- Third-party harassment
- Failure to make reasonable adjustments.

The examples given below are non-exhaustive examples of discrimination and the policy should not be used in isolation to the law, which will prevail.

5.1 Direct discrimination
Direct discrimination occurs where a person is treated less favourably than another because of a protected characteristic. This would include using inappropriate, biased or prejudiced methods in any employment matter by refusing employment, promotion training or other benefits, facilities and services or having unfair opinions about people or groups of people and using these unsuitable opinions to make unfair decisions.

An example of direct discrimination would be setting different questions at interview for different groups (for example, race, sex, age).

Direct discrimination can only be justified in relation to a protected characteristic where there is an occupational requirement. The occupational requirement must be crucial to the post and proportionate means of achieving a legitimate aim.

5.2 Direct discrimination by association
Associative discrimination occurs where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although not included would be harassment because of marriage or civil partnership and pregnancy and maternity).

An example of associative discrimination would be, for example, excluding someone because he/she is associated or connected with someone with a protected characteristic (other than those above) such as discriminating against someone because they care for a disabled relative.

5.3 Direct discrimination by perception
Perceptive discrimination is where an individual is directly discriminated or harassed based on a perception that he/she has a protected characteristic when he/she does not, in fact, have that protected characteristic (excluding marriage / civil partnership, pregnancy and maternity).

An example of perceptive discrimination would be ignoring an individual because he/she is perceived to have a protected characteristic when he or she does not, in fact, have that protected characteristic such as perceiving that someone has AIDS and avoiding them because of this, when they do not have this illness.
5.4 **Indirect discrimination**

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

An example of indirect discrimination would be requiring qualities or standards which are unjustified and which some groups or people cannot satisfy, for example, number of years experience / residence in the UK.

5.5 **Victimisation**

Victimisation is where a person is treated less favourably or suffers a detriment because they have brought proceedings, given evidence or supported a complaint or alleged a contravention of the Equality Act 2010 or because they are suspected of doing so.

An example of victimisation would be where an employee raises a grievance that an employer has failed to make reasonable adjustments for them to fulfil their role and then is systematically excluded from all meetings, or other company activities.

An employee will not be protected if he/she has acted maliciously or made or supported an untrue complaint.

5.6 **Harassment**

Harassment is where there is unwanted conduct related to one of the protected characteristics (other than marriage / civil partnership, pregnancy and maternity) that has the purpose or effect of violating a person’s dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment or any behaviour that is unwanted or offensive to the recipient or which causes them to feel threatened, humiliated or harassed. This includes any conduct which interferes with the individual’s performance, undermines their job security or creates a threatening or intimidating work environment. It may be either an isolated incident or persistent behaviour.

The conduct or behaviour does not have to be intended, but if it is construed as harassment by the individual affected, then it may still constitute harassment.

Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. Behaviour that any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, for example, sexual touching. It my not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend a particular person, for example, certain banter or flirting. In these cases first-time conduct that unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

An individual can complain of behaviour they find offensive, humiliating, hostile or offensive even if that behaviour is not directed to them specifically. They need not have the relevant protected characteristic themselves in order to complain of the behaviour (excluding marriage/civil partnership, pregnancy and maternity).

Examples of harassment include - but is not limited to:

- physical conduct ranging from unwelcome touching to serious assault,
- unwelcome sexual advances,
- threats for rejecting sexual advances
- demeaning comments about a person’s appearance,
• unwelcome jokes or comments of a sexual or racial nature or about an individual’s age, disability, sexual orientation or religion
• unwanted nicknames related to a person’s age, race or disability
• excluding an individual because he/she is associated with someone with a protected characteristic
• ignoring an individual because he/she is perceived to have a protected characteristic,
• the use of obscene gestures
• the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, for example, magazines, calendars or ‘pin-ups’ (whether male or female)
• Spreading malicious rumours or insulting someone.

Examples of grounds other than the legislative grounds noted above upon which people may be harassed include, amongst other things and not exhaustively:-

• Membership, or not, of a Trades Union
• Status as ex-offenders

5.7 Third-party harassment
Third-party harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage/civil partnership, pregnancy and maternity) by a third party such as a client or customer. 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);
• The Company must be aware that the previous harassment has taken place; and
• The Company must have failed to take reasonable steps to prevent harassment from happening again.

Action must be taken by the company whether or not a complaint has been lodged.

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

It is usually destructive rather than constructive and will undermine the confidence and capability of a victim.

It may take the form of verbal abuse, violent gestures, physical violence, allocation of ‘blame’ and ‘picking on’ workers unfairly, public humiliation or a more subtle ‘war of words’ to undermine confidence, exclusion from group / team activity, silent treatment.

Bullying is more than a strong, firm, authoritarian style and although it usually results from an abuse of status and power, it can also result from an abuse of any form of individual power such as physical strength, personality, or collective power through strength of numbers.

The behaviours are unwelcome to the victim and are undertaken in circumstances where the victim has difficulty in defending themselves.

The behaviours may be carried out as a deliberate act or unconsciously but it is the impact of the behaviour, rather than the intent, which is the key to understanding whether bullying has occurred.

An example of bullying would be making threats or comments about someone’s job security without good reason.
Both bullying and harassment may be by an individual against an individual, or involve groups of people. It may be obvious or it may be insidious but in whatever form it is unwarranted and unwelcome to the individual.

5.9 **Reasonable adjustments**

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

6. **Overview**

The above policy and procedures give an overview which in the case of most employees will adequately cover their requirements. This document does not attempt to describe the law in detail and should not be taken as an authoritative statement of law. For more detailed information or if in doubt about any of these issues, contact your HR manager or any member of the HR team.

7. **Author**

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