

# **EQUAL OPPORTUNITIES AND ANTI-HARASSMENT & BULLYING POLICY**

This policy document applies to your employment at Medicare Colgate Ltd, the "Organisation" However, this policy does not form part of your contract of employment.

For any policy to be effective it must be applied throughout the Organisation, this policy therefore applies to all staff regardless of position or seniority.

## **1. Policy Statement**

**1.1** This Organisation is an equal opportunity employer and is committed to ensuring that the terms and conditions of employment of the employee and potential employee are equitable and non-discriminatory. This means that job applicants and employees will be treated fairly regardless of their age, sex, marital status (including civil partnerships), sexual orientation, gender reassignment, race (including colour, nationality, citizenship or ethnic or national origins), disability, religion or religious beliefs and pregnancy and maternity.

**1.2** The Organisation will seek to promote equal opportunities and prevent harassment and bullying by publicising and communicating this policy; by providing appropriate training and guidelines for those with designated responsibilities and by raising awareness through staff development.

**1.3** Further, the Organisation will continually monitor its policies and practices to ensure that these principles are upheld. It is the employee's right to be treated with dignity and respect, which in turn will be conducive to performance, self-development and career advancement. Every executive, manager and employee has a responsibility to implement this policy.

## **2. Definitions**

### **2.1 Discrimination**

For the purposes of this policy, direct discrimination means treating people less favourably than others on the grounds of their age, disability, gender reassignment, marital status, pregnancy and maternity, race, religion or religious beliefs, sex or sexual orientation.

Indirect discrimination means treating people less favourably by applying a provision, criterion or practice, which disadvantages such persons. Indirect discrimination applies to: age, disability, gender reassignment, marital status, pregnancy & maternity, race, religion or religious beliefs, sex or sexual orientation.

### **2.2 Age**

Discrimination based upon age includes direct or indirect discrimination against a person due to either their youth or their more advanced years – whether a person is considered or perceived to be "too young" or "too old" and the direct or indirect discrimination they receive as a result of this. It can also include the age of another

person with whom they associate. Discrimination can occur in recruitment, selection, promotion, training, pay, benefits and other conditions. It can also occur in dismissal, redundancy and retirement or selection for these. The exception to this is age discrimination for operational reasons, where discrimination is objectively justified, for example where a person is required to be within a certain age range in order to perform their role efficiently and safely. Any objectively justified discrimination must be both proportionate and designed to achieve a legitimate aim.

### **2.3 Disability**

Where a person is treated differently or less well compared to other people due to their disability. Discrimination can be direct or indirect. Direct discrimination can be treatment based on their actual disability, a perceived disability or their association with another person who is disabled. Indirect discrimination can be a work practice or procedure that disadvantages a disabled person, either an employee or a job applicant. However, employers do have justification in certain limited circumstances where a person's disability makes them unable to undertake a specific role.

### **2.4 Gender Reassignment**

For the purposes of this policy, gender reassignment means a desire to be known or to become a person of a gender different to that to which they were born. It applies to someone who has started or completed a process to change his or her gender. It is discriminatory to treat an employee absent from work due to gender reassignment differently from any other employee who may be absent from work due another medical reason. Furthermore, an employer should avoid any absence escalation procedures in this instance as these may be found to be discriminatory.

### **2.5 Marital Status**

Employees should not be discriminated against directly or indirectly because they are married or in a civil partnership.

### **2.6 Pregnancy & Maternity**

It is unlawful to discriminate against someone because of pregnancy or maternity. Discrimination can be unfavourable treatment or victimisation. Unfavourable treatment is where an employee is disadvantaged due to pregnancy or maternity. Victimisation is where an employee suffers a detriment after complaining of discriminatory behaviour, it can also occur where an employee gives evidence relating to discrimination.

### **2.7 Racial Harassment**

For the purposes of this policy racial harassment is defined as any action, conduct, comment, gesture or behaviour that is offensive, embarrassing, insulting or intimidating. It may include derogatory remarks, quips, jokes, innuendoes, taunts or physical abuse which is racially derogatory and potentially offensive and relates to a person's race, religion or ethnic origins.

### **2.8 Religion or Religious Beliefs**

For the purposes of this policy, religion or religious beliefs is defined as any religion, religious belief or similar philosophical belief. It does not include philosophical or political beliefs unless that belief is similar to a religious belief. Discrimination can occur based on a perception of a person's religion or beliefs even if that perception is wrong. It can also include discrimination against a person by reason of the religion or religious beliefs of someone they associate with. Discrimination can occur even if the

people involved are of the same religion or religious belief. It can also include someone who is discriminated against because they do not have a religion.

## **2.9 Sex**

It is unlawful to discriminate against a person due to their sex. This applies equally to both men and women and also applies to a woman discriminating against another woman or a man discriminating against another man. Direct discrimination can be treatment based on their sex, their perceived sex or their association with another person of a particular sex. Indirect discrimination can be a work practice or procedure that disadvantages a person of a particular sex, either an employee or a job applicant.

## **2.10 Sexual Orientation**

For the purposes of this policy, sexual orientation means sexual orientation for a person of the same sex, different sex or for persons of both sexes, or based on a person's civil partnership status. It does not include sexual practices or preferences. Discrimination can occur based on a perception of a person's sexual orientation, even if that perception is wrong. It can also include discrimination against a person by reason of the sexual orientation of someone they associate with.

## **2.11 Harassment**

For the purposes of this policy harassment is defined as any hostile unwanted, unreasonable and/or offensive behaviour, which adversely affects a person's dignity, self-confidence and well being and creates a hostile environment and which leads to that person feeling intimidated, degraded or humiliated. Harassment does not apply in respect of the categories of pregnancy and maternity or marital status.

## **2.12 Sexual Harassment**

For the purposes of this policy sexual harassment is defined as:

- a.** Any action, conduct, comment, gesture or physical contact of a sexual nature that is unwelcome and might reasonably be seen by an employee or prospective employee as placing an implicit or explicit condition on employment.
- b.** Any persistent, unwelcome action, conduct, comment, gesture or physical contact of a sexual nature that is likely to cause offence, embarrassment or humiliation to an employee or creates an offensive working environment.

## **2.13 Bullying**

For the purposes of this policy bullying is defined as repeated treatment with the purpose of controlling individuals or making them insecure in their roles or treatment that has that effect.

## **2.14 Victimisation**

For the purposes of this policy, victimisation is defined as treating persons less favourably because of something they have done under or in connection with asserting their rights under any employment legislation or regulations. However, this does not apply if the employee has made or supported a false complaint.

### **3. Monitoring**

All employees and job applicants will be asked to complete a form providing information regarding their age, sex, marital status, race, sexual orientation, religion and whether they suffer from any disabilities. This form will be used solely for the purpose of monitoring the effectiveness of the Organisation's equal opportunities policy and to ensure that the Organisation meets its obligations as an equal opportunities employer.

### **4. Procedure For Discriminatory Conduct**

**4.1** Any member of staff may use the Organisation's grievance procedure to complain about discriminatory conduct. The complaint will be thoroughly investigated and considered based on the facts of the investigation. No individual will be penalised for raising such a grievance unless it is untrue and made in bad faith. If the matter relates to harassment or bullying of any kind the anti-harassment and bullying procedure set out below should be followed.

**4.2** Any employee who discriminates against any other employee on the grounds of age, sex, marital status, sexual orientation, gender reassignment, race, disability, religion or religious beliefs, pregnancy and maternity, will be subject to the Organisation's disciplinary procedure as set out in the grievance and disciplinary policy. In serious cases where such behaviour has been deemed to constitute gross misconduct it will result in summary dismissal in the absence of mitigating circumstances. This statement should be read in conjunction with the anti-harassment and bullying procedure set out below at clause 6.

### **5. Positive Action On Equal Opportunities**

**5.1** The Organisation will regularly monitor the composition of the workforce and of job applicants. Should inequalities become apparent positive action will be taken to redress the balance including such measures as:

- a.** Advertising jobs in ethnic or female interest publications as appropriate.
- b.** Encouraging under-represented groups to apply for suitable posts or undergo training.
- c.** Making contact with disabled people via the local job centre.
- d.** Considering whether any reasonable adjustment can be made to work premises or the working arrangements to accommodate a disabled employee or job applicant.
- e.** Introducing assertiveness training.

### **6. Anti-Harassment & Bullying Procedure**

**6.1** As well as its commitment to equal opportunities, the Organisation is committed to providing a work environment for employees, which is free from harassment or bullying on the grounds of age, sex, marital status, sexual orientation, gender

reassignment, race, ethnic origin, disability, religion or religious beliefs, pregnancy and maternity. This may include embarrassment, intimidation, threats or discrimination.

**6.2** Reasonable measures will be taken to ensure that no employee is subject to harassment or bullying. In recognition of these principles the Organisation will also not condone any conduct, which may be construed as sexual harassment.

**6.3** Any complaints of harassment or bullying should be made to *[Insert name, position and contact details of person]*. The matter will be dealt with in a discreet and confidential manner and appropriate action will be taken. It is the duty of all employees and in particular management and supervisors, to ensure that the anti-harassment & bullying policy is implemented. Harassment or bullying will be taken to have occurred if a reasonable individual would or ought to have known that the behaviour was unwelcome or offensive.

**6.4** Harassment and bullying are disciplinary offences that may in the most serious cases lead to dismissal. Individuals should be aware that in some circumstances they may be held personally liable for acts that are unlawful.

**6.5** Incidents of sexual or racial harassment can be taken to amount to gross misconduct, which will be dealt with under the Organisation's disciplinary policy and may lead to summary dismissal. Less serious infringements may lead to an apology from the harasser, letter of reprimand, suspension or relocation of the harasser.

**6.6** In dealing with reports of harassment or bullying the following principles will apply:

**a.** All reports will be taken seriously, treated in confidence and investigated by trained staff, independent of the situation.

**b.** All complaints will be progressed and dealt with according to the Organisations' grievance and disciplinary procedure.

**c.** Where the Organisation has reason to believe that there is a risk to the personal safety of the complainant or of another person, or that a criminal offence has been committed, the Organisation may take legal advice and/or inform the police before proceeding with any internal action.

**d.** The victimisation or harassment of a complainant or the respondent, or any witnesses will be regarded as a disciplinary offence.

**e.** Malicious complaints will be regarded as a disciplinary offence.

## **7. Date of Implementation**

This policy is effective from 14/4/23 and shall not apply to any actions that occurred prior to this date.

## **8. Questions**

If you have any questions regarding this policy document and how it applies to you please consult Alyson Baker.

## **9. Alteration of this Policy**

This policy will be subject to review, revision, change, updating, alteration and replacement in order to introduce new policies from time to time to reflect the changing needs of the business and to comply with legislation. Any alterations will be communicated to you by Daniel Hall.