

## Introduction

The Company believes that one of the ingredients of running a successful business is the provision of a working environment which retains high quality individuals and nurtures and supports the talent and potential of all its employees. Discrimination against an individual is a barrier to this aim and is totally unacceptable.

Within the framework of the law the Company will ensure that the workplace is free from unlawful or unfair discrimination on the grounds of age, colour, race, nationality, ethnic or national origin, sex, gender reassignment, sexual orientation, religion or disability.

## Aims

The Company is committed to:

- a) providing equal opportunities in all aspects of employment from sourcing candidates and selection, recruitment and training of its employees, to terms and conditions of employment and reasons for termination of employment; and
- b) ensuring that any employment decisions are taken without reference to irrelevant or discriminatory criteria.
- c) Promoting equality of opportunity for all persons irrespective of gender.
- d) Preventing occurrences of unlawful direct discrimination, indirect discrimination, harassment and victimisation.
- e) Fulfilling all our legal obligations under the equality legislation and associated codes of practice.
- f) Complying with our own equal opportunities policy and associates policies.
- g) Regarding all breaches of equal opportunities policy as misconduct which could lead to disciplinary proceedings.

## Legislation

It is unlawful to discriminate against any employee on the grounds of age, sex, gender reassignment, sexual orientation, marital status, race, colour, nationality, ethnic origin or disability.

Create Construction will meet all statutory obligations under relevant legislation and, where appropriate, anticipate future legal requirements signalled under EU Directives, this policy is guided by:

- Equal Pay Act (1970)
- Sex Discrimination Act (1975)
- Race relations Act (1976)
- Disability Discrimination Act (1995)
- Human Rights Act (1998)
- Special Educational Needs and Disability Act (2001)
- Race Relations (Amendment) Act (2000)
- EU Equal Treatment Framework Directive (2000)
- Employment equality (Religion and Belief) Regulations (2003)
- Employment Equality (Sexual Orientation) Regulations (2003)
- Civil Partnership Act (2004)
- Gender Recognition Act (2004)
- Disability Discrimination Act (2005)
- Employment Equality (Age) Regulations (2006)
- Equality Act (2006)
- Racial and Religious Hatred Act (2006)

and, in addition, the Codes of Practice issued by the Equal Opportunities Commission and the Commission for racial Equality, together with the Codes of Practice on Disability and Age Diversity. These Codes are not legally binding (though they are admissible as evidence in Employment Tribunals) and Create Construction supports them fully.

## Definition of Discrimination

- (a) Discrimination can be direct or indirect. Both forms of discrimination must be avoided.
- (b) Direct discrimination occurs when one person is treated less favourable than another on grounds relating to gender, sex, race, marital status, age, disability, sexual orientation or religion.
- (c) Indirect discrimination occurs where a requirement is imposed which can be complied with by a smaller proportion of persons of a particular sex, race, marital status, disability, age, part-time or fixed term contract status, sexual orientation or religion, than persons in another group and which is not objectively justifiable in the given situation. Examples include:
  - Seeking job applications only from persons under 27 years of age and with five years' post-graduate experience;
  - Demanding technical qualifications for a job which are not strictly necessary;
  - Sending only full time employers on training courses.

## Obligations under this policy

Mr P Mathison is responsible for implementing equality of opportunity policies at the most senior level. Thereafter responsibility for ensuring that this policy is upheld shall progress through Executive Director, Senior Managers through to individuals in the workplace.

### In order to implement this policy we shall:

- Communicate the policy to employees, job applicants and relevant others (such as freelance or agency workers) via the induction process and through team workshops for existing staff.
- Incorporate specific and appropriate duties in respect of implementing the equal opportunities policy into job descriptions and work objectives of all staff.
- Provide equality training and guidance as appropriate including training on induction and management courses.
- Ensure that those who are involved in assessing candidates for recruiting or promotion will continue to be trained in non-discriminatory selection techniques.
- Obtain commitments from other persons or organisations such as subcontractors or agencies that they too will comply with the policy in their dealing with Create Construction and our workforce.
- Ensure that adequate resources are made available to fulfil the objectives of this policy.

### In addition, those who manage staff are responsible for:

- Ensuring that policy is fairly and consistently applied in all areas under their control
- Eliminating any unfair practices of which they are aware, whether or not a complaint has been made
- Promoting an environment in which people feel comfortable in reporting incidents which are causing them concern
- Reacting quickly to complaints, investigating them objectively and thoroughly and taking any required action promptly
- Advising HR as soon as a formal complaint has been made.

If any individual at whatever level of the Company is found to have breached the provisions of this policy they will be subject to the Company's disciplinary policy on the grounds of misconduct, which may result in dismissal.

Discrimination by or against contractors retained by the Company or by or against any users of our services or customers or suppliers of the Company will not be tolerated.

If any employee is unclear as to the provisions of the legislation, of this policy, or as to how to deal with any particular problem, he/she should contact his/her Line Manager for guidance.

## Recruitment

Candidates will be selected and interviewing processes will be conducted fairly, objectively and without unlawful bias. Personal and job specifications will be limited to those requirements necessary for the effective performance of the position concerned. All recruitment advertisements will be non-discriminatory.

## Training

Employees will be provided with appropriate training, regardless of sex, race, marital status, disability, age, part-time or fixed term contract status, sexual orientation or religion.

## Remuneration

All salary and remuneration packages will be governed by an individual's ability to do their job and their experience.

## Promotion

Career progression decisions will be made on the basis of merit and capability only. All employees will be encouraged to discuss their career prospects and training needs with their Line Manager or HR Department.

## Age

In line with The Employment Equality (Age) Regulations Create Construction will not discriminate against employees, trainees or job seekers because of their age and ensure that all workers, regardless of age have the same rights in terms of training, promotion and benefits.

## Disability

The requirements of candidates and employees who have a disability (as defined under the relevant legislation) will be reviewed to ensure that wherever possible reasonable adjustments are made to enable them to enter or remain in the Company's employment.

## Remedies Against Unlawful Discrimination

It is the duty of all employees to report, without delay, any acts of unlawful discrimination.

The matter will be investigated by a Director of the Company or an independent person nominated by them. All parties will be interviewed.

Any complaints of discrimination will be pursued through the Company's Grievance Procedure.

Disciplinary action will be taken against any employee found to have committed a discriminatory act.

If the complaint is found to be the result of poor communication or misunderstanding and not discrimination, an appraisal interview will be held with the employee to discover the root cause and agree action to resolve it.

If the complaint is found to have been motivated by malice and without reasonable belief in its truth, the individual making the complaint may be subject to disciplinary action under the Company's disciplinary procedure.

Every effort will be made to ensure that individuals who make complaints will not be victimised. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

## Monitoring

We will monitor all allegations that include a racial, harassment, abuse or a discrimination element, to double-check that they have been responded to adequately and fairly and according to policy and the Company grievance procedure. We will review this policy annually and shall similarly monitor our recruitment, work allocation, discipline and dismissal procedures to identify any racially uneven statistical patterns that require further investigation. We shall also monitor the racial and gender balance of our employees in various functions. The effectiveness of our equal opportunities policy will be reviewed at least annually and action taken as necessary.

## Questions

If you have any questions regarding the content of this policy, please contact us by email ([mail@createconstruction.co.uk](mailto:mail@createconstruction.co.uk))

**If you wish to obtain a copy or would like to discuss our progress against our objectives, please telephone 01253 608999.**

This policy is also available on our web site at [www.createconstruction.co.uk](http://www.createconstruction.co.uk)