

# EQUAL OPPORTUNITIES POLICY



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## **1.00 POLICY STATEMENT**

- 1.01 Castle Hayes Pursey LLP has introduced an Equal Opportunities Policy. We regard this as a commitment to make full use of the talents and resources of all our employees and to provide a healthy environment, which will encourage good and productive working relations within the organisation. To that end, we will not discriminate on the basis of sex, marital status, physical or mental disability, race, colour, nationality, ethnic or national origins or perceived religious or political affiliation. We will ensure that Castle Hayes Pursey LLP will recruit, select and promote people solely on the basis of merit and in accordance with the published requirements of the job and the individual's ability to meet these requirements.

## **2.00 CORPORATE RESPONSIBILITIES**

- 2.01 Castle Hayes Pursey LLP has both a responsibility and an objective to comply with the letter and spirit of all relevant legislation on equal opportunities.

## **3.00 EMPLOYEE RESPONSIBILITIES**

- 3.01 You must:
- be aware that you are subject to the requirements of the law in respect of discrimination.
  - be aware and comply with the contents of this Policy and actively promote the practices contained in it.

## **4.00 COMPLAINTS OF DISCRIMINATION**

- 4.01 If you believe that you have been discriminated against on grounds outlined in this policy you should use the normal Castle Hayes Pursey LLP grievance procedure. However, in the first instance an attempt should be made to resolve the problem on an informal basis by discussing the matter with the Designated Members. If you prefer, you may raise the matter directly with the Designated Members who will endeavour to assist you in resolving the problem. If these options are not possible or appropriate, the formal grievance procedure should be used.
- 4.02 Further, where illegal discrimination is involved, you do have the right at any time to take this matter directly to an Industrial Tribunal. Legislation also allows for any person who considers he or she has been discriminated against to question and seek information from the person who is alleged to have discriminated.
- 4.03 ANY EMPLOYEES FOUND GUILTY OF DISCRIMINATION WILL RENDER THEMSELVES LIABLE TO DISCIPLINARY ACTION WHICH MAY RESULT IN DISMISSAL

## **5.00 RECRUITMENT, SELECTION AND PROMOTION**

- 5.01 In order to avoid any discrimination, whether direct or indirect, the Designated Members should record and monitor recruitment, selection and promotion decisions and examine selection criteria to ensure that they are related to job requirements and are not discriminatory. To this end, up to date job descriptions or terms of reference should be drawn up that are specific to the job. These should be available to candidates on request.

### 6.00 POLICY MONITORING

6.01 In order to monitor the Equal Opportunities Policy to determine whether discrimination exists, Castle Hayes Pursey LLP will need statistical information about employees. In addition to the accepted information such as sex and age, the monitoring process will need information on disability and ethnic origin. You are asked to provide and agree this information. The confidentiality of individual records will be respected but aggregated statistics based on this information may be shared with employees once information is available.

### 7.00 RACIAL DISCRIMINATION

7.01 With few exceptions, discrimination on the grounds of race is illegal. Discrimination has been defined in the Race Relations Act in the following ways:

#### 7.02 **Direct Discrimination:**

Consists of treating a person less favourably than others are or would be treated in the same or similar circumstances.

#### 7.03 **Indirect Discrimination:**

Consists of applying in any circumstances covered by the Act a requirement or conditions which, although applied equally to persons of all racial groups, is such that:

- a considerable smaller proportion of persons of a particular racial group as compared with the proportion of persons not of that racial group can comply with it and;
- the requirement or condition cannot be shown to be justifiable irrespective of the colour, race, nationality or ethnic or national rights of the person to whom it is applied.

7.04 Indirect discrimination is unlawful whether or not the effect of the requirement or condition is appreciated and whether the effect is intended or not.

7.05 The Designated Members should take particular care to avoid direct or indirect discrimination when specifying job requirements such as length of service or type of previous experience needed, which could in effect prevent people from a particular racial group from being considered for jobs, unless it can be demonstrated that the specified requirements are in fact necessary for a particular job.

7.06 **Victimisation:** Discrimination by victimisation is also unlawful under the Act. For example, a person is victimised if he or she is given less favourable treatment than others in the same circumstances because it is suspected that he or she has brought proceedings under the Act, give evidence or information relating to such proceedings or alleged that discrimination has occurred.

### 8.00 SEX DISCRIMINATION

With a few exceptions, discrimination on the grounds of sex or marital status is illegal. Discrimination has been defined in the Sex Discrimination Act in the following ways:

#### 8.01 Direct Discrimination:

Consists of treating a man or woman, on the grounds of sex or marital status less favourably than a person of the other sex is or would be treated in the same or similar circumstances. Further, a married person should not be treated less favourably than a single person of the opposite or same sex.

#### 8.02 Indirect Discrimination:

Consists of applying in any circumstances covered by the Act a requirement or condition which, although applied equally to men and woman or married and single persons alike, is such that a considerable smaller proportion of one sex or of married people can comply with it and it cannot be shown to be justifiable irrespective of the sex or marital status of the person to whom it is applied. Indirect discrimination is unlawful whether or not the effect of the requirement or condition is appreciated and whether the effect is intended or not.

The Designated Members should take particular care to avoid direct or indirect discrimination when specifying job requirements such as length of service, type of previous experience needed or physical requirements, unless it can be demonstrated that the specified requirements are in fact necessary for the job.

#### 8.03 Victimization:

Discrimination by victimisation is also unlawful under the Act. For example, a person is victimised if he or she is given less favourable treatment than others in the same circumstances because it is suspected or known that he or she has brought proceedings under the Act, give evidence or information relating to such proceedings or alleged that discrimination has occurred.

#### 8.04 Exceptions

The normal criteria for selecting a person for a specific job will be that person's abilities, their merit and the needs of the job. The Act does however permit an exception to be made where the person's sex is a genuine occupational qualification for the job, for example, where questions of decency or private arise or where the essential nature of the job calls for authentic male or female characteristics other than physical strength or stamina.

### 9.00 SEXUAL HARASSMENT

9.01 Sexual harassment is a form of sex discrimination and as such is unlawful behaviour contrary to the Sex Discrimination Act.

#### 9.02 Definition

Sexual harassment means unwanted conduct of a sexual nature or conduct based on sex, which is offensive to the recipient. Sexual harassment does not refer to behaviour of a socially acceptable nature. It refers to behaviour that is unsolicited, personally offensive and that fails to respect the rights of others.

9.03 Specific examples of unacceptable behaviour are as follows:

9.04 **Physical conduct:**

Unwanted physical contact including touching, patting or pinching, brushing against another employee's body, assault.

9.05 **Verbal conduct:**

Unwelcome sexual advances, propositions or pressure for sexual activity, unwanted continued suggestions for social activity outside the workplace, offensive flirtations, suggestive remarks, innuendoes or lewd comments.

9.06 **Sex-based conduct:**

Conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex.

9.07 **Non-verbal conduct:**

Displaying of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling or, making sexually suggestive gestures.

9.08 The Designated Members are responsible for eliminating any sexual harassment or intimidation of which they are aware. No person shall threaten or insinuate that an employee's rejection of sexual advances will be used as a basis for an employment decision affecting that employee.

9.09 **Complaints procedure**

9.10 If you believe that you have been subject to sexual harassment as defined in this Equal Opportunities Policy you should initially, wherever possible, formally ask the person responsible to stop the harassing behaviour. You may choose to be accompanied when making this request.

9.11 If, however, you feel unable to approach the person responsible or after having approached the person the harassment continues, you should report this offence to your line manager or if this is not appropriate, a Designated Member of your own choosing.

9.12 If after discussion with a Designated Member the employee wishes to take the matter further, the grievance procedure should be used with the full encouragement and support of the Designated Member.

9.13 However, where the alleged offence is of a very serious nature, the line manager should immediately institute an investigation into the matter in accordance with the Company's Disciplinary procedure.

9.14 ANY EMPLOYEE FOUND GUILTY OF SEXUAL HARASSMENT WILL RENDER THEMSELVES LIABLE TO DISCIPLINARY ACTION WHICH MAY RESULT IN DISMISSAL

9.15 Further, if any employee suffers from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation, disciplinary action will be taken against the offending employee(s).

### 10.00 DISABLED PERSONS

- 10.01 The Disabled Persons (Employment Act 1944) as amended established a voluntary register of disabled people. The Act places duties and obligations on employers relating to the employment of registered disabled people.
- 10.02 It is the policy of the Company to give full and fair consideration to every application for employment from disabled persons, the abilities and aptitude of each disabled applicant being examined in relation to the vacancies available.

**Any employee who harasses any other employee on the grounds of race, sex or disability will be subject to the organisations' disciplinary procedure. In serious cases, such behaviour will be deemed to constitute gross misconduct and, as such, will result in summary dismissal in the absence of mitigating circumstances.**