

EQUAL OPPORTUNITIES / HUMAN RIGHTS

The Company is committed to the principle of equal opportunity and endeavours to provide an environment that is supportive of the fair treatment of all employees and conducive to relationships based on mutual respect, co-operation and understanding. Under the Equality Act 2010, the Company will ensure that no applicant, employee or customer is subjected to coercive or harassing behaviour, victimisation, or unreasonable discrimination based upon age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, all of which are defined as protected characteristics. The Company will not condone behavior that is likely to undermine the dignity, self-esteem or productivity of an employee, and will seek to prevent such behavior. Any instances or allegations of discrimination, victimization or harassment of which it is aware, or ought reasonably to be aware, will be dealt with both expeditiously and fairly.

All Human Resources policies within the Company, including:

- Recruitment;
- Training;
- Development; and
- Promotion of employees; will be based upon equality of opportunity.

Forms of Discrimination

Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have, or are thought to have, or because they associate with another person who possesses a protected characteristic.

Indirect discrimination

Indirect discrimination occurs when the Company has a condition, policy or practice in place that applies to everyone but particularly disadvantages people who share a protected characteristic.

Harassment

Harassment occurs when there is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Employees are also protected against harassment by a third party who is not employed by the Company, where such harassment relates to a protected characteristic (e.g. a customer or supplier). An employee must notify the Company immediately should such an incident occur.

Victimisation

Victimisation occurs when an employee has been treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010, or because they have been suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

Complaints Procedure

If an employee believes that they have been subjected to discrimination, victimisation or harassment they should wherever possible, make their unease and/or disapproval known to the

offending party (hereinafter referred to as the “offender”) immediately. A written record of the date, time and nature of the incident(s) and the names of any witnesses should be kept. Where an employee does not wish to make a formal complaint involving discrimination, victimisation or harassment, they should consider seeking the advice or assistance of their Manager. In circumstances where an employee’s Manager is the subject of the complaint, an employee should discuss the matter with them wherever this is possible. Where an employee does not feel that they are able to hold such a discussion, the matter should be referred directly to the next level of Management. The Manager should meet with the employee, in order to discuss and review the Company’s Equal Opportunities Policy and the employee should be referred to, or provided with a copy of the relevant policy. The Manager should also discuss the confidentiality of the complaint with the employee. In circumstances where an employee meets with their Manager, the name of the employee, name of the offender, nature of the complaint and action sought by the employee should be reported to the Human Resources Department. Where the employee does not wish to identify themselves, the Manager should report the complaint, omitting names, to the Human Resources Department, who will monitor the situation in the future. Where a problem cannot be resolved informally and/ or an employee wishes to make a formal complaint involving discrimination, victimisation or harassment such a complaint should be dealt with in accordance with the following procedure:

Stage 1

An employee should address their problems or concerns to their Manager in writing, detailing the nature of the complaint, the manner in which they feel that they have been adversely affected, and any remedial action that they consider to be appropriate. In circumstances where an employee’s Manager is the subject of the complaint, an employee should discuss the matter with them wherever this is possible. Where an employee does not feel that they are able to hold such a discussion, the matter should be referred directly to the next level of Management. The Manager to whom the complaint is made should invite the employee to a meeting in order to discuss the problem. This meeting should take place within five (5) working days of written receipt of the complaint. In presenting any such complaint, an employee will have the right to be accompanied, in accordance with the Company’s Problem Solving Procedure. The Manager should then respond to the complaint in writing within five (5) working days of the meeting or, where no meeting has taken place, within five (5) working days of receiving written notice of the complaint. If it is not possible to respond within the specified period of time the employee should be given an explanation for the delay and informed as to when the response can be expected.

Stage 2

If an employee is not satisfied that their complaint has been resolved they may appeal against the decision taken. Any such appeal must be made in writing to the next level of management within five (5) working days from receipt of the previous written decision. The appeal should specify the nature of the problem, the manner in which they feel that they have been adversely affected, and any remedial action that they consider to be appropriate. The Manager at this level will make any further investigations which are deemed to be necessary and will then invite the employee to attend a meeting within five (5) working days of written receipt of the complaint at this level. In presenting any such complaint, an employee will have the right to be accompanied, in accordance with the Company’s Problem Solving Procedure. The Manager should respond to the problem in writing within five (5) working days of the meeting. If it is not possible to respond within the specified period of time the employee should be given an explanation for the delay and informed as to when the response can be expected. The decision made by the Manager at this level will be final and binding on both parties.

General Principles

All complaints of discrimination, victimisation or harassment will be treated in the strictest confidence and no employee will be adversely affected in employment with the Company as a result of bringing such a complaint.

In circumstances where the Human Resources Department considers that the alleged incident(s) would constitute discrimination, victimisation or harassment, the Directors of the Company and if applicable, the employee's Manager should be notified accordingly.

The offender should be provided with a copy of the written complaint and should be referred to or provided with a copy of the Equal Opportunities Policy and the Disciplinary Policy. The offender also should be warned not to retaliate against the employee.

If, as a result of the investigation, it is confirmed that discrimination, victimisation or harassment did occur, a disciplinary hearing may be arranged in accordance with the Company's Disciplinary Policy. The level of any disciplinary action, that may be taken, will depend upon the nature and severity of the offence, previous complaint history and the position of the offender.

Any interference with the conduct of an investigation or retaliation against an employee, or any breach of confidentiality by any individual with respect to a complaint of discrimination/harassment may itself result in disciplinary action, whether or not the complaint was substantiated or unsubstantiated.

In circumstances where it is determined that an employee has submitted a complaint without foundation and/or there is evidence of malicious intent, the employee may also be subject to disciplinary action.

All information pertaining to the written complaint of discrimination, victimisation or harassment shall be retained by the Human Resources Department and an appropriate entry regarding any discipline which is imposed should be made in the personal file of the offender.

No mention of the matter should be made in the personal file of the employee who has brought the complaint, unless it is determined that the allegations were totally without foundation and/or the offender had malicious intent.

References: Big Yellow Employee Handbook (April 2015) Page 91