

## Equal Opportunities

### Policy

The Equality Act covers the following protected characteristics (PCs):

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation
- marriage and civil partnership
- pregnancy and maternity.

Dynamic will ensure that all managers and staff responsible for, or involved in, drafting job descriptions, job advertisements, application sifting, selection interviewing, confirming appointments, considering candidates for training and development opportunities and temporary or substantive promotion, shall be made aware of the Act in accordance with the policy.

Dynamic wholeheartedly supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on the grounds of any of the protected characteristics. We believe that it is in the company's best interests, and those of all who work in it, to ensure that the human resource, talents and skills available throughout the community, are considered when employment opportunities arise.

Dynamic is an equal opportunity employer. Every possible step will be taken to ensure that individuals are treated equally and fairly and that decisions on recruitment, selection, training, promotion and career management are based on objective criteria.

Equal opportunity is about good employment practices and the efficient use of our most valuable asset – our employees. Every manager and employee has a personal responsibility for the implementation of this policy.

No member of staff will receive less favourable terms or conditions because of any of the protected characteristics. Specific religious needs, where practicable, will be accommodated.

The policy applies to the advertisement of jobs, recruitment and appointment of them, training, conditions of work, pay, discipline and capability, resignations, redundancies and dismissals.

Dynamic recognises the right of all employees to be treated with respect at work and it is the company's policy that harassment, bullying and victimisation will not be permitted or condoned. Employees found guilty of discrimination, on whatever basis, will be subject to disciplinary action which may lead to dismissal.

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### Types of discrimination

Employees need to be aware of the seven different types of discrimination.

These are:

**Direct discrimination** – occurs when someone is treated less favourably than another person because of a protected characteristic.

**Associative discrimination** – this is direct discrimination against someone because they associate with another person who possesses a protected characteristic (e.g. a mother of a disabled child).

It applies to race, religion or belief, sexual orientation, age, disability, gender reassignment and sex. It does not apply to marriage or civil partnerships or pregnancy and maternity.

**Perceptive discrimination** – this is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

It already applies to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. It does not apply to marriage or civil partnerships or pregnancy and maternity.

**Indirect discrimination** – this may occur when an employer has a condition, rule, policy or a practice in the company that applies to everyone, but which particularly disadvantages people who share a protected characteristic.

Indirect discrimination can be justified if the employer can show they acted reasonably in managing their business.

It applies to age, race, religion or belief, sex, sexual orientation and marriage, civil partnership, disability and gender reassignment. It does not apply to pregnancy and maternity.

**Harassment** – this is behaviour that is deemed offensive by the recipient. Employees can now complain of the behaviour they find offensive even if it is not directed at them.

**Harassment by a third party** – employers are potentially liable for the harassment of their staff or customers by people they don't themselves employ, e.g. a client or contractor.

**Victimisation** – this occurs when someone is treated badly because they have made or supported a complaint or grievance under this legislation.

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### The protected characteristics

#### Age discrimination

It is unlawful for an employer to discriminate against someone on the grounds of age, i.e. against someone of a particular age or someone in any age band. It can be direct or indirect.

- **Direct** discrimination would occur if, for example, an employer refused to employ people under the age of 30, believing them to be unreliable.
- **Indirect** discrimination would occur if, for example, selecting only part-time workers for redundancy, when a large number of these may be older workers.

#### Disability discrimination

The definition of disability under the Equality Act 2010 is:

A person has a disability if:

- they have a physical or mental impairment.
- the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

For the purposes of the Act, these words have the following meanings:

- **Substantial** means more than minor or trivial.
- **Long-term** means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions).
- **Normal day-to-day activities** include everyday things like eating, washing, walking and going shopping.

People who have had a disability in the past that meet this definition are also protected by the Act.

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### Progressive conditions considered to be a disability

There are additional provisions relating to people with progressive conditions. People with HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis. People with some visual impairment are automatically deemed to be disabled.

Discrimination occurs when, for reason of his or her disability, a disabled person is treated less favourably than other people and the treatment cannot be justified.

### Reasonable adjustment

Dynamic will make the reasonable adjustments required to ensure that employment arrangements or premises do not put a disabled person at a disadvantage in comparison to a non-disabled person. There is protection from direct disability discrimination and harassment for people who are associated with a disabled person or who are wrongly perceived as disabled.

There are no hard and fast rules regarding reasonable adjustments and therefore the Managing Director (Stephen Johnson) is the first point of contact in relation to this issue.

Dynamic's duty, in respect of disabled persons, includes:

- Recruitment
- Terms and conditions of employment
- Arrangements made for employees who become disabled
- Pensions
- Dismissal

### Gender reassignment

The Act provides protection for transsexual people. A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender.

The person does not need to be under medical supervision to be protected, so a woman who decides to live permanently as a man but does not undergo any medical procedures, would be covered.

Transgender people, such as cross dressers, who are not transsexual because they do not intend to live permanently in the gender opposite to their birth sex, are not protected by the Act.

It is discrimination to treat transsexual people less favourably for being absent from work because they propose to undergo, are undergoing or have undergone gender reassignment than they would be treated if they were absent because they were ill or injured.

Medical procedures for gender reassignment, such as hormone treatment, cannot be treated as a lifestyle choice.

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### Race discrimination

Race discrimination is when one person is treated less favourably than another on the grounds of colour, race, nationality or ethnic origin. It can be direct or indirect.

- **Direct** discrimination is when a person is treated less favourably on racial grounds than other in the same circumstances. Segregating a person from others on racial grounds constitutes less favourable treatment.
- **Indirect** discrimination is defined as treatment that may be equal in the sense that it applies to employees of different racial groups, but which may be discriminatory in its effect on one particular racial group.

**For example:** As part of recruitment selection, a certain level of English language ability may be specified, to be verified by the use of aptitude tests. All applicants are required to complete the test and reach a predetermined level. Indirect discrimination may apply where an individual's first language is not English and allowance for this is not made during the testing process.

### Religion or belief

In the Equality Act, religion includes any religion. It also includes a lack of religion, in other words, employees or jobseekers are protected if they do not follow a certain religion or have no religion at all.

A religion must have a clear structure and belief system. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Discrimination, because of religion or belief, can occur even where both the discriminator and recipient are of the same religion or belief.

### Sex discrimination

Sex discrimination is when one person is treated less favourably than another on the grounds of gender, marital status or sexual orientation. Discrimination can be direct or indirect.

Examples of **direct** discrimination:

- A woman is treated less favourably than a man; a married person treated less favourably than a single person; a pregnant woman treated less favourably than a non-pregnant woman.

Examples of **indirect** discrimination:

- A person cannot comply with an unjustifiable requirement, which, whilst appearing to apply equally to everyone, can be met by a small proportion of one sex.

# Policies and Procedures

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### Sexual orientation

The Act protects bisexual, gay, heterosexual and lesbian individuals.

### Marriage and civil partnership

The Act protects employees who are married or in a civil partnership against discrimination. Single people are not protected.

### Pregnancy and maternity

A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled up to six months after the birth or while still breastfeeding. During this period, pregnancy and maternity discrimination cannot be treated as sex discrimination.

### Equal pay

Any challenge to pay inequality and other contractual terms and conditions, has to be made by comparison with people who are not the same sex in the same employment (doing similar work/of a similar value).

However, a claim of direct pay discrimination can be made where no real person comparator can be found. This means that a claimant who can show evidence that they would have received better remuneration from their employer if they were of a different sex may have a claim, even if there is no one of the same sex doing equal work in the organisation. This would be a claim under sex discrimination.

### Complaints procedure

If you wish to raise a complaint regarding discrimination, you should use the company's Grievance Procedure.

However, if you wish to raise a complaint of harassment, please refer to the Harassment and Bullying Policy.