

**ESSENTIAL HR POLICIES AND PROCEDURES**  
**BURNS HAMILTON POLICIES - HUMAN RESOURCES**

**EQUAL OPPORTUNITIES**

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**PURPOSE AND SCOPE**

It is the aim of the company to promote equal opportunities for all regardless of a person's age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race religion or belief, sex or sexual orientation in relation to all aspects of employment of its staff generally and, more particularly, in relation to the recruitment, training, promotion, terms of employment, treatment and working environment of all its employees.

In addition, when dealing with members of the public, whether clients or not, employees must not treat them in a disrespectful or discriminatory way.

**DEFINITIONS**

Special legislation exists to promote equality of opportunity. In this policy "discrimination" means where a person is treated less favourably on the grounds defined in:

**Equality Act 2010**

The Equality Act 2010 (the Act) became law on 1 October 2010 harmonising and replacing previous legislation including the Equal Pay Act 1970, the Sex Discrimination Act 1995, the Race Relations Act 1976, the Disability Discrimination Act 1995 and three major statutory instruments protecting discrimination in employment on grounds of religion or belief, sexual orientation and age.

The Act covers the same groups as were protected by previous equality legislation, now known as 'protected characteristics' as set out below.

**Protected Characteristics**

**Age** - the Act protects people of all ages. It continues to allow a default retirement age of 65 until April 2011.

**Disability** - a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities, which would include things like using a telephone, reading a book or using public transport.

**Gender reassignment** - a transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. The Act no longer requires a person to be under medical supervision to be protected.

**Marriage and civil partnerships** - the Act protects employees who are married or in a civil partnership against discrimination.

**Pregnancy and maternity** - a woman is protected against discrimination during the period of her pregnancy and any statutory maternity leave to which she is entitled.

<i>Harassment</i>	<i>Revision:</i>	<i>Issue Date:</i>	<i>Replaces:</i>	<i>Originated by:</i>	 <b>BURNS HAMILTON</b> COMMITTED TO THE HIGHEST STANDARDS
	<i>Original</i>	<i>1, April 2020</i>	<i>1, July 2018</i>	<i>P.LAWRIE</i>	

**Race** - the definition of race includes colour, nationality, ethnic or national origins.

**Religion or belief** - religion includes any religion which has a clear structure and belief system and also no religion. Belief means any religious or philosophical belief or lack of such belief. The criteria for belief must include weighty and substantial aspects of human life and behaviour.

**Sex** - this protects both men and women.

**Sexual orientation** - bisexual, gay, heterosexual and lesbian people are protected.

The types of discrimination covered by the Act and this policy are as follows:

### **Direct Discrimination**

This occurs when a person is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below) or because they associate with someone who has a protected characteristic (see discrimination by association below).

### **Indirect Discrimination**

This now applies to all the above protected characteristics except pregnancy and maternity and can occur when there is a condition, rule, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that an employer acted reasonably in managing their business i.e. it is a proportionate means of achieving a legitimate aim. A legitimate aim may be any lawful decision made in running their business.

### **Discrimination by Association**

This applies to all the above protected characteristics except marriage and civil partnerships and pregnancy and maternity and is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

### **Perception Discrimination**

This applies to all the above protected characteristics except marriage and civil partnerships and pregnancy and maternity and is direct discrimination against an individual because others think they possess a particular protected characteristic, even if that person does not actually possess that characteristic.

### **Harassment**

This is unwanted conduct by employees 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 and applies to all protected characteristics except pregnancy and maternity and marriage and civil partnerships.

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## **Victimisation**

This is where an employee is treated badly because they have made or supported a valid complaint or raised a true grievance under the Act or because they are suspected of doing so.

## **Discrimination arising out of disability**

This is where discrimination arises when a disabled person is treated unfavourably because of something connected with their disability (e.g. a tendency to make spelling mistakes arising from dyslexia). This type of discrimination is unlawful where the employer or other person acting for the employer knows or could reasonably be expected to know, that the person has a disability. This type of discrimination is only justifiable if an employer can show that it is a proportionate means of achieving a legitimate aim.

## **POLICY**

The company will:

- fulfil its social responsibility towards its employees and the community. We believe that this policy and practice is a means of maximising the effective use of human resources in its own and its employee's best interests. We also believe that the promotion of equal opportunity in respect of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race religion or belief, sex or sexual orientation is important for local community harmony and the projection of the company's public image
- protect employees from discrimination arising from disability i.e. treating a disabled person unfavourably because of something connected with their disability, unless it is not possible to make reasonable adjustments, or such discrimination is a proportionate means of achieving a legitimate aim.
- review recruitment and selection criteria, training and promotion procedures on a regular basis to maintain a system where individuals are selected, promoted and treated solely on the basis of their merits, performance and abilities which are appropriate to do the job.
- not use pre-employment health questionnaires or questions in the recruitment process prior to offer unless it is to establish whether a candidate can undergo an assessment for the job such as a test or interview; carry out an intrinsic function of the job itself or to monitor diversity.
- seek to give equal opportunity and encouragement to all employees to progress within the company.
- publicise our policy statement throughout the company and elsewhere as appropriate.
- provide equal opportunities information and training to those involved in recruitment and/or line management and generally enhance employees' understanding of the need for an equal opportunities programme.
- provide both formal and informal procedures for any employee who believes that he/she has been treated inequitably within the scope of this policy.

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