

ASKAM

CONSTRUCTION LTD

Equal Opportunities
Policy Statement
And Code Of Practice

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EQUAL OPPORTUNITIES POLICY STATEMENT

1) STATEMENT OF INTENT

- a) It is the aim of Askam Construction to be an equal opportunities employer. The company commits itself to promote and develop equal opportunities and will keep under review its policies, procedures and practices to ensure that they comply with the principal of equal opportunities and are consistently applied.
- b) Askam Construction recognises that discrimination is unacceptable and it is in our own best interests, as well as the interest of our employees, to utilise the skills of the total workforce.
- c) The aim of the equal opportunities policy is to ensure that no present or future employee or job applicant receives less favourable treatment on the grounds of race, colour, creed, religion, ethnic or national origin, nationality, sex, age, marital status, disability, sexual orientation, sexuality or social status, or is disadvantaged by any conditions or requirements which cannot be shown to be necessary.
- d) In the promotion of the policy, Askam Construction will endeavour to meet in full the statutory requirements of the Race Relations Act, the Sex Discrimination Act, the Age Discrimination Act, the Codes of Practice relating to these and the measures relating to the employment of people with disabilities.
- e) While it is expected that all staff of Askam will accept personal responsibility for practical application of the policy, lead responsibility for its implementation will rest with John Lowery and the Board of Directors. To ensure that it is consistently applied, co-ordinating responsibility is assigned to the Personnel Manager, who will have responsibility for monitoring the operation of the policy for both employees and job applicants and for initiating periodical departmental audits.

2) RECRUITMENT AND SELECTION

- a) The intention of the recruitment procedure is to ensure the most appropriate response to any vacancy at Askam Construction. We wish to ensure the highest quality of candidates and will advertise vacancies within the company. Use will be made of job centres, career service, the media and appropriate external vacancy advertising outlets.
- b) The selection process is of crucial importance and must therefore be carried out according to objective job-related criteria. The effectiveness of the policy will be determined to a great extent by this aspect of the employment procedure. Askam will endeavour through appropriate training to ensure that employees making selection decisions will not discriminate in making these decisions.

3) TRAINING AND PROMOTION

- a) All steps will be taken to ensure equal access to opportunities for training and promotion. Askam will endeavour to provide appropriate training to enable staff to perform their jobs efficiently and pursue career development opportunities.
- b) Training and guidance for implementation will be given to senior employees to increase their awareness of their role in the implementation of the policy; and training and guidance in appropriate techniques will be provided for staff involved in recruitment and selection.

- c) Equal opportunities information will be incorporated in the Company's induction and any in-house management training courses.
- d) Where possible and practicable, advantage will be taken of the provisions of the Acts for positive action.

4) DISCIPLINE AND GRIEVANCE

- a) Direct discrimination and instances of sexual, age, racial or other harassment will be treated as disciplinary offences and will be dealt with under the disciplinary procedure.
- b) An employee who has in good faith taken action under the Race Relations Act, Sex Discrimination Act, Age Discrimination Act or complains about racial, sexual, age or other abuse and/or discrimination, shall not for that reason receive less favourable treatment than any other employee, for example by being subjected to disciplinary action.
- c) Particular care will be taken to deal effectively with all complaints of discrimination, victimisation or harassment
- d) All employees have the right to seek redress for their grievances and Askam will ensure that this right is known.
- e) Complaints by employees will normally be processed through the agreed grievance procedure. It is recognised, however, that employees may find it difficult to approach their immediate manager in cases involving discrimination or harassment. The first point of contact in incidents of this nature may therefore be the Personnel Manager. If the employee remains aggrieved, then the formal procedure shall be followed.

5) CULTURAL AND RELIGIOUS NEEDS

Askam will endeavour to take measures to ensure that existing policies and procedures are modified to accommodate any particular cultural and religious needs of employees which may conflict with existing work requirements, wherever such measures are compatible with the safe and efficient running of the Company and its service.

6) MONITORING

- a) Askam will create and maintain employment records in order to monitor the progress of this policy. This will involve:
 - i) The collection and classification of information regarding the ethnic origin, age, sex, and disability of all current employees and job applicants
 - ii) Askam will examine by ethnic origin, sex, age and disability, the distribution of employees and the success rate of applicants over a period of time
 - iii) The results of such monitoring will be used to assess the effectiveness of the implementation of the equal opportunities policy. If necessary, adjustments will be made to the policy to ensure that equal opportunities are afforded to all applicants and employees
 - iv) If evidence is provided by employees or others which suggests that the policy is ineffective this will be investigated and appropriate action taken.

7) CODE OF PRACTICE

A detailed Equal Opportunities Code of Practice has been drawn up, copies of which are available to all employees from the Personnel Manager. The Code of Practice gives further information and guidelines on implementing the Equal Opportunities Policy.

8) REVIEW OF POLICY

The policy will be subject to regular review by the Board of Directors and the Personnel Manager

EQUAL OPPORTUNITIES CODE OF PRACTICE

1) PUTTING THE POLICY INTO PRACTICE – WHO IS RESPONSIBLE

- a) Askam Construction has a primary, legal and moral responsibility for ensuring that discrimination in employment does not occur. The responsibility for promoting equal opportunities rests with John Lowery and the Board of Directors. The Directors are also responsible for ensuring that resources are allocated as appropriate in order to achieve the aim of the Equal Opportunities Policy.
- b) John Lowery has overall responsibility for the Policy. Responsibility for implementation of the policy in individual departments and on sites lies with the Personnel Manager and the appropriate department heads and Site Manager / Project Managers.
- c) Individual employees at all levels have certain responsibilities. Good practice in terms of service provision, good employee relations and fair employment practices depend on staff as well as on the Company. In particular all employees are expected:
 - i) To co-operate with measures introduced by Askam to ensure equal opportunity and non- discrimination
 - ii) Not to harass, abuse or intimidate other employees or potential employees, clients, suppliers or Subcontractors
 - iii) Not to induce or attempt to induce other employees or management to practice unlawful discrimination
 - iv) Not to victimise or attempt to victimise individuals on the grounds that they have made complaints or provided information on discrimination
 - v) To draw the attention of management to suspected discriminatory acts or practices
 - vi) At all time to carry out their duties with due regard to Askam's Equal Opportunities Policy

2) MONITORING THE PROGRESS OF EQUAL OPPORTUNITIES

It is important that the Equal Opportunities Policy is properly monitored to measure the effectiveness of the Policy and to ensure that it is properly implemented.

3) RECRUITMENT AND SELECTION

- a) Information will be collected on job applicants and their success rates by ethnic origin, sex, age and disability. This information will be used to assess Askam's success in attracting applications from and appointing members of groups under-represented in our workforce.
- b) It is the responsibility of the Personnel Manager to ensure that the recruitment process is adequately monitored.

4) CURRENT WORKFORCE

- a) Askam recognises that in order to progress its Equal Opportunities Policy, a breakdown of current employees by ethnic origin, sex, age and disability is necessary. The profile of the

workforce will enable Askam to identify areas where action is needed to ensure that the Equal Opportunities Policy is being supplemented.

- b) Any information gathered under this exercise will be confidential and used solely to develop action to promote Equal Opportunities.

5) REPORTS

- a) The Board will receive from the Personnel Manager a monitoring report together with recommendation for action. The report will address itself to the following questions:

- i) Is there evidence that individuals from any group covered by the Equal Opportunities Policy:

- Do not apply for employment or promotion, or that fewer apply than might be expected?
- Are not recruited or promoted at all, or are appointed in a significantly lower proportion than their rate of application?
- Are under represented in training or in jobs carrying higher pay status or authority?
- Are concentrated in certain sections or departments?

- b) It is the responsibility of all managers and supervisors to provide information for the annual monitoring reports; to ensure that recommendations are implemented and to report on subsequent progress.

6) EQUAL OPPORTUNITIES AND THE LAW

Askam's Equal Opportunities Policy will be implemented in accordance with the statutory requirements as laid down in the following legislation:

a) Race Relations Act 1976

This Act makes it unlawful to discriminate against a person, either directly or indirectly, in the field of employment on the grounds of colour, race, nationality or ethnic or national origins. The Act gives individuals a right of access to industrial tribunals for legal remedies for unlawful discrimination in employment. The Act established the Commission for Racial Equality to promote equal opportunities and provide information and advice and gave the Commission powers of investigation and enforcement.

b) Sex Discrimination Act 1975 (amended 1986) and Equal Pay Act 1970 (amended 1983)

These Acts require that employers do not discriminate either directly or indirectly, between men or women, or married or unmarried people, in recruitment or in any other way in their treatment of employees. Equal treatment in respect of pay and terms of contract of employment must be given to men and women doing the same or broadly similar work or work which is of a similar value. The Sex Discrimination Act also gives individuals a right of direct access to industrial tribunals for legal remedies for unlawful discrimination, and established the Equal Opportunities Commission to help enforce the legislation and promote equal opportunities and provide information and advice.

c) Disabled Persons (Employment) Acts 1944 & 1958 and Disabled person (Amendment) Act 1976

These Acts make specific provision for the employment of people who are registered disabled with the Department of Employment. Under the provisions of the quota scheme, employers of 20 staff or more have a duty to employ at least 3% registered disabled people. It is not an offence to be below quota, but where an employer does not achieve the requirement, application must be made to the Manpower Services Commission for a permit to recruit non-disabled employees. Employers are required to keep records to show compliance with the provision of the Acts.

d) Rehabilitation of Offenders Act 1974

The aim of this Act is to make working life easier for those who have been convicted of a criminal offence. An ex-offender, after a period of rehabilitation, has no need to disclose a previous conviction unless his or her sentence exceeded 2.5 years of imprisonment. Once a conviction becomes 'spent' an employer cannot refuse to employ, dismiss or otherwise discriminate against an ex-offender on the grounds of a previous conviction.

e) Age Discrimination Act 2006

The Age Positive Team at the Department for Work and Pensions recommend the removal of age limits from job adverts, avoidance of specifying numbers of years experience, and the removal of date of birth from application forms. Selection of staff must be focused on skills, not stereotypes and prejudice.

f) Other Codes of Practice

Full account must be taken of all available guidance including the following Codes of Practice:

- The Immigration, Asylum and Nationality Act 2006
- Employment of other overseas workers Act September 2006
- Discrimination on grounds of trade union membership Act – October 1999

7) WHAT THE TERMS MEAN

a) Direct Discrimination

Takes place when a person or group of people is treated less favourably than other people in the same or similar circumstances. For example, choosing not to employ somebody who meets the requirements for the job because they are black, or married with children, or because they have a disability, or because they are gay or lesbian, or over 55, would all constitute direct discrimination.

b) Indirect Discrimination

Takes place when a requirement or condition has the effect of discriminating unfairly and unjustifiably between one group or individual and another. This can be quite unintentional. However, particular attention must be taken to avoiding this form of discrimination since it tends to occur more readily and frequently than direct discrimination. For example, standard entry qualifications applied automatically across a wide range of jobs, may lead to a situation where applicants are asked to meet requirements which are not actually relevant to the needs of the job. Insisting on higher language standards than are necessary for safe and effective job performance would tend to disqualify people for whom English is not their first language at a higher rate than others. Insisting on an unnecessary physical requirement could discriminate against one sex in favour of another and so on.

c) Institutional Discrimination

This takes place when established policies, practices and procedures within an organisation have discriminatory effects, whether intentional or not.

It is important to note that when considering discrimination on the grounds of race or sex, the terms direct discrimination and indirect discrimination have legal force. Therefore in addition to being against Askam's policy it would also be illegal to discriminate on these grounds.

d) Victimisation

Discrimination by victimisation is unlawful. A person is victimised, for example, 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 legal proceedings against an employer or given evidence or information relating to such proceedings, or alleged that discrimination has occurred.

8) GOOD EMPLOYMENT PRACTICES

This section of the Code sets out how consistent and justifiable criteria should be established and used for decisions in selection, training, promotion, redundancy, grievances and career development. Without consistency, decisions can leave the way open for discrimination to occur.

a) Recruitment and Selection

All members of staff who have the authority to recruit and/ or are involved in the recruitment process must be trained in recruitment and selection and in the provisions of the relevant legislation

b) Job Description

i) Every job must have a job description written in a clear and concise manner. When a job becomes vacant, any existing job description must be reviewed to ensure that it is still relevant to the post. Job descriptions should be drawn up by the relevant manager with the Personnel Manager.

ii) Job descriptions should follow the standard format and must comply with the Equal Opportunities Policy. Each job description should include the following clause:

“At all times the employee must carry out his/her responsibilities with due regard to the Askam's Equal Opportunities Policy”

iii) Any Health and Safety requirements must be clearly stated on the job description.

iv) Any skills and abilities specified when advertising a position within the company should be strictly relevant to the requirements of the job.

v) All stated requirements must be clearly justifiable in terms of the principal functions of the post. For example, care should be taken to avoid the following: requiring specific

qualifications rather than ability to do the job; using criteria such as age to determine responsibility; including too many references to 'preferred' criteria rather than criteria which are essential to the requirements of the job.

- vi) Consideration should be given to the use of a Genuine Occupational Qualification as one of the essential criteria for the job, where applicable.
- vii) The following clause is to be included in all person specifications for posts which involve management and supervisory responsibilities.

"The postholder must have the ability to understand and implement the Equal Opportunities Policy at a level appropriate to the job"

c) Promotion and Transfer

- i) While the practice will usually be to advertise jobs externally as well as internally, as part of Askam's commitment to the career development of its staff consideration may be given to internal recruitment from existing employees. In making the decision not to advertise externally, consideration must be given to whether the pool of potential applicants is representative in terms of race or sex. It must be remembered that internal promotion alone can be indirectly discriminatory where this is not the case.
- ii) When selecting internally, care should be taken not to perpetuate any past discriminatory practices. A job description and person specification should be drawn up in all cases.
- iii) Opportunities for promotion and transfer should usually be advertised throughout Askam to ensure that all potential candidates are made aware of the opportunities. This means that a move into a higher grade depends on the candidate's ability to satisfy the selection panel that he/she is equipped to perform that job. Unsuccessful candidates for promotion or transfer should be given reasons for the decision, so that they can improve their future chances.

d) Job Advertisements

- i) Vacancies at all levels should be advertised. Exceptions will be made in the case of redeployment of staff who would otherwise be made redundant and where Askam has obligations to employ trainees upon completion of a training post.
- ii) Employment opportunities should be made available to the widest range of applicants, and advertisements must not restrict unnecessarily the field of applicants. Advertisements should be placed internally and externally.
- iii) Care must be taken that the wording of the advertisement allows a wide cross-section of the population to apply.
- iv) In assessing an application from a candidate who has a disability, further advice must be sought as to the nature of the disability and the availability of aids to employment or adaptation of buildings, if there is doubt as to the candidate's suitability for the job because of the disability.
- v) In order to avoid allegations of favouritism, no one connected by close friendship or blood to an applicant should be involved in the selection process.

e) Interviewing

- i) Interviewers must keep adequate notes of the interview including reasons for selection or non-selection, using the interview record sheet.
- ii) Interview questions must be related to the requirements and circumstances of the job and must not be of a discriminatory nature. For example, candidates should not be asked questions about their age, ethnic origin or that of their family or how they would react to a supervisor of a different race or sex.
- iii) In the interview, candidates from black and ethnic groups should not be asked questions which could be seen as directly or indirectly discriminatory, neither should their fluency in English be used as a selection criteria unless this is a bona fide requirement of the job.
- iv) Where a job involves unsociable or irregular hours or travel the full facts should be presented to all applicants before the interview. The interviewers should establish by a simple question whether or not the candidates have understood the requirements of the job.
- v) Candidates should be asked appropriate questions to establish whether they understand the implication of the Equal Opportunities Policy for their job. A candidate's expressed opposition to the operation of the Equal Opportunities Policy must be taken as grounds for non-selection.
- vi) Selection decisions must not be influenced by factors such as the age, race or sex profile of the previous postholder or by any colleague's unwillingness to work with members of a particular group.
- vii) Informal visits should not be seen as part of the formal selection process. They are simply to provide opportunity for the candidate to obtain general information about Askam/the department. If any member of an interview panel feels that discrimination has occurred in the selection process, the matter must be reported immediately to the Personnel Manager. No decision should be made until the issue is resolved.

9) THE SELECTION PROCESS

The aim of the selection process is to appoint the most suitable applicant to the post by following a clearly defined and fair procedure. The selection decision is at all times based on individual merit and the necessary attributes for the post. Reasons for not shortlisting or not appointing applicants may include the following.

a) Late Application

A late application will be a genuine reason for not shortlisting a candidate. Applications must be received by the closing date stipulated in the advertisement. Only in exceptional circumstances will a late application be considered.

b) Incomplete Application Form

An incomplete application form is one where the information provided by the candidate is insufficient to make decision as to the suitability of the candidate on the basis of the criteria stated in the person specification. Internal candidates must be treated similarly.

c) Inability to Satisfy the Essential Requirements

- i) Inability to satisfy the essential requirements of a post is a valid reason for not shortlisting a candidate, where readily identified by the application form. Records should show which of the essential requirements a candidate failed to satisfy. All essential requirements must be clearly stated in the person specification.
- ii) If an unsuccessful candidate asks for reasons why he/she did not get the job, this information should be provided by the relevant manager.
- iii) Internal candidates should always be given the reasons for non-shortlisting or non-appointment, since this will be of use to their personal/career development.

10) Part Time

- a) The employment of part time staff should be encouraged as it can make a valuable contribution to the running of the company, in addition to providing employment opportunities to groups who are often disadvantaged in employment terms. Part time employment may enable highly qualified and competent staff to return to employment after a career break.
- b) Part time staff should have equal access to training and career development and should not be expected to undertake all the dull, menial or unpleasant tasks for their full time colleagues

11) MATERNITY

Askam is aware of the provisions for maternity leave which state that consent will not be unreasonably refuse to women on maternity leave to return to work. It should be remembered that the refusal to allow women to return to work part time or job sharing after maternity leave, except where it is impracticable, can constitute sex discrimination.

12) CONTRACT OF EMPLOYMENT

The following condition should be incorporated into the written terms and conditions of employment of all staff:

- a) You must at all times carry out your duties with due regard to the Company's Equal Opportunities Policy
- b) Managers shall not discriminate against any particular member of staff or group of staff in selection for redeployment or voluntary redundancy. All cases of redeployment or voluntary redundancy shall be carried out in a fair and consistent manner
- c) Selection criteria for redeployment or voluntary redundancy shall be examined to ensure that they are not discriminatory, either directly or indirectly

13) PROMOTING JOB OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

- a) Askam wish to provide good employment opportunities to people with disabilities and to ensure that no employees or job applicant is unnecessarily discriminated against on the grounds of disability. Askam has a commitment to retrain in suitable employment any employee who becomes disabled.

- b) Employees with disabilities have equal access with able-bodied employees to all training promotion opportunities.
- c) Askam is committed to ensuring that facilities are suitable for the employment of people with disabilities and every effort will be made to provide any necessary adaptations or new equipment and training in their use.

14) TRAINING

- a) Training and guidance will be provided and regularly reviewed for all managers in key decision making areas to ensure that they fully understand the Equal Opportunities Policy. This training and guidance is particularly relevant for those managers who make decisions on issues relating to recruitment, promotion, transfer, training, dismissal, appraisal, terms of employment, grievances and disciplinary procedures.
- b) The content of all training courses and any materials will be regularly reviewed to ensure that they promote Equal Opportunities and race equality. This is of particular relevance to Induction Courses.
- c) The selection criteria for training opportunities will be reviewed regularly to ensure that they do not discriminate either directly or indirectly.
- d) All staff should be made aware by their immediate manager of the career and training opportunities available to them, so that no group of employees are disadvantaged.

15) DISCIPLINARY PROCEDURE

In applying the disciplinary procedure, care must be taken to ensure one particular person is not disciplined for performance or behaviour which would be overlooked or condoned in other Employees

16) GRIEVANCE PROCEDURE

- a) Particular care must be taken to deal effectively with all complaints of discrimination, harassment or victimisation. It should not be assumed that such complaints are made by those who are over-Sensitive.
- b) Particular care must be taken to make sure that an employee who has taken action in good faith does not receive less favourable treatment than other employees.
- c) It is recognised that employees may find it difficult to approach their immediate superiors in cases involving discrimination and harassment. The first point of contact in such instances will be the Personnel Manager.