EMEC
THE EUROPEAN MARINE ENERGY CENTRE LTD

Equal Opportunities Policy

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1 Policy statement

EMEC is committed to achieving a working environment which provides equality of opportunity and eliminates unlawful discrimination. EMEC does not tolerate discrimination or harassment.

EMEC aims to provide a service that does not discriminate against any stakeholder in the means by which they can access the services and goods supplied by us.

This policy is fully supported by the Board, Executive and Senior Managers.

2 Scope

This policy covers all aspects of EMEC's business, how the people who work for and with us are treated and how recruitment and engagement with others is carried out. This includes employees, workers, contractors, and clients. This policy covers, but is not limited to:

- pay and employment conditions
- recruitment processes
- promotion, training or other developmental opportunities
- leave for parents and requests for flexible working
- procedures for addressing grievances and disciplinary matters
- redundancy and dismissals
- how visitors, clients, suppliers and other key business contacts and stakeholders are treated

EMEC will ensure, as far as possible, that all relevant decisions are made on the basis of objective criteria.

This policy does not form a part of any employment contract with any employee and its contents are not to be regarded by any person as implied, collateral or express terms to any contract made with the Company.

3 What is discrimination?

Under UK employment law, there are a number of characteristics relevant to an individual who is covered by this policy that must not unfairly be considered (if accounted for at all) in decisions relating to any aspect of their working life.

These characteristics are called 'protected characteristics' and they are:

- Age
- Disability
- Gender reassignment
- Marital or civil partnership status
- Pregnancy or maternity
- Race (including ethnic/national origin and colour)
- Religion or belief
- Sex
- Sexual orientation

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If employment-related decisions are made about an individual on the basis (whether wholly or partially), of any of these protected characteristics, it is almost inevitable that unlawful discrimination will have taken place.

The sorts of actions that would fall into this category of unlawful and prohibited initiatives, include (but are not limited to) those set out below. These actions need not be intended or directly committed by someone (indirect responsibility may be sufficient for someone to have unlawfully discriminated) and an omission or failure to do something may be just as culpable as a positive action.

3.1 Direct discrimination

When someone with a protected characteristic is treated less favourably than someone else has or would have been in identical circumstances. An example of this would be where an applicant for a job is rejected on grounds of their racial background.

3.2 Indirect discrimination

When a group of people with one of the protected characteristics is disadvantaged by a provision, criterion or practice that is applied to all staff (unless the treatment may be justified for a good business reason). Examples of this would be:

- Insisting, without good reason, that all staff must work full time, (which indirectly discriminates against anyone with child-care responsibilities)
- Requiring all staff to work onsite and refusing to consider a request to work remotely or under alternative conditions, like flexible hours to avoid commute times, which could disadvantage someone with a disability or a phobia (e.g. someone who suffers claustrophobia or panic attacks on commuting routes)

3.3 Harassment

This occurs when a person with one or more protected characteristics is subjected to unwanted conduct that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. There is no distinction between actions that may be labelled as ‘joking’ and not intended to cause offence, and those that may have been more direct and premeditated in their delivery. For further information see Harassment and Bullying Policy MAN070.

3.4 Victimisation

This has a particular meaning under UK employment law which is narrower than an ordinary dictionary definition, covering the situation only where:

- a worker has complained of discrimination (or harassment),
- or has supported a fellow worker in making a complaint about these concerns,

and has then suffered reprisals from others, including those responsible for that worker’s employment prospects and working conditions.

3.5 Other discriminatory actions that are also prohibited

The UK’s employment law also identifies other actions that can be unlawful under the equal opportunity legislation. Examples of these include:

- Failing to make reasonable adjustments to minimise certain disadvantages suffered by a disabled employee (or job applicant)

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- Instructing another person (or applying pressure on them) to discriminate
- Knowingly assisting someone else when they carry out a discriminatory act
- Discriminating against someone believed to have a protected characteristic, whether or not they actually do, or because they associate with a third party who does.

4 Duties and responsibilities

Overall responsibility for the effective implementation and operation of the policy lies with EMEC's Managing Director. However, all managers are expected to lead by example, and attain and maintain appropriate standards of behaviour within the teams they manage.

Everyone who works in and with EMEC is responsible for acting in such a way that complies with this policy to prevent the activities that it prohibits from taking place within our business. The co-operation of all employees is essential for the success of this policy.

You need to be aware that a breach of these legal obligations alone will mean that any individual can be found personally liable for unlawful discrimination where they have breached this policy and they will face disciplinary action by us and potentially other legal actions. Both EMEC and the employee may have to pay compensation to anyone who makes a claim.

EMEC therefore expects you to take personal responsibility for adhering to this policy's aims and commitments and for promptly and appropriately drawing any breaches of them to the attention of Senior Management.

5 Recruitment, promotions and identifying candidates for other opportunities

In any selection process that EMEC uses, whether selecting interviewees for job opportunities, offering jobs, identifying individuals for promotion or considering other opportunities or necessities (like redundancy situations), a rigorous, objective selection process using non-discriminatory criteria will be applied, as far as possible.

However, sometimes both direct and indirect age discrimination may be justified and lawful, if the less favourable treatment, criterion or practice amounts to a proportionate means of achieving a legitimate aim.

A legitimate aim must relate to a genuine business need on our part that is not related to age discrimination itself. For example, a legitimate aim potentially justifying age discrimination might include:

- Economic factors such as business needs and efficiency;
- The health, welfare and safety of the individual concerned (including the protection of young people or older workers);
- The particular training requirements of the job.

All job adverts and opportunity announcements must be:

- Reviewed by HR, one of whose responsibilities is to ensure that any advert is compliant with this policy
- Located and/or circulated so as to reach as wide and diverse a pool of interested candidates as possible, and

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- Worded so as to encourage, as far as possible and reasonable, applications from individuals of all characteristics to apply – or, at the very least, so as not to discourage any individuals with protected characteristics from applying.

There may be circumstances where some indication of required skills (that do discriminate) is justified and where self- deselection is inevitable, for example, where the job vacancy is for a window cleaner who works at height, wearing abseiling harnesses. The job advert might specify that interested candidates must be willing and capable of abseiling to be considered for the job.

If you are involved in interviewing and or any other part of our recruitment process, you must never ask a job applicant about their health, attendance record, or whether they have a disability before making a job offer to them (except in very limited circumstances).

The HR team will ask someone if they have any particular needs or requirements with which they need assistance if they are attending an interview.

During interviews or other interactions with candidates for a role, you must not ask anything that might infer a bias against any candidate with one or more protected characteristics. So, for example, asking a candidate if they are married, intend to have children (or any more children), or whether their religion permits them to work at weekends, are strictly no-go zones.

6 Monitoring

During EMEC's recruitment and onboarding process, questions are asked that include some protected characteristics to help us monitor our diversity and how EMEC is succeeding in our commitment to promote equal opportunities. This data is confidential and will not be used for any employment-related decisions, such as whether to offer a role or opportunity to a particular candidate.

EMEC may also record and analyse information about equal opportunities more generally within the workplace. This is done so that EMEC can make sure this policy operates successfully. The data helps us to refine it, review the composition of our workforce, and to promote workplace equality.

When you join EMEC, you give us consent to gather and process this data about you.

7 Handling breaches and enforcement

EMEC takes all allegations of breach and any breaches that are discovered very seriously. All allegations and/or suspicions of breach will be thoroughly investigated.

If you wish to complain or raise an allegation of breach (or potential breach) under this policy, you should contact your Line Manager or the HR Manager as soon as possible. If you want to take formal action, you will need to follow the grievance procedure and read our policy on harassment and bullying. For further information please see Grievance Policy and Procedure MAN071 and Harassment and Bullying Policy MAN070.

Anyone raising a concern about matters covered by this policy, who does so in good faith, will have our full support and co-operation in investigating what has happened and any appropriate action that needs to be taken. This will be the case regardless of conclusions made and including where it is determined that the allegation was mistakenly made. There will never be any reprisals against those who genuinely have, or consider that they have, valid grounds to bring concerns about discrimination to EMEC's attention.

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However, complaints made in bad faith, for whatever reason (including where this is an attempt to avoid or to deflect disciplinary action), will be treated as misconduct and may lead to a dismissal for gross misconduct.

EMEC will also take prompt disciplinary action against you if it is discovered that you have harassed or discriminated against anyone else in breach of this policy. If it is concluded that your behaviour amounts to gross misconduct, EMEC will be within its rights to dismiss you without notice and with no payment in lieu of that notice.

8 Communication and review

This policy will be communicated to staff via the Employee Handbook, during induction, through BizzMine notifications, and at staff meetings.

This policy will be reviewed on a biennial basis.

9 Further information and guidance

Contacts include:

Equality Advisory & Support Service (EASS)
Telephone: 0808 800 0082
Email: eass@mailgb.custhelp.com
Website: www.equalityadvisoryservice.com

Citizens Advice Bureau
Telephone: 03454 040506
Local contact: 01856 875266
Website: www.cas.org.uk

The Advisory, Conciliation and Arbitration Service (ACAS)
Telephone: 0300 123 1100
Website: www.acas.org.uk

10 Reference Documents

Equality Act 2010
MAN070 Harassment & Bullying Policy
MAN071 Grievance Policy & Procedure

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