

Equality & Diversity

STAFF NOTICE SN 40/14

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1.0 Statement

An organisation's success and competitiveness depends partly on its ability to embrace diversity and draw on the skills, understanding and experience of its entire people. The potential rewards of diversity are significant: an organisation that recruits its employees from the widest possible pool will unleash talent and develop better understanding of its customers and stakeholders. It will also enable it to better spot and exploit opportunities.

Every person working in PML has a personal responsibility for implementing and promoting the Equality and Diversity staff notice and principles in their day-to-day dealings with customers, with each other and with partners and collaborators outside the organisation. Inappropriate behaviour is not acceptable.

This staff notice applies to all employees within PML and PML Applications Ltd (referred to as PML Group) of a permanent and temporary nature, and to Visiting Workers, students or those workers provided by a third party agency.

2.0 Our commitment

PML is committed to providing equal opportunities in employment and to avoiding unlawful and unjustified discrimination in employment and against customers. We strive to promote equality of opportunity and good relations between employees and encouraging diversity throughout the workforce.

This staff notice is intended to assist the organisation put this commitment into practice. Compliance should also ensure that employees do not commit unlawful acts of discrimination.

Our aim is that our employees will be truly representative of all sections of society and that all employees feel respected and able to give of their best. The purpose of this staff notice is to promote equality and fairness for all employees, job or funding applicants and other stakeholders and not to discriminate on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy, maternity, race, religion or belief, sex, sexual orientation, or trade union membership/activity.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The organisation has a separate Respect at Work policy, which deals with these issues.

PML opposes all forms of unlawful and unfair discrimination. All employees, whether part-time, full-time or temporary, will be treated fairly and with respect. Selection for employment, promotion, or any other benefit will be on the basis of skill, aptitude and ability. All employees will be helped and encouraged to develop

to their full potential and the talents and resources of the workforce will be fully utilised to maximise the performance of the organisation.

PML aims to operate a fair and transparent pay, grading and job role system where reward is based on objective criteria free from all forms of unfairness or bias. Where differentials cannot be substantively justified, PML will take appropriate action to address them.

3.0 The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Staff should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

4.0. Types of unlawful discrimination

4.1 Direct discrimination:

is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

4.2 Indirect discrimination:

is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that

protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

4.3 Harassment:

is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

4.4 Associative discrimination:

is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and ACAS) pregnancy and maternity).

4.5 Perceptive discrimination:

is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

4.6 Victimization:

occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings; such behaviour could amount to victimisation.

4.7 Failure to make reasonable adjustments:

is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

5.0 Equal opportunities in employment

PML will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

PML will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the organisation considers it has good reasons, unrelated to any protected characteristic, for doing so. The organisation will comply with its obligations in relation to statutory requests for contract variations. The organisation will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

PML will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

6.0 Respect at work

PML has a separate Respect at Work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with.

7.0 Customers, suppliers and other people not employed by PML

The organisation will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the organisation.

Employees should report any bullying or harassment by customers, suppliers, visitors or others to their manager who will take appropriate action.

8.0 Training

PML will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

PML will provide guidance to all existing and new employees and others engaged to work at the organisation to help them understand their rights and responsibilities under the Respect at Work policy and what they can do to help create a working environment free of bullying and harassment.

PML will provide additional guidance to managers to enable them to deal more effectively with complaints of bullying and harassment.

9.0 Our responsibilities

Every employee is required to assist the organisation to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Responsibilities include:-

- Treat others with dignity and respect at all times
- Cooperate with measures introduced by PML that promote equality and diversity and prohibit discrimination.
- Not commit any acts or behave in a manner that would contravene this Equality and Diversity staff notice.
- Not instruct, induce or attempt to induce or pressurise other employees to act in breach of this Equality and Diversity staff notice.
- Advise PML if they are aware of any discriminatory conduct, either against themselves or any third party that contravenes the spirit of this staff notice.

Employees can be held personally liable as well as, or instead of, the organisation for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under PML's Disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

10.0 Recruitment

No vacancy will be advertised or publicised (internally or externally) in a way which discourages applications from any sector of the population.

All applications will be considered on merit. Each individual will be assessed so far as practicable against a set of objective, transparent and non-discriminatory criteria which will be directly related to the demands of the particular vacancy.

All interviews will be conducted in accordance with the terms and spirit of this policy. The questions asked of candidates will be closely related to the selection criteria and will be asked in order to elicit information which will give a fair assessment of that particular applicant's ability (technical and non-technical) to perform the tasks required by the vacancy.

No one sector of the population will be deliberately disadvantaged or discriminated against in relation to the terms of employment offered or applied to them. When aware of the need to do so, PML will make reasonable adjustments to its arrangements for interviews and to conditions of employment for disabled applicants to ensure so far as practicable that existing arrangements or conditions of employment do not place such applicants at an unjustified and significant disadvantage relative to other applicants.

In accordance with PML's Redundancy policy, management may consider applications from employees whose jobs are at risk of redundancy in advance of opening up recruitment. Equally, if employees are being redeployed for health and safety reasons these cases may be considered before advertising any post more widely.

All job applicants will be asked to supply information on gender, ethnicity and disability for monitoring purposes. However this information will be detached from the application forms prior to shortlisting and will not be seen by those involved in the selection process.

11.0 Grievances

If you consider that you may have been unlawfully discriminated against, you may use PML's Grievance procedure to make a complaint. If your complaint involves bullying or harassment, the Respect at Work policy should be applied.

PML will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the organisation's Grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

12.0 Monitoring and review

This policy will be monitored periodically by PML to judge its effectiveness and will be updated in accordance with changes in the law. In particular, PML will monitor the ethnic and gender composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will review its Equality & Diversity staff notice in accordance with the results shown by the monitoring. If changes are required, PML will implement them.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

13.0 Summary

For more information please refer to the Human Resources Group for advice and guidance.

Additional guidance for members of interview or promotion panels can be found on the PML intranet: [please click here](#)

Access to the recruitment portal can be found on the intranet: [please click here](#)