

## DIVERSITY POLICY

### 1. GENERAL

1.1 Margaret Orchard Recruitment Ltd embraces diversity and will seek to promote the benefits of diversity in all of our business activities. We will seek to develop a business culture that reflects that belief. We will seek to widen the mediums in which we recruit to ensure as diverse as possible employee and candidate base. We will strive to make sure that our clients meet their own diversity targets.

1.2 Margaret Orchard Recruitment Ltd is committed to diversity and will promote diversity for all employees, workers and applicants and shall adhere to such a policy at all times. We will review on an on-going basis all aspects of recruitment to avoid unlawful or undesirable discrimination. Margaret Orchard Recruitment Ltd will treat everyone equally irrespective of sex, sexual orientation, gender reassignment, marital or civil partnership status, age, disability, colour, race, nationality, ethnic or national origin, religion or belief, political beliefs or membership or non-membership of a Trade Union or spent convictions, and places an obligation upon all staff to respect and act in accordance with the policy. Margaret Orchard Recruitment Ltd is committed to providing training for its entire staff in equal opportunities practice.

1.3 Margaret Orchard Recruitment Ltd shall not discriminate unlawfully when deciding which candidate/temporary worker is submitted for a vacancy or assignment, or in any terms of employment or terms of engagement for temporary workers. Margaret Orchard Recruitment Ltd will ensure that each candidate is assessed only in accordance with the candidate's merits, qualifications and abilities to perform the relevant duties required by the particular vacancy.

1.4 Margaret Orchard Recruitment Ltd will not accept instructions from clients that indicate an intention to discriminate unlawfully.

### 2. DISCRIMINATION

Unlawful discrimination occurs in the following circumstances:

#### 2.1. Direct discrimination

Direct discrimination occurs where one individual treats or would treat another individual less favourably on grounds of sex, sexual orientation, gender reassignment, marital or civil partnership status, disability, colour, race, nationality, ethnic or national origin, religion or belief, political beliefs ("the protected categories").

It is unlawful for a recruitment consultancy to discriminate against a person on the grounds that they are members of a protected category. -

- in the terms on which the recruitment consultancy offers to provide any of its services;
- by refusing or deliberately omitting to provide any of its services;
- in the way it provides any of its services.

Direct discrimination would also occur if a recruitment consultancy accepted and acted upon a job registration from an employer which states that certain persons are

unacceptable because they are members of a protected category, unless one of the exceptions applies, for instance, the job demands a genuine occupational requirement.

## **2.2. Indirect Discrimination**

A claim of indirect discrimination arises when an employer applies a provision, criterion or practice generally, but which is such that a proportion of persons in a protected category who can comply with it are considerably smaller than the proportion of persons who are not in that protected category.

Indirect discrimination would also occur if a recruitment consultancy accepted and acted upon an indirectly discriminatory instruction from an employer.

If the vacancy falls within the definition of a genuine occupational requirement or any other statutory exception Margaret Orchard Recruitment Ltd will not deal further with the vacancy unless the client provides written confirmation of the genuine occupational requirement

## **2.3 DISABLED PERSONS**

### **2.3.1 Direct Discrimination**

Direct discrimination against a person occurs where, if for a reason which relates to the disabled person's disability, an individual:

- treats him less favourably than he treats, or would treat others to whom that reason does not or would not apply, and,
- the employer cannot show that the treatment in question is justified.

Or

- If on the ground of a disabled person's disability, he treats the disabled person less favourably than he treats or would treat a person not having that particular disability, whose relevant circumstances, including his abilities, are the same as, or not materially different from, those of the disabled person. This type of direct discrimination can never be justified.

### **2.3.2 Duty to make reasonable adjustments and to provide auxiliary aids and services**

This is a similar protection to indirect discrimination in the other protected categories.

Where a provision, criterion or practice applied by or on behalf of an employer, or any physical feature of the employer's premises, places a disabled person at a substantial disadvantage in comparison with persons who are not disabled, it will be the duty of an employer to take such steps as are reasonable, in all the circumstances of the case, to remove the provision, criterion, practice or physical feature.

Agencies must take reasonable steps to provide auxiliary aids or services if this would make it easier for the disabled person to use their services. For instance, an appropriate auxiliary aid or service can include the provision of information on audiotape or provision of a sign language interpreter.

Margaret Orchard Recruitment Ltd will not discriminate against a disabled job applicant or employee on the grounds of disability -

- in the arrangements i.e. application form, interview and arrangements for selection for determining to whom a job should be offered; or
- in the terms on which employment or engagement of temporary workers is offered; or
- by refusing to offer, or deliberately not offering the disabled person a job for reasons connected with their disability; or
- in the opportunities afforded to the person for receiving any benefit, or by refusing to afford, or deliberately not affording him or her any such opportunity; or
- by subjecting him or her to any other detriment (detriment will include refusal of training, transfer, demotion, reduction of wage, or harassment).

Margaret Orchard Recruitment Ltd will accordingly make career opportunities available to all people with disabilities and every practical effort will be made to provide for the needs of staff, candidates and clients.

Wherever possible Margaret Orchard Recruitment Ltd will make reasonable adjustments to hallways, passages and doors in order to provide and improve means of access for disabled employees and workers. However, this may not always be feasible.

### **3. AGE DISCRIMINATION**

From 1<sup>st</sup> October 2006 The new Employment Equality (Age) Regulations came into force and Margaret Orchard Recruitment Ltd will encourage clients not to include any age criteria or other subjective criteria in job descriptions or specifications and every attempt will be made to persuade clients to recruit on the basis of competence and skill and not age.

Margaret Orchard Recruitment Ltd is committed to recruiting and retaining employees whose skills, experience, and attitude are appropriate to the requirements of the various positions regardless of age.

As far as is reasonably possible, no age requirements will be stated in any job advertisements on behalf of the company.

Margaret Orchard Recruitment Ltd will request age as part of its recruitment process but information will not be used as selection, training or promotion criteria or in any detrimental way and is only for compilation of personal data, which the company holds on all employees and workers.

### **4. COMPLAINTS AND MONITORING PROCEDURES**

Margaret Orchard Recruitment Ltd has in place procedures for dealing with complaints of discrimination. These are available from Margaret Orchard and will be made available immediately upon request.

### **5. PART-TIME WORKERS**

This Diversity Policy also covers the treatment of those employees and workers who work on a part-time basis. Margaret Orchard Recruitment Ltd recognises that it is an essential part of this policy that part time employees are treated on the same terms as full time

employees (albeit on a pro rata basis) in matters such as rates of pay, holiday entitlement, maternity leave, parental and domestic incident leave and access to the company pension scheme. Margaret Orchard Recruitment Ltd also recognises that part time employees must be treated the same as full time employees in relation to training and redundancy situations.

## **6 HARASSMENT POLICY**

Margaret Orchard Recruitment Ltd is committed to providing a work environment free from unlawful harassment.

6.1 Harassment on grounds of sex, sexual orientation, gender reassignment, marital or civil partnership status, disability, colour, race, nationality, ethnic or national origin, religion or belief, political beliefs or any other basis protected by legislation is unlawful and will not be tolerated by Margaret Orchard Recruitment Ltd.

6.2 This policy prohibits unlawful harassment by any employee or worker of the Margaret Orchard Recruitment Ltd.

6.3 Examples of prohibited harassment are: -

6.3.1 Verbal or written conduct containing derogatory jokes or comments,

6.3.2 Slurs or unwanted sexual advances

6.3.3 Visual conduct such as derogatory or sexually orientated posters,

6.3.4 Photographs, cartoons, drawings or gestures,

6.3.5 Physical conduct such as assault, unwanted touching, or any interference because of sex, race or any other protected basis,

6.3.6 Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits in return for sexual favours

6.3.7 Retaliation for having reported or threatened to report harassment.

6.5 If you believe that you have been unlawfully harassed, you should make an immediate report to Margaret Orchard followed by a written complaint as soon as possible after the incident. Your complaint should include:

- Details of the incident
- The name or names of the individual or individuals involved
- The name or names of any witness or witnesses

7 The Margaret Orchard Recruitment Ltd will undertake a thorough investigation of the allegations. If it is concluded that unlawful harassment has occurred, remedial action will be taken.

8 Any employee who Margaret Orchard Recruitment Ltd finds to be responsible for unlawful harassment will be subject to the disciplinary procedure and any sanction may include termination. [A person who discriminates or harasses may be liable for payment of damages to the person offended, in addition to any damages payable by Margaret Orchard Recruitment Ltd should it have been found to have failed to ensure the practice ceased forthwith. Under the Criminal Justice Act 1994, harassment became a criminal offence, punishable by a fine of up to £5,000 and/or a prison term of up to 6 months. Under the Protection from Harassment Act 1997, the penalties for aggravated harassment are an unlimited fine and/or 5 years imprisonment.]

## **8. GENDER REASSIGNMENT POLICY**

- 8.1 Margaret Orchard Recruitment Ltd recognises that any employee or worker may wish to change their gender during the course of their employment with the Company.
- 8.2 Margaret Orchard Recruitment Ltd will support any employee or worker through the reassignment provided that full medical counselling has been undertaken and Margaret Orchard Recruitment Ltd has access to any relevant medical reports.
- 8.3 Margaret Orchard Recruitment Ltd will make every effort to try and protect an employee or worker who has undergone, is undergoing or intends to undergo gender reassignment, from discrimination or harassment within the workplace.
- 8.4 All employees and workers will be expected to comply with Margaret Orchard Recruitment Ltd's policy on harassment in the workplace. Any breach of such a policy will lead to the appropriate disciplinary sanction.
- 8.5 Where an employee is engaged in work where the gender change imposes genuine problems Margaret Orchard Recruitment Ltd will make every effort to reassign the employee or worker to an alternative role in the Company.
- 8.6 Any employee or worker suffering discrimination as the result of their gender reassignment should make recourse to the Company's grievance procedure.
- 8.7 Any discrimination complaint will be investigated fully.