

CUNDALL

POLICY

Equality, Diversity & Inclusion

Job No: HR Policy
Doc Ref: HR/001
Latest Revision: C
Date: 17/06/2019

Project Name:	HR Policy and Procedure
Client:	Cundall
Report Title:	Equality & Diversity Policy
Job Number:	N/A

Document Revision History

Revision Ref	Issue Date	Purpose of issue / description of revision
001	21/08/2019	New document, replacing Equal Opportunities Policy

Document Validation (latest issue)

X

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X

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1. General Principles

Cundall is committed to providing an inclusive working culture, in which diversity is embraced, and all staff feel valued, respected and able to reach their full potential, no matter their background, identity or circumstances.

We also acknowledge and respect the cultural diversity that exists across our global business, and will continue to work towards achieving a workforce that is representative of the locations in which we operate.

1.1 Scope

Cundall does business globally, and our employees are subject to the laws and regulations of different countries, and of organisations such as the European Union. Each of us is responsible for knowing and following the laws that apply to us where we work.

This policy establishes principles for business conduct applicable throughout the Practice, regardless of geographical location. Where differences exist as a result of local customs, norms, laws or regulations, members of the Practice are expected to adhere to the principles and spirit of this policy and with local requirements.

1.2 Policy Review

We will review and update this policy regularly in accordance with ongoing changes to equality and diversity legislation, standards and best practices.

1.3 Purpose

This policy details how Cundall will treat all employees, contractors, clients, suppliers and stakeholders with dignity and respect. It also sets out how we will actively avoid the use of behaviour which could be deemed discriminatory, unfair or offensive based on protected characteristics (including gender, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation).

2. Roles & Responsibilities

2.1 Management Boards

Regional Management Boards are responsible for ensuring that Cundall meets the commitments detailed within this policy, with oversight from the Global Management Board.

2.2 Equity & Ethics Committee

The Equity & Ethics Committee is responsible for overseeing, steering, monitoring and reporting on business activities related to equality, diversity and inclusion.

The Committee Chair is responsible for:

- Ensuring that Cundall's equality, diversity and inclusion objectives are addressed.

- Ensuring that equality, diversity and inclusion considerations are embedded throughout committee discussions and decisions.

2.3 Partners & Directors

Partners & Directors are responsible for:

- Providing visible leadership on equality, diversity & inclusion through their day-to-day business activities and interactions.
- Ensuring that their staff are aware of their responsibilities and understand and apply this policy.
- Recognising and applying the principles of equality, diversity and inclusion in their management of staff

- Promoting and supporting work practices that enable all staff to participate fully in work and family life, regardless of gender, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (or lack thereof), sexual orientation, trade union membership (or lack thereof), family/caring responsibilities, or working pattern

2.4 Line Managers

Line Managers are responsible for:

- Championing principles of diversity and inclusion through our everyday business operations and practices.
- Taking an active role in learning and understanding about different demographic groups, and the barriers they may face.
- Challenging discriminatory and offensive behaviour, and working to embed an inclusive culture within their team.
- Ensuring their employees are aware of what is expected of them, and dealing firmly and fairly with actual or suspected unacceptable behaviour.
- Promoting and supporting work practices that enable all staff to participate fully in work and family life, regardless of gender, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (or lack thereof), sexual orientation, trade union membership (or lack thereof), family/caring responsibilities, or working pattern.
- Keeping up to date with equality legislation, and changes to Cundall's Equality, Diversity & Inclusion Policy.
- Treating all discrimination complaints seriously, understanding the informal and formal processes for dealing with grievances.
- Undertaking and participating fully in any relevant training provided by the business.

2.5 Human Resources

Human Resources (HR) are responsible for supporting the operational implementation of this policy as it relates to staff, by:

- Keeping up to date with relevant legislation.
- Advising and supporting managers and staff about related issues and practices.

- Supporting investigations into complaints about alleged breaches of this Policy as it relates to staff.
- Ensuring guidance is available to allow this policy to be applied fairly and to support transparency in its application.
- Ensuring responsible and consistent governance of human resources matters such as promotions and pay.
- The Head of Talent, Diversity & Inclusion is specifically responsible for developing and supporting implementation of strategies, policies and activities for advancing equality and celebrating diversity across Cundall.

2.6 All Staff

All staff are responsible for ensuring that they understand and apply this policy consistently throughout their day to day activities and interactions. This includes:

- Taking personal responsibility for creating and maintaining a positive working environment where we treat each other with dignity and respect, with a zero-tolerance approach to discrimination, victimisation, bullying and harassment.
- Valuing diversity, and the contribution every individual makes to the business.
- Being respectful of others during all interactions, including at work related social events and on social media platforms.
- Notifying line managers or HR of any concerns they have regarding the conduct of other employees or third parties. If anonymity is required, consider reporting such issues through the Whistleblowing process.
- Undertaking and participating fully in any relevant training provided by the business.

2.7 Staff Equality Networks

The staff equality networks (such as Kaleidoscope) are responsible for:

- Providing informal peer support on related issues.
- Helping to raise awareness about related issues.
- Contributing to the ongoing review and development of business-wide equality, diversity, and inclusion activities.

3. Policy Implementation

Cundall is committed to taking appropriate action to ensure that:

1. All internal and external job applicants receive full and fair consideration in all employment decisions.
2. The recruitment, support and management of staff is conducted in accordance with the principles of this policy.
3. Employment decisions are based solely on relevant and objective job-related criteria (qualifications, knowledge, skills and competencies).
4. Consideration is given to flexible working patterns such as part-time and job-share arrangements when recruiting, and agreeing to such requests wherever operational requirements allow.
5. The use of positive action measures is explored where appropriate, as a means of redressing the effects of existing inequalities.
6. Team structure and job design are regularly reviewed with a view to identifying possible barriers to equality of opportunity, and action taken as appropriate to remove such barriers.
7. All staff and stakeholders are aware that harassment in the workplace or in the process of service delivery is not acceptable.
8. All complaints are fully investigated, with action taken as appropriate to prevent any form of harassment from continuing.
9. All staff and stakeholders are aware of the importance of using appropriate and respectful language in all forms of communication.
10. All staff and stakeholders have access to advice and training to assist them to translate the requirements of this policy into practice.
11. Existing policies, procedures, documentation and work practices are regularly reviewed to ensure they each reflect the aims of this policy.
12. Whenever it is reasonable to do so, adjustments that may be required by a disabled person will be undertaken.
13. All staff and stakeholders are aware of their right to complain about discriminatory policies, procedures, practices, language or behaviour.
14. Procedures are available to ensure both informal and formal complaints are dealt with fairly, lawfully and sensitively.
15. The effects of this policy are monitored.

4. Definitions

4.1 Protected Characteristics

“Protected characteristics” as they relate to discrimination, are those which are legally protected under the (UK) Equality Act 2010. Although this is UK legislation, the underlying principles of the Act and the specific definitions are clear and useful, and have therefore been adopted to underpin this policy, across Cundall’s global business. Whilst specific legislation may vary from territory to territory, the business operates a zero-tolerance approach to discrimination or harassment on the basis of these protected characteristics and, more generally, an individual’s working pattern, family/caring responsibilities, or any other personal attribute or circumstance.

Characteristic	Description
Age	Direct or indirect discrimination on the grounds of a person’s age is unlawful, unless it can be objectively justified as a proportionate means of achieving a legitimate aim. Age is the only protected characteristic that allows employers to justify direct discrimination
Disability	A person is considered “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.
Gender Reassignment	A transsexual person is someone who proposes to, starts or has completed a process to change his or her gender. People who choose to live as a different gender to that with which they were born are also protected, regardless of whether they choose to undergo any medical procedures. Where transsexual people are absent from work or study because they propose to undergo, are undergoing or have undergone gender reassignment, it is discrimination to treat them less favourably than they would be treated if they were absent because they were ill or injured.
Marriage and Civil Partnership	Employees may not be subjected to discrimination due to the fact that they are married or in a civil partnership.
Pregnancy and Maternity	A woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled.
Race	” Race” includes colour, nationality and ethnic or national origins.
Religion or Belief	Religion includes any religion. It also includes a lack of religion; employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. A “religion” must have a clear structure and belief system. “Belief” means any religious or philosophical belief (or a lack of such belief). To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects within a religion can be considered a protected religion or religious belief. Discrimination because of religion or belief can occur even where both the discriminator and recipient are of the same religion or belief.
Sex	A person must not be discriminated against because: <ul style="list-style-type: none"> • they are (or are not) a particular sex • someone thinks they are the opposite sex (this is known as discrimination by perception) • they are connected to someone of a particular sex (this is known as discrimination by association)
Sexual Orientation	A person must not be discriminated against because they are bisexual, gay, heterosexual or lesbian.

4.2 Direct Discrimination

It is unlawful to discriminate against people who have “protected characteristics”. Discrimination means treating someone less favourably than another person because of a particular attribute or attributes that they possess.

An individual does not need to possess a protected characteristic to be discriminated against. If someone **believes that another person** possesses a characteristic and treats them less favourably as a result, that is direct discrimination by perception.

Similarly, if a person is treated less favourably because a colleague, associate, family member or friend has a protected characteristic, that would be direct discrimination by association. It is also possible to be discriminated against for not holding a particular (or any) religion or belief.

Examples of direct discrimination include dismissing someone, deciding not to employ them, refusing them training, denying them a promotion, or giving them adverse terms and conditions because of a protected characteristic.

4.3 Indirect Discrimination

Indirect discrimination occurs when an organisation’s practices, policies or procedures are applied equally to all groups, but have the effect of disadvantaging people who share certain protected characteristics.

Indirect discrimination may not be unlawful if an employer can show that there is an “objective justification” for it. The organisation must be able to demonstrate that their approach is a “proportionate means of achieving a legitimate aim”.

The aim must be legitimate, and a real objective consideration (such as the economic needs of running a business). But simply arguing that it is more expensive not to discriminate is unlikely to be considered a valid justification.

It must be a proportionate measure too, meaning that the discriminatory impact should be significantly outweighed by the importance and benefits of the aim. There should also be no reasonable, less discriminatory alternative.

4.4 Discrimination by Association

Associative discrimination comes about when someone is treated unfavourably on the basis of another person’s protected characteristic.

For example, a candidate who has been told she is getting a job is suddenly deselected after revealing she has a severely disabled child with complicated care arrangements. The withdrawal of the job offer could amount to discrimination because of her association with a disabled person (disability being a protected characteristic).

4.5 Discrimination by Perception

When a person is treated unfavourably because others believe they have a protected characteristic, even though in reality they do not, this is considered perceptive discrimination.

An example of this is an employee who is rejected for promotion to a supermarket buying team that sources wines, because he has an Arabic name. The employer has assumed that he is a Muslim and therefore won’t want to deal with alcohol.

This could be considered discrimination by perception, whether or not the employee is a Muslim.

As with associative discrimination, perceptive discrimination does not apply to marriage and civil partnership, nor pregnancy and maternity, and it must be direct discrimination.

4.6 Positive Discrimination vs Positive Action

Positive discrimination is illegal. It occurs when a someone is given preferential treatment because of a protected characteristic, or is employed specifically because of a protected characteristic, rather than because they are the most qualified or equally qualified for a role.

Setting specific quotas to recruit a specific number of people from a protected characteristic group is positive discrimination and is not permitted.

Positive action is legal. It is defined as voluntary actions employers can legally take to address any imbalance of opportunity or disadvantage that an individual or group with a protected characteristic could face. Examples of positive action include:

- Targeted advertising of jobs, to attract applicants from groups that are under-represented within the business. This can be using specific, but not exclusive, media to advertise jobs.
- Using positive action statements in recruitment adverts, for example stating that the employer welcomes applications from an underrepresented group.
- Offering targeted leadership development courses to address the specific needs of under-represented groups.
- Offering mentoring schemes.

4.7 Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person towards which the behaviour is directed.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- shouting at, being sarcastic towards, ridiculing or demeaning others;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- abuse of authority or power by those in positions of seniority; or
- deliberately excluding someone from meetings or communications without good reason.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment will not (on its own) amount to bullying.

Overt Bullying	Covert Bullying
Verbal abuse, such as shouting or swearing at staff or colleagues either in public or private	Subjecting targets to excessive supervision, monitoring everything they do and being excessively critical about minor things with malicious intent
Personal insults	Taking the credit for the other person's work, but never the blame when things go wrong
Constantly humiliating or ridiculing others, belittling them in front of others, persistent criticism or sarcasm	Personal insults and name-calling, spreading malicious rumours
Terror tactics, open aggression, threats, abuse, and obscenities towards targets, shouting and uncontrolled anger triggered by trivial situations	Freezing out, ignoring, excluding and deliberately talking to a third party to isolate another
Persecution through threats and fear, physical attacks	Never listening to other's point of view, always cutting across people in conversation
Making threats or inappropriate comments about career prospects, job security or performance appraisal reports	Overruling an individual's authority without prior warning or proper discussion
	Removing whole areas of work responsibility from a person, reducing their job to routine tasks which are well below their skills and capabilities
	Setting impossible targets and objectives, or changing targets without telling the person
	Deliberately withholding information which the person requires in order to do their job effectively

4.8 Harassment

Harassment is unwanted physical, verbal or non-verbal conduct related to sex, gender reassignment, race or ethnic or national origin, disability, sexual orientation, religion or belief (or lack thereof), age or any other personal characteristic, which:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

Harassment may be on the basis of someone's race, sex, disability, age, sexual orientation, or religion. It may include unwanted non-verbal, verbal or physical abuse, unwanted physical contact, unwelcome sexual advances, offensive or suggestive quips or jokes, exclusion or isolation of an individual, threatening or insulting words or behaviours, gossip, or the display of abusive or offensive writing or pictures. All forms of harassment are unacceptable.

Conduct may constitute harassment whether or not the person behaving in that way intends to offend. Something intended as a joke may offend another person. Different people find different things acceptable, and everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him or her (e.g. sexual touching).

It may not be so clear in advance that other forms of behaviour could be unwelcome to, or could offend, a particular person (e.g. certain banter). In these cases, first-time conduct which unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

A single incident can be harassment if it is sufficiently serious.

4.9 Third Party Harassment

Where a complaint is about someone other than an employee (such as a contractor), we will consider what action may be appropriate to protect the complainant and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of the alleged harasser. Where appropriate we will attempt to discuss the matter with the third party.

Where the alleged harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.

4.10 Victimisation

Victimisation is treating someone less favourably than others because he or she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him or her or someone else, or supported someone in making a complaint, or given evidence in relation to a complaint.

Provided that they are acting in good faith (i.e. they genuinely believe that what they are saying is true), employees and others engaged to work at the Practice have a right not to be victimised for making a complaint or for doing anything in relation to a complaint of bullying or harassment. We will take appropriate action to deal with alleged victimisation, which may include disciplinary action against any person found to have victimised another member of the Practice.

However, deliberately making an untrue complaint or giving evidence which is known to be untrue may lead to disciplinary action being taken against the person making the complaint or giving the evidence

5. Breaches of Policy

All employees are expected to treat each other with dignity and respect. If you feel you have not been treated in accordance with this policy you may, in the first instance, wish to raise your concern with the individual responsible for the behaviour and request that it cease.

If you prefer, speak with your line manager or a member of the HR team with a view to reconciling the matter informally. We encourage staff to seek to resolve complaints informally in the first instance. If this is not possible and/or appropriate you can raise the matter formally through the Grievance Procedure.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the relevant disciplinary procedure(s). Bullying or harassment will often constitute gross misconduct, which can lead to dismissal without notice.

Some bullying or harassment will constitute unlawful discrimination (e.g. if it relates to a person's sex, race, religion or belief, sexual orientation or disability). Harassment on the grounds of age is also unlawful. Serious bullying or harassment may amount to other civil or criminal offences.

All complaints will be dealt with seriously, promptly and confidentially. Any breach of this policy (i.e. any inappropriate behaviour or practice by Cundall staff that results in less favourable treatment of a colleague, client or stakeholder) will be a matter for disciplinary action, as outlined in the disciplinary policies applicable to the territory in which the employee works.

6. Monitoring & Compliance

Cundall is committed to ensuring that the principle of equal opportunities for all is being achieved in practice. Monitoring is the most effective way to ensure that the aims of this policy are being translated into practice, so the following key aspects of employment practice and service provision will be monitored on a regular basis:

- Job applicant diversity data
- Staff member diversity data
- Access to training, promotion and other opportunities and benefits
- Resignation, dismissal and termination data (including exit interview data)
- Pay equity

7. Related Policies

This policy is supported by and related to others that can be found on the “Employment Policies” section of the HR intranet page on “Dr Johnston”.

8. Related Legislation

8.1 The Equality Act 2010 (UK)

This legislation introduces nine protected characteristics which are grounds upon which it is unlawful to discriminate.

These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.2 Rehabilitation of Offenders Act 1974 (UK)

Prohibits employers from discriminating against applicants with spent convictions. Some employers are exempted and can take into account both spent and unspent convictions. For example, if the job involves working with vulnerable groups such as children, the elderly, people with learning disabilities or people with mental health issues, or involves handling money or security work.

8.3 The Fair Employment and Treatment (Northern Ireland) Order 1998

Prohibits discrimination against anyone on the grounds of religious belief or political opinion, in employment, in the provision of goods, facilities and services and the sale or management of land or property and further and higher education. This also includes a person’s supposed religious or political opinion and the absence of any, or any particular religious belief or political opinion.

8.4 European Community Directives (EU)

Establishes the need for Member States to ensure that men and women receive equal treatment as regards access to employment, including promotion, training, working conditions, pay, social security and dismissal.

8.5 Local Legislation

While the above legislation is UK & Europe-centric, they have been used as a baseline merely to help inform the minimum standards of this policy. Local legislation will supersede the above legal minimum requirements as appropriate, but the principles and standards of this policy apply to all staff in all Cundall offices, without exception.

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