



Equal Opportunities Policy

INTRODUCTION

This document is a statement of the Company's Equal Opportunity and Employee Diversity Policy. The details are below. This policy is not part of your employment contract and it is not legally binding except where it is a statement of the law. You must be aware of and apply this policy and procedure; failure to do so may result in disciplinary action being taken against you. You should consult your manager if there is anything that is not clear, or you are unsure about any aspect of this policy.

SCOPE

This policy and its procedures will apply to:

- The Senior Leadership Team
- Employees of MTD
- Learners
- Contractors
- Employers providing an apprenticeship
- All other users of MTD
- All MTD activities

The Policy and Procedures will apply at all times when MTD is providing services or activities that come under the responsibility of the organisation.

POLICY STATEMENT

The Company aims to be an equal opportunities employer, to act fairly and to prevent unlawful discrimination in any aspect of employment. The Company will not discriminate on the grounds of any protected characteristic and believes in valuing a diverse workforce. Protected characteristics are defined as gender, sexual orientation, race, ethnic or national origins, nationality, colour, disability, gender reassignment, religion or belief, marriage or civil partnership, pregnancy and maternity or age. The Company will attempt to create a working environment which is open and fair.

It is the responsibility of all employees to be aware of and promote this policy. Actions or behaviour on the part of any employee which are in breach of this policy will not be tolerated and will be subject to disciplinary action.

All employees, customers, suppliers, contractors are subject to this policy.

It is a fundamental part of an Equal Opportunities Policy that employees are treated with dignity and not subject to any bullying or harassment. The Company has a separate Dignity at Work Policy which covers this aspect of employment.

The Company will not discriminate in its employment practices, including hours and place of work, recruitment, training, pay, benefits, promotion, discipline and redundancy.

In developing the requirements for a job, either with regard to the duties and responsibilities or the person specifications, only requirements that are necessary and justifiable for the effective performance of the job will be included and which do not restrict applications from candidates as a result of a protected characteristic.

All applicants for employment or promotion, will be considered on their merits and selected based on objective criteria, related to the job. The Company will put in place reasonable adjustments within the workplace for those applicants or employees who are disabled or become disabled whilst employed by the Company.

Harassment can also take place where a person perceives that another person has a protected characteristic and then engages in unwanted behaviour towards that person, even if the recipient does not have the relevant protected characteristic. This could be the case where, for example, an individual is believed to be gay and spoken to as if this were the case, even if it is not so.

If an individual subjects another person to harassment and that harassment is witnessed by other employees, even if they are not subjected to the harassment directly, they can still claim harassment as the act of harassment of the initial subject creates an intimidating and/or offensive environment.

Employees are also protected from harassment from third parties, such as customers, visitors or suppliers.

Victimisation is where someone, who has complained of unlawful discrimination or has supported someone else who has complained of discrimination, is treated less favourably because they have done so.

Associative Discrimination occurs where someone is discriminated against or harassed as a result of being associated with someone else who has a protected disability characteristic. An example would be where an employee is not recruited as a result of having a disabled child in case this may mean the employee would require additional time from work.

Perceptive Discrimination occurs where a person discriminates against an employee because they perceive that the person has a protected disability characteristic and then discriminates against that person, even if the recipient does not have the relevant protected characteristic. This could be the case where, for example, an individual is thought to have suffered from a period of depression and is treated as if this is still the case when it is not.

Third party Discrimination occurs where an employee is harassed by a third party, such as a customer, supplier or contractor, because of a disability. An employer will be liable if this has occurred at least twice, the employer is aware of it taking place and has not taken reasonable steps to prevent it happening again. It should be noted the employee need not be harassed by the same person or for the same reason but one occurrence of each could constitute two occasions for the discrimination to take place, subject to the employer's knowledge and failure to remedy.

Failure to make Reasonable Adjustments is unlawful discrimination where a physical feature, provision, criterion or practice puts a disabled person at a substantial disadvantage when compared to an able-bodied employee who does not have the protected disability characteristic. An example of failure to make reasonable adjustments would be for an employer to fail to provide speech recognition software to assist a typist to dictate text instead of using their hands, where this becomes necessary through a disability related protected characteristic.

Employee's Responsibilities

You are responsible for complying with this Equal Opportunities Policy and are under a duty to assist the Company in every way to meet its Equal Opportunities obligations. You must not unlawfully discriminate in any activity you undertake at work or on behalf of the Company.

If you discriminate against, bully, harass or victimise any person, whether an employee, customer, supplier or other person, both the Company and you personally can be held liable and, in a serious case, you may be found guilty of a criminal offence. The Company's Disciplinary Procedure will be implemented if you are accused of any alleged acts of discrimination, bullying, harassment or victimisation.

Suppliers, Customers and other individuals

The Company will not tolerate its employees being discriminated against, either directly or indirectly by its, suppliers, customers, or other people who are in anyway associated with the Company. Employees must inform their manager immediately if they consider that this has occurred.

Similarly, the Company will act fairly and will not unlawful discriminate in its dealings with its suppliers, customers and other stakeholders.

Grievances

You should inform your manager immediately, and/or make a formal grievance under the Company's Grievance Procedure, if you feel that you have been discriminated against. If your grievance involves bullying, harassment or victimisation and you can choose to make a grievance under the Dignity at Work Policy and procedure.

The Company will treat your grievance seriously and, where it finds that discrimination, bullying, harassment or victimisation has taken place, attempt to resolve it in accordance with the Grievance Procedure.

If the Company finds that you were not discriminated against, you will not suffer any penalty unless it is considered that your complaint was untrue and claimed maliciously or in bad faith.

If you believe that you have been discriminated against you may always make a claim to an Employment Tribunal, but you should use the Company's Grievance Procedure before doing so.

This document is a statement of the relevant law where appropriate together with the Company's policies on the subject. The Company reserves the right to amend any non-statutory parts of this policy.

This document was current as at 29/01/2024. New Employment legislation and case law means that this document will become out of date and will need reviewing and amending, preferably every 12 months.