



# ELECTRON SERVICES NORTH EAST LIMITED

## EQUALITY AND DIVERSITY POLICY & PROCEDURES

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*Prepared by: Electron Services Ltd and Area North Training & Safety Services Limited*

# Equality and Diversity Policy:

## 1. Policy Objectives:

Electron Services North East Limited supports and equips staff to promote equality and diversity and to respect the rights and contributions of others.

Benefits of a diverse workforce include:

- Increased motivation and productivity,
- Lower turnover of staff,
- Access to wider recruitment markets
- Breaks down barriers caused by discrimination and nurtures co-operation.

Therefore, equality and diversity play a central role in our employment practices and is a mainstream, not a marginal issue.

Discrimination in employment is potentially damaging, as we would be denying ourselves access to the wide-range of skills and abilities available.

## 2. Electron Services North East Limited - **Commitments and Responsibilities for Equality and Diversity:**

### Our Commitment as an Employer-

As an employer, we recognise that staff are our most important asset and will strive to ensure that no member of staff or job applicant will be disadvantaged on the grounds of their gender, marital status, race, disability, sexual orientation, religion/belief, age or irrelevant offending background, by conditions or requirements which cannot be shown to be justifiable.

Electron Services North East Limited will ensure all staff has access to the relevant policies and procedures, so that there are clear guide contracts to work to.

Electron Services North East Limited strives to be an employer that will ensure that all staff has the correct information and training to do their job.

Staff will be provided with appropriate training to ensure the effective implementation of this policy.

### Supervisors and Managers Responsibilities-

To ensure they understand this policy and work in a manner that reflects the equality and diversity culture.

To make certain their staff are aware of this policy and the obligations this creates for them.

To ensure staff who are involved in employment-related decisions are adequately trained.

### **Staff Responsibilities-**

To behave in a manner which reflects the equality and diversity culture and to abide by this policy when carrying out both internal and external activities related to their job.

### **Personnel Department's Responsibilities-**

To develop and support policies and practices, which support and advance an equality and diversity culture.

To monitor progress towards equality and diversity, identify issues and drive actions to ensure all staff are treated equitably and with dignity and respect. Working with supervisors and managers to achieve our policy aims. (Equal Opportunities are not about treating everybody equally or the same, it is about equality of options / choice).

## **3. Recruitment and Selection:**

### **Recruitment-**

It is important that we identify and appoint the most suitable applicant for the job, according to their experience, skills, and abilities measured against the job specification and taking account of their potential for further development.

We shall make arrangements to accommodate the special requirements that some candidates may have during the application, interview and recruitment process.

### **Job and Person Specification-**

Each post should be specified in terms of the skills, experience and qualifications required. The criteria used should only be necessary and justifiable for the effective performance of the job and should be applied consistently to all applicants.

### **Selection Criteria and Testing-**

Short-listing should be based on the skills and experience which closely match the requirements of the job.

Selection tests should relate to job and /or career requirements and measure an individual's actual or inherent ability to perform the work or train for the career. Care will be taken to ensure that tests do not discriminate against an individual or group or place them at an unfair disadvantage.

### **Advertising-**

A range of advertising sources may be utilised to encourage applicants from specific groups that reflect the diversity of our communities.

### **4. Promotion, Transfer and Training:**

Opportunities for promotion, transfers and training will arise from time to time; all employees are eligible to apply if they feel they have the right skills and experience.

Performance management allows for regular and open discussions between managers and staff, to identify career and personal development plans, geared to individual needs and business requirements.

Training will be based on identified needs matched to the requirement of the business and will be provided in an equitable, unbiased and accessible manner.

### **5. Monitoring:**

Recruitment and selection procedures will be regularly reviewed by the Personnel Department to ensure they meet the Equality and Diversity Policy requirements.

We will regularly review and monitor our policies and practices with specific attention to recruitment, training, pay, and career development and promotion opportunities.

Equality and Diversity targets will be set, so that Electron Services North East Limited can aim for a diverse workforce, recruiting varied skills from differing communities.

### **6. Disability:**

We have adopted measures to increase the number of people with disabilities within Electron Services North East Limited and will arrange where appropriate to adapt premises and provide equipment to aid in their employment. We take a positive view towards the employment of people with disabilities and wish to work towards the removal of barriers that may prevent them from achieving their potential. We will promote a positive attitude toward people with disabilities and assist those responsible for employment decisions and staff supervision to introduce measures which enable people with disabilities to lead a normal working life.

7. **Harassment Policy:**

Electron Services North East Limited must be a place where all staff, trainees and visitors feel safe. We have developed a comprehensive harassment policy, which provides for sanctions against those who infringe it.

8. **Grievance Procedure:**

Any member of staff who believes they have been discriminated against or treated unfairly should raise the issue using the grievance procedure. Staff members who use the grievance procedure will not be victimised for doing so. Substantiated allegations of victimisation may result in action being taken under the disciplinary procedure.

## **POLICY FOR HARASSMENT, BULLYING AND VICTIMISATION**

### **Introduction**

1. Electron Services North East Limited aims to achieve and maintain equality of opportunity within a diverse workforce. At the heart of Electron Services North East Limited equal opportunities and diversity policy is the basic right of all Electron Services North East Limited employees to be treated with respect and dignity and to work in a safe and secure environment which is free from bullying, harassment and victimisation on any grounds.
2. This includes the use of 'initiation ceremonies' and any other similar forms of behaviour.
3. This right to fair and respectful treatment applies equally to members of the public, with whom our employees come into contact with through their work.
4. Electron Services North East Limited recognises the particular nature of harassment on the grounds of sex, race or disability and is fully committed to:
  - (a) It's elimination in all forms
  - (b) The promotion of professional standards of conduct at work

### **Definitions**

5. **Harassment is defined broadly as behaviour that the recipient finds offensive or threatening and which is unsolicited and unwelcome.**
6. **Bullying is defined broadly as behaviour that hurts, frightens or browbeats another person.**

7. **Victimisation is defined broadly as an action or series of actions that seek to punish or discriminate against selectively or unfairly, another person.**

### **Intention**

8. The intention of this policy is to create and maintain a workplace that is free from all forms of harassment, bullying or victimisation, and all forms of collusion with them.
9. To achieve this people must feel confident to make complaints without fear of reprisal, ridicule or being labelled 'a problem'. All complaints received must be managed in a positive and productive way on all occasions. All staff are expected to actively challenge conduct which constitutes harassment, bullying or victimisation and unless it can be dealt with on the spot and no further action is needed, to report it to an appropriate person, for example a senior manager or the personnel department.

**PERSONNEL POLICIES AND PROCEDURES MANUAL**  
**EMPLOYEE RELATIONS**  
**PROCEDURE TO DEAL WITH HARASSMENT, BULLYING AND VICTIMISATION**

**Introduction**

1. This document establishes our policy on harassment, bullying and victimisation. It is designed to eliminate the above from the workplace, to the benefit of all staff and to Electron Services North East Limited as an employer. Electron Services North East Limited will apply the same guide contracts on reported incidents of bullying and victimisation, as with harassment.

**Definitions**

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**Outcome**

5. Harassment, bullying and victimisation:
  - (a) is offensive to the recipient



- (b) causes the recipient to feel patronised, humiliated, distressed, intimidated or threatened
- (c) creates an uncomfortable or hostile work environment
- (d) interferes with the recipient's work performance

### **Procedure for dealing with Harassment, Bullying and Victimisation**

6. Electron Services North East Limited as an employer, through supervisors and managers, are responsible for communicating the policy and procedure to all staff, and for helping to eliminate any form of harassment, bullying and/or victimisation of which it becomes aware.
7. All reports of harassment, bullying and/or victimisation will be dealt with seriously, quickly and in confidence. Investigations will be objective and will observe the rights of those accused of harassment. Steps will be taken to ensure that staff complaining of harassment, as well as witnesses, are protected from victimisation.
8. Where appropriate and acceptable, complaints of harassment, bullying and/or victimisation will be dealt with informally. However, the seriousness of some complaints will warrant the use of disciplinary procedures and action. Formal procedures will be used where a previous attempt at informal resolution has failed.
9. Discrimination legislation renders an employer liable for any acts of discrimination carried out by its employees in the course of their employment, unless it can show that it has done everything reasonably practicable to prevent discrimination from occurring.
10. An individual employee is also personally liable (i.e. responsible under law) for their actions for any discriminatory acts.
11. Victims of harassment i.e. behaviour that is motivated by sex, race or disability may, once all internal procedures have been exhausted, make a discrimination complaint through an Employment Tribunal against Electron Services North East Limited and the individual harasser. Compensation may be payable by the employer and/or the

individual harasser.

12. Harassment may precipitate the victim's dismissal or resignation. In such circumstances, victims of harassment may be able to claim unfair dismissal or constructive dismissal.
13. Victims of harassment may take action against their employer and the individual harasser through the County Courts. There is no maximum limit on damages in these cases.
14. Behaviour that is found to constitute harassment will result in disciplinary action, to include summary dismissal, if appropriate.

### **Dealing with Harassment, Bullying and/or Victimisation**

15. A number of actions and procedures are available and shall be applied by employees, supervisors and managers when dealing with instances of harassment, bullying and/or victimisation:
  - (a) **Advice**  
The personnel department is available to provide confidential advice to all employees on dealing with the above. Those employees who are trade union members may also consult their representative for advice.
  - (b) **Challenging Harassment**  
Where possible, an employee who has experienced harassment should ask the alleged harasser to stop the harassing behaviour.
  - (c) **Reporting Harassment**  
It is not necessary for staff experiencing harassment to confront the harasser. We recognise that it may be difficult and distressing to do so. The employee may therefore choose to take an alternative approach. If the employee chooses not to confront the harasser, or if the harassment continues after such an approach, the employee shall report the harasser to any of the following:
    - (i) *Their contract manager*

- (ii) *The personnel department*
- (iii) *Another appropriate senior manager*

In order that prompt and immediate action can be taken. When making a complaint, trade union members may wish to involve their representative. Staff not in a trade union may involve a colleague for support.

- (d) **Investigating Harassment**  
Complaints of harassment shall be handled immediately and in confidence. Informal inquiries and formal investigations will be fair and impartial. Any inquiry or investigation shall be the responsibility of a manager and a member of the personnel department. Both the complainant and the accused shall be entitled to trade union representation. Those members of staff involved in inquiries or investigations shall follow the procedure for investigating and acting upon complaints of harassment.

- (e) **Action**  
If an inquiry or investigation reveals that a complaint is valid, we will consider all relevant factors in deciding the action to be taken. The factors considered shall include, but not be limited to:

- (i) *The nature of the offending behaviour*
- (ii) *The views of the complainant*
- (iii) *The response of the accused*
- (iv) *The views of the investigating team*

Informal action may include the harasser giving an assurance that the behaviour will stop; contract management and the personnel team monitoring the situation for a set time period; the harasser to be recommended to receive advice and/or counselling. The formal resolution of a complaint shall include recommending disciplinary action against the harasser in accordance with our disciplinary procedure. This may result in a warning, transfer or in the most serious cases amounting to gross misconduct, summary dismissal.

## **Monitoring**

16. We will monitor the effectiveness of its procedure on harassment, bullying and/or victimisation. Confidential records shall be kept. These records will be used with care to identify any areas, in which the harassment has, or may, become a cause for concern. Individual complaints shall be monitored to ensure that any actions taken are effective, and to ensure that there is no victimisation of complainants or harassers.

## **Responsibilities**

17. All employees are required to conform with legislation and our policy and procedures relating to harassment. If contract managers, the personnel team or any staff consider there is a breach of these policies and procedures, it shall be reported and action taken.

## **Procedures**

18. Procedures shall be observed to ensure that confidentiality is maintained in connection with the conduct of inquiries and investigations and the use of records and reports.

***Within this procedure, all reference to alleged harassment also applies to alleged incidents of bullying and/or victimisation.***

***Where reference is made towards contract management investigating allegations, if the Contract Manager is the alleged harasser, a member of the personnel team, a senior manager or other appropriate person shall conduct the investigation and take required action***

## **Procedure**

1. When the incident occurs the person subjected to harassment shall confront the harasser, tell them that the behaviour is unwelcome and ask them to stop.

2. If the behaviour does not stop, or if the person is unable to confront the harasser at the time, all the details of the incident shall be recorded. The information recorded shall include:
  - (a) the complainants name, job title, grade, department and contract manager
  - (b) the name of the alleged harasser
  - (c) date, time, place and incident(s) occurred
  - (d) name(s) of any witnesses or individuals that the complainant knows have had experiences of a similar incident(s)
  - (e) factual descriptions of the incident(s) including, if possible, direct quotes of anything said by either the complainant or the alleged harasser
  - (f) description of how the incident(s) made the complainant feel
  - (g) any documentary evidence, where relevant (e.g. pin-ups, magazines, correspondence) to the incident(s). Where originals are not available, a description of any such document shall be produced
3. The person subjected to harassment shall consult with either their contract manager, a member of the personnel team or any other appropriate person immediately.
4. Decide, with the help and advice of others if necessary, how to proceed and what options are available. These include
  - (a) confronting the harasser
  - (b) making an informal complaint

- (c) making a formal complaint

### **Confronting the Harasser**

5. The person subjected to harassment shall decide and agree who, in addition to themselves, is to be involved in the confronting of the alleged harasser.
6. The complainant selects the person who they wish to have supporting them.
7. The complainant shall discuss with their contract manager, a member of the personnel team or other appropriate person, and agree the approach to take, i.e. face to face meeting or a letter to the alleged harasser.
8. If a letter is to be sent, the complainant shall prepare the letter, request a response within 3 days and ensure a copy is retained as evidence. If the behaviour stops, no further action is required.
9. If a face to face meeting is agreed as the appropriate course of action, the complainant and the contract manager shall arrange a meeting with the alleged harasser. Notes of the discussion will be recorded and subsequent action agreed. If the behaviour stops, no further action is required.

### **Informal Route**

10. The complainant makes a complaint either orally or in a written format, to their contract manager immediately after the incident(s) takes place, and indicates they want to deal initially with the matter in an informal way.
11. If this occurs the contract manager shall collect and record all available information from the complainant (a required/basic list can be found in [paragraph 2](#)). The contract manager must also find out whether or not the complainant has confronted the harasser and if so, the outcome of this confrontation.
12. At this stage the contract manager should contact the personnel department for advice before proceeding.

13. A person is selected to carry out the informal inquiry; this will usually be the complainant's contract manager (unless the alleged harasser is the complainant's contract manager).
14. It is important to be as sure as possible at this stage that an informal approach is appropriate. If it is not, follow the formal route specified from [paragraph 25](#) onwards.
15. The contract manager shall commence inquiries with the harasser and any witnesses or individuals the complainant knows have experienced similar incidents. These inquiries shall be carried out within 5 working days of the complaint being received. The contract manager must explain to the alleged harasser the legal position and Electron Services North East Limited policy on harassment.
16. All interviews connected with an inquiry of this nature shall be carried out by the contract manager in a private office and treated in the strictest confidence. Any member of staff interviewed under this procedure has a right to have a trade union representative or a colleague with them.
17. The contract manager shall ensure that interviews are structured as follows:
  - (a) check all basic facts i.e. job title, grade, department, their contract manager
  - (b) explain that the purpose of the interview is to probe allegations made, as a result of a complaint. Explain that the aim of the interview is to avoid using the disciplinary procedure at this stage, and that it is your intention to resolve the matter without, if possible, invoking this procedure
  - (c) confirm that notes will be taken so that there is an accurate record of what is discussed. Explain that those involved will have the opportunity to check the notes for factual accuracy, and that all interviewees will be given a copy of these notes
  - (d) clarify the status of their working relationship e.g. departmental colleague, contract manager etc...

- (e) establish the type and frequency of contact the interviewee has with the complainant
  - (f) explain that the complainant has made specific allegations of harassment. Put the allegations to the interviewee, including the complainants description of how they felt
  - (g) when interviewing the alleged harasser, obtain their response to the allegations. When interviewing witnesses, obtain their account of the alleged incident. When interviewing other staff, obtain their comments on the allegations and information of any other relevant incident
  - (h) give the opportunity for the interviewee to provide any other information they feel is relevant to the discussion. Ask if the interviewee has any questions
  - (i) explain that you will be speaking to a number of other people. Remind the interviewee that the interview is confidential and ask them not to discuss it with other members of staff. Tell the interviewee that you may need to speak to them again. Explain that they will get a copy of your notes for comment shortly
  - (j) clarify with all interviewees when you think your inquiries will be completed. Tell the alleged harasser when you will come back to them with your decision on appropriate action. You should aim to reach an resolution within 5 working days of the complaint
18. When the inquiry is complete, the contract manager or other nominated person will consider the options to deal with the complaint. A written record of any action taken shall be kept.
19. The contract manager shall dismiss the allegation if it is found to have no substance. The complainant and the alleged harasser will be informed of this decision orally and in writing by the interviewer, explaining the reasons for reaching this conclusion.
20. If the allegation is upheld the contract manager will ask the harasser to provide assurance that the offending behaviour will stop immediately.




21. The interviewer will explain that the situation will be monitored and that any reoccurrence will result in disciplinary action being taken. The harasser must be reminded that harassment is unacceptable and in breach of Electron Services North East Limited policy.
22. The interviewer may contact the personnel department if further advice is required, or, if the harasser is to consider counselling.
23. Information uncovered during informal inquiries may indicate the alleged harassment is worse, or more prevalent, than originally reported. The contract manager will need to consider the appropriateness of invoking the disciplinary procedure. If this is the case, consult the complainant and take advice from the personnel department before making this decision.
24. The contract manager or nominated person shall pass all papers, documents and records to the personnel department for filing.

### **Formal Route**

25. The complainant's contract manager or nominated person receives a complaint of harassment in writing, which confirms the individual wishes to take the formal route rather than the informal one. This may be as the alleged incident is very serious, or the informal route has been tried and has failed.
26. If gross misconduct is immediately identified the contract should consult the personnel department for advice before proceeding.
27. Where the complaint does not constitute gross misconduct, the contract manager shall carry out a formal investigation of the allegations within 5 working days of the complaint. This involves formal interviews with the alleged harasser, any witnesses or other relevant staff, as well as the collection of documentary evidence. Interviews should be conducted as laid down in [paragraph 16](#). The contract manager should explain that the interview is formal; its purpose is to investigate allegations made in a formal complaint, and explain that the aim of the interview is to collect information to help determine if the allegations are well founded.

- 28. A disciplinary interview will be held with the alleged harasser, if the information gathered substantiates the allegations. Explain that the information from the investigation will be used at such a disciplinary interview.
  
- 29. The investigator must consult with the personnel department for advice.
  
- 30. The level of complaint is reviewed and if at this stage gross misconduct is identified the nominated person shall follow Electron Services North East Limited disciplinary procedure.
  
- 31. The formal investigation is now complete and the contract manager or appropriate person will follow the appropriate course of action consistent with the findings of the investigation.

Signed.....  ..... Date.....08/01/2015.....

Managing Director  
Mr Keith Kelly