	Perseus Pinacl Holding Ltd		Issue date: June 09 Revision No: 1 Author: Clare Heath Owner(s): HR
	<i>Document No:</i>	<i>Document Title:</i>	
		Equal Opportunities Policy	

Perseus Pinacl Holding Ltd Group

Equal Opportunities Policy

Document History

Revision	Description of changes	Author	Revised by	Approved by	Re/Issue Date

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1.0 Purpose

This policy sets out the procedures to be followed by managers and employees. It is intended for the guidance of Line and HR Managers and sets out the way in which the company wishes to ensure the fair and equitable treatment of all of its employees. A summary version of this policy is available to employees in their staff handbook.

2.0 Scope

This policy covers the following areas:

- Direct and Indirect Discrimination
- Burden of Proof
- Part Time Working
- People with Disabilities
- Discrimination Claims

And gives an overview of the following areas of employment legislation:

- Sex Discrimination
- Race Discrimination
- Disability Discrimination
- Age Discrimination

3.0 Policy


Perseus Pinacl Holdings Ltd is an equal opportunities employer and seeks to employ a workforce which reflects the diverse community at large, because we value the individual contribution of people, irrespective of race, sex, age, disability, marital status, religion, colour, nationality, ethnic, national origins, religious belief, political opinion or otherwise.

We will treat all our employees, and applicants for employment, with dignity and respect and will provide a working environment free from unlawful discrimination, victimisation or harassment on the grounds of gender, sexual orientation, gender re-assignment, age, marital status, disability, race, colour, religion, ethnic or national origin, or trade union membership. We will ensure that employees are not disadvantaged by conditions or requirements, which cannot be shown to be justifiable.

Sections of this policy will refer to specific activities such as recruitment. Our policy is to provide equal opportunities in all areas of Recruitment & Selection, Reward, Promotions & Transfers and Training & Development, and to apply them equally to all employees whether they are full or part time. References to these activities within the policy therefore indicate examples only.

We will not tolerate acts which breach this policy and all instances of such behaviour, or alleged behaviour, will be taken seriously, be fully investigated and may be subject to our disciplinary procedures.

We will install facilities for people with disabilities in existing premises, wherever practicable to do so. Whenever we invest in new or refurbished premises, every effort will be made to provide for the needs of staff and visitors with disabilities.

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The Company keeps its equal opportunity policies under review, monitors progress and takes such affirmative actions as may be needed to eliminate any form of unlawful discrimination and to encourage the composition of a well-balanced workforce.

It is the duty of all managers to implement this policy and the rules concerning discrimination and to see that these are brought to the attention of their staff.

If an employee is subject to, or a witness to, any breach of this policy they must report this to their manager immediately.

The Company is committed to a programme of action to make this policy effective.

4.0 Direct & Indirect Discrimination

Direct discrimination takes place where the behaviour of an employer or employee directly discriminates against an employee. For example, a decision that female employees will not be considered for a particular job, would be direct Sex Discrimination. Indirect discrimination occurs when an apparently neutral decision, provision, practice or criteria, puts an employee at a disadvantage. An example could be a decision relating to part time staff, where because more part time staff are female than male, the decision could amount to Indirect discrimination against female staff.

5.0 Burden of Proof

Under new legislation due to be introduced in July 2001, there will a change to the burden of proof requirement. At present, an employee has to prove that discrimination has taken place. Under the new legislation, it will be up to the employer to prove that discrimination has not taken place.


6.0 Part Time Working

The company will provide opportunities for part time employment wherever business needs allow. This policy will apply equally to male and female employees. Requests from existing full time employees, to transfer to part time work, will be carefully considered taking into account the available opportunities. Part time employees will receive pro-rata benefits wherever the division of a benefit is practical. Equal opportunities for training, development and promotion will be available to part time employees.

7.0 People with Disabilities

We have a policy of giving full and fair consideration to the employment of people with disabilities. The company will endeavour to make any reasonable adjustments to facilities or working practices to enable disabled employees to carry out their work, or to enable a disabled person to join, or remain with, the company.

In the event that an employee becomes disabled whilst employed by the company, we will aim to keep them employed whenever possible through suitable adjustments to their role, or transfer to an alternative role. In the event that it is not possible to make the necessary adjustments, and an alternative role is not available, the company may have to terminate the employee's employment. This will only be done when the HR Director is satisfied that all other possibilities have been exhausted.

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8.0 Discrimination Claims

If an employee feels that they have been subjected to discrimination, they should initially talk to their manager and HR Manager. Should the employee wish to lodge a formal grievance, the grievance policy and guidelines should be followed.

9.0 Sex Discrimination

The Act makes sex discrimination unlawful in full-time and part-time employment, training and related matters.

Sex Discrimination Against Women

A person discriminates against a woman if:

- (a) on the grounds of her sex they treat her less favourably than they treat or would treat a man (direct discrimination), or
- (b) they apply to her a requirement or condition which they apply or would apply equally to a man, but:
 - (i) which is such that the proportion of women who can comply with it is considerably smaller than the proportion of men who can comply with it, and
 - (ii) which they cannot show to be justifiable irrespective of the sex of the person to whom it is applied, and
 - (iii) which is to her detriment because she cannot comply with it (indirect discrimination).

Sex Discrimination Against Men

Most provisions of the Act relating to sex discrimination against women apply equally to the treatment of men. However, no account is to be taken of special treatment afforded to women in connection with pregnancy or childbirth.

Discrimination Against Married People in the Employment Field


A person discriminates against a married person of either sex if:

- (a) on the grounds of his or her marital status they treat that person less favourably than they treat or would treat an unmarried person of the same sex, or
- (b) they apply to that person a requirement or condition which they apply or would apply equally to an unmarried person but:
 - (i) which is such that the proportion of married people who can comply with it is considerably smaller than the proportion of unmarried people of the same sex who can comply with it, and
 - (ii) which they cannot show to be justifiable irrespective of the marital status of the person to whom it is applied, and
 - (iii) which is to that person's detriment because they cannot comply with it.

Discrimination by Victimisation

A person (the discriminator) discriminates against another person (the person victimised) in any circumstances relevant for the purposes of the Act if they treat the person victimised less favourably than in those circumstances they treat or would treat other people and does so because the person victimised has:

- (a) brought proceedings against the discriminator or any other person under this Act or the Equal Pay Act 1970, or
- (b) given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under this Act or the Equal Pay Act 1970, or

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- (c) otherwise done anything under or by reference to this Act or the Equal Pay Act 1970 in relation to the discriminator or any other person, or
- (d) alleged that the discriminator or any other person has committed an act which would amount to a contravention of this Act or give rise to a claim under the Equal Pay Act 1970, or
- (e) because the discriminator knows the person victimised intends to do any of those things, or suspects the person victimised has done, or intends to do, any of them.

Discrimination Against Applicants and Employees

It is unlawful for an employer to discriminate:

- (a) in the arrangements they make for the purpose of determining who should be offered employment, or
- (b) in the terms on which they offer that employment, or
- (c) by refusing or deliberately omitting to offer that employment, or
- (d) in the way they afford access to opportunities for promotion, transfer or training, or to any other benefits, facilities or services, or by refusing or deliberately omitting to afford access to them, or
- (e) by dismissing, or subjecting the employee to any other detriment.

Sexual Harassment

Please refer to our policy on Harassment. Under some situations, sexual harassment can amount to sex discrimination.

Gender Reassignment Regulations 1999

Employees who are undergoing, or intend to undergo, or who have undergone gender reassignment are protected from discrimination in employment or vocational training.

10.0 Race Discrimination

Discrimination occurs when, on racial grounds:

- (a) a person is treated less favourably than others would be treated or is segregated from others (direct discrimination), or
- (b) there is ostensibly equal treatment in that a requirement or condition is applied to all people but the number of people in a particular racial group who can comply with it is proportionately smaller than the number of people outside that racial group who can comply and:
 - (i) the employer cannot justify the requirement or condition as necessary for the job regardless of racial origin, and
 - (ii) not being able to comply puts the person at a disadvantage (indirect discrimination).
- (c) a person is victimised by being less favourably treated because that person has brought discrimination proceedings, given evidence or information in connection with such proceedings or said something has been done which would be unlawful under the Act.

Job Applicants


It is unlawful for employers to discriminate in:

- (a) recruiting arrangements;
- (b) the terms offered with a job;
- (c) or in not offering the job at all.

Existing Employees

It is unlawful for employers to discriminate in:

- (a) terms of employment;
- (b) the way opportunities for promotion, transfer, training or any other benefits are given to employees, or

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- (c) if they are not given at all, or
- (d) by dismissing an employee or imposing any other penalty on racial grounds.

Employer's Responsibility

Employers are also liable for their employees' discrimination if this occurs in the course of their employment. This is regardless of whether or not the employer knows or approves of it, but it is a defence to show that all reasonably practicable steps were taken to prevent the discrimination.

Certain other acts are also unlawful including:

- (a) discriminatory advertising;
- (b) giving instructions to a person to discriminate;
- (c) bringing pressure on a person to discriminate;
- (d) aiding somebody to do an unlawful discriminatory act.

11.0 Disability Discrimination

The Disability Discrimination Act 1995 (DDA) makes it unlawful "unjustifiably" to discriminate against an individual with disability on the grounds of his or her disability in relation to recruitment, promotion, training, benefits, terms and conditions of employment and dismissal.

The Definition of a Disabled Person

A disabled person is a person who has, or who has had, a disability which falls within the definition of a disability as stated in the DDA.

The Definition of a Disability

"The DDA states that "a person has a disability...if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities".

Physical and mental impairment

Physical impairment is not defined by the DDA, but includes impairments that affect the senses, e.g. hearing or sight.

Mental impairment is defined as an impairment resulting or consisting of a mental illness only if the illness is a clinically well-recognised illness. This could include manic depression, schizophrenia and severe and extended depressive psychoses. A clinically well-recognised illness is an illness that is accepted to exist by a body of respected medical practitioners, e.g. World Health Organisation.


Conditions which are not impairments under the DDA

Addictions to alcohol, nicotine or any other substance are not impairments under the DDA. This does not apply to addictions acquired in consequence of a substance being medically prescribed.

Hayfever is not an impairment under the DDA per se, but can be taken into account where it aggravates the effect of another condition.

The DDA also excludes the following personality disorders:

- (a) a tendency to set fires;
- (b) a tendency to steal;
- (c) a tendency to physically or sexually abuse other persons;
- (d) exhibitionism;
- (e) voyeurism.

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Normal day-to-day activities

An impairment is to be taken to affect the ability of the person concerned to carry out normal day-to-day activities only if it affects one of the following:

- (a) mobility;
- (b) manual dexterity;
- (c) physical co-ordination;
- (d) continence;
- (e) ability to lift, carry or otherwise move everyday objects;
- (f) speech, hearing or eyesight;
- (g) memory or ability to concentrate, learn or understand;
- (h) perception of risk of physical danger.

Disabilities Controlled by Medication or Special Aids

Generally, an individual with a disability is protected by the DDA, even if he or she successfully controls or corrects his or her disability (for example, individuals with epilepsy controlled by medication). However, an individual with a sight impairment which is corrected by spectacles, contact lenses or any other means will not be protected by the DDA. The mere use of medication or special aids does not automatically indicate the presence of a disability as defined in the DDA.

Definition of Discrimination

An employer can discriminate against a disabled person in two ways.

1. An employer discriminates against a disabled person if, for a reason which relates to the disabled person's disability, the employer treats that person less favourably than he or she treats, or would treat, others who do not have a disability and the employer cannot show that the treatment is justified.
2. An employer discriminates against a disabled person if the employer fails to make a reasonable adjustment in relation to the disabled person and the employer cannot show that the treatment is justified.


Circumstances in which Less Favourable Treatment is Justified

The DDA states that less favourable treatment is justified if, and only if; the reason for it is both material to the circumstances of the particular case, and substantial. For a reason to be material, the reason must be related to the circumstances of the specific case in question, and therefore, a reason which is based on stereotypes about disabled people or the effect of a particular disability will not justify discrimination on the grounds of disability, as the reason would not be material.

For a reason to be substantial, the reason must be significant to the circumstances of the specific case in question, and therefore, a reason which is minor or trivial will not justify discrimination on the grounds of disability.

The DDA also states that less favourable treatment cannot be justified where an employer is under a duty to make a reasonable adjustment, but fails without justification to do so.

The employer can only justify the less favourable treatment if it can show that such treatment would have been justified even if it had made the reasonable adjustment. For example, an applicant with a hearing impairment is not offered a job as a receptionist because he or she will not be able to communicate over the telephone. However, if a reasonable adjustment would have enabled the applicant to communicate over the telephone (e.g. providing a telephone amplifier or some other telecommunications device), the reason for not offering the job would not have applied, and therefore, the failure to offer the applicant the job would not be justified.

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Duty to Make Reasonable Adjustments

Where any arrangements (e.g. recruitment and selection procedures) made by or on behalf of an employer, or any permanent or temporary physical feature of premises (e.g. exit from or access to a building) place an individual with a disability at a substantial disadvantage in comparison with persons who are not disabled, the employer is legally obliged to make a reasonable adjustment. A substantial disadvantage is an advantage which is not minor or trivial.

Examples of Reasonable Adjustments

The DDA gives examples of reasonable adjustments that might be necessary, as follows:

- (a) making adjustments to premises;
- (b) allocating some of the disabled person's duties to another person;
- (c) transferring him or her to fill an existing vacancy;
- (d) altering his or her working hours;
- (e) assigning him or her to a different place of work;
- (f) allowing him or her to be absent during working hours for rehabilitation, assessment or treatment;
- (g) giving, or arranging for him or her to be given training;
- (h) acquiring or modifying equipment;
- (i) modifying instructions or reference manuals;
- (j) modifying procedures for testing assessment;
- (k) providing a reader or interpreter;
- (l) providing supervision.

When is an Adjustment a Reasonable Adjustment?


The following factors should be considered when determining whether an adjustment is a reasonable adjustment:

- (a) the extent to which making the adjustment would prevent the effect in question;
- (b) the extent to which it is practicable for the employer to make the adjustment;
- (c) the financial and other costs which would be incurred by the employer in making the adjustment and the extent to which making it would disrupt any of the employer's activities;
- (d) the extent of the employer's financial and other resources;
- (e) the availability to the employer of financial assistance with respect to making the adjustment.

There is no statutory limit on the cost of a reasonable adjustment.

Performance Pay

The application of performance-related rewards should not place the disabled person at a substantial disadvantage in terms of their ability to meet the performance criteria.

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12.0 Age Discrimination

The Employment Equality (Age) Regulations 2006 makes it unlawful to discriminate against an individual on the grounds of his or her age in relation to recruitment, promotion, training, benefits, terms and conditions of employment and dismissal.

Recruitment - Recruit on the basis of the skills and abilities needed to do the job.

The aim of any sensible recruitment strategy is to find the right person for the job. To do that, organisations need to identify the skills and abilities that are needed to carry out the work, and to make sure that the vacancy advertisement states these clearly.

To ensure the best candidates apply, employers should:

- avoid using age limits or age ranges in job adverts;
- place job adverts specifying the skills and abilities required for the post;
- think carefully about the language used in the advert and avoid using phrases which imply age restrictions, such as "young graduates" or "mature person";
- think strategically about where jobs are advertised. Different magazines and periodicals are aimed at different sectors of the market.

Selection - Select on merit.

To select the best candidate for the job, employers should:

- focus on skills, abilities and potential of the candidates when sifting applications;
- make sure that interviewers are aware of the need to ask job related questions;
- use, where possible, a mixed age interviewing panel;
- ensure all interviewers are trained to avoid basing decisions on prejudices and stereotypes;
- avoid making age an integral part of the application process;
- select on merit, based on the application form information and the performance at interview.


Promotion - Base promotion on the ability, or demonstrated potential, to do the job.

The principles which apply to fair selection in recruitment apply equally to the promotion process. Consideration for promotion should be based on the ability of the candidates to do the job or whether they demonstrate the potential to do so after suitable training. Employers should:

- ensure that promotion opportunities are advertised through open competition;
- make sure that promotion opportunities are made available to all staff who have demonstrated the ability or the potential to do the job;
- focus on the skills, abilities and potential of the candidates when sifting applications;
- make sure that interviewers are aware of the need to ask job related questions;
- use, where possible, a mixed age interviewing panel;
- ensure interviewers are trained to avoid basing decisions on prejudices and stereotypes;
- select on merit.

Training & Development - Encourage all employees to take advantage of relevant and suitable training opportunities.

The business with the most skilled, flexible and committed workforce has a more competitive edge. Skilled and motivated people are more productive, produce higher quality work, reduce costs and wastage, and increase profitability. It makes sense to ensure that all employees are encouraged to take advantage of relevant training and development opportunities throughout their employment.

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- Ensure the training and development needs of all staff are regularly reviewed and that age is not a barrier to training.
- Make sure that all employees are aware of the training and development opportunities that are available and are encouraged to use them.
- Focus on the individual's and the organisation's needs when providing training and development opportunities.
- Look at how training is delivered and ensure different learning styles and needs are addressed.

Compulsory Redundancy - Base decisions on objective, job related criteria to ensure the skills needed to help the business are retained.

Using age as the sole criterion when selecting people for redundancy can lead to the unnecessary loss of skills and abilities which are essential to the organisation. Try to avoid this by:

- using objective, job related criteria when considering candidates for redundancy;
- making sure the business retains the staff it needs to remain competitive;
- making sure age is not a criterion - and letting people know that;
- looking at flexible options such as part-time working, job-share or career breaks and short-term contracts when considering alternatives to redundancy.

13.0 Retirement

The normal retirement age for employees in the PPH group is 65.

Compulsory retirement of an employee under this policy cannot take place before an employee has reached their normal retirement age but can take place at any point after the normal retirement age has been reached. This does not affect an employee's ability to take voluntary early retirement.

Planned Retirement Procedure

Step 1 – Notification of Intended Retirement Date


If the Company plans to retire you it will write to you not more than 1 year and not less than 6 months before the date on which it is intended that you retire:

- To inform you of the date that you will retire (intended retirement date)
- Giving you notice of your right to request to work beyond that date

Step 2 – Responding to the Company's Notification

Once the Company has given you notice of your intended retirement date:

- If you wish to work beyond the intended retirement date, you must inform the Company of this, no more than 6 months and no less than 3 months before that date. Your request to the Company must be in writing and state that it is made under paragraph 5 (3) of Schedule 6 of The Employment Equity (Age) Regulations 2006. You must also state whether you wish to continue to work indefinitely for, for a stated period, or until a stated date.
- If you do not wish to work beyond your intended retirement date you should inform your line manager of this in writing and send a copy to the HR department.

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If you fail to make a request within this timescale and the Company has notified you of your intended retirement dates as above, you will lose your statutory right to request to work beyond your intended retirement date. If the Company has failed to notify you of your intended retirement date 6 months before the intended retirement date, you may, at any time during the 6 months before your intended retirement date, still make a request to be retired. You should assume for these purposes that your intended date will be your 65th birthday. Again you are encouraged to make your request as early as possible to give the Company the best opportunity of retaining you past 65.

Step 3 – Responding to your Request

If you request not to be retired in accordance with the Policy, the Company will consider your request before you are retired. Once the Company has received your written request to work beyond the intended retirement date your manager may arrange to discuss the request with you informally.

If the Company accepts the terms of your request, there will be no need to hold a meeting, the Company will write to you confirming the fact and your new intended retirement date.

If after considering your request, the Company decides that it wishes to continue your retirement, it will hold a meeting with you to discuss your request. The meeting will be held within a reasonable period after your request has been received. The Company will aim to hold the meeting within 14 days of receiving your request where practical. If you cannot attend the meeting on the specified date then you should contact the HR department who will endeavour to rearrange the meeting.


You have the right to be accompanied at the meeting by a colleague employed in the PPH group. If your chosen companion is unable to attend the meeting on the date specified by us then you should contact the HR department and they will endeavour to rearrange the meeting. If the meeting cannot be rearranged at a time convenient to all parties the Company may suggest that you bring a different colleague or attend alone.

Meeting

The purpose of the meeting is to discuss your request to work beyond your intended retirement date, to consider any possible changes to your duties and to discuss any questions the Company wishes to ask about your request. The meeting is an opportunity to put forward your reasons for requesting to work beyond your intended retirement date to the Company. Whilst the Company may not be able to accept your request there may be an alternative arrangement that can be agreed and your manager can propose alternative working patterns and retirement dates, other than those proposed by you.

After the Meeting

The Company will inform you of its decision as soon as is reasonable after the meeting, normally within 14 days of the meeting. Decisions will be given in writing. If after the meeting, the Company decides to accept your request, it will inform you of this and the new intended retirement date. Where the decision is to refuse your request the Company will confirm it you that it still wishes you to retire. The Company is not required by law to give a reason why your request has been rejected, although it may sometimes do so. Possible reasons may be your ability to perform the role to the necessary standard or a failure to reach agreement on terms of your continued employment. Your employment will continue until the Company has informed you of its decision on the request. You have the right to appeal the Company's decision if your request is rejected or if you do not agree with the retirement date proposed to you by the Company.

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Step 4 – The Appeal

The appeal must be made in writing, setting out grounds of appeal, and should be sent to your manager with a copy to the HR department within 7 days of receiving the outcome. A more senior manager will consider the appeal with the support of a HR Representative. Once the Company has received your appeal in writing a more senior manager may arrange to discuss your request and grounds of appeal with you informally. If, after consideration of your written appeal, the Company agrees with your appeal and accepts request in full or an alternative arrangement can be agreed, there will be need to hold an appeal meeting; the Company will write to you confirming that fact and your new intended retirement date. If having considered your written grounds of appeal the Company wishes to continue with your retirement you will be invited to an appeal meeting to discuss your appeal.

The meeting will be held within a reasonable period after the date of notice of appeal. The Company will aim to hold the appeal meeting within 14 days after receiving the request where practical. If you cannot attend the meeting on the specified date then you should contact the HR department who will endeavour to rearrange the meeting.

The appeal can be held after the retirement date has taken effect.

You have a right to be accompanied at the meeting. Please refer to step 3 above.

The Company will inform you of the decision as soon as is reasonable after the meeting, normally within 14 days of the meeting. Any decision will be given in writing. If after the appeal meeting the Company decides to accept your request, either in full or for a shorter period it will inform you that it has accepted the appeal and confirm your new intended retirement date. Where the decision is to reject your appeal, the Company will confirm with you that it still wished for you to retire and the date that the retirement is to take place. The Company is not required by law to give a reason why your application has been rejected, although sometimes it may do so. The decision following the appeal meeting will be final.

Pension

Working beyond your retirement age may have implications for your pension benefits. If you are concerned about this you should contact Jelf on 01793 851650

14.0 Related Documents

- Employee Handbook
- Recruitment & Selection Policy
- Psychometrics & Testing Policy
- Harassment Policy
- Family Friendly Policy
- Special Leave Policy
- Absence Policy
- Disciplinary Procedures Policy
- Grievance Policy
- Training & Development Policy