

POLICIES & PROCEDURES

EQUALITY AND DIVERSITY POLICY AND PROCEDURE.

1. Policy Statement

1.1 For the purpose of this policy, South Coast Port Services is committed to comply with legislation and best practice in respect to an environment free from harassment and discrimination.

To apply equal opportunities for all new applicants who wish to join the company. To confront and challenge discrimination where and whenever it arises, whether it is between staff, or in any other area relating to South Coast Port Services.

1.2 This policy should be read together with your individual contract of employment or relevant staff agreement.

1.3 This policy applies to all individuals working at all levels and grades, including permanent, temporary and contracted staff who are employed on a full time, part-time, casual or temporary basis by the Company.

1.4 It is our policy that all employment decisions are based on merit and legitimate business needs of the company. We will not discriminate based on race, colour, or nationality, ethnic or national origins, sex, gender reassignment, sexual orientation, marital or civil partnership, pregnancy, or maternity, disability, religion, belief, age, or any other ground on which it is or becomes unlawful to discriminate under the Equality and Diversity Act 2010 (referred to as protected characteristics).

1.5 Our intention is to enable all our staff to work in an environment which allows them to fulfill their potential without fear of discrimination, harassment, or victimisation. Our commitment to equal opportunities extends to all aspects of the working relationship including:

- Recruitment and Selection Procedures.
- Terms of employment.
- General Data Protection Regulations (GDPR) 2018
- Training, appraisals, career development and promotion.
- Work practices, conduct issues, allocation of tasks, discipline and grievance.
- Work related social events.
- Termination of employment and matters after termination, including references.

1.6 This policy is intended to help achieve diversity and anti-discrimination aims, by, clarifying the responsibilities and duties of all staff in respect of equal opportunities and discrimination.

1.7 The principles of non-discrimination and equal opportunities also apply to the way in which staff treats visitors, customers, and former members of staff.

2. Who is responsible for equal opportunities?

2.1 Achieving an equal opportunities workplace is a collective task shared between South Coast Port Services and our staff. This policy and the rules contained in it apply to everyone irrespective of seniority, working hours, including all staff, directors, temporary, agency, fixed term staff and work experience.

2.2 All staff have a personal responsibility to ensure compliance with this policy, to treat colleagues with dignity always and not to discriminate against or harass other staff, visitors, customers, or former staff. In addition, staff who have responsibilities in a managerial, recruitment, selection, promotion, training and other aspects of career development such as the supervision of others, have additional responsibility for leading by example and ensuring compliance.

2.3 Managers must take all necessary steps to:

- Promote the objective of equal opportunities and the values set out in this policy.
- Ensure that their own behavior and those of the staff they manage complies in full with this policy
- Ensure that any complaints of discrimination, victimisation, or harassment are dealt with appropriately and are not suppressed or disregarded.

3. What is discrimination?

3.1 Discrimination occurs in different ways, some are more obvious than others. Discrimination on grounds of any protected characteristics is prohibited by law, even if unintentional, unless an exception applies.

Direct Discrimination – Direct Discrimination occurs when someone is treated less favorably than another person because of a protected characteristic they have or are thought to have.

Associative Discrimination - Means direct discrimination against someone because they associate with another person with a protected characteristic.

Perceptive Discrimination - Means direct discrimination against an individual because others think they possess a protected characteristic. It applies even if the person doesn't possess that characteristic.

Indirect Discrimination – arises when a provision, criteria, or practice is put into place which puts individuals with a protected characteristic at a disadvantage.

3.2 It is important to note that our business is a safety critical environment and involves working in high risk areas and with dangerous machinery, therefore provisions are applied to comply with the Health and Safety at work act 1974. Examples of this include: age, physical fitness and weight.

3.3 Victimization – occurs when an employee is treated badly because they have made or supported a complaint, raised a grievance under the Equality Act. Are suspected of doing so, or because they might do one of these things.

3.4 Harassment – is unwanted conduct which is related to a protected characteristic and which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment may include:

- Use of insults or slurs based on a protected characteristic or of a sexual nature or other verbal abuse or derogatory, offensive or stereotyping jokes or remarks.
- Physical or verbal abuse, threatening or intimidating behavior.
- Unwelcome physical contact, including touching, hugging, kissing, pinching or patting, brushing past, invading personal space, pushing, grabbing, or other assaults.
- Mocking, mimicking, or belittling a person’s disability, appearance, accent or other personal characteristics.
- Unwelcome requests for sexual acts or favor’s, verbal sexual advances, suggestive or explicit comments or behavior.
- Repeated requests for social contact after it has been made clear that requests are unwelcome.
- Displaying or distributing offensive or explicit pictures, items, or materials relating to a protected characteristic.
- Shunning or ostracising someone, for example by deliberately excluding them from conversations or activities.
- Threatening or other behavior amounting to harassment.

Third Party Harassment - Occurs when staff are harassed by third parties who are not staff, such as customers, clients and visitors. Liability only occurs when harassment has occurred and the company are aware it has taken place, and have not taken reasonable steps to prevent it from happening again.

Other important points to note about harassment:

- A single incident can amount to harassment.
- Behavior that has continued for a long period without complaint can amount to harassment.
- It is not necessary for an individual to intend to harass someone for their behavior to amount to harassment if it is perceived as harassment by the recipient.
- It is not necessary for an individual to communicate that behavior is unwelcome, before it amounts to harassment and the onus is on each individual to be certain that

their behavior is not un-wanted and in case of doubt you must refrain from such conduct.

4. What is Disability Discrimination?

4.1 This could be direct or indirect discrimination and is any unjustified less favorable treatment towards someone, because of the effects of a disability and failure to make reasonable adjustments to alleviate any disadvantages caused by a disability.

5. Making decisions fairly.

5.1 We will recruit staff and make other employment decisions concerning promotion, training, dismissal and related issues on the basis of objective criteria.

5.2 Managers should only stipulate criteria or conditions for employment decisions, including job selection, promotion and redundancy which are based on legitimate business needs and which do not go further than is needed to satisfy that need.

6. Recruitment.

Managers involved with recruitment must:

6.1 Only Specify recruitment criteria that are relevant to the job reflect genuine business needs and are proportionate. More than one person should be involved in the shortlisting of applicants wherever possible.

6.2 Ensure that vacancies are advertised to a diverse audience and try to avoid informal recruitment methods that exclude fair competition. In some cases, it may be legitimate and necessary to restrict recruitment to certain groups. For Example: driving licence and age requirements by law, or manufacturer's machinery operation requirements.

6.3 Review job advertisements carefully to ensure that stereotyping is avoided and that groups are not unjustifiably discouraged from applying.

6.4 Due to the safety critical environment we work in, a job offer can be expressed to be conditional upon satisfactory passing of a pre-employment medical check.

6.5 Not to ask candidates about any protected characteristic if the question may demonstrate an intention to discriminate.

6.6 Not to make assumptions about immigration status based on appearance, accent, or apparent nationality.

6.7 Keep written records of reasons for relevant decisions and hold for a period of six months in line with General Data Protection Regulations 2018.

6.8 We are legally required by the Asylum and Immigration Act 1996 to verify that all staff have the right to work in the UK. Prior to employment offer, staff must produce original documents to satisfaction, irrespective of nationality. In accordance with the General Data Protection Regulations 2018 all staff are informed copies of documents must be held on personal records for the duration of employment in line with Home Office inspection requirements.

All companies are subject to Inspections carried by the Home Office UK Visa and Immigration Department if required.

7. Training and Promotion.

7.1 Training is carried out as part of our induction and integration to South Coast Port Services, probationary reviews and annual appraisal processes are applied to ensure the appropriate training is given and to facilitate progression which is accessible to all staff.

7.2 All promotion decisions will be made on the basis of merit and according to proportionate criteria determined by legitimate business need.

8. Discipline and Termination of Employment.

8.1 Any redundancy selection criteria and procedures that are used, or other decisions taken to terminate employment, will be fair and not directly or indirectly discriminatory.

8.2 Disciplinary procedures and penalties will be applied without discrimination, whether the result is in warnings, dismissal, or other disciplinary action.

8.3 Part time and fixed term contract staff will be treated the same way as full time permanent staff of the same position and enjoy no less favorable terms and conditions, (pro-rata, where appropriate).

10. What to do if you encounter discrimination.

10.1 If you believe that you have been a victim of discrimination you should follow the company grievance procedure.

10.2 Every employee has a responsibility to combat discrimination if they encounter it. Staff who observe or are aware of acts that they believe amount to discrimination directed at others are encouraged to report these to your Line Manager, Senior Management Team or HR Department.

10.3 Any grievance or report about discrimination will be kept confidential so far as this is practicable. The company will explore reasons for anonymity when requested, however, sometimes it may be necessary to disclose the complaint or act even if this is not in line with your wishes, but we will seek to protect your identity. You should be aware that anonymity cannot be guaranteed.

10.4 Staff who raise a complaint or report discrimination in good faith will be protected from retaliation or victimisation. If you act in good faith, the fact you have raised a complaint or report will not affect your position with South Coast Port Services, even if the complaint is not upheld.

10.5 If you make a complaint, it may be necessary to ask you to stay at home on paid leave while investigations are being conducted and the matter is being dealt with through the appropriate procedure. This may be particularly necessary in cases of alleged harassment and is a normal standard procedure.

11. Non-compliance with equal opportunities rules.

11.1 Any breach of equal opportunity rules or failure to comply with this policy will be managed under the company discipline procedures and may constitute gross misconduct.

11.2 For further information please refer to the company Discipline Policy and Procedure. This policy will also be linked to other associated policies and procedures as appropriate.

11.3 Staff should also note that:

- In some cases, individuals can be personally liable for acts of discrimination and that legal action may be taken against them directly by a victim of any discrimination.
- It may be a criminal offence intentionally to harass another employee.