



# AGILE ON THE BEACH

## Agile on the Beach Ltd. (AOTB, we, us, the Company) Equality and diversity policy

UPDATED MARCH 2022

### Summary:

Agile on the Beach Ltd. (AOTB, we, us, company) is committed to equal opportunities and to creating a working environment in which our employees are treated with dignity and respect that is free from unlawful discrimination, victimisation or harassment on the grounds of:

- race including colour, nationality, national or ethnic origin;
- gender, marital or civil partner status or gender reassignment;
- physical or mental disability of any kind;
- religion or belief;
- sexual orientation;
- pregnancy or maternity;
- HIV status;
- age.

In this policy the above are referred to as 'protected characteristics'.

As far as is reasonably practicable we aim to ensure that all working practices are applied fairly and consistently. Where necessary we will take reasonable steps to avoid or overcome any particular disadvantage these may cause and to promote equality. Our commitment applies to all aspects of employment including:

- arrangements for recruitment and selection for vacancies;
- terms and conditions of employment;
- training, career development and progression; and
- relations between members of staff.

We also respect an employee's right to be a member or non-member of a Trade Union. This factor will not play any part in selection decisions or result in any detrimental treatment.

We take this policy very seriously. A breach of this policy is considered to be misconduct and disciplinary action, including dismissal for serious offences, will be taken against Employees who do not comply with it.

**Full version:**

## **Dignity & Diversity at Work Policy**

### **Purpose and Scope**

The purpose of this policy is to support our aim of providing a working environment for our employees, contractors and experience for customers and suppliers that is free from all forms of discrimination and where all are treated with dignity and respect.

This policy applies to all employees and other workers within the Company, and unless otherwise stated all references to employees include potential Employees, former Employees, full-time and part-time employees as well as agency workers, temporary workers and contractors.

This policy is non-contractual and does not form part of your terms and conditions of employment.

### **Policy Statement**

The Company is committed to equal opportunities and to creating a working environment in which our employees are treated with dignity and respect that is free from unlawful discrimination, victimisation or harassment on the grounds of:

- race including colour, nationality, national or ethnic origin;
- gender, marital or civil partner status or gender reassignment;
- physical or mental disability of any kind;
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We take this policy very seriously. A breach of this policy is considered to be misconduct and disciplinary action, including dismissal for serious offences, will be taken against Employees who do not comply with it.

### What is discrimination?

Broadly, a person may have been discriminated against if:

- they have been treated less favourably than another person because of a protected characteristic or a perception that they have a protected characteristic\*; or
- they have been treated less favourably than another person because of an association with someone who has a protected characteristic (e.g. their spouse or partner, a relative or child)\*; or
- a procedure or practice places Employees who share a protected characteristic at a disadvantage and is not justifiable for legitimate business reasons, or through a less discriminatory alternative; or
- they have a disability (whether this is physical or mental) and reasonable steps have not been taken to meet their needs; or
- they have a disability (whether this is physical or mental) and are treated less favourably than another person because of something that is the result or effect of that disability (unless the treatment is a proportionate means of achieving a legitimate aim).

*\* does not apply to marital status or civil partnership*

### What is harassment?

Harassment is unwanted conduct which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. It includes physical and verbal conduct and it can also be conduct of a non-verbal nature such as sending abusive e-mails, displaying offensive posters on the wall or uploading messages or photos onto websites. It can occur even when someone did not mean to cause offence or even where the behaviour was not aimed directly at them. Harassment may be a single incident or persistent behaviour.

Harassment is unlawful where it is motivated by one of the protected characteristics, but we include more general harassment within our definition. Although not exhaustive, the following are examples of types of behaviour that may amount to harassment:

- physical violence actual or threatened;
- physical or verbal abuse;

- threats;
- suggestive comments or gestures;
- offensive or intimidating gestures, language, gossip or jokes;
- insulting or abusive behaviour or comments;
- isolation or exclusion such as 'sending someone to Coventry';
- spreading malicious rumours;
- bullying;
- unreasonable persistent criticism or humiliation;
- unfair allocation of work or responsibilities; and
- misuse of power or position.

### **Bullying**

Behaviour which is counted as harassment in equality law may not cover all types of behaviour which are unacceptable in the workplace. Complaints about bullying, which may not amount to harassment in equality law, may be made through the procedure described in this policy.

### **What is sexual harassment?**

Sexual harassment is one form of harassment. Generally it involves behaviour towards another, where the perpetrator knows or should know that the behaviour is unwelcome, because it is offensive and is perceived to be of a sexual nature.

Although not exhaustive, the following are examples of types of behaviour that may amount to sexual harassment:

- Physical conduct of a sexual nature - unwanted physical conduct, including unnecessary touching, brushing against another employee's body.
- Verbal conduct of a sexual nature - unwelcome sexual advances, continued suggestions of social activity outside work after it has been made clear that this is unwelcome.
- Non-verbal conduct of a sexual nature - the display of sexually suggestive or pornographic pictures or the sending of sexually harassing messages or images through electronic mail, the internet or any form of mobile communication technology.
- Sex-biased conduct - conduct that denigrates, ridicules, is intimidating or physically abusive of an employee because of their sex, marital status or sexual orientation.

Sexual harassment by someone of the same gender as the victim also amounts to harassment, as does unwanted conduct of a sexual nature related to gender reassignment.

### **What is third party harassment?**

This is when someone, who does not work for the Company, harasses an employee. For example, a customer acts abusively towards an employee. We are committed to taking all reasonable steps to prevent this form of harassment. If you are harassed in this way you should report it to your Line Manager.

### **What is victimisation?**

Someone is victimised where they suffer unfavourable treatment because they have, in good faith, made a complaint under this policy or taken legal action in relation to an alleged act of unlawful discrimination. It can also apply where the treatment is because they are believed to have done so or to be intending to do so. This can include where someone has supported someone else in such a complaint or legal action, for example, by acting as a witness or accompanying a complainant at a meeting.

### **Responsibilities – The Company**

We have an overall responsibility for operating this policy effectively and ensuring compliance with the Equality Act 2010, associated legislation and Codes of Practice.

### **Responsibilities – Working with the Company**

It is your obligation to be sensitive about the impact that you have on others and behave in a way that supports this policy when dealing with everyone that you come into contact with as part of your employment with the Company, including customers and suppliers. Our policy is not designed to discourage normal social relations among colleagues or with the public, but aims to prevent discrimination, harassment and victimisation.

Our policy applies not only at our premises, but anywhere an Employee is working as part of their employment with the company. This includes any social occasions organised by us, for example a company party.

You must not instruct or aid someone to carry out an act of discrimination, harassment or victimisation or condone discrimination, harassment or victimisation by others. You have a responsibility to promptly report any such behaviour of which you become aware.

### **Responsibilities – Directors and Managers**

In addition to your general responsibilities above, it is also the responsibility of directors and managers to apply this policy as part of their day to day management within our company and to make sure that their team is aware of and is complying with this policy. This includes taking all reasonable steps to prevent harassment by someone who doesn't work for us (i.e. 'third party

harassment') after a team member's complaint of harassment or where this is an identified risk.

### **Personal Liability**

Employees may be held personally liable for some acts of harassment that they commit, encourage others to commit or that they do not deal with, prevent or report once aware of them. This can lead to them being required to pay compensation to a victim of harassment.

### **Complaints under this Policy**

We encourage employees who have a complaint, to raise this as promptly as possible as this is more likely to enable the facts to be established accurately and a successful resolution to be achieved. We aim to deal with all complaints as quickly as possible. We will take all complaints seriously and no employee who makes a complaint in good faith, or participates in an investigation or a complaint will be victimised for doing so.

We treat all complaints as confidential, but it may be necessary to disclose certain information to other personnel and advisors or during disciplinary action. We will seek to act in accordance with the wishes of complainants and witnesses concerning their identity, but cannot guarantee anonymity.

We will take a view on whether behaviour complained of amounts to harassment or bullying considering both the effect on the complainant and whether the behaviour complained of would reasonably be expected to have caused such an effect. This means that harassment or bullying may have taken place even if there was no intention to cause offence. It is also possible that an individual may find behaviour objectionable that the company views as reasonable or legitimate.

Complaints that are not made in good faith and involve deliberate misuse of the above procedure may result in disciplinary action being taken against the complainant.

### **Informal Stage**

You should consider whether it is appropriate to raise the matter directly with the person concerned in order to resolve the problem. If it is not, you should speak to your Line Manager or if you feel unable to discuss the matter with your Line Manager then you should discuss it with a Director of the Company.

Following the discussion, you will be asked to choose one of the following options:

- agree that no further action is necessary;
- agree to discuss the complaint with the individual who is alleged to have caused offence to ask them to stop;
- put your complaint in writing to the person causing the problem;
- ask a friend or colleague to speak to the person on your behalf;
- ask your Line Manager to help to resolve the matter through informal and/or discreet approaches; or
- raise a grievance about your concerns.

If you are not satisfied with an informal approach, a grievance can be made at any stage.

### Formal Stage

You may use a more formal approach to resolving the problem by raising a grievance at Stage 1 of that policy. The formal procedure may be more appropriate in instances of serious complaint or where an attempt at informal resolution has not been successful. It is up to you to decide what the best approach is. Please be aware, however, that we have a duty to protect all our employees and may be obliged to pursue a complaint independently, if considered necessary and appropriate in all the circumstances.

The normal provisions of the grievance policy apply to a complaint regarding discrimination, harassment, bullying or victimisation including the right to be accompanied by a work colleague or Trade Union representative at a grievance meeting and to appeal the Stage 1 outcome. A written grievance should be signed and dated and include full details of the behaviour complained of, the identity of the alleged harasser, any documentary evidence, witnesses and any action that has been taken to date.

Following receipt of a grievance the allegations will be investigated as carefully and discreetly as possible. Where we believe it to be appropriate, this will involve hearing detailed accounts from all parties. Other employees may also be asked to provide information. Documents, e-mail and other evidence may be considered. We may also consider separating the parties while the investigation is undertaken if this is practicable.

Where a formal investigation has been conducted and where it has been reasonably concluded that some form of discrimination, harassment, bullying or victimisation may have taken place, those responsible will be subject to our normal disciplinary policy. Action will not normally be initiated without the agreement of the complainant, but there are some circumstances where we may



need to pursue the matter formally. For example, if other people could be at risk if no action is taken.

The outcome of any disciplinary procedure will depend upon the circumstances. Consideration may be given to redeploying either the discriminator/harasser or the complainant if this is practicable. If redeployment is considered, the wishes of the complainant will be taken into account wherever practicable.

## Managing Equality of Opportunity in the Workplace

### Recruitment

The recruitment and selection process will be free from bias or discrimination. Recruitment will be managed objectively and decisions about suitability for vacancies will be based on specific and reasonable job criteria.

The Company will not ask job applicants questions about their health prior to a job offer (or being placed in a pool of successful candidates to be offered a job at a later date) unless this is to establish:

- if any reasonable adjustment is needed to enable a candidate to take part in an interview or assessment process; or
- whether a candidate can carry out an intrinsic part of the job (with reasonable adjustments if necessary).

We will advertise vacancies within the Company, where we believe skills and knowledge may be held by internal candidates, before advertising externally. Where, for operational reasons, we believe it makes commercial sense to advertise externally and within the company at the same time, we will do so. Agency and casual workers, fixed-term employees and employees at risk of redundancy will be provided with details of all vacancies. Unless there are clear business reasons for not doing so, all appointments will be made by open competition.

### Transfers & Promotions

We will make transfer and promotion decisions based on the skills, aptitude and knowledge required for each position. Unless there are clear business reasons for not doing so, all promotions will be made by open competition.

### Workforce Planning

We may hold workplace discussions with Employees to explore current and future performance, developmental and training needs and the future plans of the Company and our people.

### **Disability – Reasonable Adjustments**

We are committed to making our workplace accessible to job applicants, employees and workers who have a disability. This includes providing auxiliary aids and services and providing information in an accessible format wherever it is reasonable to do so. We will also, where reasonable to do so, adapt or change working practices or physical features of the workplace.

### **Religion & Belief**

Employees of a particular religion or belief may need somewhere quiet to pray during their lunch break, need to take holiday on a particular day for a religious event, or need to have somewhere to store specially prepared foods. We will accommodate these requirements where it is possible and practical to do so, but cannot do so unless informed by the Employee. If you need particular time off, a supervisor or manager is more likely to be able to accommodate this if you let them know well in advance.

### **Terms & Conditions**

Terms and conditions of employment, including pay and benefits as well as access to facilities, will be offered to employees fairly and consistently. Part-time employees will be provided with comparable employment conditions on a pro-rata basis to full-time employees unless different treatment is objectively justifiable.

### **Employment Policies & Practices**

We will seek to ensure that employment policies and practices, including any rules or requirements, do not directly or indirectly discriminate, and are applied in a non-discriminatory manner. In particular we will ensure that all disciplinary decisions are fair and consistent and that selection for redundancy is based on objective criteria. We will consider requests from employees to vary or change their working hours.