

# Equality, Diversity & Inclusion Policy & Procedure

## 1.0 Introduction

Whistl (“the Company” or “we” or “us”) is made up of brilliant people. Each of us is unique, whether in terms of our background, personal characteristics, experience, skills or motivations, and we value our people for the differences they bring to the table. These differences - this diversity - is powerful.

Fostering an inclusive culture helps each of us to benefit from a wider range of these different perspectives, experiences and skills. We believe that this creates a happier, more productive working environment for us all.

To support this inclusive culture, this policy:

- outlines our commitment throughout the employment lifecycle to equality, diversity and inclusion and sets out how we put this commitment into practice;
- explains the behaviours we expect of our people in support of this commitment; and
- sets out the key steps we take to make our culture as inclusive as possible, including our diversity and inclusion framework and how we ensure equality of opportunity throughout the employment lifecycle.
- adopts a zero-tolerance approach to discrimination on any of the protected grounds in the Equality Act 2010.

## 2.0 Scope

This policy applies to all those associated with the Company. This includes employees, workers, contractors, volunteers, interns and apprentices. The policy also relates to job applicants, and is relevant to all stages of the employment relationship. All employees are responsible for the promotion and advancement of this policy. Behaviour, actions or words that transgress the policy will not be tolerated and will be dealt with in line with the organisation's disciplinary policy. This policy does not form part of any employee's contract of employment and we reserve the right to amend or withdraw it at any time.

## 3.0 Objectives

The purpose of this policy is to set out our commitment to equality of opportunity and the avoidance of discrimination at work. The Company is an equal opportunities employer and we oppose all forms of unlawful discrimination.

### 3.1 We will achieve this objective by:

- We aspire to have a diverse workforce because, in our view, diversity enables better business outcomes. We also believe that a more inclusive workplace, where people of different backgrounds work together, ensures better outcomes for all staff. From application to interview, we place inclusion at the heart of all we do.
- In particular, we strongly encourage suitably qualified applicants from a wide range of backgrounds to apply and join Whistl.

- Being committed to ensuring that all members of staff, whether part-time, full-time or temporary, are treated fairly in respect of employment, promotions, performance appraisals, transfers, training or any other benefit and that treatment of staff will be on the basis of aptitude and not linked to any 'Protected Characteristic' (as defined below).
- Encouraging all employees to become familiar with the intent, content and meaning of the policy.
- Build a culture that values meritocracy, openness, fairness and transparency.

### **3.2 In particular we will:**

- Ensure that all people managers are fully aware of and apply the policy in their own area.
- Ensure all staff with a Whistl email address, receive eLearning on Equality, Diversity and Inclusion
- Ensure that this Policy is reviewed on an ongoing basis to reflect changes in the law, demographics and internal business requirements and in line with best practice.
- Raise awareness of cultural differences and diversity within our organisation so that we can all appreciate the richness and valuable contribution that each and every member of staff can make.

The policy is applicable to all employees, secondees, agency staff, clients, communities, suppliers and contractors, whether permanent or temporary. The policy applies to all processes relating to employment and training and to any dealings with customers and clients.

## **4.0 Responsibilities**

**Managers** –are responsible for ensuring that this policy is applied in their own area. Any queries on the application or interpretation of this policy must be discussed with Human Resources before any action is taken.

**Employees** – All employees are responsible for the promotion, advancement and adherence of this policy. Behaviour, actions or words that transgress the policy will not be tolerated and will be dealt with in line with the organisation's disciplinary policy

**Human Resources** – are responsible for ensuring the maintenance, regular review and updating of the Policy.

## **5.0 Procedures**

### **The Law**

#### **5.1 Discrimination**

Current legislation (The Equality Act 2010) prohibits discrimination because of certain protected characteristics: sex, marital status, civil partner status, gender reassignment, pregnancy, exercise of the right to take maternity leave, race, colour, ethnic or national origin, nationality, religion or belief, sexual orientation, disability or age ("Protected Characteristics").

Discrimination is not always obvious and can be subtle and unconscious. This stems from a person's general assumptions about the abilities, interests and characteristics of a particular group that influences how they treat those people (known as "unconscious bias"). Such assumptions or prejudices may cause them to apply requirements or conditions that put those in particular groups at a disadvantage. Examples include:

- steering employees into particular types of work on the basis of stereotypical assumptions without considering the particular attributes and abilities of individuals;
- recruiting or promoting individuals into particular roles because of assumptions about the reactions or preferences of other employees or clients; and
- using different standards for different groups of employees to judge performance.

**Direct discrimination:** Treating someone less favourably because of a protected characteristic compared with someone who does not have that characteristic (for example choosing not to recruit someone because they are disabled and you think they "wouldn't fit in" to the team).

**Indirect discrimination:** Where a policy, procedure or way of working that applies to everyone puts people with a particular protected characteristic at a disadvantage, compared with people who do not have that characteristic, unless there is a good reason to justify it.

**Associative discrimination:** Treating someone less favourably because they are associated with someone who has a protected characteristic, for example because their partner is transgender.

**Discrimination by perception:** Treating someone less favourably because you perceive them to have a protected characteristic even if they do not, for example choosing not to promote someone because you mistakenly perceive them to be gay.

**Discrimination arising from disability:** Treating someone unfavourably because of something connected with that person's disability and where such treatment is not justified. Examples include:

- o dismissing or failing to pay a bonus to someone because of their disability-related absence; or
- o disciplining someone for losing their temper where such loss of temper was out of character and was due to severe pain caused by them having cancer.

**Failing to make reasonable adjustments:** Employers are legally obliged to make reasonable adjustments to ensure that aspects of employment, or the employer's premises, do not put a disabled person at a substantial disadvantage. Failing to comply with this duty is unlawful. Examples of reasonable adjustments might include:

- o allocating some of the disabled person's duties to a colleague;
- o changing their working hours or place of work;
- o adjusting procedures for assessing job candidates; and
- o modifying disciplinary and grievance procedures.

Legislation makes it unlawful to treat someone who is disabled less favourably because of their disability or because of something arising as a consequence of their disability. The definition of 'disabled' within the legislation is wide; it includes people with mental impairments and less obvious physical impairments, including clinical depression and some forms of RSI. Some forms of less favourable treatment can be justified.

There is also a positive duty to make reasonable adjustments to provisions, criteria or practices to accommodate the needs of a disabled person. Examples include alterations to work stations, duties, hours or working practices.

If you are or become disabled while working for the Company, you are encouraged to discuss your condition with your HR Business Partner so that the Company is best placed to help and support you. If you consider that the Company could help you by making adjustments to your working hours, workplace or working conditions please make these suggestions to your HR Business Partner. In appropriate circumstances we will need to consult with medical advisers and you as to how to best accommodate your needs and those of the Company.

## **5.2 Harassment and sexual harassment**

Harassment includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in our Anti-Harassment and Bullying Policy.

Sexual harassment is:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Victimisation is treating another person detrimentally either because that person has made a complaint of discrimination or harassment, or because they have supported someone else who has made such a complaint, for example by giving a witness statement that supports the allegations.

## **5.3 Bullying**

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful (see Harassment).

You should refer to our Anti-harassment and anti-bullying policy for further information on our procedure for reporting bullying.

## **6.0 EDI Allies (Equality, Diversity & Inclusion)**

We are proud to provide a forum for people who have a passion for, or a connection with, a particular aspect of equality, diversity and inclusion.

The aim of the forum is to:

- provide networking opportunities and community support;
- organise events to raise awareness and provide education; and
- contribute ideas and suggestions for ways the organisation can be more diverse and inclusive.

The Allies Forum is a network made up of employees who have appointed themselves to support proactively their under-represented colleagues, and to promote an inclusive working environment.

Allies are people who are not personally affected but who speak up for under-represented groups by calling out and challenging unconscious bias, as well as challenging non-inclusive working practices.

If you are interested in joining the network, please apply via Marvin or email [EDIAllies@whistl.co.uk](mailto:EDIAllies@whistl.co.uk)

## 7.0 Recruitment and promotion

We will take reasonable and appropriate steps to ensure that applications are attracted from all people regardless of their Protected Characteristics and that there is equality of opportunity in all stages of the recruitment process. Where appropriate, employees responsible for recruitment will receive training in equal opportunities and guidance will be available to all employees. Every decision-maker should challenge themselves, and other members of the recruitment selection panel, to make sure that any stereotypes, unconscious bias or prejudice do not play any part in recruitment decisions.

Job applicants will not normally be asked about health or disability before a job offer is made, unless it is required:

- To establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).
- To establish if any adjustments need to be made to the recruitment process.
- To assist positive action to recruit disabled persons.
- For equal opportunities monitoring (which will not form part of the selection or decision-making process).

We may make job offers conditional on a satisfactory medical check or ask you to complete a medical questionnaire before commencing employment.

We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status will not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation.

Promotion within the Company is based solely on merit and without regard to a person's Protected Characteristics.

## 8.0 Access to Work Employer

Access to Work is a publicly funded employment support programme that aims to help more disabled people start or stay in work. It can provide practical and financial support for people who have a disability or long term physical or mental health condition. Support can be provided where someone needs help or adaptations beyond reasonable adjustments. An Access to Work grant can pay for practical support to help our employees start or stay in work. This includes Mental Health Support Service, Access to Work. More information is available here - <https://www.gov.uk/access-to-work> and

<https://www.remploy.co.uk/individuals/support-work/workplace/support-your-mental-health-condition>

## **9.0 Terms and conditions of employment**

All of our employees are treated fairly and non-discriminatory. Terms and conditions of employment, including pay and benefits, are offered by reference to the role fulfilled by the employee. No regard is paid to Protected Characteristics when decisions regarding terms and conditions of employment are made, except where the law and/or matters of good practice permit and/or encourage us to provide additional assistance to employees on any of these grounds.

Fixed term and part-time employees will usually enjoy the same terms and conditions of employment and be treated the same as comparable full-time or permanent employees, except in circumstances where different treatment is justifiable.

## **10.0 Formal action and termination of employment**

Formal action in respect of misconduct and/or performance, including any decision to dismiss or terminate your contract, will be taken on the basis of alleged misconduct or poor performance and any such action will be non-discriminatory.

If we have to consider redundancies, we will ensure that any selection criteria are fair and objective and not directly or indirectly discriminatory.

## **11.0 Monitoring and review**

In order to ensure that we are providing equal opportunities to our staff, we may ask job applicants and current staff members to complete a monitoring form. Provision of any such information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment.

We will review this policy periodically and in light of any monitoring results to make sure that the policy is effective and up to date.

We may review periodically the salaries paid to all members of staff to ensure that there is no inadvertent discrimination. If changes are required, we will implement them.

## **12.0 Training**

All employees will be provided with equal opportunities training as part of their induction process.

All managers must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to this policy and promote our aims and objectives with regard to equal opportunities. Managers and those with responsibility for members of staff will be provided with tailored training to assist them in their role.

## **13.0 Complaints**

If you believe that you are suffering or have suffered from discrimination you can, if you wish, raise the matter informally with the person you believe is responsible. Alternatively you may raise the matter in accordance with the Company's Grievance Procedure.

If you believe that you have been harassed then you may also bring a grievance or raise the matter in accordance with the Company's Anti-Harassment and Bullying Policy.

Anyone raising an allegation of discrimination in good faith will not be victimised or subject to any form of detriment. However, false allegations or those made in bad faith will be treated as a disciplinary matter under the Disciplinary Procedure and may result in disciplinary action up to and including summary dismissal.

#### **14.0 Supporting Documentation**

Recruitment Policy

Anti-Harassment and Bullying Policy

Menopause Policy & Procedure

Leadership Team - Equality, Diversity and Inclusion Charter

Initiatives – Disability Confident; Valuable 500; Race at Work Charter