

# South Western Railway

## Policy

# EQUAL OPPORTUNITIES

### Date:

February 2019

We are committed to equal opportunities in employment for all staff as well as job applicants. This policy is intended to assist us in putting this commitment into practice. We are committed to ensuring that all individuals are treated fairly and are valued equally. We believe that no one should be discriminated against, harassed or victimised and that everyone should enjoy equality of opportunity in the workplace.

The principles of non-discrimination and equality of opportunity also apply to the way in which employees treat visitors, clients, customers, suppliers and former staff.

### SCOPE

This policy applies to all South Western Railway employees and agency staff (collectively referred to as employees in this policy).

All employees have a duty to act in accordance with this policy and treat colleagues with dignity at all times and not to discriminate against or harass other members of staff, regardless of their status.

This policy does not, however, form part of any employee's contract of employment and may be amended at any time.

### DEFINITION

#### What are equal opportunities?

Equal opportunity is the principle that all employees have the right to equal value, respect and opportunity in the workplace.

The concept of equal opportunities prohibits discrimination, harassment, victimisation or other unlawful treatment based on someone's age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (protected characteristics) as defined in the Equality Act 2010.

#### Why do you need to know about equal opportunities?

At South Western Railway it is important that all staff feel comfortable at work. Equal opportunities helps guarantee that staff and job applicants are treated fairly, in particular with regard to:

- Selection and recruitment
- Promotion
- Transfers

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- Training and development
- Rostering
- Overtime
- Discipline & Grievance
- Pay and benefits
- Redundancy

## What is discrimination?

Discrimination occurs when a person is disadvantaged because of a protected characteristic, such as their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Discrimination may be direct or indirect.

## Direct discrimination

Direct discrimination occurs when a person is treated less favourably on the grounds of a protected characteristic. For example, the promotion of a man rather than a woman on grounds of the woman's gender or the selection for redundancy of a black employee rather than a white employee on grounds of race.

## Indirect discrimination

Indirect discrimination occurs when an employer applies a provision, criterion or practice that, whilst applying equally to all employees, has the effect of disadvantaging a considerably larger proportion of employees with a protected characteristic than others. For example, a requirement that all employees must be at least six foot tall to undertake a particular role will indirectly discriminate against women, as considerably less women than men will be able to meet that height requirement.

## What is harassment?

Harassment occurs when a person, for a reason relating to a protected characteristic such as sex, race, disability etc, engages in unwanted conduct which has the purpose or effect of violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person.

Harassment can take many forms and examples of such may include:

- Violence or other physical abuse
- Verbal abuse
- Threatening or intimidating behaviour
- Sexual contact such as touching, pinching or hugging
- Name calling, comments, teasing or jokes of an inappropriate nature
- Requesting sexual favours or dates in exchange for career advancement or job security
- Staring, winking or leering
- Gossiping and spreading rumour
- Displaying inappropriate materials
- Unjustifiably criticising capability or performance
- Criticising or embarrassing an employee in front of others

Employees can complain of harassment even if the behaviour in question is not directed at them. A complaint can be made if they have experienced:

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- Harassment because they are related to or associates with someone who possesses a relevant protected characteristic; or
- Harassment by a colleague who has a mistaken perception that they possess a relevant protected characteristic

To ensure a degree of balance between an individual's subjective perception of their treatment and an objective reasonable viewpoint it is important to take into account the employee's perception, the other circumstances of the case, and whether or not it is reasonable for the conduct in question to have that effect.

Harassment can be physical, verbal or non verbal. When considering whether harassment has occurred, the perspective of the victim is paramount.

## What is Victimisation?

Victimisation occurs when someone is treated less favourably than others because he or she has alleged unlawful discrimination or supported someone to make a complaint or given evidence in relation to a complaint.

## RECRUITMENT AND SELECTION

We aim to ensure that no job applicant suffers discrimination because of a protected characteristic. Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities. Job selection criteria are regularly reviewed to ensure that they are relevant to the job.

We aim to ensure that job advertisements avoid stereotyping or use wording that may discourage groups with a particular protected characteristic from applying.

We also take steps to ensure that our vacancies are advertised to a diverse labour market.

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

## DEALING WITH A PROBLEM

It is often possible to resolve difficulties by informal means. If you are comfortable doing so, you may be able to achieve a resolution of a problem by speaking directly to the person who's conduct towards you is of concern or writing them a note, stating that their conduct is not acceptable to you and that it must stop – often people do not realise that their words or actions are offensive and unwanted and matters can be quickly resolved and good working relations restored.

If you do not feel comfortable contacting the person directly yourself, you may wish to consider seeking help from your supervisor, a trusted colleague or a trade union representative to raise the matter with the person on an informal basis.

If however your problem cannot be resolved in such a way and you feel you are being discriminated against, harassed or victimised, you should speak to your Line Manager or an HR Business Partner.

The matter will be investigated and disciplinary action may be taken against the perpetrator where appropriate. A breach of this policy may constitute gross misconduct and, as such, may

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result in summary dismissal. Counselling will be offered and other steps may also be taken to ensure no repetition of the conduct, such as transferring the perpetrator to a different location or shift.

Whether the matter is dealt with formally or informally, you should consider discussing the matter with a trusted colleague or a union representative for help and support and take advantage of the confidential counselling services provided by Health Assured by visiting [www.healthassuredeap.com](http://www.healthassuredeap.com) or calling 0800 030 5182.

You should ensure that you write down what happened, where and when it happened and who witnessed it. A written account is important because memories can fade.

## EQUAL OPPORTUNITIES IS GOOD FOR EVERYONE

### Equal opportunities:

- Boosts morale and increases teamwork by promoting an attitude of dignity and respect towards everyone.
- Raises productivity and quality by ensuring that the people recruited and promoted are the most qualified for the job
- Reduces disturbances by prohibiting words and actions that can make it hard for staff to concentrate.
- Reduces sick time and accidents by lessening stress.
- Retains valuable staff by eliminating discomfort and dissatisfaction at work, helping everyone develop to his or her full potential. People are our most important resource.

## EVERYONE HAS A RESPONSIBILITY TO MAKE EQUAL OPPORTUNITIES WORK

### We aim to:

- Understand and support the principles of equal opportunities
- Be available to offer advice and help handle complaints
- Judge employees fairly and on the basis of merit
- Not allow discrimination, harassment or victimisation among our staff

Employees can help by not discriminating against, harassing or victimising their colleagues or job applicants, and by understanding and supporting the principles of equal opportunities.

## HELP PUT EQUAL OPPORTUNITIES INTO PRACTICE

### You can do this by:

- Thinking about your choice of words and actions and how others might regard them. Consider, for example, how innocent comments or jokes may in fact cause offence to others.
- Knowing our policies on Equal Opportunities and Bullying and Harassment.
- Setting a positive example and treating everyone with respect and expect the same of others.
- Not assuming that practical jokes or friendly gestures are harmless and inoffensive.
- Considering your attitudes about discrimination and harassment.
- Thinking before making personal comments or asking personal questions.
- Not going along with the crowd or accepting offensive behaviour.
- Lending support to colleagues who are discriminated against, harassed or victimised.

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## QUESTIONS AND ANSWERS

### How can I be confident that I will not be victimised for complaining about discrimination by a colleague or manager?

All employees are treated fairly. It makes no difference who your complaint is about. Confidentiality will be respected. We will not tolerate any victimisation and will deal promptly with this situation if it arises.

### What should I do if I know a colleague is being discriminated against, harassed or victimised but they are too afraid to do anything about it?

Offer them support and advise them how and where to seek help. They must make the decision themselves to come forward. Advise them to keep a diary of events, speak to their manager and union representative and encourage them to come forward.

### How can I be sure an investigation would be unbiased?

All allegations are thoroughly investigated by a nominated manager supported by an HR Business Partner, who will look at the circumstances objectively.

### If my manager is the perpetrator who should I go to, to make a complaint?

Your HR Business Partner or a more senior manager.

### Would I make a complaint through the Grievance Procedure?

You are entitled to raise a formal grievance at any time if unsatisfied with how your complaint has been dealt with.

### If I complained about my colleagues would I have to change location?

Where your complaint is about a colleague, we may consider suspending them on basic pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. It is, therefore, unlikely that we would ask you to change location during the investigation, unless it appears to be the most appropriate course of action, which we would discuss fully with you anyway.

## Change control

Version	Reason for change	Date
3.0	Policy rebranded into SWR template.	February 2019