

EQUALITY AND DIVERSITY

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Argyll Plant Training Ltd is committed to a comprehensive policy of equal opportunities for all learners and in all areas of recruitment, employment, training and promotion. We will comply, both in letter and spirit, with equal opportunities legislation in line with the Equal Opportunities Act 2010 to ensure that:

- employment decisions are not based on generalised assumptions and prejudices
- employees are recognised as individuals and assessed on their merits and abilities

RECRUITMENT AND SELECTION

Argyll Plant Training Ltd will make every effort to attract applications from all gender identities and all races, both able-bodied and disabled, and will seek to provide equal opportunities at each stage of the recruitment process. This commitment will be reflected in all of our job advertisements and recruitment literature.

Argyll Plant Training Ltd has a Recruitment & Selection Procedure and all staff involved in the recruitment and selection procedure must receive recruitment and selection, and equal opportunities training prior to being involved in any recruitment process in the Argyll Plant Training Ltd.

MONITORING

Statistics on the gender, marital status, disabilities and ethnic origin of new applicants and existing staff in the Argyll Plant Training Ltd are maintained by APT Ltd administration Department.

DISABLED STAFF

In line with the Disability Discrimination Act 1996 and 2005, APT aims to ensure that:

- disabled people will have equal rights to selection, training and promotion
- the particular needs of disabled learners and employees will be met where reasonable and appropriate [such as job restructuring and modification of equipment]
- Premises are adapted where necessary and reasonable.

The Code of Good Practice on the Employment of Disabled People requires APT Ltd to:

- Interview all disabled applicants who meet the minimum criteria for a job vacancy and consider them on their abilities
- Make every effort to ensure that employees who become disabled are retained in employment

HARASSMENT

Harassment of colleagues, learners, staff or visitors to Argyll Plant Training Ltd – whether sexual, sexual orientation, racial or bullying in nature – is wholly unacceptable and any reported incidents will be fully investigated through the appropriate channel.

If a member of staff reports an incident of harassment by another member of staff or Argyll Plant Training Ltd representative, an investigation would commence immediately and appropriate action taken. If there was evidence of a serious allegation the member of staff accused may be suspended on full pay pending the result of any investigation and, if there were sufficient grounds for proceeding, the disciplinary procedures would be invoked accordingly.

If any persons are the subject of a complaint it may be dealt with through the guidelines laid down in the Argyll Plant Training Ltd Constitution or, alternatively, will be sent to the director(s) to deal with. If any unfounded malicious allegations are made against a person's character the disciplinary procedures will be invoked against them or, in the case of an officer or Argyll Plant Training Ltd representative, the APT disciplinary procedures will be followed.

The Argyll Plant Training Ltd will not tolerate any member of staff being made to feel uncomfortable in the workplace or during learning, and will take action against any person found guilty of breaking the guidelines on harassment. Argyll Plant Training Ltd.'s harassment policy will be invoked.

Disability Plan

The Disability protected characteristic is defined as anyone who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Long term means it has lasted for at least 12 months, it is likely to last at least 12 months, or it is likely to last for the rest of the life of the person. Also covered by the definition are people with a severe disfigurement, HIV infection, cancer or multiple sclerosis. Additionally, people who have had a disability in the past are covered, which may be particularly relevant for people with fluctuating and/or reoccurring impairments.

APT Ltd will continue to:

- a. Welcome applications from disabled learners and staff.
 - b. Promote a culture of positive attitude towards disability and encourage informed disclosure of disability by staff and Learners.
 - c. As far as reasonably practicable, anticipate and make reasonable adjustments for disabled staff and Learners to help remove the disabling effects of practices and the learning environment.
 - d. Follow the good practice of the Department of Work and Pension's Two Ticks Positive about Disabled People, with 5 commitments in respect of existing and future disabled employees with regard to recruitment; development; reasonable adjustments; disability awareness; review.
 - e. Hold the principle that reasonable adjustments cannot be provided retrospectively (i.e. prior to disclosure of disability).
 - f. Publicise the Access to Work scheme and seek to improve working conditions.
 - g. Develop the accessibility of our building(s) and environment and ensure a regular cycle of access improvements, wherever possible.
 - h. Provide information to all users via accessible processes and in accessible formats, wherever possible.
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INTRODUCTION

Argyll Plant Training Ltd has formulated a policy statement on bullying and harassment together with guidelines on its implementation and made it fully available to all staff and Learners, Bullying and harassment of people at work is a feature of discrimination and procedures to deal with harassment are integral to our Single Equality Strategy (SES).

Argyll Plant Training Ltd has a clear responsibility as defined by the Equality Act 2010 to ensure that all forms of harassment and bullying are stopped effectively.

POLICY STATEMENT

APT Ltd aims to provide a working and learning environment which will be stimulating and supportive and free of unlawful discrimination. Bullying and harassment can seriously worsen working and social conditions for staff and Learners, at APT Ltd.

APT Ltd has agreed a procedure for dealing with complaints of harassment. Any incidents of harassment will be regarded extremely seriously and may be grounds for disciplinary action including dismissal or expulsion.

It is recognised that informal channels can be the most effective means of preventing or stopping harassment. Where a formal complaint is lodged, APT Ltd.'s Grievance and Disciplinary Procedure will apply.

DEFINING BULLYING AND HARASSMENT

A general definition of **harassment** is that it is *verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of a specific characteristic of that person such as their race, skin colour, religion, gender, sexual orientation, national origin, age or disability.*

Bullying or general harassment is a similar misuse of power or position. It may include persistent and unfair criticism or condemnation, humiliation, and the undermining of an individual's ability and confidence. In an academic working and learning environment bullying usually takes the form of irrational and unfair verbal assaults, but physical violence can be involved.

Bullying occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, study or for social life. Bullying can occur even if offence is not intended. Staff and Learners, shall be made aware that differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as bullying by one person may not seem so to another. The defining features, however, are that the behaviour is **offensive to and unwanted by the recipient** and would be regarded as bullying by any reasonable person.

Harassment can be a source of great stress to an individual. It may be so serious and unrelenting that the person who is being, or has been, bullied or harassed feels it necessary to change job or change their academic course. All members of APT Ltd, whether staff or Learners, are responsible for helping to ensure that individuals do not suffer any form of harassment, and that they are encouraged and supported in any legitimate complaint.

Harassment is difficult to define because it may take many different forms. It may consist of behaviour taking place over a period of time or a single incident. Harassment may occur where a harasser has a position of authority (for example, where a teacher, supervisor or administrator is able to affect another person's job, career or grade); harassment in other contexts (for example, by Learners, of fellow-Learners, or of staff members) may equally occur.

Any difficulty in defining what constitutes harassment or bullying should not deter staff or Learners, from complaining of behaviour which causes them distress. Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. Argyll Plant Training Ltd will respect the particular sensitivity of harassment complaints and their consequences as well as the need for the utmost confidentiality.

Sexual and racial harassment have well-established definitions provided by the Equal Opportunities Commission and the Commission for Racial Equality on which the following are based. Definitions of harassment on grounds of sexual orientation, religion and disability; and of bullying are also given below.

Sexual harassment is a form of sex discrimination. It always involves unwanted conduct of a sexual nature which emphasises sexual status over status as an individual, colleague or Learner. It is most often found that it is women who are harassed by men. However sexual harassment between members of the same sex, or of men by women, or of transsexual people does also occur. It often, though not always, involves relationships between people of unequal status and involves elements of coercion. It can be: physical, verbal or non-verbal, ranging from intimate

contact, suggestive remarks or compromising invitations to aggressively foul language or unwanted demands for sex, or displays of sexually suggestive or degrading pictures in the work place. The outing of a transsexual person would also be considered sexual harassment. Sexual harassment occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, for study or for social life. Any behaviour that makes the recipient feel unjustifiably viewed as a sexual object is liable to cause offence, *even if offence is not intended*. Staff and Learners, shall be made aware that differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as sexual harassment by one person may not seem so to another. The defining features, however, are that the behaviour is offensive to and unwanted by the recipient and would be regarded as sexual harassment by any reasonable person.

Harassment on grounds of sexual orientation may be defined as any hostile or offensive act or expression against a person because of their sexual orientation. Such behaviour can include offensive behaviour or abuse, homophobic remarks or jokes; threats to 'out' lesbian, gay or bisexual staff or Learners,

Harassment on grounds of sexual orientation occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, study or for social life. It can occur *even if offence is not intended*. Staff and Learners, shall be made aware that differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. The defining features, however, are that the behaviour is offensive to and unwanted by the recipient and would be regarded as harassment on grounds of sexual orientation by any reasonable person.

Racial harassment may be defined as any hostile or offensive act or expression (or series or combination of such acts) against a person, relating to colour, race, nationality, or ethnic or national origins. It also includes incitement to commit such an act. Such behaviour includes derogatory name-calling, insults and racist jokes, racist graffiti, verbal abuse or threats, physical attack or ridicule of an individual for cultural differences.

Racial harassment occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, study or for social life. Racial harassment can occur even if offence is not intended. Staff and Learners, shall be made aware that differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as racial harassment by one person may not seem so to another. The defining features, however, are that the behaviour is offensive to and unwanted by the recipient and would be regarded as racial harassment by any reasonable person.

Harassment on grounds of religion may be defined as any hostile or offensive act or expression (or series or combination of such acts) against a person, relating to their faith or a faith they are perceived to belong to. It also includes incitement to commit such an act. Such behaviour includes derogatory name-calling, insults and jokes, graffiti, verbal abuse or threats, physical attack or ridicule of an individual.

Religious harassment occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, study or for social life. It can occur *even if offence is not intended*. Staff and Learners, shall be made aware that differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as religious harassment by one person may not seem so to another. The defining features, however, are that the behaviour is

offensive to and unwanted by the recipient and would be regarded as harassment by any reasonable person.

Disability harassment may be defined as any hostile or offensive act or expression against a person because of their disability or learning difficulty. It also includes incitement to commit such an act. Such behaviour includes, as well as physical attack, derogatory name-calling, insults and jokes, verbal abuse or threats (this might include abuse relating to particular medical conditions such as HIV/AIDS), and actions which humiliate, demean or ridicule a person because of their disability.

Disability harassment occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, study or for social life. Disability harassment can occur *even if offence is not intended*. Staff and Learners, shall be made aware that differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as disability harassment by one person may not seem so to another. The defining features, however, are that the behaviour is offensive to an unwanted by the recipient and would be regarded as disability harassment by any reasonable person.

GUIDING PRINCIPLES

Principles that guide APT Ltd.'s actions:

- a) Bullying and harassment of one member of Argyll Plant Training Ltd, community by another is wholly unacceptable behaviour, and it is APT Ltd.'s policy to take any incidents very seriously and to act appropriately.
- b) No complaint of bullying and harassment of any type made in good faith will result in detrimental action against the person raising the complaint or their advocates. Any act of victimisation or reprisal against a person complaining of bullying and harassment or supporting a complainant will be treated by Argyll Plant Training Ltd, as a disciplinary matter.
- c) Appropriate members of APT Ltd.'s staff will receive training in dealing with bullying and harassment, and will be available to any member of staff or Learner to offer in confidence advice and information as required, channel complaints and negotiate between parties.
- d) When reported, complaints of bullying and harassment will be considered with all possible speed and Argyll Plant Training Ltd will take appropriate action as quickly as possible.
- e) Though some cases of bullying and harassment may be resolved informally, bullying and harassment may provide grounds for disciplinary action against individuals up to and including dismissal or expulsion from Argyll Plant Training Ltd, and its disciplinary rules reflect this view.
- f) Panels which handle disciplinary or grievance procedures will be entitled to call upon advice from persons more expert in handling bullying and harassment. The membership of panels will include, wherever possible, persons with special training in bullying and harassment.
- g) Argyll Plant Training Ltd will treat as confidential all records concerning allegations or complaints of bullying and harassment. Cases of alleged bullying and harassment which are taken forward into APT Ltd.'s formal grievance and disciplinary procedures will be investigated impartially

by APT Ltd. This will ensure that the alleged harasser has the opportunity to be represented and to be given a clear account of the allegation so that they may state their case.

h) When formal disciplinary procedures have been carried out, Learner and staff complainants will be advised of the outcome: if proven, without giving details of the sanction imposed, but indicating that the behaviour did constitute harassment/bullying according to Argyll Plant Training Ltd, policy and was unacceptable. If not proven, the complainant will also be informed.

i) The possibility that complaints might be brought with mischievous or malicious intent is also recognised by Argyll Plant Training Ltd, and may provide grounds for disciplinary action against individuals up to and including dismissal or expulsion from Argyll Plant Training Ltd, and its disciplinary rules reflect this view.

j) Unless there has been notification of a situation involving bullying and Argyll Plant Training Ltd, may not be able to take steps to prevent or eliminate it; it is therefore important that Argyll Plant Training Ltd, authorities are kept informed of any potential complaint.

Argyll Plant Training Ltd is an equal opportunities employer and will ensure that no job applicant, employee or trainee receives less favourable treatment on the grounds of sex, race, colour, nationality, ethnic origin, marital status, disability, sexuality, age, religious belief, and trade union activity, responsibility for dependants, employment status or HIV status.

The policy will apply to all company employees, prospective employees and trainees and recognises the validity of existing anti-discrimination legislation and codes of practice.

The main aims of the policy are:

- To promote equality of employment opportunities.
- To eliminate unfair, unlawful or inappropriate discrimination in the company.
- To ensure that no job applicant, employee or trainee is placed at a disadvantage by requirements or conditions which, cannot be shown to be justifiable on objective job related grounds.
- To provide positive action measures where appropriate and permissible by legislation.

To apply relevant supportive employment procedures and practices and to develop appropriate training programmes