

Equal Opportunities Policy

Competition Service

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1 Policy Statement

It is the policy of the Competition Service (the Service) to employ, promote and treat all applicants and employees in the same way, regardless of the fact that they may be pregnant or their race, colour, nationality, ethnic or natural origin, disability, sex or marital status, sexual orientation or religion.

We will avoid unlawful discrimination in all aspects of employment.

The Service will recruit, train, develop and promote on the basis of merit, skills and qualifications and abilities alone. Where a decision needs to be made on various things, whether it is on pay rises and bonuses or disciplinary action, this will only ever be based on an individual's performance and contribution to the Service.

This policy is a public statement that the Service is committed to:

- Giving all staff the chance to achieve their full potential by striving to eliminate unfairness, discrimination, victimisation, harassment and bullying at work;
- Dealing with staff solely on the basis of merit and without prejudice, thus ensuring fair, reasonable and dignified treatment in all areas of their employment, including:
 - recruitment;
 - appraisal;
 - access to training;
 - career development;
 - job allocation;
 - promotion; and
 - grievance and disciplinary matters;
- Providing support and encouragement to *all* staff to enable them to give of their best, but with special consideration for members of staff with particular needs such as those with domestic responsibilities or with disabilities;
- Supporting the provision of childcare initiatives for staff whenever a viable business case can be established; and
- Treating staff employed by other organisations that have a working relationship with the Service in a professional manner and making sure they are not harassed, bullied or discriminated against (i.e. consultants, agency and panel workers).

2 Aim and Scope

This policy applies to all Service's employees, along with contractors and temporary workers.

The Service aims to be an organisation which:

- makes sure that the standards laid down in relevant legislation and Codes of Practice are complied with;
- values diversity among people and views it as a strength, rather than a weakness;
- develops and makes best use of the talents of all staff and appoints, trains, promotes and develops staff on merit alone;
- allocates jobs to staff solely on the basis of individual ability;
- provides staff at all levels with the training necessary to ensure effective implementation of the equal opportunities policy;
- takes seriously, and acts quickly to investigate, complaints about discrimination, victimisation, harassment and workplace bullying;
- is respected by other employers for the professionalism and impartiality of our staff;
- creates an environment in which staff feel able to discuss equality issues more openly, and continually monitors progress and undertakes regular reviews to make sure the equal opportunities policy contributes to our strategic objectives;
- is prepared to take remedial action if the commitment to equal opportunities is not achieved.

3 Legislative Framework

This Equal Opportunities policy has been developed within the framework of existing legislation, including:

- Employment Relations Act (1999)
- Employment Protection (Consolidation) Act 1978
- Employment Rights Act (1996)
- Protection from Harassment Act (1997)
- Data Protection Act (2018)
- General Data Protection Regulation
- Human Rights Act (1998)
- Gender Recognition Act 2004
- Part-time workers (prevention of less favourable treatment) Regulations 2000
- Fixed term workers (prevention of less favourable treatment) Regulations 2002
- Equality Act 2010

The Equality Act replaced all previous equality law including The Equal Pay Act 1970, The Sex Discrimination Act 1975, The Race Relations Act 1976, The Disability Discrimination Act 1995, Employment Equality (Age) Regulations 2006, Equality of Employment (Sexual Orientation) Regulations (2003), Equality of Employment (Religion or Belief) Regulations (2003).

4 The Law

All employers and service providers have a responsibility under the law to treat their employees and Service's users fairly.

It is unlawful to discriminate directly or indirectly in recruitment or employment on grounds of sex, gender reassignment, pregnancy, colour, race, nationality, ethnic or national origins, sexual orientation or religion or belief, or because someone is married or is a civil partner.

It is unlawful to discriminate on grounds of disability or to fail to make reasonable adjustments to overcome barriers to employment caused by disability.

It is unlawful to discriminate unjustifiably on grounds of age in relation to employment. Discrimination after employment may be unlawful, e.g. in refusing to give a reference or in the form of reference given.

It is unlawful to discriminate directly or indirectly in the provision of goods, facilities or services to customers on grounds of sex (which may include gender reassignment) pregnancy, colour, race, nationality or ethnic or national origins.

It is unlawful to discriminate on the grounds of disability or to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services.

4.1 Protected Characteristics

There are nine protected characteristics your employees might have. These are:

- Disability
- Gender reassignment
- Marriage or civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sexual orientation
- Sex (gender)
- Age

4.2 Discrimination

This includes:

- Treating a person worse than someone else because of a protected characteristic (known as **direct discrimination**). In the case of pregnancy and maternity direct discrimination, this can occur if they have protected characteristic without needing to compare treatment to someone else.
- Putting in place a rule or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified (known as **indirect discrimination**).
- Treating a disabled person unfavourably because of something connected with their disability when this cannot be justified (**known as discrimination arising from disability**).
- Failing to make reasonable adjustments for disabled people.

4.3 Harassment

Harassment is unwanted conduct which has the purpose or effect of violating someone's dignity, or which is hostile, degrading, humiliating or offensive to someone with a protected characteristic or in a

way that is sexual in nature even if this was not the intention of the person responsible for the conduct.

4.4 Victimisation

Victimisation in this context is about treating someone unfavourably because they have taken (or might be taking) action under the Equality Act or supporting somebody who is doing so.

4.5 Other

As well as these characteristics, the law also protects people from being discriminated against:

- By someone who wrongly perceives them to have one of the protected characteristics.
- Because they are associated with someone who has a protected characteristic. This includes the parent of a disabled child or adult or someone else who is caring for a disabled person.

5 Equal Opportunities in Employment

5.1 Unlawful Discrimination

The Service will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy. Commitments to Equal Opportunities:

- Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job.
- Promotion decisions will be based on merit and made objectively against the requirements for the job without regard to protected characteristics.
- The Service will carefully check the wording of its recruitment advertisements to make sure everyone that has a protected characteristic feels welcome to apply and as though their application will be considered in a fair way.
- The Service will always assess candidates on the basis of objective criteria. As long as a candidate is as qualified as the others that are being selected for interview, the Service will not leave them off the shortlist just because they have a protected characteristic.
- The Service will select candidates on merit and will not deny a well-qualified candidate the job because of their protected characteristic. The Service will not use selection criteria which indirectly discriminate against people with protected characteristics unless it can objectively justify doing so.
- Protected characteristics of an employee (such as their gender, age or religion) will not be used as a reason to set their pay and benefits at a lower level than those of somebody else doing the same or an equivalent job.
- Training opportunities will be offered to all employees. The Service fully understands that it is against the law to exclude someone from a training opportunity on the basis of a protected characteristic. For example, as pregnancy/maternity are protected characteristics, women on maternity leave need to be offered the same training opportunities providing the session is scheduled for when they are due to be back at work or can be fitted into any agreed keeping in touch days. The only exception to this is if the training would pose a specific health and safety risk to the employee. If a worker is older, the Service will not assume that they would not be interested in learning something new or developing their skills. Likewise, the Service will not assume that an investment in training younger workers will be wasted as they will quickly move on to a new job.
- The Service will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices. The Service will refuse such requests only if it considers it has good reasons for doing so, unrelated to any prohibited ground for discrimination.
- The Service will comply with its obligations in relation to statutory requests for contract variations. The Service will also make reasonable adjustments to its standard working practices to overcome barriers caused by a protected characteristic.
- The Service will give everyone fair access to its work facilities; for example, it will make sure disabled employees can access the kitchen and toilets in the workplace.
- The Service may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group which the Service identifies as being underrepresented in particular types of jobs.

5.2 Grievances

If you consider that you may have been unlawfully discriminated against, you may use the Service's grievance procedure to make a complaint.

The Service will take any complaint seriously and will seek to resolve any grievance which it upholds. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the Service's grievance procedure does not affect your right to make a complaint to an employment tribunal.

6 Dignity at Work

The Service is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect. Some harassment is unlawful discrimination and serious harassment may be a criminal offence.

6.1 Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power which is meant to undermine, humiliate or injure the person on the receiving end. Examples of bullying would include picking on someone or setting him or her up to fail or making threats or comments about someone's job security without good reason.

6.2 Harassment

Harassment is unwanted conduct related to sex, gender reassignment, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristic which:

- Has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person;
- Is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if the effect was not intended by the person responsible for the conduct.

Bullying and harassment may be misconduct which is physical, verbal or non-verbal, eg by letter or email (so called "flame-mail"). Examples of harassment would include:

- Physical conduct ranging from unwelcome touching to serious assault, unwelcome sexual advances, demeaning comments about a person's appearance,
- Unwelcome jokes or comments of a sexual or racial nature
- Comments about an individual's age, the use of obscene gestures
- The open display of pictures or objects with sexual or racial overtones, for example, magazines, calendars or pin-ups.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. Behaviour which any reasonable person would realise is not acceptable to him or her, eg sexual touching may be harassment. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, eg certain "banter", flirting or asking someone for a private drink after work. In these cases, a first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

A single incident can be harassment if it is sufficiently serious.

6.3 Our Responsibilities

We all have a responsibility to help create and maintain a work environment free of bullying and harassment and we can all help to do this by:

- Being aware of how our own behaviour may affect others - we can still cause offence even if we are "only joking";

- Treating colleagues with dignity and respect;
- Taking a stand if you think inappropriate jokes or comments are being made;
- Intervening, if possible, to stop harassment and bullying and giving support to recipients;
- Reporting harassment or bullying to your manager or the Human Resources Department and supporting the Service in the investigation of complaints; and
- If a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

- Set a good example by their own behaviour;
- Ensure that there is a supportive working environment;

6.4 If you are accused of bullying or harassment

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. You may have offended someone without intending to.

If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence.

If a complaint is made against you and is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the Service could decide to transfer you to another post.

You must not victimise someone who has made a complaint in good faith against you or anyone who has supported him or her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the Service has good reason to think that you may have victimised the complainant or someone else.

7 Responsibilities

7.1 Senior Management

Will ensure:

- The existence of statements of equal opportunity values, policies and objectives in the business and human resource plans of the Service.
- The inclusion of equal opportunity training in individual training plans, where requested.
- The inclusion of all varieties of discriminatory based harassment in disciplinary offences; and the existence of a procedure for employees to pursue grievances about such harassment.
- That the policy is reviewed and updated in line with future changes in legislation, case law and relevant codes of practice.

7.2 Managers

Will:

- Co-operate with any measures introduced by the Service in relation to equal opportunities including attendance at any relevant training or development courses.
- Set a good example by their own behaviour and make sure that staff know what standards are expected of them.
- Ensure compliance with all personnel policies and monitoring standards in the day to day running of their section/department.
- Provide a working environment that discourages harassment and takes positive action against any employee who infringes the rules. This should include formal disciplinary action.
- Check that job adverts and requirements are really necessary to the job and not a reflection of any traditional biased practices or stereotypes when recruiting.
- Provide a climate whereby an individual will be comfortable in raising a grievance should they have suffered harassment or discrimination.
- Take complaints about employees, customers, suppliers or visitors seriously and take immediate action to resolve and investigate as appropriate.
- Inform their immediate manager or, if not appropriate, a member of the Senior Management team, if they are aware of or are witness to any action being taken by an employee of the Service which is contrary to this policy.

7.3 Employees

Have responsibility in the area of equal opportunity and are required to adopt the following practices:

- Co-operate with any measures introduced to develop or monitor equal opportunity.
- Refrain from taking discriminatory actions or decisions that are contrary to the spirit of this policy.
- Must not harass, abuse or intimidate other employees for any reason, particularly discriminatory.

- Not place pressure on other employees to act in a discriminatory manner and discourage behaviour which may be discriminatory.
- Resist pressure to discriminate when other employees are trying to influence you to do so.
- Co-operate with investigations into acts or conduct that may amount to unfair or unlawful discrimination including providing evidence from which discrimination may be inferred and disciplinary action taken.
- Inform their immediate manager, or, if not appropriate, a member of the Senior Management team, if they are aware of any action being taken by an employee of the Service which is contrary to this policy.

8 Those at Greater Risks

All Service staff and workers covered by the commitment to equal opportunities have a right to fair, reasonable and considerate treatment at all times.

Some people are at greater risk of unfairness, discrimination, harassment and bullying, although direct and indirect discrimination can take place against a range of people. People who may be at greater risk include the following (this list is not intended to be exhaustive):

- people with caring responsibilities;
- ethnic minorities;
- people with disabilities;
- lesbians and gay men;
- older people;
- younger people;
- women;
- people in certain religious/political groups, because of their beliefs and practices;
- people who have been diagnosed as HIV positive; and
- people who take part in trade union activities.

We must:

- recognise this;
- avoid becoming defensive about it; and
- clearly demonstrate that unfair, discriminatory, and unreasonable behaviour will not be tolerated.

9 Benefits

It makes good business sense to follow an equal opportunities policy because it:

- supports our core values and corporate objectives;
- means we can recruit and retain good calibre staff who are highly motivated;
- results in reduced staff turnover and higher staff morale. As a result, output goes up and quality improves;
- makes members of staff feel valued. As a result, they give a better standard of service;
- protects the dignity of staff because victimisation, harassment and bullying behaviour are not tolerated;
- helps to improve working relationships with other organisations with whom we work (for example, temp agencies, consultancies, etc);
- produces continual and consistent performance improvements; and
- creates a healthier and more open climate for the development of innovative practice, discussion and debate.

10 Enforcement and Redress

If employees unfairly or unlawfully discriminate against another employee, induce others to practise unfair or unlawful discrimination or fail to co-operate with measures designed to promote equal opportunity they will be subject to disciplinary action which could result in summary dismissal without notice.

Similarly, it is unlawful to victimise someone because he or she has alleged discrimination or supported someone to make a complaint or given evidence in relation to a complaint and the perpetrator would be subject to disciplinary action which could result in summary dismissal without notice.

If employees consider they have been unlawfully or unfairly discriminated against they have recourse through the Competition Service harassment procedure and/or the Service grievance procedure.

Employees should also report any harassment or bullying by any of our customers, suppliers or visitors to their line manager in the first instance.

11 Review

11.1 Effectiveness

The Service will review the outcome of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

11.2 Procedures

All personnel procedures and conditions of service will be evaluated and reviewed by the HR Department, to identify and eliminate processes, practices or eligibility criteria which may discriminate (directly or indirectly) against any particular group or category of employees.

By reviewing the various procedures and practices in the organisation we can ensure that current recruitment, promotion, training and general employment practices are reaching and protecting the full range of possible candidates and help to guard employees against any potential for discrimination.

In addition to the specific procedures in place with regard to the recruitment and selection of individuals for appointment and/or training opportunities, the Competition Service has specific procedures covering harassment and bullying.

Managers and individuals in supervisory positions are able to request support and advice with all aspects of this policy with regard to its implementation.

In order to ensure maximum effectiveness it is essential for all employees to give constructive feedback and make suggested amendments as appropriate to this policy. If you believe that there is action we need to take in order to address discrimination within our company or you would like to speak to someone confidentially please speak to the HR Department who will be happy to discuss your concerns and ideas with you.