



**J W MUIR GROUP plc**

# **Equal Opportunities Policy and Statement**

**August 2007**



# Equal Opportunities Statement

The J W Muir Group plc is committed to a policy of equal opportunities in employment, treatment and services available to all employees.

Our policy and practice require that all staff are afforded equal opportunities within employment and that entry into employment and progression within the company will be determined by personal merit and the application of objective, non-discriminatory criteria which are related to the duties of each particular post. In all cases, ability to perform the job will be the primary consideration.

In accordance with the relevant statutory provisions, no applicant or member of staff will be treated less favourably than another because of their sex, marital status, pregnancy or maternity leave, sexual orientation, age, race, nationality, ethnic or national origin, colour, part time or fixed term status, religion or belief, or disability.

To ensure this, all employees responsible for recruitment, interviewing, performance appraisal and career development will receive appropriate guidance, training and clear instructions on equal opportunities.

Company policy will comply with the spirit and general provisions of the legislation and codes of practice on equal opportunities, and will cover all aspects of employment to ensure that the Company has access to the widest labour market and secures the best employees for its needs.

The company will not tolerate any acts or behaviour which might breach these principles. Employees who believe they are being unfairly treated are entitled to raise the matter through the company grievance procedures. All complaints will be fully investigated and breaches of this policy may lead to disciplinary action.

Muir ensures that all employees are aware of our equal opportunities policy and all employees have a duty to respect and comply with its requirements and to assist in ensuring that it is enforced.

Through our comprehensive quality procedures Muir also ensure that Sub-Contractors provide a copy of their Equal opportunities Policy, or assure us of their commitment to equal opportunities principles for inclusion in our Approved Sub-contractor List.

Our equal opportunities policy is issued to and reviewed by managers, supervisors, employees, job applicants, recruitment agencies, job centres and any other sources from which job vacancies are filled.

# Recruitment, Selection & Employment

All applications for employment are completed either on our standard Group Application Form or by receipt of CV's sent by post or e-mail. The Group Application Form is designed to allow adequate space for individuals without formal qualifications or work experience to fully describe their relevant skills and experience. In our goal to be an equal opportunities employer we omit certain details on our application form that could be seen as influential in candidate selection e.g. marital status, schools attended, sex and dependants, date of birth.

Selectors' decisions in respect of the short-listing may be recorded on the application form and retained. Wherever possible more than one trained person will be involved in the selection process.

## Job Advertisement

When advertising job vacancies to attract applications from all sections of the community, Muir will:

- Ensure that advertisements are not confined to areas or publications which would exclude or reduce the number of applicants of a particular group
- Wherever possible advertise vacancies simultaneously internally and externally, and where vacancies are filled from within the group, publish them to all eligible employees
- Avoid requirements which unjustifiably exclude any applicant
- Not restrict recruitment to recommendation by an employee

The information required of job applicants and the questions put to them at interview will relate to the requirements of the job. If it is necessary to assess whether personal circumstances will affect the performance of the job (for example if the job involves unsociable hours or extensive travel) this will be discussed objectively.

The selection of new staff will be based on the job requirements and the individual's suitability and ability to do, or train for, the job in question.

In accordance with its statutory obligations, Muir give equal consideration to applicants with physical or mental disabilities and will provide appropriate and equivalent training and career opportunities, as well as assistance in overcoming practical difficulties caused by our premises or working arrangements, wherever reasonably practicable.

Muir accordingly will not disqualify an applicant because they are unable to complete the application form or interview process unassisted, unless this ability is required for the safe and effective performance of the job.

# Career Opportunities

Employees will be given opportunities for promotion within Muir based on their performance, abilities and the needs of the business. The assessment criteria will be examined to make sure that no discrimination exists.

In-house training is arranged for managers and supervisors on equal opportunities matters to keep management personnel informed of new legislation as and when it arises. Training includes:

- An awareness of the laws and code of practice relating to equal opportunities
- The Group equal opportunities policy and our procedures to handle equal opportunity matters.
- Help in identifying types of discriminatory acts or practices and how they can be avoided.
- The procedure for handling complaints and allegations regarding discrimination so as not to ignore, trivialise or treat lightly any grievance. Matters of this nature are frequently very sensitive, confidential, and sometimes difficult to substantiate. Training covers the need to act quickly to deal with allegations of discrimination, harassment or bullying.
- Guidance and instruction on interview technique to avoid prejudice and preconceptions.

# Responsibilities

The person who has overall responsibility for applying and enforcing the Company's Equal Opportunities Policy is our Chairman.

The Finance Director is responsible for ensuring that all staff are aware of changes in legislation, and that the Company observes the relevant Codes of Practice. He also provides advice and guidance as required on matters of discipline involving equal opportunities and other associated matters.

Amendments to this document will be notified by our HR Consultant as and updated as and when necessary.

Managers and Supervisors have a responsibility to ensure that the requirements of this policy are being respected and complied with in the specific areas of business for which they are responsible and to take the appropriate action if not.

All members of staff have a duty to respect and act in accordance with this policy and treat colleagues with respect and dignity. They must report any incidents of bullying, harassment or discrimination which they observe or become aware of to the appropriate manager.

Sub-contractors are advised at induction, that the company's equal opportunities policy is displayed in the site office. The appropriate Manager should be notified of any complaints regarding the behaviour of sub-contractors or their employees. Sub-contractors breaching this policy may be regarded as in breach of contract, which may lead to removal from site of an individual or termination of contract.

Any visitor to our construction sites or head office is covered by this policy and may complain under the procedures outlined. Complaints against a visitor should be made to the appropriate Manager, whether or not the name of the visitor is known.

Sub-contractors and visitors to Muir who feel they are being harassed or discriminated against can choose to contact their employer or use the sources of support and advice provided by the Muir Group. It is up to the individual to decide how they wish to take their complaint forward.

Sub-contractors and visitors will not be subject to prejudicial treatment as a result of making a complaint of discrimination or harassment unless the complaint was made with mischievous or malicious intent.

## Discrimination, Victimization, Bullying and Harassment

It is part of Muir's equal opportunities policy to provide a working environment for its employees free from embarrassment, intimidation, bullying, harassment or other forms of discrimination. We will take all reasonable steps to ensure protection of all employees' dignity at work.

Muir regards any discrimination as unacceptable in the working environment and will take positive action to prevent its occurrence.

### Direct Discrimination

Direct discrimination occurs when a person is treated differently than another person is, or would be treated in the same or similar circumstances. Apart from limited exceptions, direct discrimination is automatically unlawful, whatever the reason for it and there can be no justification for the difference in treatment.

Discrimination can also include acts against someone based on their perceived status even if that perception is wrong e.g. not promoting an employee because their manager believes that they are a Muslim Fundamentalist, even if they are not.

Discrimination against someone based on the sexual orientation, religion or belief of someone else is also unlawful e.g. treating an employee differently because they have homosexual friends.

### Indirect Discrimination

There are different definitions of indirect discrimination but generally it occurs when a

seemingly fair provision, criterion or practice is imposed which, although applied equally to all individuals or groups, is such that it:

- Puts or would put a group of people at a particular disadvantage when compared with others;
- Puts a person of that group at that disadvantage: and
- It cannot be shown to be a proportionate means of achieving a legitimate aim.

For example, a dress policy which prevents women from wearing trousers may discriminate against women of a particular race or religion; a higher language standard than is actually needed to do the job may discriminate on the grounds of nationality/race; a training policy which excludes part-time staff may discriminate against women, who traditionally fill the majority of part-time jobs.

### **Victimisation**

Victimisation occurs when a person is treated less favourably than another because they brought proceedings or raised allegations of unlawful discrimination or where they had helped another person or were suspected of having helped them or were intending to do so or had provided a witness statement or otherwise given evidence. For example, they may be labelled as a 'troublemaker', or denied promotion or training, or be sent to 'Coventry' by their colleagues.

### **Harassment**

Harassment may be considered as a form of direct discrimination and may also constitute unlawful behaviour.

Harassment is often defined as being unwanted verbal, non-verbal or physical conduct, which has the purpose or effect of violating the dignity of an individual or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The offending behaviour may be a deliberate act, which is obvious or violent, but it can also be unintentional or subtle and insidious.

Failure to speak out against harassment and any apparent acceptance and reciprocation of banter does not necessarily imply the recipient's consent. Furthermore, any action between two (or more) people, even though acceptable to both parties, can be considered to be harassment if it causes offence to others.

Harassment may occur over a period of time through a series of relatively minor incidents or it may occur through one serious act. It may also occur outside the normal work environment, for example at social events that are organised by the Company.

### **Examples of harassment include:**

- Unwanted physical contact of a sexual nature, including deliberate touching, leaning over, cornering, patting or pinching or brushing against another colleague's body, assault, coercing sexual favours.
- Unwelcome sexual advances, pressure for dates or sexual favours, sex based teasing, remarks, questions, jokes, innuendoes or lewd comments.

- Display or circulation of pornographic or sexually suggestive pictures, calendars, photographs, objects or written material, whistling, leering or making sexually suggestive gestures.
- Violence or threats of violence, abuse or intimidation.
- Racist or religious jokes, abusive language, mockery, mimicry, patronising remarks, intrusive questioning about ethnic or national origins, ridicule, and exclusion from normal workplace conversation or social events.
- Display or circulation of offensive posters, objects or written material, graffiti, material on display screens and offensive gestures.
- Avoiding or excluding people because of disability

### **Bullying**

Bullying is another form of harassment which will not be tolerated and which may lead to disciplinary action.

Examples of bullying may include:

- Physical conduct: intimidating or threatening behaviour, shouting and uncontrolled anger, abuse and humiliation in public or in private.
- Verbal conduct: offensive or insulting behaviour, nitpicking at an individual's work, persistent unfair or overly harsh criticism and/or sarcasm, refusal of reasonable work related requests.
- Non-verbal conduct: exclusion from work information, setting of impossible targets and deadlines, taking credit for ideas and work, punishment imposed or detrimental changes in duties or responsibilities without reasonable justification

Muir will not tolerate any breaches of our Equal Opportunities Policy and serious breaches will be regarded as gross misconduct leading to summary dismissal. You should also be aware that an Employment Tribunal could find an individual to be personally liable for any contravention of relevant legislation and make an appropriate award of personal damages.

Any individuals who believe they are being unfairly treated in any way are entitled to raise the matter through the company grievance procedures, set out in the staff handbook.

## **Monitoring**

All applicants are invited to complete a confidential Equal Opportunities monitoring form.

The Company will, periodically review selection criteria and procedures to ensure that they do not include requirements or conditions which constitute, or may lead to, unlawful discrimination. Any problems highlighted will be addressed.

Any Equal Opportunities issues should be reported in the first instance to the Personnel Administrator, and will be investigated accordingly.

Reasons for selection and rejection of recruits will be recorded and selection criteria regularly reviewed to avoid unjustifiable discrimination.

**Muir**

**Group**

**Contact: Stella Barter  
Personnel Administrator**

**J W Muir Group plc  
Muir House  
Belleknowes Industrial Estate  
Inverkeithing  
Fife KY11 1HY  
Tel: 01383 416191  
Fax: 01383 410193  
E-mail: [sbarter@muir-group.co.uk](mailto:sbarter@muir-group.co.uk)**