

CUMBERLAND EQUAL OPPORTUNITIES POLICY AND PROCEDURE

Policy Statement

Cumberland is an Equal Opportunities Employer. We are committed to ensuring that all our staff and applicants for employment are protected from unlawful discrimination in employment.

What is Discrimination?

- Direct discrimination occurs where someone is treated less favourably and put at a disadvantage on discriminatory grounds in relation to his or her employment. Direct discrimination may even occur unintentionally.
- Indirect discrimination occurs where the individual's employment is subject to an unjustified condition, which one person, due for example to sex, race, age, nationality, religion, or religious or philosophical belief, finds more difficult to meet although, on the face of it, the condition or requirement is neutral.
- Victimization occurs where an individual is treated less favourably than colleagues. For Cumberland Electrochemical Ltd employees subject to United Kingdom law this would include where individuals are treated less favourably because they have taken action to assert their statutory rights under the Equality Act or assisted a colleague with information in that regard.
- Harassment occurs where an individual is subjected to unwanted conduct related to a relevant Protected Characteristic that has the purpose or effect of violating that person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for the individual. This can include conduct, which is related to the Protected Characteristic of the victim or another person (i.e. a colleague for instance). For Cumberland Electrochemical Ltd employees subject to United Kingdom law this means that any comments or actions directed at a person, which relate to another person still constitutes harassment and would therefore be unlawful.

Definitions

Direct discrimination occurs where an employer carries out a particular act on the grounds that an employee possesses a certain characteristic, for example not promoting an employee because he/she is disabled or from an ethnic background. Direct discrimination may be permitted in a limited number of cases where the characteristic is a genuine occupational requirement of the job, for example, a chaperone for male or female patients.

Indirect discrimination occurs where a "provision, criterion or practice" is applied with which a smaller proportion of employees cannot comply, and that cannot be justified. For example, since the majority of those who work part-time are women, a practice of not employing part-timers will be indirectly discriminatory against women, unless the practice can be justified. This would probably only be achieved by demonstrating that the job genuinely cannot be done on a part-time or job-share basis. Indirect discrimination is not always obvious and careful analysis is required to decide whether or not it is taking place in particular circumstances.

Vicarious liability – In the United Kingdom an employer may be held liable for the discriminatory acts of others, in particular, where an employee in the course of his/her employment has committed the act in question. This vicarious liability also extends to workers who are not employees, but are under the control of the employer such as agency or seconded staff. An employer will only have a defence to a claim where reasonably practicable steps have been taken to prevent the discriminatory act from taking place. For this reason it is important that employers introduce, monitor and enforce policies and procedures against discrimination.

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Harassment is commonly described as subjecting another person, on grounds of his/her sex race, sexual orientation, religion or belief or disability, to unwanted conduct, which has the purpose or effect of violating his or her dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. The use of inappropriate language, ostracising an employee or excluding him/her from communal activities, or physically or emotionally tormenting him/her because of a particular characteristic, are all examples of harassment. For Cumberland Electrochemical Ltd employees subject to United Kingdom law in some circumstances harassment is a criminal offence.

Our Commitment

- Cumberland values its employees equally and will ensure that all employees are treated with dignity and respect.
- Employees will receive the same contractual pay and benefits as a person of the opposite sex doing the same or broadly the same work.
- Training, development and progression opportunities are available to all employees.
- No employee or potential employee will receive less favourable treatment or will be discriminated against on the grounds of sex, race, colour, religion, religious or philosophical belief, nationality, ethnic or national origin, age, marital status, civil partnership, disability, sexual orientation, trade union membership or activity or on the basis of gender re-assignment.
- All employees have a personal responsibility for the application of this Equal Opportunity Policy, in the treatment of fellow employees.
- Any employee who believes he or she may have been unfairly discriminated against is encouraged to use our grievance procedure.
- Any employee who conducts himself or herself in a discriminatory manner (whether on the grounds of sex, race, colour, religion, religious or philosophical belief, nationality, age, ethnic origin, marital status, civil partnership, disability, sexual orientation or gender re-assignment) towards another employee or member of the public may be guilty of gross misconduct and subject to disciplinary action.
- We will ensure that the policy is circulated to any agencies responsible for our recruitment and a copy of the policy will be made available for all employees and made known to all applicants for employment.
- The policy will be communicated to all private contractors reminding them of their responsibilities towards the equality of opportunity.
- The policy will be implemented in accordance with the appropriate statutory requirements and full account will be taken of all available guidance and in particular any relevant Codes of Practice.
- We will maintain a neutral working environment in which no employee or worker feels under threat or intimidated.

Recruitment and Selection

- The recruitment and selection process is crucially important to any equal opportunities policy. We will endeavour, through appropriate training, to ensure that employees making selection and recruitment decisions will not discriminate, whether consciously or subconsciously, in making these decisions.
- Promotion and advancement will be made on merit and all decisions relating to this will be made within the overall framework and principles of this policy.

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- All job vacancies will be advertised externally and within the Company and all applications will be welcomed and considered, irrespective of age, sex, marital status, pregnancy, race, ethnicity, disability, sexual orientation, religion or belief.
- Job descriptions, where used, will be revised to ensure that they are in line with our equal opportunities policy. Job requirements will be reflected accurately in any personnel specifications.
- We will advertise within the Company all opportunities for promotion, transfer and training. All applications will be welcomed and considered, irrespective of age, sex, marital status, pregnancy, race, ethnicity, disability, sexual orientation, religion or belief.
- We will not confine our recruitment to areas or media sources, which provide only, or mainly, applicants of a particular group.
- All applicants who apply for jobs with us will receive fair treatment and will be considered solely on their ability to do the job.
- All employees involved in the recruitment process will periodically review their selection criteria to ensure that they are related to the job requirements and do not unlawfully discriminate.
- More than one person will carry out short listing and interviewing where possible.
- Interview questions will be related to the requirements of the job and will not be of a discriminatory nature.
- Selection decisions will not be influenced by any perceived prejudices of other staff.

Training and Promotion

- Senior staff will receive training in the application of this policy to ensure that they are aware of its contents and provisions.
- All promotion will be in line with this policy.

Monitoring

- We will maintain and review the employment records of all employees in order to monitor the progress of this policy.
- Monitoring may involve:-
 - The collection and classification of information regarding race in terms of ethnic / national origin and sex of all applicants and current employees;
 - The examination by ethnic / national origin and sex of the distribution of employees and the success rate of the applicants; and
 - Recording recruitment, training and promotional records of all employees, the decisions reached and the reason for those decisions.
- The results of any monitoring procedure will be reviewed at regular intervals to assess the effectiveness of the implementation of this policy. Consideration will be given, if necessary, to adjusting this policy to afford greater equality of opportunities to all applicants and staff.

Applicability

This Policy applies to all employees, and also applies in principle to other people who work at Cumberland such as self-employed staff, temporary staff and contractors.

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Procedure for staff who feel discriminated against:

- You should bring the matter to the attention of your line manager or the CEO who will establish the facts, decide whether discrimination has taken place and advise you of the outcome of the investigation within 14 days.
- The investigating manager will take appropriate action to prevent further discrimination and discipline the offender(s), if appropriate, via the Company's Disciplinary Procedure.
- If you are not satisfied with the outcome, you should progress the matter via the Company's Grievance Procedure, starting at the Formal Procedure Stage 1.

Legislation Applicable For Cumberland Employees in the United Kingdom

- The Sex Discrimination Act 1975 and the Employment Equality (Sex Discrimination) Regulations 2005
- The Race Relations Act
- The Disability Discrimination Act
- The Employment Equality (Sexual Orientation) Regulations 2003
- The Employment Equality (Religion or Belief) Regulations 2003
- The Employment Equality (Age) Regulations 2006
- The Gender Recognition Act 2004
- The Civil Partnerships Act 2004
- The Equal Pay Act
- The Human Rights Act
- The Equality Act 2010