



# Equality and diversity policy

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## **Kier Group plc**

Kier Group recognises that its underlying success depends on recruiting and retaining the right people and encouraging them to reach their full potential.

Our equality of treatment fosters a culture of co-operation and mutual respect everywhere we work and underpins the high quality of our products and services.

Our companies recruit on merit. To get the best candidates for our various businesses, we consider and recruit applicants from all sectors of the community and the diverse nature of our workforce is a direct reflection of this. We do however recognise the need for all employees to possess the levels of skill and knowledge appropriate to the roles they perform in delivering the quality of service our clients expect.

## **Statement of intent**

Kier Group plc and its subsidiary companies (the Companies) are equality and diversity employers. The Companies' policy is to ensure that all job applicants, employees and contractors are treated equally. We do not discriminate against staff on the basis of 'protected characteristics'. Protected characteristics include gender, disability, race, colour, nationality, ethnic or national origin, sexual orientation, gender reassignment, religion or belief, marital status or civil partner status, age and pregnancy and maternity. This policy applies equally to the treatment of our visitors, clients, customers and suppliers by our staff and the treatment of our staff by these third parties.

The Companies value the diverse nature of their people and seek to manage any diversity issues which arise in a fair and sensitive manner.

All staff have a duty to act in accordance with this policy and to treat colleagues with dignity at all times. The Companies will not tolerate any discriminatory practices or behaviour.

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

Paul Sheffield  
Chief Executive  
Kier Group

## Core policy

In accordance with its statement of intent, the Companies commit themselves to the following:

1. The Companies recognise that for them to be successful both now and in the future they need to develop the potential and ability of all employees to the full. In order for this to occur, all employees will be given equality of opportunity and encouragement to progress within the organisation.
2. All employees are asked to take responsibility for their personal involvement in the practical application of this policy.

To facilitate this:

- i. Copies of this policy document will be made available to employees throughout the organisation via KIERdoc and company notice boards. All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with the policy and act in accordance with its aims and objectives.
- ii. Those working at management level have a specific responsibility to set appropriate standards of behaviour, to lead by example and to ensure that those they manage adhere to the policy and provide our aims and objectives to facilitate this. Management development programmes will raise awareness of the Companies' equality and diversity policy as well as providing support to managers in promoting equality and diversity in the workforce.
- iii. All legal obligations under the Equality Act and other legislation detailed on page 9 will be recognised.
- iv. This policy will be reviewed annually or as necessary from time to time.
- v. Grievance procedures are provided for any employee who believes they have been treated unfairly or subjected to discrimination, harassment, bullying or victimisation. Issues can be raised through the grievance procedure in our employee handbook.
- vi. The disciplinary procedures in our employee handbook may be used where employees fail to observe their own responsibilities for this policy.
- vii. The Group HR director at Tempsford Hall will assume the main responsibility for implementation and revision of this policy.

## Forms of discrimination – principles

- Discrimination may be direct or indirect and it may occur intentionally or unintentionally.
- Direct discrimination occurs where someone is treated less favourably than another person because of a 'protected characteristic' they have or are thought to have or because they associate with someone who has a protected characteristic. The protected characteristics are set out in our Statement of Intent referred to earlier in this policy. Associative discrimination is where someone is treated less favourably than another person because they associate with another person who possesses a protected characteristic and it includes discrimination by perception which is where someone is treated less favourably because others think they possess a protected characteristic even if they do not actually possess that characteristic.
- Indirect discrimination occurs where someone is subjected to an unjustified provision, criterion or practice which puts them at a particular disadvantage because of a protected characteristic. Indirect discrimination can be justified if it is a proportionate means of achieving a legitimate aim.
- It is also unlawful discrimination to treat a disabled person unfavourably because of something connected with their disability. This type of discrimination can be justified if you can show that it is a proportionate means of achieving a legitimate aim.
- Discrimination also includes victimisation which is where someone is treated badly because they have made a complaint or supported a complaint or raised a grievance about discriminatory action and it also includes harassment which is where a person is subjected to unwanted conduct which has the purpose of violating that person's dignity or creating an intimidating or hostile environment.

## Equality and diversity in recruitment, selection, development and training

### Recruitment and selection

This policy applies to all aspects of our relationship with employees and to relations between employees at all levels. This includes job advertisements, recruitment and selection, training and development, opportunities for promotion, conditions of service, pay and benefits, conduct at work, disciplinary and grievance procedures, and termination of employment.

The intention of the Companies is to recruit the most suitable person for any position in a fair and non-discriminatory manner. It is essential that recruitment and selection procedures are based on objective criteria related to the needs of the job, and that such criteria are applied equally at all stages during the process to all applicants at all levels within the organisation.

## Recruitment

Recruitment procedures:

- i. All advertisements should conform to the Companies' standard. Recruitment and publicity literature will state that the Companies are equality and diversity opportunities employers. If in doubt contact the HR department for advice and guidance.
- ii. Each role advertised should be accompanied by a full job description and person specification.
- iii. Vacancies should be publicised appropriately to as wide a range of suitable candidates as possible. Personal word of mouth recommendations should not be used as the sole method of recruitment.
- iv. Employment agencies, where their use is required, should be made aware that the Companies are an equality and diversity employer. Job advertisements should avoid stereotyping or using wording that may discourage groups with a particular protected characteristic from applying.
- v. All job applicants are required to complete the Companies' application form. Equal opportunity information gathered at application stage should be stored anonymously on a central database for reporting purposes only. It should not be used to form part of the short-listing process under any circumstances; short-listing should be done by merit of application and by no other means. Disclosure of such information should be optional to candidates.
- vi. Applicants should not be asked about past or current pregnancy or future intentions related to pregnancy. Applicants should not be asked about matters concerning age, race, religion or belief, sexual orientation, or gender reassignment without the approval of human resources (who should first consider whether such matters are relevant and may lawfully be taken into account).
- vii. Candidates will not be asked health-related questions before a job offer is made except where the question is necessary to decide whether any reasonable adjustments should be made to the selection process, to decide whether a candidate can carry out a function that is essential to the job or to monitor diversity amongst people applying for jobs.
- viii. Should a candidate with a disability be invited to attend for interview, the Companies shall make any reasonable adjustments necessary to facilitate their attendance. Candidates should advise the Companies where such adjustments are necessary.
- ix. We will take appropriate and reasonable steps to accommodate the requirements of candidates' religions, cultures and domestic responsibilities.

- x. The directors may, at their discretion, use professional search consultants if the appointment is of a senior or specialist nature, and where obtaining suitably qualified candidates by traditional recruitment methods is regarded as unlikely to secure the most talented candidates.
- xi. Reasons for rejection of all candidates should be recorded.
- xii. Any psychometric testing or examinations used as part of the recruitment process should be carried out by qualified personnel only.
- xiii. We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documentation (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available from human resources or the UK Border Agency.

### **Selection**

The following guidelines should be observed when short-listing and interviewing candidates:

- i. Short-listing criteria should be objective, based on those skills, experience and knowledge necessary to carry out the job. The requirement for formal academic or professional qualifications may be waived if candidates clearly demonstrate their suitability by other means. Willingness to undergo training should be taken into account.
- ii. Similarly, it should not be assumed that overseas degrees or diplomas are of a lower standard than their equivalents in the UK. If in doubt there are a number of agencies such as UCAS who are able to determine the level of equivalence of overseas qualifications.
- iii. Interview questions should be relevant to the job; care being taken to ensure that no assumptions are made or leading questions asked relating to personal circumstances and future plans. If job requirements are likely to affect a candidate's personal life (e.g. unsociable hours or travel arrangements) then the same questions regarding these should be asked of all applicants.
- iv. Companies' interview report forms should be completed.
- v. Skills, knowledge, ability and competence will be the main criteria for selection and promotion.

Any interviewer should have had relevant training to ensure that they are familiar with these requirements.

## **Employee development and training**

The Companies wish to ensure that no employee is disadvantaged in the provision of appropriate training and development opportunities. The following procedures should be followed:

- i. All employees should be encouraged to participate in the annual performance review exercise, which will assess their current level of job performance as well as their training and career development needs.
- ii. All employees will have access to and be encouraged to take advantage of suitable training and development opportunities.
- iii. Decisions relating to career development should be based on objective criteria and be seen to be fair. The ability to meet the requirements of the position successfully should be the main criterion for promotion.

Training is provided in order to increase the knowledge and skills of employees and all training course materials and content will reflect the Companies' position as an equality and diversity employer. (See also the clause on Group training and development in our employee handbook).

## **Disability**

If you are disabled, or become disabled in the course of your employment, you are encouraged to tell us about your condition as soon as possible in order that you can be supported and consideration can be given to making reasonable adjustments.

## **Bullying and harassment**

Bullying... "Aggressive behaviour arising from any deliberate or unintentional act that causes physical or psychological distress to others."

Harassment... "An unwanted behaviour which a person finds intimidating, embarrassing, humiliating or offensive."

The Companies seek to embed a culture which eliminates bullying and harassment. All employees should treat others with the respect and dignity that they would expect for themselves. Bullying and harassment of others in any form will not be tolerated and will be dealt with under the Companies' disciplinary procedures. Bullying or harassment may be considered as acts of gross misconduct which can lead to dismissal.

Employees should read and adopt the procedures detailed under the section 'How to make a complaint' where they consider acts of bullying or harassment have taken place.

## **Victimisation**

Victimisation occurs where an individual is subjected to less favourable treatment than others because they have made or supported a complaint or raised a grievance about discriminatory behaviour. It is unlawful and contrary to this policy to victimise individuals who have made allegations or complaints of discrimination or provided information about such discrimination or raised a grievance about such discrimination. Employees found guilty of victimisation or inducing others to discriminate in connection with their employment with the Companies, or intentionally failing to comply with this policy will be subject to the Companies' disciplinary procedure. (See also the clause on the 'Right to dignity at work' in our employee handbook).

## **Human rights**

The Companies' business activities are pursued with respect for human rights. As such, we need to ensure and to demonstrate that we treat all employees and contractors fairly, legally, with respect and with dignity. It is not acceptable to abuse the human rights of either individuals or groups of individuals and the Companies endeavour to operate in a manner consistent with the principles of the United Nations Universal Declaration of Human Rights and the core International Labour Organisation Convention areas (freedom of association, collective bargaining, non-discrimination, prohibition of child labour and of forced labour).

We will not participate in, contribute to or obtain information from any blacklist or other similar service which undermines these principles and as part of this obligation we will ensure that compliance with our Business Ethics Policy, as well as this Equality and Diversity Policy, will form part of the selection process for appointing subcontractors and other members of our supply chain.

## **Fixed-term employees and agency workers**

We monitor our use of fixed-term employees and agency workers and their conditions of service, to ensure that they are being offered appropriate access to benefits, training, promotion and permanent employment opportunities.

## **Part-time work**

We monitor the conditions of service of part-time employees and their progression to ensure that they are being offered appropriate access to benefits and training and promotion opportunities. We will ensure requests to alter working hours are dealt with appropriately (under our Flexible Working Policy).

## **Management responsibilities**

This Equality and Diversity Policy depends upon not just the commitment of employees, but also of all directors, managers and supervisors who will take a lead in implementing this policy and making themselves aware of what the law requires of them. Management is responsible for ensuring that the workplace is free of discrimination (including harassment, bullying and victimisation) and must take prompt action to resolve complaints and prevent any further recurrence.

## **Employee responsibilities**

The Companies encourage all employees to take responsibility for their personal involvement in the practical application of this policy, and for creating a work environment which eliminates all forms of discrimination, bullying, harassment and victimisation.

Any employee found to have been creating an intimidating work environment in their working relations with others will be subject to the disciplinary procedures detailed in the employee handbook.

## **Monitoring**

As part of the Companies' commitment to equality and diversity, monitoring will be carried out at the recruitment stage, and at subsequent regular intervals during the individual's career. The Companies' application form includes sections which enable all applicants and employees to declare their ethnic origin and any disability they may have. Information from monitoring will assist with a system of management reporting which assesses the success of its equality and diversity policy, and the periodic reviews of this policy. In particular, the Companies will report on key measures which include gender composition of the workforce, age, race and ethnic origin and sexual orientation, disability, religion or belief.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

## **How to make a complaint**

If any employee feels they have a grievance under this Equality and Diversity Policy they are encouraged in the first instance to make the issue known to the employee responsible for the behaviour and request that it should cease. Employees may also seek the direction and guidance of their director/managing director, or member of the HR function in attempting to resolve matters in an informal manner. Make any concerns known to your director/member of the HR function as soon as possible.

Where it does not prove possible to reconcile issues informally, employees have the right to a formal hearing using the Companies' established grievance procedure. This procedure is set out in the employee handbook which is provided to all employees on commencement with the Group and is also displayed on notice boards. Additional copies can be obtained from the HR department.

Grievances linked to equality and diversity will be dealt with in the strictest confidence and will not prejudice the employee's current employment status or future career prospects. Vexatious allegations or a breach of this policy may however be considered a disciplinary offence.

Allegations regarding potential breaches of this policy will be treated in confidence and fully investigated.

## **Employee assistance helpline**

If an employee feels they have been harassed, bullied or discriminated against they may also wish to use the confidential helpline for information and support, where confidentiality can be guaranteed. The service operates 24 hours a day, 365 days a year. No information on any calls will be fed back to the company unless there is a serious risk of harm to yourself or others.

To use the service contact 0845 120 1421 and quote reference number 71601 at any time of the day or night. Please note that this number may change from time to time. Up-to-date information is available on KIERdoc or from the HR department.

## **Equality and the law**

The following legislation provides further relevant information and guidance:

- Race Relations Act 1976 (as amended)
- Sex Discrimination Act 1975 (as amended)
- Disability Discrimination Act 1995 (as amended)
- Employment Rights Act 1996
- Equal Pay Act 1970
- Rehabilitation of Offenders Act 1974
- Employment Equality (Religion or Belief) Regulations 2003
- Employment Equality (Sexual Orientation) Regulation 2003
- The Equality Act (Sexual Orientation) Regulations 2007
- Employment Equality (Age) Regulations 2006
- Work and Families Act 2006
- The Equality Act 2006
- Protection from Harassment Act 1997
- Employment Act 2002
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Equality Act 2010

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