

Equality, Diversity & Inclusion Policy



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Kier Group plc

Kier recognises that its success depends on its recruitment and retention of people and encouraging them to reach their full potential.

We believe employee diversity is an asset to our business. People of different age groups, from different backgrounds, genders and cultures, with a range of different experiences and capabilities, help us understand and serve our customers and reach our business objectives.

We recognise the need for our employees to possess the levels of skill and knowledge appropriate to the roles they perform in delivering the quality of service our clients expect. This approach and mutual respect create a culture of co-operation and achievement that underpins the high quality of the services we offer.

We want a truly inclusive organisation where our people can bring their whole selves to work.

Statement of intent

Kier Group plc and its subsidiary companies (Kier) do not discriminate 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 & maternity.

This Equality, Diversity & Inclusion Policy (the Policy) applies equally to the treatment of our visitors, clients, customers and suppliers by our employees and workers and the treatment of our employees and workers by these third parties.

Kier values the diverse nature of its people and seeks to manage any diversity issues which arise in a fair and sensitive manner.

Everyone has a duty to act in accordance with this policy and to treat colleagues with dignity at all times. Kier 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.

Andrew Davies
Chief Executive
Kier Group

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Core policy

In accordance with its statement of intent, Kier is committed to the following:

1. Kier recognises that its success relies on developing the potential and ability of all its 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. Everyone is asked to take responsibility for their personal involvement in the practical application of the Policy.

To facilitate this:

- i. Copies of the Policy will be made available throughout the organisation via the Group intranet and company notice boards. Everyone is responsible for the success of the 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. Management development programmes will raise awareness of the Policy as well as providing support to managers in promoting equality and diversity in the workforce.
- iii. All legal obligations under the Equality Act 2010 and other relevant legislation 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. Discrimination may be considered an act of gross misconduct which can lead to summary dismissal or summary termination of contract/engagement.
- viii. The Group HR Director will assume the main responsibility for implementation and revision of the 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". The protected characteristics are set out in our Statement of Intent referred to earlier in the Policy. Direct discrimination includes discrimination by association and discrimination by perception. Associative discrimination occurs when someone is treated less favourably than another person because of association with another person who possesses a protected characteristic. Discrimination by perception occurs when 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 arising in consequence of their disability. This type of discrimination can be justified if you can show that the

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treatment is a proportionate means of achieving a legitimate aim. Disability discrimination also includes a failure to comply with a duty to make reasonable adjustments.

- Discrimination also includes victimisation which occurs when a person is subjected to a detriment because they have done a protected act or it is believed the person has done, or may do, a protected act. A protected act is, for example, when a person brings proceedings under the Equality Act 2010 or makes an allegation that someone has contravened the Equality Act 2010. Giving false evidence or information, or making a false allegation is not a protected act if the evidence or information is given, or the allegation is made, maliciously.
- Discrimination also includes harassment which occurs when a person is subjected to unwanted conduct related to a relevant 'protected characteristic' which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or an offensive environment.

Scope of the Policy

The Policy applies to all aspects of Kier's 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, termination and post termination of employment.

Equality and diversity in recruitment, selection, development and training

Recruitment of employees

The intention of Kier is to recruit 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 (subject to any reasonable adjustments being made to the selection process). Kier has committed to the 'Ban the Box' campaign to give ex-offenders an equal opportunity to enter the workplace.

Recruitment procedures

- i. All advertisements should conform to Kier's standard. Recruitment and publicity literature will state that Kier is an equality, diversity and inclusion employer. If in doubt, contact askHR 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 Kier is an equality, diversity and inclusion 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 Kier's online application process. 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 equal opportunity information should be optional to candidates.
- vi. Applicants will not be asked about past or current pregnancy or childbirth, or future intentions related to pregnancy or childbirth.
- 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 establish whether a candidate will be able to carry out a function that is intrinsic to the job or to monitor diversity amongst people applying for jobs.

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- viii. When a candidate with a disability is invited to attend for interview, Kier shall make any reasonable adjustments necessary to facilitate their attendance. Candidates should advise Kier where such adjustments are necessary.
- ix. Kier takes appropriate and reasonable steps to accommodate the requirements of candidates' religions, cultures and domestic responsibilities.
- x. 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 and retained in accordance with timescales set out in Kier's Document and Information Management Policy.
- xii. Any psychometric testing or examinations used as part of the recruitment process will be carried out by qualified personnel only.
- xiii. Kier is required by law to ensure that all employees are entitled to work in the U.K. Assumptions about immigration status will 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 AskHR 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, expertise 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 (eg. unsociable hours or travel arrangements) then the same questions regarding these should be asked of all applicants.
- iv. Kier interview report forms should be completed and retained in accordance with timescales set out in Kier's Document and Information Management Policy.
- 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

Kier wishes 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 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.

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- 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 which are fairly applied. 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 Kier’s position as an equality, diversity and inclusion employer.

Disability

If someone is disabled or becomes disabled in the course of their employment or engagement, they are encouraged to inform Kier about their condition as soon as possible in order that they can be supported and reasonable adjustments made for them if required.

Bullying and harassment

Kier seeks to embed a culture which eliminates bullying and harassment. Everyone 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 Kier’s disciplinary procedures.

Bullying or harassment may be considered as acts of gross misconduct which can lead to summary dismissal or summary termination of contract/engagement.

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

Victimisation (see also the earlier section in the Policy headed “Forms of Discrimination – Principles”)

Victimisation occurs when an individual is subjected to a detriment because they have brought proceedings under the Equality Act 2010; or given evidence or information in connection with proceedings under the Equality Act 2010; or done any other thing for the purposes of or in connection with the Equality Act 2010; or raised a grievance/allegation about discriminatory behaviour. It is unlawful to victimise individuals. Employees found to have committed acts of victimisation or inducing others to discriminate in connection with their employment with Kier, or intentionally failing to comply with the Policy will be subject to Kier’s disciplinary procedure, Such conduct may be considered as acts of gross misconduct which can lead to summary dismissal or summary termination of contract/engagement (see also the clause on the ‘The right to dignity at work’ in our employee handbook.)

Human rights

Kier’s business activities are pursued with respect for human rights. It is not acceptable to abuse the human rights of either individuals or groups of individuals or to fail to operate in a manner consistent with the principles of the Human Rights Act 1998.

Kier 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, Kier will ensure that compliance with the Business Ethics Policy, as well as this Policy, will form part of the selection process for appointing subcontractors and other members of Kier’s supply chain.

Fixed-term employees and agency workers

Kier monitors the 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.

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Part-time work

Kier monitors 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.

Flexible work

Kier will ensure requests to alter working hours/work flexibly are dealt with appropriately (under the Flexible Working Policy).

Management responsibilities

Compliance with the Policy depends upon the commitment of everyone, including all directors, managers and supervisors who will take a lead in implementing the Policy and keeping the workplace free of discrimination (including harassment and victimisation) and bullying. Prompt action will be taken to resolve any complaints and prevent any further recurrence.

Individual responsibilities

Kier encourages all individuals to take responsibility for their personal involvement in the practical application of the Policy, and for creating a work environment which eliminates all forms of discrimination (including harassment and victimisation) and bullying.

Any employee found to have breached the Policy in their working relations with others will be subject to the disciplinary procedures detailed in the employee handbook, up to and including summary dismissal.

Anyone else found to have breached the Policy in their working relations with others will be subject to action up to and including summary termination of contract/engagement.

Monitoring

As part of Kier's commitment to equality, diversity and inclusion, monitoring will be carried out at the recruitment stage, and at subsequent regular intervals during the individual's career. Kier's online application process includes sections which enable all applicants and employees to declare (if they wish to do so) 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 the Policy. In particular, Kier will report on key measures which include gender composition of the workforce, age, race & 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 anyone feels they have a grievance or a complaint under the Policy they may, in the first instance and if they wish and feel comfortable to do so, make the issue known to the person responsible for the behaviour and request that it should cease. Individuals may also, as an alternative, seek the direction and guidance of their director/managing director, manager or member of HR in attempting to resolve matters in an informal manner. Individuals should make any concerns known to a director, manager or a member of HR as soon as possible.

Where it does not prove possible to reconcile issues informally, or if a person does not want a matter dealt with informally, employees should make a complaint using Kier's grievance procedure (and complaints by anyone else will also be investigated).

The grievance procedure is set out in the employee handbook which is provided to all employees on commencement of their employment and is also displayed on notice boards and available to download from the Group intranet. Additional copies can be obtained from AskHR.

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Grievances or complaints linked to equality, diversity and inclusion will be dealt with in the strictest confidence and will not prejudice the employee's current employment status or future career prospects (or the worker's/ contractor's current status or future prospects with Kier). Vexatious allegations, false allegations made maliciously, or a breach of the Policy may, however, be considered a disciplinary offence. Vexatious allegations or false allegations made maliciously may result in disciplinary action up to and including summary dismissal or summary termination of contract/engagement.

Allegations regarding potential breaches of the Policy will be treated in confidence and fully investigated.

Employee assistance programme

If any employee feels they have been victimised, harassed, bullied or discriminated against they may also wish to use the confidential helpline for information and support. 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 an employee or any other person.

To use the service employees should contact 0800 015 5630 or alternatively logon to www.eap-carefirst.com using username: lifestyle1234 and password care first. Up-to-date information is available on the Group intranet.

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