



Equal Opportunities Policy			
<i>Version</i>	2	<i>Applies to</i>	Heidelberg Materials UK
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Introduction

Heidelberg Materials UK have an Equal Opportunities Policy for three main reasons:

- i) As an organisation we need to make the best use of all our employees by creating an environment in which they can give their best and realise their potential.
- ii) As a good employer we also wish to be fair and equitable both with our employees and with the wider community which we serve.
- iii) Many aspects of equal opportunities are now covered by the legislation and case law.

Each employee is responsible for creating and maintaining a workplace free from discrimination. We need to ensure that we judge people on their own merits rather than acting on assumptions. We need to work together to develop our different skills and abilities and make the most of our diversity.

Our Commitment

This policy is designed to ensure that the organisation treats its employees with respect, dignity, and consistency across the business.

The organisation is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against customers. This policy is intended to assist the organisation to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

An important aspect of equal opportunities is to ensure the work environment is free of harassment and bullying and that everyone is treated with dignity and respect.

Scope Of Policy

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion, or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

More information about protected characteristics can be found in Appendix A.

Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Employees should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful 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 their physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

There are many types of unlawful discrimination. A list of these can be found in Appendix B.

Employer Duties

The organisation will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline, and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The organisation 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 and will refuse such requests only if the organisation considers it has good reasons, unrelated to any protected characteristic, for doing so. The organisation will comply with its obligations in relation to statutory requests for contract variations. The organisation will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

Where we are reasonably able to obtain the data, the organisation will monitor the existing workforce and of applicants for jobs (including promotion). The organisation will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

Dignity At Work

The organisation has a separate dignity at work policy concerning issues of bullying and harassment on any ground, and how complaints of this type will be dealt with. Customers, suppliers, and other people not employed by the organisation.

The organisation will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the organisation.

Employees should report any bullying or harassment by customers, suppliers, visitors, or others to their manager who will take appropriate action.

Employee Responsibilities

Every employee is required to assist the organisation to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Employees can be held personally liable as well as, or instead of, the organisation for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against employees or customers are disciplinary offences and will be dealt with under the organisation's disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead

to dismissal without notice.

Procedure

If the employee considers that they may have been unlawfully discriminated against, they may use the organisation's grievance procedure to make a complaint.

The organisation will take any complaint seriously and will seek to resolve any grievance that it upholds. The employee will not be penalised for raising a grievance, even if their grievance is not upheld, unless their complaint is both untrue and made in bad faith. They will not be victimised for raising any concerns.

Monitoring And Review

This policy will be monitored periodically by the organisation to judge its effectiveness and will be updated in accordance with changes in the law. In particular, where we are reasonably able to obtain the data, the organisation will monitor the existing workforce and of applicants for jobs (including promotion). The organisation will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process. The organisation will also assess individual requirements and where training needs are identified, appropriate training will be provided.

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 2018.

Appendix A

The Act defines direct discrimination as less favourable treatment because of a protected characteristic. The protected characteristics under the Equality Act 2010 are:

Age

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability

A person has a disability if s/he/they has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day- to-day activities.

Gender Reassignment

The process of transitioning from one gender to another.

Marriage And Civil Partnership

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy And Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion And Belief

Religion has the meaning usually given to it, but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect someone's life choices or the way they live for it to be included in the definition.

Sex

A man, a woman or intersex.

Intersex, a person born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male. For example, a person might be born appearing to be female on the outside but having mostly male-typical anatomy on the inside.

Gender Identity

Our gender identity is how we feel in relation our sex; there are different terms, descriptions, and labels for different types of gender identities.

Agender, not having a gender or identifying with a gender. They may describe themselves as being gender neutral or genderless.

Bigender, a person who fluctuates between traditionally “male” and “female” gender based behaviours and identities.

Gender Fluid, a mix of boy and girl. A person who is gender fluid may always feel like a mix of the two traditional genders, but may feel more man some days, and more woman other days.

Nonbinary is a term that can be used by people who do not describe themselves or their genders as fitting into the categories of man or woman. A range of terms are used to refer to these experiences; nonbinary and genderqueer are among the terms that are sometimes used.

Cisgender, or simply cis, is an adjective that describes a person whose gender identity aligns with the sex they were assigned at birth.

Transgender, or simply trans, is an adjective used to describe someone whose gender identity differs from the sex assigned at birth. A transgender man, for example, is someone who was listed as female at birth but whose gender identity is male.

Gender identity is a personal decision and would not be limited to the scope of this list.

Sexual Orientation

Whether a person's sexual attraction is towards their own sex, the opposite sex, both sexes or have no sexual attraction to either sex.

Appendix B

Direct Discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect Discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative Discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and ACAS) pregnancy and maternity).

Perceptive Discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she/they has a particular protected characteristic when he/she/they does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Third-Party Harassment occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment);

- it must be aware that the previous harassment has taken place; and
- it must have failed to take reasonable steps to prevent harassment from happening again.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she/they made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she/they is suspected of doing so. However, an employee is not protected from victimisation if he/she/they acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his/her/their treatment with someone who has not made or supported a complaint under the Equality Act 2010.

Signed: 

Clare Mayo

HR Director Heidelberg Materials UK

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