

**MARSTON'S PLC**  
**EMPLOYEE POLICY & PROCEDURE**

**EQUAL OPPORTUNITIES**

**UPDATED: November 2018**

Marston's PLC is committed to promoting equal opportunities in employment and to avoiding unlawful discrimination.

We aim to create an environment in which all individuals are able to make the best use of their skills, free from discrimination and harassment and in which all decisions are based on merit.

Employees and job applicants will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation (**Protected Characteristics**).

We are also committed to promoting equal opportunities for, and to avoiding unlawful discrimination of, visitors, clients, customers and suppliers.

All employees regardless of their status have a duty to act in accordance with this policy and treat colleagues and customers with dignity at all times and must not discriminate against or harass other employees or customers.

**Scope and purpose of the policy**

This policy sets out our approach to equal opportunities and the avoidance of discrimination at work. It applies to all aspects of employment with us, including recruitment, pay and conditions, training, performance reviews, promotion, conduct at work, disciplinary and grievance procedures, and termination of employment.

The policy also applies to how we should treat members of the public who use our services or visit us from time to time, including customers, suppliers, clients or visitors.

This policy covers all employees, officers, directors, consultants, contractors, trainees, casual workers and agency workers (for the purpose of this policy only collectively referred to as employees).

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

**Who is responsible for this policy?**

Our board of directors (the Board) has overall responsibility for the effective operation of this policy and for ensuring compliance with discrimination law.

Day-to-day operational responsibility for this policy has been delegated to line managers.

All managers must set an appropriate standard of behaviour, lead by example and ensure that those they manage adhere to the policy and promote our aims and objectives with regard to equal opportunities.

Any manager who receives a complaint of discrimination or harassment should ensure that it is dealt with promptly and in a sensitive manner, in accordance with the disciplinary and/or grievance procedure.

If you are involved in management or recruitment, or if you have any questions about the content or application of this policy, please contact a member of the Human Resources team to request further information. All employees must comply with the requirements of this policy. In particular employees should:

- co-operate with measures introduced by Marston's PLC to ensure equal opportunities;
- not discriminate against colleagues or customers or induce or attempt to induce others to unlawfully discriminate;
- not victimise individuals on the grounds that they have made complaints or provided information in relation to discrimination;
- not harass colleagues or customers; and
- inform their line manager or another appropriate individual if they suspect that discrimination or harassment is taking place.

All employees also have a responsibility to use our computer systems and social media (including the internet) in a professional, lawful and ethical manner. Using the computer systems (including the internet) and/or any other Company software or hardware (including mobile phones), in a manner that is offensive or discriminatory (in breach of this policy) may result in disciplinary action being taken, up to and including summary dismissal, in line with the Disciplinary Policy. Please see the IT policy for further information.

Employees should be aware they, as well as their employer, can be held individually liable for acts of unlawful discrimination committed in the course of their employment, whether this is against fellow employees, customers, suppliers or visitors.

This policy is regularly reviewed by Human Resources.

### **Discrimination**

You must not unlawfully discriminate against or harass other people including:

- current and former employees
- job applicants
- clients
- customers
- suppliers; and
- visitors,

This applies in the workplace, outside the workplace (when dealing with customers, suppliers or other work-related contacts or when wearing a work uniform), and on work-related trips or events including social events.

Discrimination is prohibited unless there is a specific legal exemption. The following forms of discrimination are prohibited under this policy and are unlawful:

***Direct discrimination:*** treating someone less favourably because of a Protected Characteristic (as set out in our policy statement above). For example, rejecting a job applicant because of their sexuality or refusing to serve a customer because of their religious views.

***Indirect discrimination:*** occurs where a provision, criterion or practice is applied to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect

women because they generally have greater childcare commitments than men. Such a requirement would be discriminatory unless it can be justified.

**Harassment:** this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A one off incident can amount to harassment.

**Victimisation:** this is retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.

**Disability discrimination:** this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability. This includes failing to make reasonable adjustments for disabled customers.

### **Recruitment and selection**

Recruitment, promotion, and other selection exercises such as redundancy selection will be conducted on the basis of merit, against objective criteria that avoid discrimination.

Our recruitment procedures are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities.

Job advertisements should avoid stereotyping or using wording that may discourage particular groups from applying.

Job applicants should not be asked questions which might suggest an intention to discriminate on grounds of a Protected Characteristic. For example, applicants should not be asked whether they are pregnant or planning to have children. Applicants should not be asked about any matters concerning a Protected Characteristic without the approval of the Head of HR Business Partnering, who should first consider whether such matters are relevant and may lawfully be taken into account.

Job applicants should not be asked about health or disability before a job offer is made. There are limited exceptions which should only be used with the approval of the Head of HR Business Partnering. For example:

- *Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments).*
- *Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment.*
- *Positive action to recruit disabled persons.*
- *Equal opportunities monitoring (which will not form part of the selection or decision-making process).*

Where necessary, job offers can be made conditional on a satisfactory medical check.

We are required by law to ensure that all employees are entitled to work in the UK. Assumptions about immigration status should not be made based on appearance or apparent nationality. All prospective employees, regardless of nationality, must be able to produce original documents (such as a passport) before employment starts, to satisfy current immigration legislation. The list of acceptable documents is available on the Intranet.

To ensure that this policy is operating effectively where possible we endeavour to monitor and to identify groups that may be underrepresented or disadvantaged in our organisation, we also

endeavour to monitor applicants' ethnic group, gender, disability, sexual orientation, religion and age as part of the recruitment procedure. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their employment.

### **Training and promotion and conditions of service**

All employees will be given appropriate access to training to enable them to progress within the organisation and all promotion decisions will be made on the basis of merit. Training needs will be identified through regular one to one meetings and performance reviews.

Our conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all of you who should have access to them and that there are no unlawful obstacles to accessing them.

### **Termination of employment**

We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.

We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.

### **Disabilities**

If you are disabled or become disabled, we encourage you to tell us about your condition so that we can support you as appropriate.

If you experience difficulties at work because of your disability, you may wish to contact your line manager or a member of your Human Resources team to discuss any reasonable adjustments that would help overcome or minimise the difficulty. Your line manager and Human Resources may wish to consult with you and a medical adviser about possible adjustments. We will consider the matter carefully and try to accommodate your needs within reason. If we consider a particular adjustment would not be reasonable we will explain our reasons and try to find an alternative solution where possible.

We will monitor the physical features of our premises to consider whether they might place anyone with a disability at a substantial disadvantage. Where necessary, we will take reasonable steps to improve access.

### **Part-time and fixed-term work**

Part-time and fixed-term employees should be treated the same as comparable full-time or permanent employees and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.

### **Breaches of this policy**

If you believe that you have suffered discrimination you can raise the matter through our Grievance Procedure. If appropriate, employees may wish to discuss the matter informally with their line manager in the first instance. If you need advice about how to proceed please contact a member of the Human Resources team.

Complaints will be treated in confidence and investigated as appropriate, in accordance with the relevant procedure.

We take a strict approach to breaches of this policy, which will be dealt with in accordance with our Disciplinary Procedure. Any employee who is found to have committed an act of discrimination or

harassment will be subject to disciplinary action. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.

If the individual found to have committed an act of discrimination or harassment, is not employed by Marston's PLC, this policy will apply with any necessary modifications. For example, if the individual is an agency worker we may require the agency to remove the worker, if appropriate, after investigation.

Where a complaint is about a customer, supplier or visitor, we will consider what action may be appropriate to protect the employee and anyone else involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party concerned.

There must be no victimisation or retaliation against employees who complain about discrimination. Any such victimisation or retaliation may result in disciplinary action being taken. However, please note that making a false allegation deliberately and in bad faith will be treated as misconduct and dealt with under our Disciplinary Procedure.