

Equal Opportunities & Diversity Policy

Policy Category:
Equal Opportunities

Policy No:
26

Document Version Control:
Version: One Effective Date: 1 st August 2009
This version [one], supersedes all previous versions of this policy within the business areas specified below. Previous versions of this policy must not be used and should be destroyed.
This document is uncontrolled if printed.
Revision History:

Policy Application:
<i>The business areas to which this policy applies:</i>

National Express UK Bus & Coach

National Express UK Corporate

Policy Scope:
This policy applies to all employees of the Company's indicated above, together with customers, job applicants, agency staff, contractors and their employees whilst undertaking work on behalf of the Company.
This policy also covers all aspects of employment, from advertising vacancies, selection, recruitment and training to conditions of service and reasons for termination of employment, with particular emphasis on the need to consider making reasonable adjustments to accommodate people with disabilities.

Policy Purpose:
The Company is committed to the principles of diversity, and equal opportunity for all. Our aim is to eliminate all forms of unlawful discrimination, actively promote equality and to create a climate where diversity is accepted and valued. This document clarifies the culture sought and the legal framework within which it has been developed.

Legal Framework:

This policy is aligned to the requirements of UK employment legislation, specifically the following:

Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005
Disability Discrimination Act 1995
Disability Discrimination Act 2005
Disability Discrimination Act 1995 (Amendment) Regulations 2003
Employment Equality (Religion or Belief) Regulations 2003
Employment Equality (Sexual Orientation) Regulations 2003
Employment Equality (Age) Regulations 2006
Employment Relations Act 1999
Equality Act 2006
Equal Pay Act 1970
Employment Rights Act 1996
Equal Treatment Directive 2006/54/EC
Employment Equal Treatment Framework Directive 2000/78/EC
Protection from Harassment Act 1997
Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
Race Relations (Amendment) Act 2000
Race Relations Act 1976
Race Relations Act 1976 (Amendment) Regulations 2003
Race Relations Act 1976 (Statutory Duties) Order 2001
Special Educational Needs and Disability Act 2001
Sex Discrimination Act 1975

Policy Statement / Procedure:

The Company is committed to ensuring that everyone is treated lawfully and is valued irrespective of disability (both physical and mental), health, race, accents, physical appearance, creed, colour, sexual orientation, nationality, ethnic origin, religion (belief / faith), gender, gender reassignment, marital status, age, employment status, spent convictions, social class or membership / non-membership of a trade union. This is not an exhaustive list.

The purpose of this policy is to stop and deter all unlawful discrimination and to ensure that no one is treated less favourably at work than anyone else on any unlawful grounds.

Our aim is to eliminate unlawful discrimination and to promote equality and diversity for all. To this end the Company will:

- Undertake recruitment, promotion, training and career development practices that do not unlawfully discriminate;
- Monitor policies and practices to ensure they are implemented lawfully and that they are not simply a statement of intent but are supported by necessary procedures to give them force and achieve their purpose;
- Adjust policies and practices to ensure compliance with the provisions of this policy and prevent unlawful discrimination;
- Ensure that all employees are made aware of this policy and the requirement to observe it;
- Ensure that roles, and related practices are constantly reviewed;
- Seek to meet individual requirements for flexible working practices within the parameters of operational requirements;
- Seek to reflect diversity in the context of the local community served by the Company;
- Maintain records and undertake regular analysis of the workforce and job applicants in order that

any patterns may be identified and appropriate remedial actions taken, if necessary;

- Enable employees to develop and use their talents to the full.

Key Terms and Definitions:

Equality and Diversity means:

- Treating everyone with politeness, dignity, respect and without bias;
- Creating a work environment that is free from harassment, victimisation and bullying;
- Each employee encouraging, supporting and developing their own and others' abilities in order to maximise their contribution to the work of the Company;
- Each employee understanding what is expected in terms of work, performance, standards, conduct and behaviour;
- Recognising and valuing different cultures, beliefs and religions;

Equality and Diversity does not mean:

- Ignoring or devaluing diversity by pretending everyone is the same;
- Giving any Group unfair advantage in the workplace;
- Pretending individuals are receiving equality of opportunity by the unlawful application of procedures and practices;
- Erosion of legitimate managerial authority.

Legislation defines two main different forms of discrimination:

Direct Discrimination: Treating a person less favourably than others are or would be treated in the same or similar circumstances on grounds of the unlawful reason.

Indirect Discrimination: Applying a provision, criterion or practice equally across the workforce but which whether intentionally or not, puts or would put one group (e.g. women) at a particular disadvantage when compared with another (e.g. men), which puts the individual (woman) within the first group at that disadvantage and which the Employer cannot show to be a proportionate means of achieving a legitimate aim.

Roles and Responsibilities:

Everyone in the Company has a responsibility to ensure that they conduct themselves in a manner which does not discriminate unlawfully against any other employee or customer.

Managers, supervisors and Trade Union representatives carry additional responsibilities by virtue of their authority over others. Managing and taking decisions which affect other people, places managers and supervisors under an obligation to set a good example to others and ensure that their own comments, directives and actions do not condone, contribute to, cause or themselves constitute unlawful discrimination. This does not erode legitimate managerial authority. It must enhance it.

Managers are responsible for ensuring this policy is applied fairly and consistently with their own area. Any queries on the application or interpretation of this policy must be discussed with your HR Department/ representative prior to action being taken.

It is the responsibility of managers and supervisors to:

- Ensure the effective implementation of the policy in their area of work and contribute to its promotion throughout the Company;
- Consider the results of any monitoring exercises and develop / prioritise actions to address any patterns identified including any training needs;
- Review the effectiveness of the policy.

All employees, at every level, must:

- Treat people with politeness, dignity, respect and without prejudice;
- Value and respect others;
- Seek to ensure that no one is harassed, victimised or bullied in the workplace;
- Challenge any behaviour which could be interpreted as unlawful discrimination;
- Promote a work environment where everyone feels confident to report incidents that are unlawful or personally offensive;
- Co-operate with any measures introduced to ensure equal opportunity;
- Report any suspected discriminatory acts or practices;
- Not induce or attempt to induce others to practice unlawful discrimination;
- Not victimise anyone as a result of them having reported or provided evidence of unlawful discrimination;
- Not harass, abuse or intimidate others on account of their race, gender etc;
- Not discourage or encourage others to apply for a position against their wishes;
- Seek to develop their own skills and encourage others.

Breaches of Policy:

If anyone becomes aware of, or receives a complaint relating to a breach of this policy they have a duty to treat the issue seriously and ensure that it is dealt with promptly.

If a manager becomes aware of behaviour which breaches this policy (irrespective of whether a complaint has been made) he / she has a responsibility to progress the matter, investigate and take any corrective action necessary to ensure this policy is correctly implemented. Being unaware that such treatment is taking place does not automatically exempt the Company from responsibility.

Where an aggrieved employee feels it appropriate it may be possible to resolve matters through informal procedures such as an informal discussion with the support of their manager and / or union representative and / or HR representative if appropriate;

Where the matter is more serious or where a breach of legislation occurs, e.g. sex or race discrimination, fighting, assault or personal abuse, the aggrieved employee may wish to formally enter the company's Grievance Procedure when a full formal investigation should be initiated in accordance with the company's Grievance Procedure, which may result in action being taken in line with the company's Disciplinary Procedure.

Any breach of the Equal Opportunities Policy will be dealt with through the Disciplinary Procedure. Depending on the seriousness, such offences will be dealt with as Gross Misconduct.

Communication:

Details of this policy will be communicated to all current and future employees and others as deemed appropriate.