

## **DIGNITY AT WORK & EQUAL OPPORTUNITIES POLICY**

### **Policy Statement**

V. J. Donegan & Co Ltd (the Company) is an Equal Opportunities Employer and is fully committed to a policy of treating all its employees and job applicants equally in line with the requirements of the Equality Act 2010.

V. J. Donegan & Co Ltd will take all reasonable steps to employ, train and promote employees on the basis of their experience, abilities and qualifications without regard to race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability. The company will also take reasonable steps to provide a work environment in which all employees are treated with respect and dignity and that is free of harassment based upon an employees race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability. V. J. Donegan & Co Ltd will not condone any form of harassment, whether engaged in by employees or by outside third parties who do business with the Company.

Employees have a duty to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under the Company's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breeches of this equal opportunities and dignity at work statement will be treated as potential gross misconduct and could render the employee liable to summary dismissal. Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

You should draw the attention of your line manager to suspected discriminatory acts or practices or suspected cases of harassment. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as gross misconduct in accordance with the Company's disciplinary procedure.

### **Recruitment, advertising and selection**

The recruitment process will be conducted in such a way as to result in the selection of the most suitable person for the job in terms of relevant experience, abilities and qualifications. The Company is committed to applying its equal opportunities policy statement at all stages of recruitment and selection.

Advertisements will encourage applications from all suitably qualified and experienced people. When advertising for job vacancies, in order to attract applicants from all sections of the community, the Company will, so far as is reasonably practicable:

1. Ensure advertisements are not confined to those publications which would exclude or disproportionately reduce the numbers of applicants of particular gender, sexual orientation, age, religion or racial group.



2. Avoid prescribing any unnecessary requirements which would exclude a higher proportion of a particular gender, sexual orientation, age, religion or racial group or would exclude disabled job applicants.
3. Avoid prescribing any requirements as to marital or civil partnership status.
4. Where vacancies may be filled by promotion or transfer, they will be published to all eligible employees in such a way that they do not restrict applications from employees of a particular gender, sexual orientation, age, religion, racial group or from employees with a disability.

The selection process will be carried out consistently for all jobs at all levels. All applications will be processed in the same way. The staff responsible for short-listing, interviewing and selecting candidates will be clearly informed of the selection criteria and the need for their consistent application. Person specifications and job descriptions will be limited to those requirements that are necessary for the effective performance of the job. Wherever possible, all applicants will be interviewed by at least two interviewers and all questions asked of the applicants will relate to the requirements of the job. The selection of new staff will be based on the job requirements and the individual's suitability to do, or train for, the job in question.

With disabled job applicants, the Company will have regard to its duty to make reasonable adjustments to work provisions, criteria and practices or to work premises in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with able bodied persons.

If it is necessary to assess whether personal circumstance will affect the performance of the job (for example, if the job involves unsociable hours or extensive travel), this will be discussed objectively, without detailed questions based upon assumptions about race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status, disability, children and/or domestic obligations.

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### **Training and promotion**

The Company will train all line managers in the Company's policy on equal opportunities and in helping identify discriminatory acts or practices or acts of harassment or bullying. Line managers will be responsible for ensuring that they actively promote equal opportunity within the departments for which they are responsible.

V. J. Donegan & Co Ltd will also provide training to all employees to help them understand their rights and responsibilities in relation to dignity at work and what they can do to create a work environment that is free of bullying and harassment.

Where a promotional system is in operation, it will not be discriminatory and it will be checked from time to time to assess how it is working in practice. When a group of workers predominantly of one race, religion, sex, sexual orientation or age group, or a worker with a disability appears to be excluded from access to promotion, transfer and training and to other benefits, the promotional system will be reviewed to ensure there is no unlawful discrimination.

### **Terms of employment, benefits, facilities and services**

All terms of employment, benefits, facilities and services will be reviewed from time to time, in order to ensure that there is no unlawful discrimination on the grounds of race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability.



## **Equal pay**

V. J. Donegan & Co Ltd is committed to equal pay in employment. It believes its male and female employees should receive equal pay for like work, work rated as equivalent or work of equal value. In order to achieve this, the Company will endeavour to maintain a pay system that is transparent, free from bias and based on objective criteria.

## **Non-English Speakers – Safety on Site**

As an investors in people and equal opportunities employer, we are committed to diversity within our organisation, however, we feel that for high risk activities such as tunnelling and other subterranean works, the ability to speak English and communicate effectively with the mining team is an essential pre-requisite of employment.

However, where the expectation is that foreign workers are likely to be employed in low risk activities, the multi-lingual DVD available from the UK Contractors Group and transcribed into several languages is to be made available as part of the induction process.

Furthermore, it will be necessary for an English speaker to work alongside foreign nationals and adopt the role as 'Team Translator', therefore in order to ensure the induction process has been fully understood, the induction will be delivered by the team translator'. In addition individual risk assessments will be carried out in conjunction with the SHE and Site Management Team and briefed as part of the induction process.

## **Bullying and harassment**

Bullying is offensive or intimidating behaviour or an abuse or misuse of power which undermines or humiliates an employee.

Harassment occurs where, on the grounds of an employee's race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability, a person engages in unwanted conduct that:

1. has the purpose of violating the employee's dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee; or
2. is reasonably considered by the employee to have the effect of violating his or her dignity at work, or of creating an intimidating, hostile, degrading, humiliating or offensive work environment for the employee, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person intended to offend. Something intended as a 'joke' or as 'office banter' may offend another person. This is because different employees find different levels of behaviour acceptable and everyone has the right to decide for themselves what behaviour they find acceptable.

Behaviour which a reasonable person would realise would be likely to offend an employee will always constitute harassment without the need for the employee having to make it clear that such behaviour is unacceptable, for example, touching someone in a sexual way. With other form of behaviour, it may not always be clear in advance that it

will offend a particular employee, for example, office banter and jokes. In these cases the behaviour will constitute harassment if the conduct continues after the employee has made it clear, by words or conduct, that such behaviour is unacceptable to him or her. A single incident can amount to harassment if it is sufficiently serious.

Harassment also occurs where, on the grounds of an employee's rejection of or submission to unwanted conduct of the kind specified above, a person treats the employee less favourably than he or she would treat him or her had he or she not rejected, or submitted to, the unwanted conduct.

### **Examples**

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, but are not limited to, the following:

- Unwelcome sexual advances, requests for sexual favours, and other conduct of a sexual nature.
- Subjection to obscene or other sexually suggestive or racist comments or gestures.
- The offer of rewards for going along with sexual advances or threats for rejecting sexual advances.
- Jokes or pictures of a sexual or racist nature.
- Demeaning comments about a person's appearance.
- Questions about a person's sex life.
- The use of nicknames relating to a person's sex, sexual orientation, gender reassignment, race, religion, age or disability.
- Picking on or ridiculing an employee.
- Isolating an employee or excluding him or her from social activities or relevant work related matters.

### **Reporting complaints**

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. V. J. Donegan & Co Ltd will not ignore or treat lightly grievances or complaints of discrimination or harassment from members of a particular race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, age persons who have undergone gender reassignment, are married, have entered into a civil partnership or have a disability.

In cases of harassment, while the Company encourages its employees who believe they are being harassed to notify the offender (by words or conduct) that his or her behaviour is unwelcome, the Company also recognises that actual or perceived power and status disparities may make such confrontation impractical.

If you wish to make a complaint of discrimination or harassment, you should follow the following steps:



1. Firstly, report the incident of discrimination or harassment to your line manager. If you do not wish to speak to your line manager, you may speak to an alternative manager or to the Company Secretary.
2. Such reports should be made promptly so that investigation may proceed and any action taken expeditiously.
3. All allegations of discrimination or harassment will be taken seriously. The allegation will be promptly investigated, and as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the details of the complaint. Confidentiality will be maintained during the investigatory process to the extent that it is practical and appropriate in the circumstances. However, in order to effectively investigate the allegation, the Company must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the allegation. For example, the identity of the complainant and the nature of the allegations must be revealed to the alleged harasser or discriminator so that he or she is able to fairly respond to the allegations. The company reserves the right to arrange for another manager to conduct the investigation other than the manager with whom you raised your complaint.
4. The Company will also invite you to attend at least one meeting at a reasonable time and place at which your complaint can be discussed. You must take all reasonable steps to attend that meeting and you have the right to be accompanied at it by either a trade union representative or a fellow employee of your choice.
5. Once the investigation has been completed and after the meeting with you has taken place, you will be informed in writing of the outcome of the Company's conclusions and decision as soon as possible. You will also be notified in writing of your right to appeal against that decision if you are unsatisfied. V. J. Donegan & Co Ltd is committed to taking appropriate action with respect to all complaints of discrimination or harassment which are upheld.
6. If you wish to appeal against the Company's decision. You must appeal in writing to a Director of the Company within five working days of the Company's decision. On receipt of an appeal, a Director (who may not be the person to whom you addressed your appeal) shall make arrangements to hear it at an appeal meeting and at that meeting you may again, if you wish, be accompanied at it by either a trade union representative or a fellow employee of your choice. You must take all reasonable steps to attend that meeting. Following that meeting, the Director will inform you in writing of the Company's final decision on your appeal.
7. You will not be penalised for raising a complaint, even if it not upheld, unless your complain was both untrue and made in bad faith.
8. If your complaint is upheld, and the harasser or discriminator remains in the Company's employment, the Company will take reasonable steps to ensure that you do not have to continue working alongside him or her if you do not wish to do so. The Company will discuss the options with you.
9. If your complaint is not upheld, arrangements will be made for you and the alleged harasser or discriminator to continue or resume working and to repair the working relationship.

Alternatively, you may wish to use the Company's grievance procedure to make a complaint.

Any employee who is found to have discriminated against or harassed another employee in violation of this policy will be subject to disciplinary action under the Company's disciplinary procedure. Such behaviour may be treated as gross misconduct and could render the employee liable to summary dismissal. In addition, line managers who had knowledge that such discrimination or harassment had occurred in their departments but who had taken no action to eliminate it will also be subject to disciplinary action under the Company's disciplinary procedure.

### **Monitoring equal opportunity and dignity at work**

V. J. Donegan & Co Ltd will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, the Company will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

**Signed:**



Patrick Donegan

**Position:**

Managing Director

**Date:**

January 2024