

## Equality & Diversity Policy

Synergy Medical believe that we all have the right to work in an environment which promotes equality of opportunity and prohibits discriminatory practices. We do not tolerate any form of discrimination, victimisation or harassment by or against our people.

We should be fully aware of the behaviour that can constitute discrimination, victimisation and harassment. It is the responsibility of each of us to be sensitive towards the individual needs of all, whether they be related to any disability, cultural or religious background, personal circumstances, or any other relevant factor. We must be conscious of the impact that we have on others and not to discriminate against, harass or bully colleagues or condone discrimination, harassment or bullying by others. All of us must behave in a way that supports this policy and treat each other with respect, courtesy and dignity in line with our Vision and Values. If you have experienced behaviour which you believe falls short of the standard we require and which is not in line with our Vision and Values, please refer to our grievance procedure.

### Our Vision

We are committed to ensuring equality of opportunity and fairness in all areas of employment and to valuing the diversity of our colleagues, clients and people living within our local communities. Synergy Medical is committed to ensuring and promoting diversity and equality of opportunity in all spheres, including employment and the provision of products and services, for all people within its range of work.

Our commitment lies at the heart of our promise to provide outstanding client service by maintaining the highest standards of professional excellence. We are committed to recruiting, training and promoting the best person for the job and encouraging all our colleagues to reach their full potential, regardless of age, gender, marital status, race or ethnicity, nationality, disability, religion or religious or other beliefs, sexual orientation, social or educational background or family or care responsibilities.

We are also determined to create a working environment which supports our Vision and which is free from any form of discrimination, harassment or bullying and within which all individuals are treated with respect, fairness and courtesy.

Synergy Medical recognises the existence and importance of differences within individuals and groups. We aim to ensure that our vision of providing exceptional services will meet the varied needs of our existing and future customers as well as the expectation of our customers.

We will ensure that everyone has equal and fair access to our exceptional services and products regardless of race, colour, ethnic origin, religion, nationality, cultural background, sexual orientation, gender, disability, age, class, appearance, responsibility for dependants or any other characteristics which may unfairly affect a person's opportunities in life. We will also work to promote good relations between people of different backgrounds.

### Synergy Recruitment Consultancy Limited

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

## Scope

This strategy relates to activities of Synergy Medical as an employer, contractor and service provider.

The purpose of this strategy is to ensure that all staff and Temporary Workers are able to fully participate and contribute their best towards the work of Synergy Medical and no one feels excluded from being able to do so.

This policy applies to everyone working at Synergy Medical including employees, trainees, work experience students, and sub-contractors consultants as well as Temporary Workers. It affects how we work with our clients and our suppliers of goods and services.

This policy covers the following matters:

- Recruitment, selection, learning and development and promotion
- Terms and conditions of employment/terms of engagement
- Disability
- Procurement
- Discrimination, victimisation and harassment
- Our obligations
- Complaints procedure
- Monitoring

It accepts and reiterates our responsibilities under UK anti-discrimination and equality legislation and the Human Rights Act 1998.

## **Synergy Recruitment Consultancy Limited**

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

## Legislation and Code of Practice

Synergy Medical will operate this strategy according to the appropriate requirement and guidelines set out below:

Equalities Act 2010  
Asylum and Immigration Act 1996  
Civil Partnership Act 2004  
Commission for Racial Equality Employment Code of Practice  
Disability Discrimination Act 1995 and 2005  
Disability Rights Commission s Code of Practice for Employment  
Disability Rights Commission s Code of Practice for the Rights of Access to Goods, Services, Facilities and Premises  
Employment Equality (Age) Regulations 2006 (scheduled for implementation Oct 2006)  
Employment Equality (Religion or Belief) Regs 2003  
Employment Equality (Sexual Orientation) Regs 2003  
Equality Act 2006  
Equal Pay Act 1970 and 1983  
European Union Employment Directive  
Gender Equality Duty: Code of Practice April 2007  
Gender Equality Duty: Code of Practice April 2007  
Gender Recognition Act 2004  
Racial and Religious Hatred Act 2006  
Race Relations Act 1976 and Race Relations (Amendment) Act 2000  
Race Relations Act 1976 (Amended Regs 2003)  
Sex Discrimination Act 1975, 1986 and 1999  
The Employment Relations Act 1999  
The Human Rights Act 1998  
The Protection from Harassment Act 1997  
The Rehabilitation of offenders Act 1974

Over the life of this current strategy we will ensure that we comply with any new legislation or good practices (those not listed above) which become a requirement for a company such as ours.

## Synergy Recruitment Consultancy Limited

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

## Responsibilities

### All Staff

All staff have a responsibility to ensure that this strategy is put into practice, making specific reference to staff and those who are involved in recruitment, promotion, training and development.

All staff are required to comply with the policy in all of dealings with clients, colleagues, Temporary Workers and anyone else with whom they come into contact during the course of their employment or engagement, for example with sub-contractors. The policy and principles underlining our commitment applies not only when you are working on our premises or at those of any client or contact, but also includes work-related social events.

It is everyone's responsibility to ensure the policy is implemented. Any breach of this policy may be treated as a disciplinary offence resulting, if appropriate, in disciplinary action.

### The Management Team

The Management Team has responsibility for approving, delivering and implementing the strategy. To ensure the strategy does not get outdated and that Synergy Medical complies with requirements and good practice in the field of Equality and Diversity, the Management Team will also be responsible for monitoring and review of the strategy.

We will support and encourage our colleagues in their responsibility to implement this policy by providing training, written information and guidance, and expert guidance and advice, where appropriate.

Our progress and successes are regularly monitored and communicated internally and, where appropriate, externally.

## Synergy Recruitment Consultancy Limited

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

## Strategy Areas

### Employment

Synergy Medical will seek a formal commitment to anti-discriminatory practice from all staff and applicants for employment and breaches of the equal opportunities policies and guidelines may be treated as misconduct.

### Equal and Fair Treatment

Synergy Medical is committed to ensuring that our services and products are accessible to a diverse range of our customers and where needed (and appropriate) we will seek alternative methods of service delivery e.g. for disabled and vulnerable people and those from BME communities. Diversity includes all ways in which people differ and this may consist of both visible and non visible differences.

### Gender

Synergy Medical is committed to achieving gender equality. We will seek to achieve gender balance at all levels in the company and we operate an equal pay policy. Women (and on occasions men) can experience discrimination and disadvantage in terms of employment and service delivery and may experience sexist behaviour both in public and in the home. We will investigate and take appropriate action on all reported cases of sexual harassment.

Synergy Medical will comply with the Equalities Act 2010, Sex Discrimination Act, Equal Pay legislation as well as codes of practice to ensure that women receive:

- Equal and fair access to service provision
- Equality of opportunity in employment, including career development

All the above includes trans-gender equality, which is covered under the Sex Discrimination Act.

### Race

Synergy Medical recognise that racism has a profound impact on the lives of people from the Black and Minority Ethnic communities. Negative assumptions about people based on their colour, accent, religion, dress, culture and ethnic origin create the barriers, which may prevent them from receiving appropriate services and access to employment.

We will comply with the Equalities Act 2010, Race Relations Act 1976, Race Relations (Amendments) Act 2000, and the Commission for Racial Equality (CRE), CRE Equality Standards, and CRE Code of Practice for Employment. We have adopted the Stephen Lawrence Inquiry Report definition of a racist incident, which is that:

**A racist incident is any incident which is perceived to be racist by the victim or any other person**

## Synergy Recruitment Consultancy Limited

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

Synergy Medical will investigate and take appropriate action on all reported cases of racial harassment.

### Sexuality

Synergy Medical recognises its duties under the legislation on discrimination in employment and vocational training and acknowledges the discrimination that people face in their lives due to their sexuality and life choice. We will:

- Aim to create an environment where lesbians, gay men and bisexual people do not experience discrimination and/or harassment and feel safe to be open about their sexuality, should they choose to do so
- Investigate and take appropriate action on all reported cases of homophobic harassment

### Disabled People

Synergy Medical recognises that disabled people do not have fair and equal access to services and employment.

Synergy Medical recognises its responsibility under the Disability Discrimination Act which provides the following definition of disability:

**A physical or mental impairment, which has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities.**

We understand that many disabled people are disadvantaged by social attributes and environments which reflect principally the needs of non disabled people and as such we also recognise the following social model of disability:

**There are barriers in society that prevent disabled people from achieving their full potential, hindering their personal development opportunities and limiting access to a full role in society.**

We acknowledge that disabled people are not all the same and that each person may have different needs. We will:

- Wherever possible seek to meet the needs of disabled people.
- Investigate and take appropriate action on all reported cases of disability harassment.
- Wherever possible, alter offices to make them more accessible for disabled people.
- Adapt working practices to accommodate employees with disabilities.

### **Synergy Recruitment Consultancy Limited**

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

### Cultural or Religious Beliefs

Synergy Medical is committed to eliminating unfair and unlawful discrimination against people due to their religion/belief to ensure equal and fair treatment in employment and access to our products and services.

We will respect and value the cultural or religious beliefs of our employees:

- We recognise that staff might need to wear particular dress and observe prayer times and religious holidays.
- We will wherever possible vary or adapt working requirements to ensure these are met.
- Wherever possible we will not restrict mode of dress or presentation of employees.

### Age

Synergy Medical will not discriminate against applicants or staff because of their age. We are committed to complying with the Equalities Act 2010, Age legislation (2006).

We recognise that age discrimination can affect all age groups and can affect both genders. Age is no indicator of effectiveness in most work activities and employment decisions should not be based on age alone.

We aim to create an environment where people are judged on their talents, skills and experience, rather than on misconceptions and prejudices about age.

### Discrimination and victimisation

A person has been discriminated against if they are treated less favourably than another on the grounds of age, gender, marital status, race or ethnicity, nationality, disability of any kind (including physical, sensory and mental disability), religion or religious or other beliefs, sexual orientation, social or educational background or family or care responsibilities. Discrimination also includes harassment, bullying or victimisation on any of these grounds.

### **Synergy Recruitment Consultancy Limited**

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

## Harassment

Harassment is unjustified, unreasonable or inappropriate treatment of, or behaviour towards another person which causes them distress, discomfort or worry. Harassment may include bullying. Harassment may be discriminatory when it is on the grounds of another's age, gender, marital status, race or ethnicity, nationality, disability, religion or religious or other beliefs, sexual orientation, social or educational background or family or care responsibilities. Harassment will be unlawful discrimination if:

- Unwanted conduct takes place
- It is on discriminatory grounds
- With the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.
- Where it is reasonable to form the view that this is the impact of the offending behaviour.

The following types of behaviour may amount to harassment:

- Physical assault
- Physical or verbal abuse including threats
- Suggestive comments or gestures
- Suggestive or offensive emails
- Insulting or abusive behaviour or comments
- Isolation or exclusion from work opportunities, corporate, social or sporting events
- Persistent criticism or humiliation
- Unfair allocation of work or responsibilities.

This list gives examples only and is not exhaustive.

## Training

Synergy Medical will ensure all staff and Temporary Workers are informed of relevant legislation and currently accepted good practice with regard to equal opportunities and are trained to work in an anti-discriminatory manner.

## Synergy Recruitment Consultancy Limited

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)



**Consequences of discrimination, victimisation and harassment**

Any behaviour involving discrimination, victimisation or harassment of another on the grounds of age, gender, marital status, race or ethnicity, nationality, disability of any kind (including physical, sensory and mental disability), religion or religious or other beliefs, sexual orientation, social or educational background or family or care responsibilities will not be tolerated. Such behaviour may amount to gross misconduct in which case disciplinary action (including dismissal for serious offences) will be taken against any person breaching this policy

Synergy Medical believe that we all have the right to work in an environment which promotes equality of opportunity and prohibits discriminatory practices. We do not tolerate any form of discrimination, victimisation or harassment by or against our people.

We should be fully aware of the behaviour that can constitute discrimination, victimisation and harassment. It is the responsibility of each of us to be sensitive towards the individual needs of all, whether they be related to any disability, cultural or religious background, personal circumstances, or any other relevant factor. We must be conscious of the impact that we have on others and not to discriminate against, harass or bully colleagues or condone discrimination, harassment or bullying by others. All of us must behave in a way that supports this policy and treat each other with respect, courtesy and dignity in line with our Vision and Values.

Issue	Initial	Review		
Date	1-05-15	1-05-16		
Reason for raised issue	New document	Review. No amendments made		
<b>Signature</b>				

**Synergy Recruitment Consultancy Limited**

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: info@synergymedicalrec.co.uk

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

## Appendix A

### Legislation

Synergy Medical's Equality and Diversity Strategy will be implemented in accordance with the requirements as laid down in the following legislations:

#### 1 Equalities Act 2010

This Act became effective from 1<sup>st</sup> October 2010. It provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

Updates include:

- The basic framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions; premises; work; education; associations, and transport.
- Changing the definition of gender reassignment, by removing the requirement for medical supervision.
- Levelling up protection for people discriminated against because they are perceived to have, or are associated with someone who has, a protected characteristic, so providing new protection for people like carers.
- Clearer protection for breastfeeding mothers;
- Applying the European definition of indirect discrimination to all protected characteristics.
- Extending protection from indirect discrimination to disability.
- Introducing a new concept of "discrimination arising from disability", to replace protection under previous legislation lost as a result of a legal judgment.
- Applying the detriment model to victimisation protection (aligning with the approach in employment law).
- Harmonising the thresholds for the duty to make reasonable adjustments for disabled people.
- Extending protection from 3rd party harassment to all protected characteristics.
- Making it more difficult for disabled people to be unfairly screened out when applying for jobs, by restricting the circumstances in which employers can ask job applicants questions about disability or health.
- Allowing claims for direct gender pay discrimination where there is no actual comparator.
- Making pay secrecy clauses unenforceable.
- Extending protection in private clubs to sex, religion or belief, pregnancy and maternity, and gender reassignment.
- Introducing new powers for employment tribunals to make recommendations which benefit the wider workforce.
- Harmonising provisions allowing voluntary positive action.

### Synergy Recruitment Consultancy Limited

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

## 2 Asylum and Immigration Act 1996

This Act became effective from 27 January 1997 and only to people appointed after this date. It creates a criminal offence of employing a person who does not have the permission to work in the UK. It also provides a new defence for employers who make certain checks before taking on new employees. It does not apply to self-employed or agency workers. Employers are advised to retain or copy all relevant documents and to keep them for 6 months after the individual has left the company. Employers are subject to a £5000 fine if they are found to have employed an illegal immigrant without checking for documentation. A fine will be levied against the employer but senior individuals may also be guilty of negligence.

## 3 Civil Partnership Act 2004

The Civil Partnership Act gave lesbian and gay couples the option of making a formal lifelong commitment to each other, through a civil registration process similar to that for opposite-sex couples through civil marriage. Same sex couples have been able to give formal notice of their intention to register a civil partnership since December 2005. Under this act same sex couples have the same rights as opposite-sex couples.

## 4 Commission for Racial Equality Employment Code of Practice

This new code has replaced the CRE's original code of practice (the Code of Practice For The Elimination of Racial Discrimination and the Promotion of Equality of Opportunity) in April 2006. It is a set of recommendations and guidance on how to avoid unlawful racial discrimination and harassment in employment. It outlines employers legal obligations under the

Race Relations Act 1976 and contains general advice on the policies they will need to safeguard against discrimination and harassment, as well as more detailed recommendations on the procedures and practice that will help ensure fair and equal treatment for everyone.

## 5 Disability Discrimination Act 1995

This Act prohibits discrimination against people with a disability in the areas of employment, and the provision of services. Discrimination occurs when a disabled person is treated less favourably than another person because of their disability, unless there is a justifiable reason, e.g health and safety grounds. Disability is defined by the Act as a physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities. Unlike the legislation on gender, race and ethnicity, this Act is not neutral, ie someone who is not disabled cannot use the DDA if they believe they have received less favourable treatment than a disabled person.

Employers and service providers have a duty to make reasonable adjustments so that a disabled person can take up a job, carry on working or make use of a service. The failure to make a reasonable adjustment will be regarded as less favourable treatment on the grounds of disability. Examples of reasonable adjustments include providing special equipment, changing working practices and procedures and adapting premises.

## Synergy Recruitment Consultancy Limited

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

## 6 Disability Discrimination Act 2005

This Act aimed to:

- eliminate disability discrimination
- eliminate disability harassment
- promote equality of opportunity between disabled and able bodied people
- take account of a disabled persons disabilities, even when that involves treating disabled people more favourably than other people.

The Act also extends the definition of disability to include people with HIV, cancer and multiple sclerosis.

Reasonable adjustments are dependent on various factors, the most important being the particular needs of the disabled person.

## 7 Employment Equality (Age) Regulations 2006

This regulation is scheduled to be implemented in October 2006. It will outlaw unjustified discrimination on the grounds of age in all aspects of employment and vocational training. There will be a national retirement age of 65, to be reviewed in 2011, but employees will have a right to request to work past that age and employers must give serious consideration to such a request. An employer who wishes to set a lower retirement age must justify this and show that it is appropriate and necessary to do so.

## 8 Employment Equality (Religion or Belief) Regulations 2003

The European Union (EU) Employment Directives were designed to tackle discrimination and harassment in employment and vocational training in the workplace, faced by people because of their religion or belief. The explanatory note to the UK regulations define a recognised religion as: beliefs..(that) attain a certain level of cogency, seriousness, cohesion and importance provided the beliefs are worthy of respect in a democratic society and are not incompatible with human dignity.

The regulations cover direct and indirect discrimination as well as the handling of harassment at the workplace because of a person s religion or belief.

The regulations recognise very specific circumstances in which holding certain religious or other beliefs will be a genuine occupational requirement.

## 9 Employment Equality (Sexual Orientation) Regulations 2003

The regulations cover direct and indirect discrimination as well as the handling of harassment in the workplace because of a person s sexual orientation.

### **Synergy Recruitment Consultancy Limited**

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

The regulations also recognise that in certain, very specific circumstances to be of a specific sexual orientation may be a genuine occupational requirement. An example might be where the prime purpose of a job is to campaign to promote equal rights for lesbian, gay, bisexual or transgendered people. The regulations do not require employers to monitor job applicants sexual orientation although some employers already do this.

## 10 Equality Act 2006

The Equality Act gives the go-ahead for the formation of a Single Commission for Equality and Human Rights (CEHR). The new body will merge the work of the Disability Rights Commission and the Equal Opportunities Commission from October 2007. Equality areas of age, religion and belief and sexual orientation will come under the remit of a single equality body for the first time.

## 11 European Union Employment Directive

The European Union have established a common framework to tackle unfair discrimination on the grounds of sex, race, disability, sexual orientation, religion and age. The framework consists of three directives;

*The Race Directive (2000)* prohibits race discrimination in employment and training, the provision of goods and services, education and social protection.

*The Employment Directive (2000)* covers employment and vocational training only. It prohibits discrimination on grounds of sexual orientation, religion, disability and age.

*The Equal Treatment Directive (1975)* prohibits sex discrimination in the fields of employment and vocational training. An amendment to this was also adopted in 2002. The government is in the process of consulting on amendments to domestic equalities and other relevant legislation to ensure it is consistent with this European Law.

## 12 Gender Recognition Act 2004

The Act enables transsexual people to apply to a Gender Recognition Panel for a Gender Recognition Certificate. The acquired gender of applicants will be recognised in Law from the date on which they are granted a full Gender Recognition Certificate by the panel. The panel are part of the Tribunals group of the Department for Constitutional Affairs. The holder of a gender Recognition Certificate can enjoy all the rights appropriate to a person of his or her acquired gender.

## 13 Race Relations Act 1976 (Amended 2000)

This Act makes it unlawful to discriminate against a person, either directly or indirectly, in the field of employment, training and education on the grounds of colour, race, nationality, or ethnic or national origins. The Act gives individuals a right of direct access to employment tribunals for legal remedies for unlawful discrimination in employment.

## Synergy Recruitment Consultancy Limited

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

The Race Relations (Amendment) Bill 2000 has extended the 1976 Act to all activities of the police and other public bodies, for those activities previously excluded from the Act, however, it is unlawful only to discriminate directly or by victimisation. Indirect discrimination was specifically excluded. The Act also expects public bodies to be proactive in promoting Race Equality.

The 1976 Act also established the Commission for Racial Equality to promote equal opportunities and provide information and advice, and gave the Commission powers of investigation and enforcement.

#### **14 Race Relations Act 1976 (Amended Regulations 2003)**

This regulation implements the European Commission's Article 13, Race Directive. The Act is enhanced by the amendment of the definition of indirect discrimination and changing the way in which the burden of proof applies, as well as removing a number of exceptions from the legislation.

#### **15 Sex Discrimination Act 1975, 1986 & 1999 and Equal Pay Act 1970 & 1983**

These Acts require that employers do not discriminate, either directly or indirectly, between men and women, or married and unmarried people, in recruitment or in any other way in their treatment of employees. Equal treatment, in respect of pay, terms of contract or employment, must be given to men and women doing the same or broadly similar work or work which is of equal value.

The Sex Discrimination Act also gives individuals a right of direct access to industrial tribunals for legal remedies for unlawful discrimination, and established the Equal Opportunities

Commission in 1976 to help enforce the legislation and promote equal opportunities and provide information and advice. The Equal Opportunities Commission has 3 main tasks:

- Working to end sex discrimination
- Promoting equal opportunities for women and men
- Reviewing and suggesting improvements to the Sex Discrimination and Equal Pay Acts.

The 1999 regulation prohibits discrimination where an individual intends to undergo, is undergoing or has undergone gender reassignment (creating a new sexual identity). They are restricted to treatment in the workplace or in relation to vocational training, and not in the provision of goods and services.

#### **16 The Employment Relations Act 1999**

The Employment Relations Act 1999 includes the right to be accompanied at disciplinary or grievance hearings by a trade union official or another of the employer's workers. It also contains provisions relating to maternity and parental leave, as well as time off for domestic incidents.

#### **17 The Human Rights Act 1998**

### **Synergy Recruitment Consultancy Limited**

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

The Human Rights Act 1998 came into force throughout the UK on 2 October 2000, giving effect to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

A very broad range of rights is covered by the Act, from the right to life and prohibition of torture, to the right to respect for private and family and prohibition of discrimination.

### **18 The Protection from Harassment Act 1997**

This Act states that harassment is a criminal offence and as such, a person guilty of an offence under this Act, is liable, on summary conviction, to imprisonment for a term not exceeding six months, or a fine or both.

### **19 The Rehabilitation of Offenders Act 1974**

This Act provides that if a convicted person completes a specified period without being convicted of further offences the conviction can be regarded as spent. Such convictions do not then have to be revealed and may not be used as grounds for exclusion from employment or promotion. Some occupations are excluded from the provisions of this Act.

## **Appendix B**

### **Definitions of Discrimination**

#### **1 Direct Discrimination**

Takes place when a person or group of people is treated less favourably than other people in the same or similar circumstances. For example, choosing not to employ somebody who meets the requirements for the job because they are black, or married with children, or because they have a disability, or because they are gay or lesbian, would all constitute direct discrimination.

#### **2 Indirect Discrimination**

Takes place when a requirement or condition has the effect of discriminating unfairly and unjustifiably between one group or individual and another. This can be quite unintentional.

However, particular attention must be taken to avoid this form of discrimination since it tends to occur more readily and frequently than direct discrimination. For example, standard entry qualifications applied automatically across a wide range of jobs, may lead to a situation where applicants are asked to meet requirements which are not actually relevant to the needs of the job. Insisting on higher language standards than are necessary for safe and effective job performance would tend to disqualify people for whom English is not their first language, at a higher rate than others. Insisting on an unnecessary physical requirement could discriminate against one sex in favour of another, and so on.

#### **3 Harassment**

This is defined as individual or repeated, and unwelcome comments, actions, suggestions or physical contact that is found objectionable by a person from a particular group covered

## **Synergy Recruitment Consultancy Limited**

London: 222 Bishopsgate, London EC2M 4QD

T: 0203 815 9020 E: [info@synergymedicalrec.co.uk](mailto:info@synergymedicalrec.co.uk)

[www.synergymedicalrec.co.uk](http://www.synergymedicalrec.co.uk)

by the Equal Opportunities Policy, and would cause them discomfort in their job. Harassment cannot be justified on the grounds that it was carried out in jest.

#### **4 Victimisation**

Takes place where a person is given less favourable treatment than others in the same circumstances because it is suspected or known that s/he brought proceedings under the Race Relations Act, or gave evidence or information relating to such proceedings, or alleged that discrimination has occurred.

#### **5 Pressure or instructions to discriminate**

It is unlawful for a person to instruct or attempt to put pressure on another person to contravene the Race Relations Act. Such pressure need not be applied directly: it is unlawful if it is applied in such a way that the other person is likely to hear about it. For example, tenants on an estate put pressure on their landlord not to allocate a house to a family because of their ethnic origin. It would be unlawful for the landlord to act on this discriminatory instruction or pressure.