

# IDOX group



## Equality and Diversity Policy

8 June 2009

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## 1. Equity and Diversity Policy

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All companies in the IDOX group are Equal Opportunities Employers and the group has a policy for this purpose. This policy covers all aspects of employment, from vacancy advertising, selection recruitment, promotion, training and pay to conditions of service and reasons for termination of employment.

The aim of this policy is to ensure that no job applicant or employee or visitor receives less favourable treatment on the grounds of gender, race, disability, colour, nationality, ethnic or national origin, marital status, sexuality, responsibility for dependants, religion, trade union activity and age. Selection criteria and procedures will be kept under review to ensure that individuals are selected, promoted and treated on the basis of their relevant merits and abilities. All employees will be given equality of opportunity within the company's service and will be encouraged to progress within the organisation. To ensure that direct or indirect discrimination is not occurring, recruitment and other employment decisions will be regularly monitored in conjunction with ethnic records of job applicants and existing employees. The company is committed to a programme of action to make this policy fully effective.

### 1.1 Employment

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The Group is committed to providing equal opportunities in all aspects of employment particularly recruitment, promotions and training.

The Group will provide equal opportunities to any employee or job applicant and will not discriminate either directly or indirectly on the grounds of age, race, colour, nationality, gender, sexual orientation, religion, marital status. Disabilities will be accommodated wherever practicable. The Group also affirms its commitment to treat part-time staff and contract workers as equitably as full-time staff, having regard to statutory obligations.

To meet these objectives the Group will ensure that:

- Selection criteria relating to job requirements are not discriminatory by asking for inappropriate qualifications or experience.
- Job descriptions and personnel specifications are not discriminatory.
- Job advertisements are not, without proper reason, confined only to certain publications, or worded in such a way as to exclude applicants either individually or of a particular group. Advertisements will carry a statement that the Group is an Equal Opportunities Employer.

Every job is open equally to all applicants who meet the job requirements.

Applications will be dealt with in accordance with appropriate procedure (See Code of Practice).

Transfer, promotion and training are all open equally to all eligible employees and selection criteria do not exclude applicants from any group.

Recruitment, selection and employment policies will be periodically reviewed and a detailed Code of Practice will be available to implement the Equal Opportunities Policy.

## 1.2 Recruitment

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Wherever possible, all vacancies will be advertised simultaneously internally and externally.

Wherever possible, steps will be taken to ensure that knowledge of vacancies reaches underrepresented groups internally and externally.

Wherever possible, vacancies will be notified to job centres, careers offices, schools, colleges, polytechnics, etc, with significant minority group rolls, as well as to minority press/media and organisations.

All vacancy advertisements will include an appropriate short statement on equal opportunity.

Where IDOX uses recruitment agencies to employ staff, the following additional steps will be taken to ensure that the company's policy is clearly understood:

- A copy of the Group's Equal Opportunities Policy will be sent to all employment agencies working on behalf of the company
- They will be asked to use the wording "IDOX is an Equal Opportunities Employer" in all job advertisements
- They will be asked to supply a copy of the Equal Opportunities Policy to all job applicants.

## 1.3 Selection

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The suitability of each applicant will be measured only against the requirements of the job advertised.

Where selection tests are used they will relate directly to the job requirements and measure an individual's ability to do that particular work.

The Group will monitor and keep a record of the ethnic origin of candidates. If a bias is detected in the selection process then it will be positively addressed by encouraging applicants from that particular group.

Selection criteria (job description and employee specification) will be kept under constant review to ensure that they are justifiable on non-discriminatory grounds as being essential for the effective performance of the job.

Wherever possible, more than one person will be involved in the selection interview and recruitment process, and all will have received training in equal opportunities.

Wherever possible, underrepresented groups will be involved in the short listing and interviewing processes.

Reasons for selection and rejection of applicants for vacancies must be recorded.

## 1.4 Promotion

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Employees shall be promoted on a fair and non-discriminatory basis. To achieve this:

- The promotion criteria will relate specifically to the individual's ability and aptitude to do the job.
- The Group will periodically review the promotion procedure.
- The Group will monitor and keep a record of the ethnic origin of employees selected for promotion.

## 1.5 Training

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All persons responsible for recruitment, selection, promotion and transfer of staff shall receive ongoing training in equal opportunities to ensure that the Group's and their own obligations under the Race Relations Act are met and to develop the necessary skills to translate this equal opportunities in employment policy into practice.

All employees will have equal access to training and development opportunities.

Training is considered a necessary part of each employee's role and training opportunities will be discussed at each employee review. Employees are encouraged to request training in areas that they consider appropriate.

The Group will monitor and keep a record of the ethnic origin of all employees selected for training and development opportunities.

## 1.6 Dismissal

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In any cases of dismissal or redundancy the management will ensure that there is no discrimination on racial, sex or other grounds.

## 1.7 Code of Practice

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The above policy statement refers to a 'detailed code of practice', which consists of the remainder of this section and the anti-harassment section following.

The Group will not tolerate discrimination on any of the following grounds:

- by treating an individual on grounds of sex, colour, marital status, sexuality, race, nationality or ethnic or national origin, or membership or non-membership of a trade union, less favourably than others;
- by expecting an individual on the above grounds to comply with requirements for any reason whatsoever related to their employment, which are different to the requirements for others;
- by victimisation of an employee;
- by harassment of an employee;
- by imposing work that is more onerous on one employee than on others; or
- by any other act, or omission of an act, which has as its effect the disadvantaging of an employee or applicant against another, or others, purely on the above grounds.

It is the policy of the Group to ensure that entry into the company is determined solely by the application of objective criteria and individual merit. Equality will be accorded to applicants and employees without regard to disability, race, religion, gender, marital status, sexual orientation, colour, national or ethnic origin.

The objective of the Group is to employ individuals who are suitably qualified or who have the ability to develop the skills necessary to undertake the obligations imposed by the position they occupy.

## 1.8 Reporting and Consultation

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It shall be a function of the Employee Council, formed as the vehicle for all communication and consultation with the workforce, to discuss this policy, its implementation and any amendments to practice.

## 1.9 Anti-Harassment Policy

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The Group is committed to creating a working environment that is free from harassment and intimidation and will not permit any form of harassment or discrimination based on disability, race, religion, marital status, ethnic origin, sexual orientation or colour.

It is recognised that differences may arise where people of different sex, interest and cultures work together. If, however, any member of staff feels humiliated or threatened by the behaviour of others then the individual responsible for causing this reaction will be liable to disciplinary action.

Managers have a responsibility to communicate this policy to staff members and to investigate all complaints of harassment against any member of staff.

Any breach of this policy will result in disciplinary action and possibly instant dismissal.

## 1.10 Sexual Harassment

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Conduct, which is based on a person's sex in a verbal, physical or non-verbal manner that is unwanted and offensive to the recipient, is sexual harassment. This form of conduct is unlawful under the Sex Discrimination Act 1975 and is totally unacceptable. The individual responsible will be held personally liable and may be subject to criminal proceedings.

Following is a non-exhaustive list of examples that will be regarded as sexual harassment:

- physical conduct of a sexual nature – this includes unwanted physical conduct ranging from unnecessary touching, patting or pinching or brushing against another employee's body to assault;
- verbal conduct of a sexual nature – includes unwelcome sexual advances, propositions or pressure for physical activity; continual suggestions for social activity outside the workplace when it has been made clear that such suggestions are unwelcome; offensive flirtations; suggestive remarks, innuendoes or lewd comments;
- non-verbal conduct of a sexual nature – includes the display of pornographic or sexually suggestive pictures, objects or written materials; leering, whistling or making sexually suggestive gestures; and
- sex-based conduct – this refers to conduct that ridicules or is intimidatory or is physically abusive of an employee because of his/her sex, such as derogatory or degrading abuse or insults which are gender-related or offensive comments about appearance or dress.

## 1.11 Responsibilities of All Employees

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All managers and employees are responsible for ensuring a harassment-free working environment. In particular if you are responsible for other employees you must ensure that:

- you are aware of, and understand the Group's policy in relation to Anti-Harassment and Equal Opportunities;
- you advise and inform your team to increase awareness and understanding of the Group's policies;
- your work environment is free of visual harassment;
- you deal with physical and verbal harassment immediately even if it is not brought to your attention;
- you are supportive of any individual who states that they have been harassed and treat the matter with the appropriate sensitivity;
- you maintain confidentiality in relation to all cases of harassment that you have dealt with or been involved in;
- you ensure that the harassment does not continue after the case has been reported; and
- you ensure that your conduct does not cause offence.

## 1.12 Complaints Procedure

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If you are being harassed you should, if possible, attempt to resolve the problem informally in the first instance. It may be sufficient to explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome and that it offends you and makes you feel uncomfortable. The person may not realise that his/her behaviour is causing offence.

If it is too difficult or impossible to confront the individual you should request help from your immediate supervisor/Personnel manager or any other staff member who would be in a position to offer advice.

If the behaviour continues, you should report it to the Personnel manager with details of dates, times etc to enable him/her to investigate the allegations and decide upon appropriate action.

The appropriate manager will examine the details of the incident and it may be necessary to get further details before a decision is made. All information will be treated as confidential and everyone will be treated with respect during the investigation. The details of the case will only be available to those persons who are involved in the investigation. If the Group decides to proceed with disciplinary action then the appropriate disciplinary procedures will be followed.

If it is decided not to take any action then you may appeal the decision using the grievance procedure.

It is a disciplinary offence to victimize or retaliate against an employee for bringing a complaint of sexual harassment.

## 1.13 Racial Equality

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Because the Group's target market place is the public sector, and to facilitate working in this sector, the Group has voluntarily adopted the relevant sections of the general duty to promote race equality required of public authorities as a result of the Race Relations (Amendment) Act 2000.

This requires that the Group shall in carrying out its functions, have due regard to the need:

- to eliminate unlawful racial discrimination
- to promote equality of opportunity and good relations between persons of different racial groups.

The Group shall abide by the guiding principles contained in the statutory code of practice on the duty to promote race equality as laid out in the consultation draft and subsequent versions.

## 1.14 Monitoring

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To ensure that this policy is operating effectively (and for no other purpose) IDOX maintains records of employees' and applicants' racial origins, gender and disability. Ongoing monitoring and regular analysis of such records provide the basis for appropriate action to eliminate unlawful direct and indirect discrimination and promote equality of opportunity.

Where necessary, employees will be able to check/correct their own record of these details. Otherwise, access to this information will be strictly restricted.

## 1.15 Management Responsibility

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The Chief Executive Officer has overall responsibility to ensure this policy is consistently applied and each manager has responsibility for the implementation of the policy in his or her area.

The Group has implemented the following measures to ensure that no discrimination or harassment occurs:-

Those with responsibility for staff are reminded that they may be held individually accountable for ensuring that no form of discrimination occurs in the recruitment, selection, promotion, training and discipline of these staff.

Enquiries will be made into suspected cases of direct discrimination or acts of omission which lead to indirect discrimination. Any such practices will be stopped and disciplinary action may be taken against the individuals concerned.

## 2. Human Rights Policy

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### 2.1.1 Background

The Human Rights Act 1998 ("The Act") received Royal Assent on 9 November 1998 and came into force in October 2000.

The Act is the adoption in UK legislation of The European Convention for the Protection of Human Rights and Fundamental Freedoms, which was adopted by the Council of Europe in 1950, and came into force in 1953, for the purpose of protecting individuals' rights against infringement by states.

It is a creature of its age and reflects the political concerns of the cold war. The rights it contains, such as freedom from torture, prohibition of slavery, right to liberty and security, and freedom of thought, conscience and religion, are influenced by the then desire to promote anti-Soviet propaganda.

The Act has three main roles:

#### **Interpreting Legislation in accordance with the Convention**

Under section 3 of the HRA 1998, courts must interpret statutes and statutory instruments in a way that is compatible with Convention rights (so far as is possible). However, if domestic legislation is unambiguous, and simply cannot be interpreted in accordance with the Convention, the domestic statute takes precedence over Convention rights. A statutory instrument will be struck down if inconsistent with Convention rights unless the primary legislation prevents the removal of the incompatibility.

#### **Statements of Compatibility**

Under section 19 of the Act, all legislation introduced by the government must be coupled with a Statement of Compatibility with the Convention. This Statement (which must be in writing) must be provided by the Minister in charge of the passage of the Bill prior to its second reading. If the Minister is unable to make a Statement of Compatibility, he must state (in writing) that he is unable to do so but the government nevertheless wishes to proceed with the Bill. Accordingly, the real effect of this section is to require ministers to flag up to Parliament when a Bill is unlikely to comply with Convention rights. There is no analogous requirement in respect of Private Members' Bills.

#### **Public Authorities must act in compliance with the Convention**

This is perhaps the most important provision of the *HRA 1998*. Under sections 6-8 (set out below), all public authorities must act in compliance with the Convention. It is a defence, however, to show that the public authority was prevented from acting in accordance with the Convention as the result of U.K. legislation (which takes precedence). This is important to the exercise of any discretionary powers by a public authority. Sections 6-8 of the *HRA 1998* provide:

HRA 1998, ss6-8

6(1) It is unlawful for a public authority to act in a way which is incompatible with a Convention right.

6(2) Subsection (1) does not apply to an act if –

- a) as the result of one or more provisions of primary legislation, the authority could not have acted differently; or,

- b) in the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce these provisions.
- 6(3) In this section 'public authority' includes –
- a) a court or tribunal, and
  - b) any person certain of whose functions are functions of a public nature but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament
- 6(5) In relation to a particular act, a person is not a public authority by virtue only of subsection 3(b) if the nature of the act is private.
- 6(6) An 'act' includes a failure to act but does not include a failure to –
- a) introduce in, or lay before, Parliament a proposal for legislation; or,
  - b) make any primary legislation or remedial order.
- 7(1) A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by section 6(1) may –
- a) bring proceedings against the authority under this Act in the appropriate court or tribunal, or
  - b) rely on the Convention right or rights concerned in any legal proceedings, but only if he is (or would be) a victim of the unlawful act.
- 8(1) In relation to any act (or proposed act) of a public authority which the court finds is (or would be) unlawful, it may grant such relief or remedy, or make such order, within its powers as it considers just and appropriate.
- 8(2) But damages may be awarded only by a court which has power to award damages, or to order the payment of compensation, in civil proceedings.

### **Reasons for Adopting this Policy**

The Act is not directly enforceable against private employers, only public authorities.

However, it is recognised that there are a number of ways in which The Act will affect private employers. Some of these ways have already been covered in UK legislation, such as the Regulation of Investigatory Powers Act 2000.

In addition, because the target market place for IDOX services and systems is the local authority sector, which is itself bound by The Act, then compliance with The Act may be required by a local authority of its contractors.

### **Areas of Employment Affected by the Act**

The Convention rights which are most likely to feature in employment cases are as follows:

- Article 3 - freedom from degrading treatment
- Article 4 - prohibition of forced labour
- Article 5 - right to liberty and security
- Article 6 - right to a fair trial

- Article 8 - right to privacy and respect for family life
- Article 9 - freedom of thought, conscience and religion
- Article 10 - freedom of expression
- Article 11 - freedom of assembly and association
- Article 14 - prohibition on discrimination

IDOX does not believe that the first three articles in this list have any effect on its employment practices. Consequently, it has drawn up policy statements in relation to Articles 6, 8, 9, 10, 11 and 14.

## 2.2 The Relevant Articles

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### 2.2.1 Article 6

“In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.”

### 2.2.2 Article 8

“Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the laws and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

### 2.2.3 Article 9

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching or practice and observance.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedom of others.”

### 2.2.4 Article 10

“Everyone has a right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

## 2.2.5 Article 11

“Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.”

Article 14

“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

## 2.3 Policy Statements

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IDOX believes that its disciplinary procedures are fair and impartial (Company Handbook Section 4.1 Disciplinary Procedures). If any employee participates in such a procedure which he or she believes to be flawed, that employee has the right to appeal to an Employment Appeal Tribunal. The relevant contact addresses are as follows:

### England

Audit House  
58 Victoria Embankment  
London  
EC4Y 0DS  
Tel No: 020 7273 1040  
Fax No: 020 7273 1045

### Scotland

Employment Appeal Tribunal  
52 Melville Street  
Edinburgh  
EH3 7HS  
Tel No: 0131 225 3963  
Fax No: 0131 220 6694

### 2.3.1 Article 8 - right to privacy and respect for family life

Employment implications here include the opening of mail and the monitoring of emails, telephone calls or Internet usage.

This area is also the subject of the Regulation of Investigatory Powers Act 2000.

Consequently, IDOX has sought the consent of all employees to intercept, record or monitor emails, internet use and telephone calls where it considers necessary, even for those areas where the Act does not require consent, such as:

- To establish facts
- To ascertain compliance with regulations and policies

- Quality control
- To prevent or detect crime
- To investigate / detect unauthorised use of telecom system
- Interception – viruses, direct emails to correct recipient
- To check absentees voicemail and email
- To oversee free welfare helplines

When any such interception will take place, IDOX will always inform users in advance.

This agreement is written into and explained in the Company Handbook under the heading “Cyber Liability”.

Regarding the opening of mail, it is standard procedure that all incoming mail is opened and scanned, as a part of the “less-paper office” philosophy practised by the company. However, if mail is marked “private and confidential” it is not opened but passed directly to the addressee.

## **2.3.2 Article 9 - freedom of thought, conscience and religion**

It is stated in the Company Handbook (Recruitment Policy) that the company will not:

*“discriminate unfairly against potential applicants on grounds of race, sex, age, religion or belief, or disability”.*

The company’s Equal Opportunities Policy further states that “The Company will provide equal opportunities to any employee or job applicant and will not discriminate either directly or indirectly on the grounds of age, race, colour, nationality, gender, sexual orientation, religion or belief, marital status.”

If an employee requires time off work for the observance of religious holidays, other than bank holidays, then these may be booked as holiday in the normal manner. If there is a conflict over several interdependent people being given a day off then priority will be accorded to those who have a genuine requirement based on their religious belief.

The company’s policy on dress code is set out in the company handbook. The dress code is non-sexist and requires only that employees dress appropriately, that is smart casual for the office and more formal when meeting with customers. Employees who feel that this dress code is restrictive may discuss the matter with the HR department, but are reminded that the acceptance of the Company Handbook, company policies and procedures is a part of the offer of employment, into which each employee voluntarily enters.

## **2.3.3 Article 10 - freedom of expression**

This article is the prevention of a suppression of opinions, information and ideas and does not conflict with any of the company’s policies and procedures. It should not be seen as permitting rude or offensive behaviour. Similarly, it does not conflict with the company’s confidentiality requirements of all employees.

## **2.3.4 Article 11 - freedom of assembly and association**

IDOX recognises its obligations under the Employment Relations Act 1999 and agrees to any employee being or becoming a member of a trade union.

## **2.3.5 Article 14 - prohibition on discrimination**

IDOX policies already prohibit discrimination on grounds of race, sex, age, religion or belief, or disability.

**All staff will be fully advised on the Equal Opportunities Policy and their responsibilities within it. The policy is part of the Group's Contract of Employment.**

Signed:

A handwritten signature in blue ink, reading "Richard Kellett-Clarke". The signature is written in a cursive style with a horizontal line underneath the name.

**Richard Kellett-Clarke – Chief Executive Officer**

Dated: June 2009

## 2.4 Summary of Relevant Legislation

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The following is a non-exhaustive list of applicable legislation with which this policy claims adherence.

Everybody should also refer to the Equal Opportunities website

<http://www.eoc.org.uk/Default.aspx?page=0>

for latest information and codes of practice.

**The Sex Discrimination Act 1975** (SDA) prohibits sex discrimination against individuals in the areas of employment, education, and the provision of goods, facilities and services and in the disposal or management of premises. It also prohibits discrimination in employment against married people. It is not unlawful to discriminate against someone because they are not married. Victimisation because someone has tried to exercise their rights under the SDA or Equal Pay Act is prohibited.

The SDA applies to women and men of any age, including children.

Discriminatory advertisements are unlawful but only the Equal Opportunities Commission can take action against advertisers.

There are some general exceptions to when sex discrimination is unlawful. The main exceptions are:

- When a charity is providing a benefit to one sex only, in accordance with its charitable instrument.
- When people are competing in a sport in which the average woman is at a disadvantage to the average man because of physical strength, stamina or physique.
- In insurance where the discriminatory treatment reasonably relates to actuarial or other data.

The SDA applies to England, Wales and Scotland.

**The Equal Pay Act 1970** (EPA) gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, where the man and the woman are doing:

Like work; or

Work rated as equivalent under an analytical job evaluation study; or

Work that is proved to be of equal value.

The employer will not be required to provide the same pay and benefits if it can prove that the difference in pay or benefits is genuinely due to a reason other than one related to sex.

The EPA has been interpreted to cover indirect sex discrimination as well as direct discrimination i.e. where the pay difference is due to a condition or practice which applies to men and women but which adversely affects a considerably larger proportion of one sex than the other and it is not justifiable, irrespective of sex, to apply that condition or practice. So, for example, the fact that a woman is paid a lower hourly rate than a man because she works part-time and he works full-time is unlikely to be a good defence to an equal pay claim.

The EPA applies to England, Wales and Scotland.

As well as the Sex Discrimination Act and the Equal Pay Act, the following legislative provisions apply in England, Wales and Scotland and may be relevant to cases of sex discrimination or equal pay. You can find further information about these in the legal websites listed in the useful links section of our website.

#### 2.4.1 Disability Discrimination Act 1995

This deals with discrimination against disabled people in the areas of employment, the provision of goods, facilities and services and premises, education and public transport.

#### 2.4.2 Disability Discrimination Act 2005

Makes substantial amendments to the 1995 Act, building on amendments already made to that Act by other legislation since 1999.

#### 2.4.3 Employment Act 1989

This includes an exemption from the operation of the Sex Discrimination Act for acts done in connection with employment or vocational training to comply with certain specified statutory provisions relating to the protection of women at work.

#### 2.4.4 Employment Act 2002 (Flexible working regulations)

This makes changes to maternity, paternity and adoption rights in the Employment Rights Act 1996. From April 2003, s.47 of the 2002 Act introduces a new right for employees to request flexible working. The details of that right are set out in set out in the Flexible Working Regulations 2002 (SI 2002/3236 and SI 2002/3207).

#### 2.4.5 Employment Relations Act 1999

This includes a right to be accompanied at disciplinary or grievance hearings by a trade union official or another of the employer's workers.

#### 2.4.6 Employment Rights Act 1996

This includes the following rights:

- The right not to be unfairly dismissed. A dismissal is automatically unfair if it is for a reason related to pregnancy, childbirth, maternity leave, parental leave, or time off for dependants.
- The right to maternity leave.
- The right to paid time off for ante-natal care.
- The right to unpaid time off to care for or to arrange care for dependants where the dependant is ill, injured, assaulted, gives birth or dies; if arrangements for the care of a dependant break down; or if there is an unexpected incident involving a child at school.
- The right to be offered suitable alternative work on not substantially less favourable terms and conditions if a legislative requirement or a health and safety recommendation prohibits a woman from doing her usual job because she is pregnant, has recently given birth or is breastfeeding.
- The right to be suspended on full pay if a woman is unable to do her usual job on maternity grounds as described above and no suitable alternative work is available.
- The right to a statement of employment particulars.
- The right to an itemised pay statement.
- The right not to suffer unauthorised deductions from wages.
- The right to a minimum period of notice on termination of employment.
- The right to a redundancy payment.
- The right to a written statement of reasons for dismissal.

## **2.4.7 Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996**

These provide for tribunals to award interest on backpay in Equal Pay Act cases and compensation awards made under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

## **2.4.8 The Employment Equality (Age) Regulations 2006**

From 1<sup>st</sup> October 2006 these regulations prohibit discrimination against employees on grounds of age.

## **2.4.9 The Employment Equality (Religion or Belief) Regulations 2003**

From 1 December 2003, these regulations prohibit discrimination on the grounds of religion or belief in the employment field. The regulations were amended before they came into force by the Employment Equality (Religion or Belief) (Amendment) Regulations 2003, which extended the scope of the regulations to cover discrimination in occupational pension schemes.

## **2.4.10 The Employment Equality (Sexual Orientation) Regulations 2003**

From 1 December 2003, these regulations prohibit discrimination on the grounds of sexual orientation in the employment field. The regulations were amended before they came into force by the Employment Equality (Sexual Orientation) (Amendment) Regulations 2003, which extended the scope of the regulations to cover discrimination in occupational pension schemes.

## **2.4.11 Equal Pay (Complaints to Employment Tribunals) (Armed Forces) Regulations 1997**

These allow individuals serving in the armed forces to bring equal pay claims in the employment tribunal provided a complaint has been made about the same matter under the service redress procedures which has not been withdrawn.

## **2.4.12 Equality Act 2006**

Covers the following areas - the creation of the Commission on Equality and Human Rights (CEHR), replacing the current equality commissions - the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission, the outlawing of discrimination on goods and services on the grounds of religion and belief (subject to certain exemptions) and allows the Government to introduce regulations outlawing discrimination on the ground of sexual orientation in goods and services in both Great Britain and Northern Ireland (the Sexual Orientation Regulations 2006) and a provision relating to the creation of a public duty to promote equality on the ground of gender.

The Equality Act (2006) is a precursor to a promised Single Equality Act, whose aim is to combine all of the equality enactments within Great Britain and provide comparable protections across all equality strands. Those explicitly mentioned by the Equality Act (2006) include age; disability; gender; proposed; commenced or completed gender reassignment; race; religion or belief and sexual orientation.

## **2.4.13 Health and Safety at Work etc Act 1974**

This places a duty on employers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees. There are criminal sanctions for failure to comply with this duty and enforcement is by the Health and Safety Executive and local authorities.

## **2.4.14 Human Rights Act 1998**

This incorporates rights under the European Convention of Human Rights into domestic law. Individuals can bring claims under the HRA against public authorities for breaches of Convention rights. UK courts and tribunals are required to interpret domestic law, as far as possible, in accordance with Convention rights. Previous case

law may be overturned if there is a breach of Convention rights and the relevant law can be re-interpreted in a way which is compatible with Convention rights. Convention rights include a right not to be discriminated against on non-exhaustive grounds, which include that of sex, where another Convention right is engaged.

#### **2.4.15 Management of Health and Safety at Work Regulations 1999**

These require employers to carry out risk assessments. There are specific obligations on employers to assess risk where there are women of childbearing age at work. Employers may have to alter working conditions or hours of work, offer suitable alternative work or suspend an expectant or new mother on full pay if necessary to avoid risk to her or her baby.

#### **2.4.16 Maternity and Parental Leave etc Regulations 1999**

These contain the detail of the rights to maternity and parental leave contained in the Employment Rights Act 1996 (ERA). They also prescribe the circumstances in which a dismissal will be automatically unfair for the purposes of the ERA if the dismissal is for a reason related to pregnancy, childbirth, maternity leave, parental leave, or time off for dependants.

#### **2.4.17 National Minimum Wage Act 1998**

This provides that workers shall not be paid less than a designated minimum rate per hour.

#### **2.4.18 National Minimum Wage Regulations 1999**

These contain detailed rules as to who qualifies for the national minimum wage and what counts as working time and remuneration for these purposes.

#### **2.4.19 Occupational Pension Schemes (Equal Treatment) Regulations 1995**

These set out how claims may be made to enforce rights to equal treatment in occupational pension schemes.

#### **2.4.20 Part-time Workers Regulations 2000**

These give part-time workers the right not to be treated less favourably than comparable full-time workers unless the difference in treatment is objectively justifiable. They do not give a right to work part-time.

#### **2.4.21 Pensions Act 1995**

This requires occupational pension schemes to observe the principle of equal treatment between men and women.

#### **2.4.22 Protection from Harassment Act 1997**

This creates a criminal offence of harassment. It also creates a new type of civil claim, allowing individuals who are harassed to claim damages and/or seek a court order to stop the harasser from continuing the harassment.

#### **2.4.23 Race Relations Act 1976**

This prohibits discrimination on racial grounds in the areas of employment, education, and the provision of goods, facilities and services and premises. Following changes made by the Race Relations (Amendment) Act 2000, there is also now a positive duty on public authorities to eliminate unlawful discrimination and promote equality of opportunity.

#### **2.4.24 Racial and Religious Hatred Act 2006**

This Act came into force on 1<sup>st</sup> October 2007 and creates an offence of inciting hatred against a person on the grounds of their religion.

## **2.4.25 Sex Discrimination (Complaints to Employment Tribunals) (Armed Forces) Regulations 1997**

These allow individuals serving in the armed forces to bring sex discrimination claims in the employment tribunal provided a complaint has been made about the same matter under the service redress procedures which has not been withdrawn.

## **2.4.26 Sex Discrimination (Questions and Replies) Order 1975**

This prescribes the forms to be used to obtain information in accordance with s.74 Sex Discrimination Act 1975. It also sets out the time limits and methods for service of these questionnaires.

## **2.4.27 Social Security Contributions and Benefits Act 1992**

## **2.4.28 Statutory Maternity Pay (General) Regulations 1986**

## **2.4.29 Statutory Maternity Pay (General) (Modification and Amendment) Regulations 2000**

These contain the provisions relating to entitlement to Statutory Maternity Pay.

## **2.4.30 Working Time Regulations 1998**

These contain provisions regulating working time including:

- A limit of average 48 hours work per week (with exceptions)
- Daily and weekly rest entitlements and rest breaks.
- A right to 4 weeks paid annual leave and to be paid for accrued but untaken leave on termination of employment.
- Special provisions relating to night work.

## **2.4.31 European Law**

### **Introduction**

European Union (EU) law is part of our domestic law in England, Wales and Scotland because of the European Communities Act 1972. The effect of this is that UK tribunals and courts must, wherever possible, interpret domestic law in accordance with EU law. Where EU law has direct effect, this will take precedence over domestic law and individuals will be able to rely on EU law where domestic law does not provide a remedy. EU law has direct effect in the following cases:

- Any individual can rely on A141 (ex A119) Treaty of Rome in equal pay cases
- Individuals bringing a claim against an emanation of the state (which includes employers in the public sector) can rely on provisions of EU Directives where those provisions are: sufficiently clear and precise; unconditional and unqualified; and not subject to further implementing measures.

Recommendations are not binding on UK tribunals and courts, but may be taken into account as an aid to interpretation of domestic law.

## **2.4.32 Article 141 (ex 119) Treaty of Rome (Treaty Establishing the European Community)**

This provides that men and women should receive equal pay for equal work.

## **2.4.33 Equal Pay Directive (75/117)**

This provides that all discrimination on the ground of sex in respect of all aspects of pay should be eliminated.

#### **2.4.34 Equal Treatment Directive (75/207)**

This provides that there should be no discrimination on grounds of sex, either directly or indirectly, nor by reference to marital or family status, in access to employment, training, working conditions, promotion or dismissal.

#### **2.4.35 Equal Treatment (Amendment) Directive (2002/73)**

This amends the Equal Treatment Directive, most importantly by adding a definition of "sexual harassment" and of "harassment". The UK is required to implement the changes required by the directive by September 2005.

#### **2.4.36 Social Security Directive (79/7)**

This requires equal treatment of men and women in statutory schemes providing protection against sickness, invalidity, old age, accidents at work and occupational diseases and unemployment. It does not require equalisation of pension ages.

#### **2.4.37 Occupational Social Security Directive (86/378)**

This aimed to implement the principle of equal treatment for men and women in occupational social security schemes.

#### **2.4.38 Pregnant Workers Directive (92/85)**

This requires minimum measures to improve the safety and health at work of pregnant women and women who have recently given birth or are breastfeeding, including a right to maternity leave.

#### **2.4.39 Working Time Directive (93/104)**

This provides for minimum health and safety requirements for the organisation of working time. It requires minimum periods of daily and weekly rest and annual leave, breaks and maximum weekly working time. It contains provisions relating to night work, shift work and other patterns of work.

#### **2.4.40 Parental Leave Directive (96/34)**

This provides for all parents of children up to a given age to be defined by Member States, to be given up to 3 months' unpaid parental leave. It also provides for individuals to take unpaid time off when a dependant is ill or injured.

#### **2.4.41 Burden of Proof Directive (97/80)**

This required any necessary changes in Member States' judicial systems to ensure more effective implementation of the principle of equal treatment.

#### **2.4.42 Part-time Workers Directive (98/23)**

This prohibits discrimination against part-time workers unless justified on objective grounds. It requires part-time workers to receive pro-rata pay and benefits to full-timers. It does not require a right to work part-time.

#### **2.4.43 Framework Directive on Fixed Term Work (99/70)**

This aims to prevent fixed term workers from being less favourably treated than permanent workers unless the difference in treatment is objectively justified and to limit the use of successive fixed term contracts.

#### **2.4.44 Framework Directive for Equal Treatment in Employment and Occupation (2000/78)**

This requires Member States to implement legislation prohibiting discrimination on grounds of sexual orientation and religious discrimination by 2 December 2003 and on grounds of age and disability by 2 December 2006.

## **2.4.45 European Commission Recommendation and Code of Practice on the protection of the dignity of women and men at work (92/131)**

This contains recommendations to employers, trade unions and employees on avoiding and dealing with sexual harassment.

## **2.4.46 European Council Recommendation on Childcare (92/24)**

This recommends initiatives so that the workplace takes into account the needs of all working parents with responsibility for the care of children.

Review Date	Approved by	Reason for Review	Revision number
December 2000	Andrew Fraser, CEO	Implementation	1
July 2001	Andrew Fraser, CEO	Half-yearly review	2
January 2002		Half-yearly review	2
July 2002	Andrew Fraser, CEO	Half-yearly review	3
September 2002	Andrew Fraser, CEO	See below	4
May 2003	Andrew Fraser, CEO	Half-yearly review	5
December 2003		Half-yearly review	5
June 2004		Half-yearly review	5
Sept 2004	Andrew Fraser, CEO	Re-branding	6
March 2005		Half-yearly review	6
September 2005	Andrew Fraser, CEO	Half-yearly review	7
March 2006		Half-yearly review	7
August 2006	Martin Brooks, CEO	Approval by new CEO	8
March 2007		Half-yearly review	8
September 2007	CEO	New legislation amendments	9
March 2008		New legislation	10
August 2008		Half Yearly Review	10
May 2009		Half Yearly Review	10

## 2.5 Change Control

Version	Reason for change
3	Voluntary adoption of the statutory code of practice on the duty to promote race equality.
4	Change IDOX Ltd to group companies
5	<p>Include 'promotion' in aspects of employment (1<sup>st</sup> para)</p> <p>Add 'visitor' to job applicant, employee (2<sup>nd</sup> para)</p> <p>Section 1 Employment – add 'contract workers' to part-time staff</p> <p>1.2 Selection para 6 – replace specific list with 'underrepresented groups'</p> <p>1.6 Code of Practice – add 'sexuality' to list in first bullet point</p>
6	Re-branding to IDOX plc
7	<p>Include a summary of applicable legislation</p> <p>Merge in Human Rights Policy document to reduce the number of policy documents.</p>
8	Change of CEO
9	New section on reporting and consultation added to meet requirements of Information and Consultation of Employees Regulations (2004). In response to these Regulations an Employee Council was established in June 2007. One of the items for reporting and consultation is Equal Opportunity'.
10	<p>Add to the summary of relevant legislation to include new legislation including:</p> <p>Disability Discrimination Act 2005</p> <p>Employment Equality (Age) Regulations 2006</p> <p>Equality Act 2006</p> <p>Racial and Religious Hatred Act 2006</p>
11	Review, formatting changes and change of signature date

This policy document, together with other Group policies and procedures, shall be available to all staff on the intranet. It is the responsibility of the Group's induction officer(s) to ensure that all new staff are made acquainted with the Group's policies and procedures on their first day at work.

It is the responsibility of the Group's compliance officer to ensure that all Group policies are reviewed at regular intervals or whenever there is a change in law. IDOX has adopted the policy that all Group policies are reviewed at least every six months. The results of reviews will be notified to all staff.

It is the final responsibility of the Chief Executive Officer of the Group to ensure that all policies are carried out.