

Equality, Diversity & Inclusion Policy

Commitment

A&P is committed to creating an inclusive working environment in which the rights and dignity of all persons are respected. Personnel are expected to treat each other with respect, courtesy and consideration. All employees have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others.

A&P is also committed to maximising the potential of all staff by providing equal opportunities in all aspects of employment and avoiding unlawful discrimination at work. The Company will not tolerate discrimination, harassment, bullying, victimisation or exclusion of employees or third parties who do work on A&P's behalf.

Who does the policy apply to?

The policy applies to, but is not limited to: all A&P employees, agency labour; contractors; consultants and any other third parties who carry out work on A&P's behalf; and also, those of our customers / clients.

Rights and Responsibilities

Collective Responsibility

Everybody has the right not to experience unlawful discrimination in our workplace. You also have a responsibility and help the company to implement it. All employees have a personal responsibility to understand this policy and for complying with this code. People in positions of authority, such as Directors, Senior Managers, Line Managers and Supervisors, and, have particular responsibilities under this policy, including to set a good personal example, to have regard to the principles of the policy, and to familiarise themselves with the procedures.

Organisational Responsibility

Diversity is central to our work and each of us have a responsibility for taking action. Leadership on diversity and equality will be provided by the Directors and Senior Management Team. A&P will embed equality and avoid unlawful discrimination in all aspects of employment, including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Recruitment (inc. Promotion)

We aim to ensure that no job applicant is placed at a disadvantage by practices or requirements which disproportionately disadvantage protected groups and which are not justified by the demands of the job.

- Job Descriptions will be limited to those requirements that are necessary for the effective performance of the job.
- Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability.
- Disability and personal or home commitments will not form the basis of employment decisions.
- monitor the diversity composition of the existing workforce and all aspects of employment, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.
- Policies, initiative and programmes will be screened for their potential impact on equality – to meet the needs of people from the protected groups.

Working Conditions and Terms of Employment

We aim to ensure that our terms of employment, benefits, facilities and policies are free from unlawful discrimination. We will ensure that decisions made under our disciplinary, grievance, performance improvement and attendance management policies are carried out fairly and without discrimination.

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Inclusion

A&P recognises the full breadth of people that work for and with us. Employees must not discriminate against nor cause harassment to any of our colleagues, visitors, contractors, customers or suppliers. Equally, we expect our visitors, customers and suppliers not to discriminate nor cause harassment to against our employees.

Training

Training decisions will be made on the basis of merit. We will not unlawfully discriminate against any employee in making training decisions. We believe all employees should have an equal opportunity to progress and develop. Training needs will be identified through reviews and discussions.

Termination of Employment

We will ensure that we avoid discrimination in making decisions about dismissal or redundancy.

Line Manager Responsibility

Line Managers and Supervisors at all levels should appreciate their responsibility both to set a good example, and to deal promptly and fairly with complaints of harassment or bullying. They must give full consideration to complaints of conduct which is either deliberately, or likely to be taken as, harassing or offensive. It is the responsibility of all managers to:

- ensure that the standards established within this policy are adhered to within their own area of responsibility
- familiarise themselves with this Policy and bring to the attention of their staff.
- ensure that they are not instructing employees to act in a discriminatory manner or are not putting pressure on employees to discriminate.

Individual Responsibility

Every employee is required to assist A&P to meet its commitment to provide equal opportunities in employment and avoid unlawful discrimination. Employees can be held personally liable for any unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence. Individuals should:

- co-operate with any measures introduced to ensure equality of opportunity
- report any discriminatory acts or practices
- not encourage or attempt to make others practice unlawful discrimination
- not victimise anyone as a result of them having reported or provided evidence of discrimination; and
- not harass, abuse, bully or intimidate others

Monitoring and Review

A&P will review its processes and policies to ensure compliance. The HR department is responsible for reviewing, and where necessary updating, this Policy and advising all employees and line management on any issues that may arise.

Equality

Principles

A&P is committed to creating an inclusive working environment and fostering good relations between people of different groups, also to maximise the potential of all staff by providing equal opportunities in all aspects of employment and avoiding unlawful discrimination at work.

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A&P will not tolerate discrimination, harassment, bullying, victimisation or exclusion of employees or third parties who do work on A&P's behalf. A&P will promote:

- equality for all
- an inclusive culture
- respect and value differences of everyone
- prevention of discrimination, harassment, victimisation and exclusion
- foster good relations and inclusion across the workforce and with partners

This means being aware of the impact of our behaviour and thinking about the impact of employment policies and our programmes in the UK and overseas on people.

The Law

Our policy is governed by the Equality Act 2010, which makes it unlawful to discriminate directly or indirectly, in recruitment, employment or service delivery because of a protected characteristic. The protected characteristics are:

- age
- disability
- gender (or sex)
- gender reassignment
- race
- religion or belief
- sexual orientation
- pregnancy and maternity
- marriage and civil partnership

The Equality Act 2010 states that all organisations have a duty to pay due regard to:

1. Eliminate discrimination, harassment and victimisation in the workplace
2. Advance equality of opportunity between people from different groups
3. Foster good relations between people of different groups

Types of Unlawful Discrimination

The Equality Act 2010 defines the different types of discrimination that are unlawful:

- a) **Direct discrimination** is when someone is treated less favourably than another person because of a protected characteristic. Direct Discrimination is not justifiable. *Examples of direct discrimination would be refusing to recruit a woman because she is pregnant; or excluding one staff member from a team training event on account of their disability or race.*
- b) **Occupational Requirement** (previously known as genuine occupational requirement) - in limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and be a proportionate means of achieving a legitimate aim. Decisions are made on a case by case basis. *For example, a Catholic religious college could reasonably refuse women admittance on a course for the Priesthood because all Catholic priests are male, whereas an Anglican religious college could not refuse women, because both men and women can be Anglican priests. Another example is an organisation that campaigns for LGBT legal rights may feel that their Chair should be lesbian, gay or bisexual.*
- c) **Indirect discrimination** is when you have a condition, rule, criterion, policy or practice that applies to everyone but particularly disadvantages people who share a protected characteristic and it cannot be shown to be a proportionate means of achieving a legitimate aim. *An example of indirect discrimination would be a manager continually holding team meetings on a Monday, which is a day that a part-time member of the team does not work.*

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- d) **Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic. *An example would be not promoting a staff member because they care for a parent who had a stroke. This is discrimination against the staff member because of their association with a disabled person.*
- e) **Perceptive discrimination** is where an individual is directly discriminated against or harassed based on a perception by others that they have a particular protected characteristic. It applies even if the individual does not actually possess that protected characteristic. *An example would be if colleague A harasses colleague B because they think colleague B has AIDS, even though they do not, in fact, have the illness. Colleague A has made assumptions and discriminated against colleague B, based on a perception.*
- f) **Discrimination arising from disability** is where an individual has been treated unfavourably because of something connected with their disability (so does not have to be the disability itself). *An example would be disciplining a staff member for repeated spelling mistakes that are in fact caused by dyslexia, which amount to discrimination arising from disability. This type of discrimination is unlawful where the employer (or a line manager) knows, or could be reasonably expected to know, that the person has a disability.*
- g) **Harassment** is unwanted conduct related to one of the protected characteristics that has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It does not matter whether or not this effect was intended by the person responsible for the conduct. Employees can complain of behaviour that they find offensive even if it is not directed at them and the complainant does not need to possess any of the protected characteristics themselves or not this effect was intended by the person responsible for the conduct.
- h) **Third-party harassment** is where an employee is harassed and the harassment is related to a protected characteristic, by people (third-parties) who are not employees of the organisation, for example external trainers, staff contracted by A&P or visitors to A&P. *The company may be liable if the harassment has occurred on at least two previous occasions, you are aware that it has taken place and have not taken reasonable steps to prevent it from happening again.*
- i) **Victimisation** is when an employee is treated badly and subjected to detriment, such as being denied a training opportunity or a promotion because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. *An example would be if a disabled staff member raises a grievance that the line manager is not complying with the duty to make reasonable adjustments and is then systematically excluded from all meetings; such behaviour could amount to victimisation.*
- j) **Reasonable Adjustments**

The Equality Act also makes it unlawful to fail to make reasonable adjustments, as a result of a disability, to overcome barriers in employment or to using services. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical feature makes it impossible or unreasonably difficult for disabled people to make use of services. In addition, employers and employees have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service, *for example ensuring documents are available in alternative formats.*

If You Have Been Discriminated Against

If you believe you may have been discriminated against, please tell us. You can speak informally with your Line manager or the HR Department. If you want to make a more formal complaint, you are encouraged to raise the matter through the company Grievance Procedure.

If You Act in A Discriminatory Way

If, after investigation, it is decided that a deliberate discriminatory act has taken place in breach of this policy individuals involved may be subject to disciplinary action up to and including dismissal. This applies to all levels of management and employees.

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Malicious or Vexatious Complaints

All allegations of potential breaches of this policy will be treated seriously. Employees and contractors who make such allegations in good faith will not be victimised or treated less favourably as a result. However, if an allegation or complaint is judged to be vexatious or malicious, or found to have been made in bad faith it will be dealt with under the company Disciplinary Procedure.

Harassment (Including Bullying)

Harassment

A person subjects another to harassment where they engage in unwanted and unwarranted conduct which has the purpose or effect of violating that other's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other.

Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment. Harassment on grounds of sex (including gender re-assignment), race, religion or belief, disability, sexual orientation or age may amount to unlawful discrimination. Harassment may also breach other legislation and may in some circumstances be a criminal offence, e.g. under the provisions of the Protection from Harassment Act 1997.

Reasonable and proper management instructions administered reasonably, or reasonable and proper review of a member of staff's and / or performance will not constitute harassment or bullying, and behaviour will not amount to harassment if the conduct complained of could not reasonably be perceived as offensive.

Bullying

Bullying is a form of harassment. It may be characterised by offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Behaviour

Examples of behaviour which may amount to harassment and bullying include action and inaction (but are not limited to) the following:

- offensive comments or body language
- verbal or physical threats
- insulting, abusive, embarrassing or patronising behaviour or comments
- humiliating, intimidating, and / or demeaning criticism
- open hostility
- deliberately undermining a competent person by overloading with work and constant criticism
- exclusion and / or isolation
- publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials
- unwanted physical contact, ranging from an invasion of space to a serious assault.

Procedure for Dealing with Complaints

Wherever possible, the aim is to resolve complaints of inequality, exclusion or harassment promptly and effectively so that good working relationships and normal social interactions can be resumed as quickly as possible.

Initial Action

An individual who feels that they are being harassed may feel able to approach the person in question to explain what conduct they find upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. Such an informal approach may be all that is required to resolve the issue. A&P does not wish to be prescriptive as to the form of any such action that the complainant or the person who is the subject of the complaint may wish to make.

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If the individual is unable or reluctant to approach the person complained against, they should approach their line manager, or the HR department to ask for help in achieving a resolution of the problem.

Mediation

In some situations, it may be appropriate to ask the parties to consider entering into a mediation process. Although mediation may be attempted at any time before or after a formal investigation, it may be particularly helpful if it is considered at an early stage before the formal procedure is invoked.

All those involved in the mediation process must maintain appropriate confidentiality. If for any reason the process does not prove fruitful, or is taking an unacceptably long time to achieve resolution, either party may withdraw from the process.

Raising a Formal Concern / Complaint

If informal action does not succeed in resolving the situation the Grievance Procedure will be invoked. Employees must put their concern / complaint in writing to HR.

- The complainant should set out as clearly and succinctly as possible (i) the nature of the behaviour that they are concerned about; (ii) the effect of this behaviour on them; and (iii) the resolution they are seeking. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence.
- The complainant should also explain what attempts, if any, have been made to resolve the difficulties and the outcome they are seeking.
- Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the complaint within a period of no more than six weeks. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the Company in achieving that result.

Possible Outcomes

Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the Line Manager, in consultation with HR, will either: -

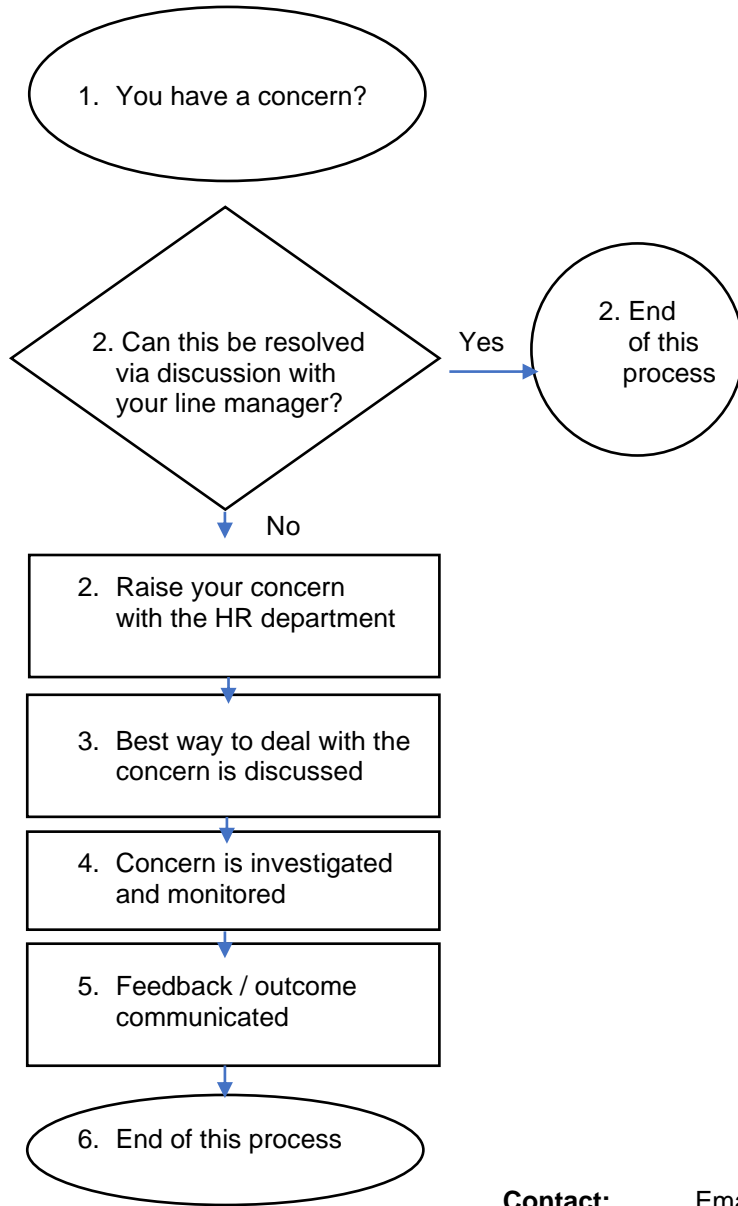
- Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable working relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.
- Initiate resolution of the issues (e.g. by requiring that certain individuals undergo specific training, or implementing practical arrangements to improve working relationships). If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period. This approach will usually be appropriate where the evidence does not support a claim of harassment but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if unresolved or, alternatively that there are structural issues within a department that require management attention.
- Initiate disciplinary proceedings where there is sufficient evidence to support allegations of harassment of a sufficiently serious nature as to merit disciplinary action.

Confidentiality

All information concerning allegations of inequality, harassment and / or bullying must be treated in the strictest of confidence and breaches of confidentiality may give rise to disciplinary action. All parties involved in a complaint (including any witnesses who may be interviewed as part of any investigation, trade union representatives or accompanying colleagues supporting any of the parties) should maintain the confidentiality of the process.

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1. Anyone can raise a concern at any time, regarding any matter. It is often the case that the earlier an issue is raised the sooner it can be resolved.
2. You are encouraged to raise any concerns with your line manager in the first instance. The concern or matter can often be swiftly resolved informally.
3. If you are unable to resolve the matter with your lone manager or if you would rather talk to someone else about your concern, please raise your concern with the relevant HR Dept. (see below).
4. Your concern will be discussed with you along with the options on how best to deal with the matter.
5. The full facts of the matter will be ascertained as far as reasonably practicable. And may include formal interviews, and obtaining statements.
6. You will be informed of the outcome, and any arising actions, as far as is reasonable to do so.
7. This concludes this process, although you will retain the right of appeal.

Contact: Email: HR@ap-group.co.uk
 Falmouth: 01326 214870
 Tyne / Tees: 0191 430 8796

Note: Any issue or concern raised formally in regards to the matters in this Policy (including any Appeals) will, in normal circumstances, be dealt with under the Company Grievance Procedure.

Signed:

David McGinley
 Chief Executive Officer
 Camel Laird Shiprepairers and Shipbuilders Ltd
 Atlantic & Peninsula Marine Services Ltd

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