



# **EQUALITY, DIVERSITY & INCLUSION POLICY**

We inform our employees of the law in which they must respect at all times, in respect of Equality, Diversity & Inclusion (EDI) during their employment with BitHeater They are informed:

It is unlawful to discriminate directly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as “protected characteristics”. Discrimination after employment may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics. Direct discrimination is explained below.

**Indirect discrimination, which is explained below, is also unlawful unless it can be justified:**

- Staff should not discriminate against or harass a member of the public in the provision of services or goods.
- It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability.
- The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services.
- In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

**Policy:** The Company is committed to maximising the effective use of people in the Company's and employee's best interests, and will pursue equality of opportunity as a means of achieving this objective.

Therefore, the Company's policy requires that employment and progression within it will be determined solely by personal merit and the application criteria, which are related to the effective performance of the job and the needs of the business.

No applicant or employee will be treated less favourably than any other on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (which includes colour, nationality and ethnic or national origins), religion or belief, sex or sexual orientation. Commitment: The Company is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against clients.

This policy is intended to assist the Company to put this commitment into practice. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination.

Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in employment. The Company has a separate dignity at work policy, which deals with these issues.

# Type of Unlawful Discrimination:

**Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant. 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 a proportionate means of achieving a legitimate aim.

**Indirect discrimination** is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative discrimination** is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage

and civil partnership, and pregnancy and maternity). For example, if someone has a disabled child, then making decisions based on that person's connection with the child would be associative discrimination on the grounds of disability. Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity). For example, calling a man homophobic names because of a 'standing joke' that he is gay when he is known to be not gay is on the grounds of the perception that he is gay, and therefore is discrimination on the grounds of sexual orientation.

**Third-party harassment** occurs where an employee is harassed and the harassment is related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity), by third parties such as clients or customers. For an employer to be liable: the harassment must have occurred on at least two previous occasions (although not necessarily by the same harasser or suffering the same type of harassment) it must be aware that the previous harassment has taken place; and it must have failed to take reasonable steps to prevent harassment from happening again.

**Victimisation** occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he or she is suspected of doing so. However, an employee is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint.

There is no longer a need for a complainant to compare his or her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind employee raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

**Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

## Equal Opportunities in Employment:

The Company will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications 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 except where necessary.

The Company will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the Company considers it has good reasons, unrelated to any protected characteristic, for doing so. The Company will comply with its obligations in relation to statutory requests for contract variations. The Company will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The Company will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

The Company cannot lawfully discriminate in the selection of employees for recruitment or promotion, but the Company may use appropriate lawful methods, including lawful positive action, to address the under- representation of any group that the Company identifies as being under-represented in particular types of job.

All pay is structured in line with government standards including the National Living Wage and National Minimum Wage.

**For more information on this policy,  
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