

## Introduction

At Kier, we know that being a diverse and inclusive business is the morally and ethically right thing to do.

Diversity and inclusion are at the heart of our values and the 9 healthy behaviours and are a critical part of Performance Excellence. We can only truly live our values and succeed as a business if all our employees feel comfortable to be themselves in the workplace, without fear of judgement or comment.

This policy enables us to send out a strong message of commitment, both internally and externally, towards diversity and inclusion. It is a fundamental part of our diversity strategy, along with our focused and structured [Diversity and Inclusion Roadmap](#). It is the responsibility of all of us to ensure Kier is a diverse and inclusive business.

## Statement of intent

We are fully committed to the elimination of unlawful and unfair discrimination and value the differences that a diverse workforce brings.

We will not discriminate because 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. We will build a culture that values openness, fairness and transparency, where everyone can succeed.

This policy applies equally to the treatment of our visitors, clients, customers and suppliers by our employees and workers and the treatment of our employees and workers by these third parties.

We value the diverse nature of our people and have a zero-tolerance policy on harassment and discrimination. We all have a duty to act in accordance with this policy and treat colleagues with dignity at all times. We have a zero-tolerance approach to any discriminatory practices or behaviours.

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This policy does not form part of any employee's contract of employment and it may be amended at any time.

It will be reviewed on an ongoing basis to reflect changes in the law, demographics and internal business progress.

## Definition of Diversity & Inclusion Terms

Diversity means difference. Diversity is the range of human differences from different backgrounds, with different experiences and different personal characteristics such as skin colour, gender, sexual orientation, religion, or belief.

Our personal differences are a part of who we are, and at Kier we welcome and collaborate with people from all walks of life.

Inclusion is about creating an environment where everyone can be themselves at work, without fear of judgement or different treatment. When we get inclusion right, people feel valued, can be open and honest and are able to say what they mean too without fear. People feel a sense of purpose, belonging and wellness.

Respect is an integral part of our diversity and inclusion roadmap; and our Expect Respect campaign outlines the Kier 5 Respect Basics which all employees are expected to uphold;

## The 5 Respect Basics

1. Banter is Not an Excuse: The joke's not funny when it upsets someone else
2. Call It Out: Heard or seen something offensive or that makes you or someone else feel uncomfortable? Say something or report it on 0333 0050499 (option 2 then option 3) or [File a Report - Safecall Ltd](#)
3. Be Open Minded: Take the time to learn and listen to what others have to say
4. Respect Each Other: Everyone's experiences are different, and they all matter
5. Take Action: Kier has a zero-tolerance approach to harassment and bullying

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Bullying, harassment direct or indirect discrimination (See below section) of others in any form will not be tolerated and will be dealt with under Kier's disciplinary procedures. These may be considered as acts of gross misconduct, which can lead to summary dismissal or summary termination of contract/engagement.

Microaggressions: These are subtle comments or acts which suggest and point out that someone differs from the norm. Look out for forms of microaggressions as these can damage mental wellbeing and make the workplace feel isolated and uncomfortable. They can be direct as well as indirect and intentional as well as unintentional. If you hear or see a microaggression, be sure to 'Call it Out' and let the person who made it know the impact it can have.

### **Examples of a microaggression may include:**

- Saying 'you're so articulate' to a person of colour
- Assuming the woman in the room is a subordinate
- Saying 'your name is so hard to pronounce'

### **Forms of Discrimination – Principles**

Discrimination may be direct or indirect and it may occur intentionally or unintentionally.

Direct discrimination occurs where someone is treated less favourably than another person because of a "protected characteristic". The protected characteristics are set out in our Statement of Intent referred to earlier in the policy. Direct discrimination includes discrimination by association and discrimination by perception.

Associative discrimination occurs when someone is treated less favourably than another person because of association with another person who possesses a protected characteristic.

Discrimination by perception occurs when someone is treated less favourably because others think they possess a protected characteristic even if they do not actually possess that characteristic.

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Indirect discrimination occurs where someone is subjected to an unjustified provision, criterion or practice which puts them at a particular disadvantage because of a protected characteristic. Indirect discrimination can be justified if it is a proportionate means of achieving a legitimate aim.

It is also unlawful discrimination to treat a disabled person unfavourably, because of something arising in consequence of their disability. This type of discrimination can be justified if you can show that the treatment is a proportionate means of achieving a legitimate aim, this can include where the health, safety and welfare of an individual is at risk. Disability discrimination also includes a failure to comply with a duty to make reasonable adjustments. If you would like to discuss a reasonable adjustment, please speak to your line manager or local HR representative in the first instance.

Discrimination also includes harassment which occurs when a person is subjected to unwanted conduct related to a relevant 'protected characteristic' which has the purpose or effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or an offensive environment.

## **Sexual Harassment**

The law requires employers to take reasonable steps to prevent sexual harassment of workers in the course of their employment. Sexual harassment is unwanted attention that violates a person's dignity or creates an offensive or degrading environment. Sexual harassment makes the person, or persons, affected feel uncomfortable, threatened or offended.

A range of behaviours recognised to be forms of sexual harassment are listed below. However, this list is not exhaustive. It is important to bear in mind that sexual harassment covers a very broad spectrum of behaviour, and may not always appear to be overtly sexual in nature, but can include:

- Sexual images displayed or shared
- Offensive words or comments
- Demeaning or humiliating behaviour or language
- References to someone's body
- Intrusive questions about someone's private life
- Stalking, including online stalking

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- Sexual gestures, such as simulating sexual acts
- Unwanted touching, such as putting a hand on someone’s knee or hugging them
- Unwanted sexual attention whether verbal or physical
- Coercing someone into sexual relations through pressure, manipulation or threats, or offering rewards in exchange for sex
- Sexual violence, including rape, or threatening to carry out sexual violence or unwanted sexual acts

Kier has a zero-tolerance approach to sexual harassment and any instances will be considered a disciplinary offence which may lead to disciplinary action up to and including dismissal if it is committed:

- in a work situation
- during any situation related to work such as at a social event with colleagues
- against a colleague or other person connected to the employer outside of a work situation, including on social media, or
- against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role

In some cases, sexual harassment may also be a criminal offence.

Although women are more likely to experience sexual harassment, it can happen to anyone. Sexual harassment does not always occur in plain sight. It can happen in-person and online, and outside as well as during working hours. Regardless of when and how it occurs, any sexual harassment involving employees should be considered a workplace issue.

We also have a legal requirement to take reasonable steps to prevent sexual harassment by third parties. In line with our commitment to the elimination of unlawful and unfair discrimination and value the differences that a diverse workforce brings, harassment by third parties will not be tolerated. If reported we will take steps to remedy a complaint or prevent it happening again.

See the section below “How to Make a Complaint” for information on what you should do if you experience or are aware of sexual harassment (including by a third party).

It is the responsibility of all of us to ensure Kier is a diverse and inclusive business free from discrimination and harassment.

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## **Victimisation**

Victimisation occurs when an individual is subjected to a detriment because they have brought proceedings under the Equality Act 2010; or given evidence or information in connection with proceedings under the Equality Act 2010; or done any other thing for the purposes of or in connection with the Equality Act 2010; or raised a grievance/allegation about discriminatory behaviour. It is unlawful to victimise individuals.

Employees found to have committed acts of victimisation or inducing others to discriminate in connection with their employment with Kier, or intentionally failing to comply with the policy will be subject to Kier's disciplinary procedure, Such conduct may be considered as acts of gross misconduct which can lead to summary dismissal or summary termination of contract/ engagement (see also the clause on the 'The right to dignity at work' in our employee handbook.)

## **Human Rights**

Our business activities are pursued with respect for human rights. It is not acceptable to abuse the human rights of either individuals or groups of individuals or to fail to operate in a manner consistent with the principles of the Human Rights Act 1998.

We will not participate in, contribute to or obtain information from any blacklist or other similar service which undermines these principles and as part of this obligation, we will ensure that compliance with the Business Ethics policy, as well as this policy, will form part of the selection process for appointing subcontractors and other members of our supply chain.

## **Recruitment and Selection**

At Kier we recruit all positions in a fair and non-discriminatory manner. It is essential that recruitment and selection procedures are based on objective criteria related to the needs of the job, and that such criteria are applied equally at all stages during the process to all applicants at all levels within Kier (subject to any reasonable adjustments being made to the selection process).

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Our Recruitment & Selection policy provides details of our procedures and processes to ensure an inclusive recruitment process. An inclusive recruitment process is one that creates and supports a fair platform for all candidates. This means that we are not only recognising the diversity of applicants for our roles but are also ensuring that they are not going to be adversely impacted or discriminated against on the basis of their characteristics.

All hiring managers have a responsibility to undertake inclusive recruitment training, and ensure there is an inclusive recruitment process. Our Inclusive Recruitment Guidance provides detailed support. Alternatively, you can get in touch with the D&I recruitment team via [inclusiverecruitment@kier.co.uk](mailto:inclusiverecruitment@kier.co.uk)

### Employee Development and Training

To ensure that all employees are treated fairly and have access to all relevant training and development opportunities, the following procedures should be followed:

- All employees should participate in the annual performance review exercise, which will assess their current level of job performance as well as their training and career development needs.
- All employees will have access to and be encouraged to take advantage of suitable training and development opportunities.
- Decisions relating to career development should be based on objective criteria which are fairly applied. The ability to meet the requirements of the position successfully should be the main criterion for promotion.
- Training is provided in order to increase the knowledge and skills of employees and all training course materials and content will reflect Kier's position as an inclusive employer. This includes mandatory diversity and inclusion and preventing sexual harassment training. Whilst this training is mandatory you may be able to opt out of the training if it will be triggering due to a lived experience. If this is applicable to you please take to your local HR representative.

We capture demographic information on our employees in order to track and monitor compliance with the above procedures, to ensure no biases are evident.

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## Individual and Management Responsibilities

We expect everyone who works for us at Kier to take responsibility for their personal involvement in the practical application of this policy, and for creating an inclusive work environment, in line with our Expect Respect campaign. We all have accountability for behaving in line with our values and creating a culture where people feel valued and respected, making Kier an inspiring place to work.

All employees are expected to actively promote and uphold this policy and are responsible for keeping the workplace free of discrimination (including harassment and victimisation) and bullying; in line with our Expect Respect campaign.

Support and guidance is available from the following resources;

- The Kier D&I hub is where you can find a wealth of resources including Kier’s D&I Roadmap which outlines the milestones we will achieve, a useful Terminology Guide which outlines some of the key terms you are likely to hear within Kier and much more!
- Employee Networks: We have 5 employee networks within Kier, all of whom are available to answer any questions, provide guidance and best practice advice, they welcome all new members. The networks are;
  - Kier Inclusion Network
  - Pride Network
  - Gender and Alliance Inclusion Network
  - Racial Inclusion Network
  - Ability Network (Disability & Neurodiversity)
  - Armed Forces Network
  - One World Network
- At Kier, we recognise the intrinsic link between wellbeing and D&I; and want to ensure that everyone has a positive experience in the workplace. Our Wellbeing policy is available on our IMS.

If you have any questions that have not been answered by any of the above resources, you can always contact the D&I team at [inclusion@kier.co.uk](mailto:inclusion@kier.co.uk).

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## Monitoring

As part of our commitment to diversity and inclusion, monitoring will be carried out at the recruitment stage, and at subsequent regular intervals during the employee life cycle.

Our online application process includes sections which enable all applicants and employees to declare (if they wish to do so) their personal demographics such as ethnic origin, gender, disability etc. Information from monitoring will assist with reporting to assesses the success of our diversity and inclusion initiatives. All reporting will be anonymised and will not identify any individual. We will report on key measures which include gender composition of the workforce, age, race & ethnic origin and sexual orientation, disability, religion or belief.

Information provided by job applicants and employees for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

## How to Make a Complaint

If you feel that you have a grievance or a complaint under this policy, it is recommended that in the first instance and if you feel comfortable to do so, make the issue known to the person responsible for the behaviour and request that it should cease. You may also, as an alternative, seek the direction and guidance of your director/managing director, manager or member of HR in attempting to resolve matters in an informal manner.

If you would prefer to raise your complaint anonymously, you can call it out by contacting the speak up help line on 0333 0050499 (option 2 then option 3) or complete the form on [File a Report - Safecall Ltd](#). Any reports made via Call it Out will be investigated by a completely independent Manager and HR professional. If you submit an anonymous report, please be aware that we will not be able to personally follow up with you regarding the outcome of the investigation process.

Where it does not prove possible to reconcile issues informally, or if you do not want a matter dealt with informally, you can make a complaint using Kier's grievance procedure. The grievance procedure is set out in our Employee Handbook. However, outcomes could include informal discussion, formal warning, dismissal, training or

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upskilling and educating individuals etc.

Grievances or complaints linked to diversity and inclusion will be dealt with in the strictest confidence and will not prejudice the employee's current employment status or future career prospects (or the worker's/ contractor's current status or future prospects with Kier). Aggravating factors such as abuse of power over a more junior colleague will be taken into account in deciding what disciplinary action to take.

### **Vexatious Allegations**

Vexatious allegations, false allegations made maliciously, or a breach of this policy may be considered a disciplinary offence. Vexatious allegations or false allegations made maliciously may result in disciplinary action up to and including summary dismissal or summary termination of contract/engagement.

Allegations regarding potential breaches of this policy will be treated in confidence and fully investigated.

### **Conclusion**

This policy reinforces our strong message of commitment, both internally and externally, towards diversity and inclusion. It is a fundamental part of our diversity strategy, along with our focused and structured Diversity and Inclusion Roadmap.

It is the responsibility of all of us to ensure Kier is a diverse and inclusive business.

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