



Equality & Diversity Policy

Celox Yachting are an Equal Opportunities Employer who, in accordance with the Equality Act 2010, are committed to operating in a manner which does not discriminate against employees, temporary workers, permanent workers or our clients. Our staff understand the legal and moral observations not to discriminate against any individual or groups of individuals and failure to uphold this will result in disciplinary action. Our Equality & Diversity Policy affirms this commitment of Celox Yachting to provide equal opportunities in employment.

Celox Yachting are committed to achieving a working environment which provides equality of opportunity and freedom from unlawful discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and ex-offender (where context allows). This policy aims to address and remove unfair and discriminatory practices within the company and to encourage full contribution from the wider community. Celox Yachting are committed to actively opposing all forms of discrimination.

Celox Yachting will promote equal opportunity through the application of employment policies which will ensure that individuals receive treatment, which is fair, equitable and consistent with their relevant aptitudes, potential, skills, and abilities. All Directors will seek to ensure that all employees comply with these principles. The Company also recognises that it is the duty of all employees to accept their personal responsibility for fostering a fully integrated community at work by adhering to the principles of equal opportunity.

Celox Yachting aims to provide a service that does not discriminate against its clients and customers in how they can access the services and goods supplied by the Company. The Company believes that all employees and clients are entitled to be treated with respect and dignity.

Policy Objectives

The objectives of this Policy are:

- To reduce, stop and prevent all forms of unlawful discrimination
- To ensure that the recruitment, promotion, training, development, assessment, and service provision are determined only based on capability, qualifications, experience, skills and productivity
- To be proactive in promoting equality and diversity by working consistently and in an ongoing manner

Celox Yachting Directors are responsible for ensuring complete adherence to this Policy and all subsequent reviews/updates.

Definition of Discrimination

Celox Yachting defines Discrimination as unequal or differential treatment which leads to an individual being treated differently to others in the same or similar circumstances, on the grounds of the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and/or sexual orientation.

There are numerous types of discrimination:

- Direct Discrimination – treatment is less favourable because of a protected characteristic which they have or are thought to have, or that they associate with an individual who has a protected characteristic (see Discrimination by Association)
- Discrimination by Association – applicable to race, religion or belief, sexual orientation, disability, gender reassignment and/or sex. This is direct discrimination against an individual because of them associating with another individual who possesses a protected characteristic
- Perception Discrimination – applicable to age, race, religion or belief, sexual orientation, disability, gender reassignment and sex. This is direct discrimination against an individual as others believe them to possess a protected characteristic, even if the individual does not possess the protected characteristic

- Indirect Discrimination – applicable to age, race, religion or belief, sex, sexual orientation, marriage and civil partnership, disability, and gender reassignment. Indirect Discrimination occurs when an individual has a condition, when there is a rule, policy or practice in the company that applies to everyone but causes particular disadvantage to individuals who possess/share a protected characteristic. Indirect Discrimination can be justified if it can be shown that the Company acted reasonably in managing the business in that 'it is a proportionate means of achieving a legitimate aim'. A legitimate aim may be classed as a lawful decision made in running the business, but if there is a discriminatory effect then the sole aim of reducing costs is likely to be unlawful. To be considered 'proportionate', the decision needs to be fair and reasonable, and demonstrate that the Company has looked at alternative, less discriminatory means to achieve the result but without success
- Harassment – unwanted conducted related to a relevant protected characteristic which has the purpose/effect of violating an individual's dignity or creating a humiliating, hostile, or degrading environment for the individual. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees can complain against behaviour that they find offensive, even if not directed at them, and the complainant need not possess the protected characteristic themselves. Employees are also protected from harassment because of perception and association
- Third Party Harassment – applies to sex, age, disability, gender reassignment, race, religion or belief, and sexual orientation. The company may potentially be liable for harassment of their employees by people (third parties) who are not employees of the Company, such as customers and/or clients. In this instance, the Company will only be liable where harassment has occurred on at least two occasions and the Company were aware, however chose not to take reasonable steps to prevent a repeat occurrence
- Victimisation – an individual is treated badly because they have made/supported a claim made under the Equality Act; or because they are suspected of doing so. An individual is not protected if they have maliciously made or supported an untrue claim

Protected Characteristics

The policy recognises the following Protected Characteristics:

- Age – people of all ages are protected, however differential treatment is not necessarily unlawful Direct or Indirect discrimination, provided it can be justified. This includes demonstrating that it is a proportionate means of meeting a legitimate aim. Age is the only protected characteristic that allows justification of Direct Discrimination
- Disability – it is now easier to show that an individual is disabled and subsequently protected from Disability Discrimination. A person is classed as 'disabled' if they have a physical or mental impairment that has substantial and long-term adverse effect on their ability to carry out their normal day-to-day activities (i.e. using a telephone, using public transport, reading, etc). employers are duty-bound to make reasonable adjustments to enable the employee to overcome disadvantages resulting from an impairment, including:
 - Adjustments to premises
 - Re-allocation of some duties
 - Transfer to a role better suited to the disability
 - Relocation of the disabled employee to more suitable offices
 - Allowance of time for treatment or rehabilitation
 - Provision of training/mentorship
 - Supply of modified equipment
 - Any other adjustment reasonable and necessary within financial constraints

Should an employee feel adjustments are required they should contact the Designated Manager. It is discrimination to treat an employee unfavourably as a result of something connected to a disability; this type of discrimination is only justifiable if the Employer can show this is necessary to achieve a legitimate aim. Indirect Discrimination now includes disabled people, meaning that an applicant or employee can claim that a particular rule/requirement in place disadvantages those with the same disability. The Equality Act makes it unlawful to enquire as to an individual's health prior to offering work, except in certain circumstances

- Gender Reassignment – a transsexual person is someone who proposes to/starts/completes the process to change their gender. It is no longer a requirement for an individual to undertake medical procedures. It is discrimination to treat transsexual people differently for absence from work to propose to undergo, undergo or have undergone medical procedures, than they would be treated as a result of absence due to injury and/or surgery
- Marriage and/or Civil Partnership – employees who are married or in civil partnership are protected against discrimination. Single people are not protected
- Pregnancy and Maternity – a woman is protected against discrimination on the grounds of pregnancy and maternity during the period of her pregnancy and any statutory maternity leave to which she is entitled. During this period, pregnancy or maternity discrimination cannot be treated as sex discrimination
- Race – includes colour, nationality and ethnic or national origins. It is not permissible to treat an individual less favourably due to their race
- Religion or Belief – this includes any religion in addition to no religion, protecting those who follow no religion at all. To be included, a religion must have a clear structure and belief system, belief meaning any religious or philosophical belief or a lack of such belief. To be protected the belief must satisfy various criteria, including that it is a substantial factor of an individual's way of life and behaviour. Discrimination can occur even when the discriminator and recipient are of the same belief
- Sex – both men and women are protected under the Equality Act 2010. It is not permissible to treat a person less favourably due to their sex
- Sexual Orientation – bisexual, gay, and lesbian people are protected. It is not permissible to treat a person less favourably due to sexual orientation

Key Changes

The new Act allows an Employer to take a Protected Characteristic into consideration when deciding who to recruit and promote. This is only applicable if the candidates are 'as qualified as' each other for a particular position. This does not mean that they have the same qualifications as each other, more that they are rated the same in relation to the selection criteria applied to assessing suitability for a position. Evidence would be required to show that those with that characteristic face difficulties or are disproportionately under-represented in relation to a particular post for which there is a vacancy. In such circumstances, the Employer can choose to use the fact that an applicant has a Protected Characteristic as a deciding factor when determining which to appoint. Applicants are not automatically treated more favourably if possessing a Protected Characteristic in relation to recruitment and/or promotion; consideration will always be given to abilities, merits and qualifications.

The circumstances under which an employer can ask health-related questions prior to offering a job have been limited. Up to this point, an employer can only ask health-related questions which can assist them to:

- Decide whether there is a need to make reasonable adjustments for the person as part of the selection process
- Decide whether an applicant can carry out a function intrinsic to the role
- Monitor diversity amongst applicants
- Take positive action to assist disabled individuals

Though a job seeker cannot take an Employer to tribunal if they believe they are acting unlawfully by asking questions they believe to be prohibited, they can complain to the Equality & Human Rights Commission. If an employer does ask prohibited questions and the candidate is subsequently not employed, they may bring a case of discrimination against the employer and the burden of proof will be on the Employer to demonstrate that they had not discriminated. Following offer of employment, the Employer is permitted to ask appropriate health-related questions

Employment Tribunals can make recommendations to eliminate or reduce the effect of discrimination on other employees in addition to the claimant under the new Act. This does not apply to cases involving equal pay.

A claim of Direct Pay Discrimination can be made even if no real person comparator can be found. A claimant who can show evidence they would have received more favourable remuneration from the Employer had they been of different sex may have a claim against the organisation, even if there is no-one of the opposite sex doing the equal work. This claim would fall under Sex Discrimination.



A company can no longer prevent or restrict employees from having a discussion to establish if differences in pay exist that are related to restricted characteristics. It also makes terms of the contract of employment that require pay secrecy unenforceable because of these discussions. An Employer can require employees keep pay details confidential to those outside of the organisation.

It is the responsibility of all employees to co-operate fully and is essential for the success of this Policy. Ultimate responsibility for achieving the objectives of the Policy, including the assurance of compliance with relevant Legislation and Codes of Practice, lies with the Company. All employees are expected to adhere to the Policy and ensure that the values are upheld within the workplace. All Employees are expected to act in a manner that does not subject any other employees, candidates or clients to direct/indirect, associative, or perceived discrimination, harassment, third party harassment or victimisation on the stated grounds or Protected Characteristics. Employees found to contravene this Policy may be held independently and individually liable for their discriminatory acts by an Employment Tribunal and ordered to pay compensation as a result. In the event that an employee is the subject or the perpetrator of, or witness to, discriminatory behaviour, please refer to the Grievance Procedure. If anyone makes a discriminatory request to an employee, they must refuse to accept such an instruction and explain to the person making the request that it is illegal. Such a request must not be accepted on any grounds as it would break the law.

Employees may contact a member of Senior Management or a company Director at any time for advice, guidance, and/or support in relation to discrimination.

Celox Yachting will seek to apply this Policy in the recruitment, selection, training, appraisal, development, promotion, and redundancy of all employees. The Policy will be reviewed by the Company Directors regularly and any amendments communicated and implemented accordingly.

Reviewing Policy

This policy will be reviewed and, if necessary, revised in the light of legislative or codes of practice and organisational changes. Improvements will be made to the management by learning from experience and the use of established reviews.

Policy review date: 15 September 2024