

MARSTON'S PLC
EMPLOYEE POLICY & PROCEDURE

EQUAL OPPORTUNITIES POLICY

INITIAL DATE: January 2007

STATUS: FINAL

LAST UPDATE: NOVEMBER 2008

Policy Statement

The Company is committed to providing equal opportunities in employment and to avoid unlawful discrimination in employment or to customers. It is Company policy to treat all employees, contractors, visitors and job applicants in the same way regardless of their gender, sexual orientation, age, marital status, civil partnership status, colour, nationality, creed, race, religion or beliefs, ethnic or national origins, pregnancy, responsibility for dependants, gender reassignment, membership or non membership of a trade union, spent convictions and physical or mental disability.

The Company will aim to ensure that all our staff and applicants for employment are protected from unlawful discrimination in the workplace and should be allowed to work in an environment free from harassment, bullying, unsolicited or unwelcome comments or overtures on discriminatory grounds.

The Company has three main objectives in issuing this policy. First, to encourage its employees to take an active role against all forms of harassment and discrimination; second, to deter employees from participating in harassment or discriminatory behaviour; and third, to demonstrate to all employees that they can rely upon the Company's support in cases of harassment or discrimination at work.

The Company will endeavour not to discriminate in the areas of recruitment, selection, promotion, transfer, training, access to benefits and services, discipline or dismissal and selection for redundancy.

The Company accepts that responsibility for providing a work place free from discrimination lies primarily with the Company, however, employees at every level have a duty to be aware of and to comply with the Equal opportunities legislation. Without this co-operation the principles contained within this document cannot be upheld.

PROCEDURE

1. Responsibilities

This organisation is an Equal Opportunity employer. Equal opportunities is about good employment practices and efficient use of our assets, one of which is our employees. To ensure that all employees are aware of the terms and implications of this policy specific responsibility is vested in the following:-

- Directors : Ensure that they review when necessary, and revise existing formal and informal procedures.
- Managers : Ensure that any potentially offensive material is neither displayed nor circulated throughout the Company via either the Computer network, Company notice boards or any other form of

communication process, and actively discourage discrimination of any form as detailed in the policy statement above. They should ensure that the staff for whom they are responsible are aware of this policy and the need to adhere to its provisions, and that breaches of this policy may result in disciplinary action which will result in dismissal. Managers should also ensure that any complaints made under this policy are dealt with both promptly and in a sensitive manner.

- All employees : Ensure that regardless of seniority have a duty and responsibility to comply with the requirements of this policy. All employees also have a responsibility to use the Company's computer systems and the Internet, if usage is granted, in a professional, lawful and ethical manner. Abuse of the computer network, the Internet and/or any other Company software or hardware provided to them (including mobile phones), in a way which suggests any form of discrimination as detailed above, may result in disciplinary action, including possible termination in line with the Company's Disciplinary Policy, and civil and/or criminal liability.

All software, hardware and E-mail/Web/Internet access is monitored by the Company's central computer systems. This monitoring and periodic auditing is performed in order to ensure the integrity of the Company's systems and compliance with legal obligations.

- Human Resources : Ensure that the policy is communicated to all levels of employees and will ensure that all Managers will receive any necessary support, guidance and training to implement and maintain the policy.

2. Discrimination Definitions

The Company will not discriminate on the grounds of gender, sexual orientation, age, marital status, civil partnership status, colour, nationality, creed, race, religion or beliefs, ethnic or national origins, pregnancy, responsibility for dependants, gender reassignment, membership or none membership of a trade union, spent convictions and physical or mental disability.

Direct Discrimination: This can occur when a person is treated less favourably on any of the above grounds.

Indirect Discrimination: This occurs where the individual's employment is subject to an unjustified provision, criteria or practice which is applied equally to persons of all groups but which puts or would put at a particular disadvantage persons of any of the above groups, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Victimisation: This occurs if a person is given less favourable treatment than others are, because he/she has exercised his/her rights under this policy or the relevant legislation or supported another person in doing so.

Harassment: This is defined as unwanted conduct on any of the above grounds which has the purpose or effect of violating the recipient's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her. The harassment may be verbal, non verbal or physical conduct including less favourable

treatment on the grounds of the recipients rejection of or submission to such conduct.

3. Recruitment and Promotion

Recruitment and employment decisions will be made on the basis of fair and objective criteria. Our selection procedures are reviewed from time to time to ensure that they continue to be appropriate for achieving our objectives and for avoiding unlawful discrimination.

Whenever practicable, job vacancies will be advertised and displayed on company notice boards.

Working patterns will be reviewed and should business requirements allow, flexible working options will be available to staff where possible as set out in the provisions of the Flexible Working policy..

The requirements of job applicants and existing members of staff who have or have had a disability will be reviewed to ensure that wherever possible reasonable adjustments are made to enable them to enter or remain in employment with us. Any disability will only be taken into consideration where it has an impact on the applicant's ability to do the job.

In accordance with recommended practice the ethnic origin, and gender of our employees will be monitored at all levels. We will follow the safeguards outlined in the Data Protection Policy concerning the collation of such sensitive data.

4. Training, Promotion and Career Development

The Company encourages all employees to train in order to improve performance in their existing job and to realise their potential for promotion. Regular appraisals and performance reviews are carried out, and managers should discuss training with their staff.

Appropriate training is available to enable staff to implement and uphold our commitment to equality of opportunity and diversity. Staff involved in recruitment in particular should request training if they have any doubt about the application of this policy.

5. Terms & Conditions

Terms and Conditions are designed with Equal Opportunities in mind. Pay and benefits are reviewed regularly to ensure that they are all equitably offered. Part-time and job share opportunities will be considered. Secondments and placements will also be considered where appropriate.

6. Disability / Disability During Employment

Employees who are disabled or become disabled in the course of their employment should inform and may wish to advise the company of any "reasonable adjustments " to their employment or working conditions which they consider necessary or which they consider would assist them in the performance of their duties. Careful consideration will be given to any proposal of this nature and, where reasonable and reasonably practicable such adjustments will be made.

7. Complaints

Should any employee feel that they have been discriminated against in any way, they should in the first instance discuss this informally with their manager. If your complaint relates to your manager you may raise the complaint informally with your managers' manager or a member of your Human Resources Department.

The Company will treat all complaints in a timely and confidential manner, and will investigate the complaint fully as per the provisions set out in the Company's Grievance Procedure.

The Company believes that it is important that employees feel able to raise such grievances and no individual will be penalised for raising such a grievance unless it is untrue and made in bad faith.

If the use of the grievance procedure is not a practical option for an alternative reason, you should contact a member of your Human Resources Department for advice.

8. Discipline

Any employee who discriminates or harasses any other employee intentionally or unintentionally on grounds which are contrary to this policy will be dealt with under the Company's existing disciplinary procedure.

Where a complaint is made, a proper investigation of the complaint will take place in line with the Company's disciplinary procedure by the Line Manager and a member of the Human Resources Team. In certain circumstances the alleged harasser may be suspended without prejudice on full pay before, during or after the investigation.

In serious cases, such behaviour may be deemed to constitute gross misconduct and in the absence of any mitigating circumstances, will result in dismissal without notice in line with the Company's Disciplinary Policy. Employees can be held personally liable as well as, or instead of, the Company for any act of unlawful discrimination. Employees who commit serious acts of harassment may be guilty of a criminal offence.

Employees shall be protected from intimidation, victimization, discrimination or harassment for filing a complaint or assisting in any investigation into this procedure. Retaliation against an employee for making a complaint under this procedure is a disciplinary offence under the terms of the Company' Disciplinary Policy.

9. Summary

The Company will best succeed when there are shared objectives, and terms of employment which acknowledge the contribution employees make to the success of our enterprise. All employees of the company must take responsibility for creating a framework without discrimination for employing, promoting and rewarding all who work for the Company.

FUTURE AMENDMENTS

The Company reserves the right to amend this policy when the needs of the business or statutory requirements necessitate such action. Where collective bargaining arrangements exist the Company will consult the elected Employee Representatives prior to implementing such changes.

All policies and procedures are reviewed on a regular basis and amendments/additions will be communicated to all users. Usually this communication process will be via e-mail but can be any of one or more methods deemed appropriate at the time.

Copies of the following policies referred to in the above document can be found on the Gateway or copies are available from Human Resources.

Equal Opportunities Policy

Disciplinary Policy

Flexible Working Policy

Grievance Procedure

Computers, Email and Internet Policy

Data Protection Policy