

INVITATION TO TENDER (ITT)

Implementation Audit of Transport Model Development & Analysis

Appendix E: Equality, Diversity, Inclusion and Labour Relations

Ref : HS2/644

V1.00

Contents

1	CUSTOMER'S EQUALITY POLICY STATEMENT	3
2	PROMOTION OF EQUALITY	3
3	ENGAGING WITH UNDER-REPRESENTED GROUPS	4
4	EQUALITY RELATED POLICY AND PROCEDURES	4
5	MONITORING & REPORTING	4
6	LABOUR RELATIONS	5
7	TRADE UNION MEMBERSHIP.....	5
8	MANAGING WORKFORCE RELATIONS.....	5
9	ETHICAL LABOUR PRACTICES	6

1 Customer's Equality Policy Statement

- 1.1 The Customer is committed to ensuring equality, valuing diversity and promoting inclusion across all organisations involved with HS2.
- 1.2 The Customer recognises the diversity of the population of the UK.
- 1.3 To fulfil its obligations the Customer intends to create a lasting legacy for:
- equality;
 - a built environment which is a model for inclusivity and accessibility;
 - a step-change in equality practice in the construction, rolling stock and maintenance sectors;
 - sustainable skills and experience gained by employees from diverse groups.
- 1.4 The Customer also intends to build a railway and to provide an accessible transport network, which are inclusive for people with protected characteristics as set out in the Equality Act 2010. To achieve this, the Customer requires the External Provider's support when responding to requests in relation to the Customer's legal duties. Including, but not limited to:
- ensuring that all the processes used to recruit and manage employees working on the Services (including employees working within the supply chain) are demonstrably fair and offer equality of opportunity to all;
 - working with partner organisations to encourage, in particular, women, Black, Asian and minority ethnic people, disabled people, younger and older people, Lesbian Gay Bisexual and trans communities, and faith groups to train and apply for jobs in construction and allied areas and to combat workplace discrimination;
 - ensuring that the procurement of all work, goods and services arising from the Customer's programme is transparent, fair and open to diverse External Providers.
 - engaging with, consult and involve diverse groups from the local community.

2 Promotion of Equality

- 2.1 The External Provider will acknowledge that the Customer has a duty under the Equality Act 2010 to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2.2 In carrying out the Services the External Provider will assist and co-operate with the Customer in discharging these duties. The External Provider will use reasonable endeavours to procure that its subcontractors of any tier assist and co-operate with the Customer in discharging these duties. The External Provider will acknowledge that the Customer views each area of diversity as being equal in importance and that the ethos of legal duties extends to all areas of diversity. The External Provider shall take a positive, promotional approach to all areas of diversity and will ensure that no individual is treated less favourably because of their connection with any particular characteristic of diversity.

3 Engaging With Under-Represented Groups

- 3.1 The External Provider will co-operate with the Customer and others in engaging with local and national diverse communities to communicate employment, training and contracting opportunities to groups which are under-represented in the External Provider's workforce.

4 Equality Related Policy and Procedures

- 4.1 The External Provider in carrying out the Services will prepare, adopt and implement policies and procedures covering the following areas:
- Equality Opportunity;
 - Recruitment;
 - Workplace Harassment;
 - Reasonable Adjustments (in relation to disability in the workplace); and
 - Flexible Working;
 - together referred to as the 'Equality Policies and Procedures'.
- 4.2 The External Provider will procure that each of its subcontractors of any tier adopts and implements the Equality Policies and Procedures.

5 Monitoring & Reporting

- 5.1 The External Provider will operate equality monitoring and reporting and procure that each of its subcontractors of any tier complies. The Customer shall use all such monitoring and reporting purely for statistical analysis of equality of opportunity and not use it to identify individuals.
- 5.2 The External Provider, in its equality monitoring, will use the following categories:
- Ethnicity;
 - Gender;
 - Disability; and
 - Permanent Residence (postcode);
 - together with areas of age, faith and sexual orientation or any other Equality and Inclusion monitoring of a particular characteristics as available to the External Provider.
- 5.3 The range of the External Provider's functions to which monitoring is to be applied, extends to:
- Recruitment;
 - Existing employees;
 - Employment practice (including complaints, grievances and discipline procedures);
 - Progression & promotion;
 - Access to training; and
 - Leavers.

- 5.4 The External Provider shall report the same information in respect of the workforce of its subcontractors of any tier.
- 5.5 In respect of workforce monitoring, the External Provider shall report on a quarterly basis in line with the Customer's reporting requirements.

6 Labour Relations

- 6.1 The External Provider shall promote and ensure a consistent approach to labour and industrial relations in accordance with the provisions of this section to reduce or eliminate the risks of industrial unrest. The External Provider will:
- provide sound employment practices;
 - minimise accidents and work-related ill health; and
 - ensure a ready supply of skilled labour and reward good performance.
- 6.2 The External Provider will also:
- develop and implement a labour and industrial relations policy that complies with Customer's Minimum Labour Relation Requirements;
 - promote the labour and industrial relations policy with employers, trade unions and employee representatives; and
 - report to the Customer in a timely fashion any risks or issues associated with the above requirements.

7 Trade Union Membership

- 7.1 The External Provider will implement policies to ensure that:
- employees are not prevented, or discouraged, from joining trade unions;
 - they consider reasonable requests for "check off" arrangements;
 - where "check off" arrangements exist, they only make deductions where employees have given their written consent and have not subsequently withdrawn that consent; and
 - they provide recognised trade union representatives with appropriate facilities and right to time off to perform trade union duties in compliance with their statutory obligations.

8 Managing Workforce Relations

- 8.1 It is in the interest of all parties to prevent employment issues from escalating into disputes. In this regard the External Provider will ensure:
- all employees are provided with clear and accurate details concerning their terms and conditions of employment and any policies and procedures applicable to their employment;
 - early consultation with employees and/or their representatives (as appropriate) on any issues relating to site conditions, logistical requirements or site welfare facilities;
 - clear dispute resolution procedures (including appropriate disciplinary and grievance procedures) in compliance with the ACAS code and guidance;

- a commitment from managers, employees, employee representatives and trade union officials to resolve issues quickly and in accordance with agreed procedures; and
- the provision of sufficient training and support for managers and shop stewards to perform their respective roles effectively in relation to dispute management.

9 Ethical Labour Practices

9.1 The External Provider will ensure that in carrying out the Investigation it complies with the following minimum requirements (derived from the Ethical Trading Initiative (“ETI”) Base Code) and will use reasonable endeavours to ensure that subcontractors and External Providers comply with these minimum requirements.

9.2 Employment is freely chosen:

- There is no forced, bonded or involuntary prison labour; and
- workers are not required to lodge "deposits" or their identity papers with their employer and are free to leave their employer after reasonable notice.

9.3 Freedom of association and the right to collective bargaining are respected:

- workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively;
- the employer adopts an open attitude towards the activities of trade unions and their organisational activities;
- workers representatives are not discriminated against and have access to carry out their representative functions in the workplace; and
- where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder the development of parallel means for independent and free association and bargaining.

9.4 Working conditions are safe and hygienic:

- A safe and hygienic working environment is provided, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Adequate steps are taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment;
- workers receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers;
- access to clean toilet facilities and to potable water, and, if appropriate, sanitary facilities for food storage is provided;
- accommodation, where provided, is clean, safe, and meet the basic needs of the workers; and
- the company observing the code assigns responsibility for health and safety to a senior management representative.

9.5 Child labour is not used:

- There is no recruitment of child labour;
- Companies develop or participate in and contribute to policies and programmes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child; “child” and “child labour” being defined above;
- Children and young persons under 18 are not employed at night or in hazardous conditions; and

- The policies and programmes conform to the provisions of the relevant ILO standards.

9.6 Living wages are paid:

- Wages and benefits paid per hour meet, at a minimum, national legal standards. UK based External Providers are encouraged to meet industry benchmark standards, or the hourly rates recommended by the Living Wage Foundation¹, whichever is higher.
- All workers are provided with written and understandable information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time that they are paid; and
- Deductions from wages as a disciplinary measure are not permitted nor shall any deductions from wages not provided for by national law be permitted without the expressed permission of the worker concerned. All disciplinary measures are recorded.

9.7 Working hours are not excessive and comply with national laws and benchmark industry standards, whichever affords greater protection.

9.8 No discrimination is practised and there is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion or belief, age, disability, gender, marital status (or civil partnership), pregnancy, sexual orientation, gender reassignment, union membership or political affiliation.

9.9 Regular employment is provided:

- To every extent possible work performed must be on the basis of recognised employment relationship established through national law and practice; and
- Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship are not avoided through the use of labour-only contracting, subcontracting, or home-working arrangements, or through apprenticeship schemes where there is no real intent to impart skills or provide regular employment, nor are any such obligations avoided through the excessive use of fixed-term contracts of employment.

9.10 No harsh or inhumane treatment is allowed. Physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation are prohibited.

9.11 The External Provider will manage and monitor adherence to these minimum requirements throughout its supply chain (as applicable) and will report any non-compliance and remedial actions to the Customer.

9.12 The External Provider will comply with national and other applicable law and, where the provisions of law and these provisions address the same subject, the provision which affords the greater protection to the workers should be applied.

9.13 The External Provider will undertake a risk analysis of its supply chain to identify any areas where unethical labour practices may occur. The External Provider will report in a timely fashion any risks or issues associated with the above requirements and will agree with the Customer the action that will be taken to achieve compliance with the ETI Base Code.

¹ See further <http://www.livingwage.org.uk/>