

EQUAL OPPORTUNITIES POLICY

POLICY STATEMENT

M&S is a big business employing some of the most talented people in the stores industry - you! We're as diverse as you are and we wouldn't be the same without you. Talent, individuality, commitment, expertise, loyalty, it's all part of M&S – and you make us who we are.

Understanding what makes our people tick helps us create a place where everyone feels included and can be themselves. A place free from discrimination, harassment and victimisation in everything that we do; where everyone receives equal treatment and where all decisions are objective, free from bias and based solely upon work criteria and individual merit.

That's our commitment to you and we ask that you show the same commitment when dealing with your colleagues, our customers and anyone else you come into contact with through your work. Some of these commitments are also legal requirements and this policy explains how you can ensure we meet our obligations and more.

Please note, the Equal Opportunities Policy is not part of the formal terms and conditions of employment and we may review and amend the policy from time to time.

EQUALITY AND DIVERSITY

We know that one size doesn't fit all. It's a philosophy we use as a brand for our customers and it's as important in the workplace.

But what do we mean by equality and diversity? Although sometimes used interchangeably, the terms are not the same. Equality is about creating a fair workplace where everyone can participate and has the opportunity to fulfil their potential. Diversity literally means 'difference'. It is about recognising individual as well as group differences, treating people as individuals and placing a positive value on diversity in the community and in the workforce.

Both equality and diversity are important to us as a business. They underpin everything we do and we live them every day through our values. We stand up for what we believe in and respect each other for it, creating an environment where everyone feels included and can be themselves. We believe our differences make us stronger and we will not accept unfair or discriminatory policies, practices or requirements.

EQUALITY AND THE LAW

Our commitment to equality and diversity is supported in law by the Equality Act 2010. It is important for you to understand that it is not just M&S who have to comply. You are also required by law to comply with this legislation and ignorance is no defence.

The aim of the Equality Act is to improve equal opportunities and fairness for colleagues and job applicants. Under the Act, it is unlawful to

discriminate against people at work. It also protects prospective colleagues against discrimination in the recruitment process and extends beyond someone's employment to include protection from discrimination in references or other post-employment acts. It's important to know that the Act also covers contract staff and agency workers.

Under the Act, the following characteristics are 'protected characteristics' and it is unlawful to discriminate, harass or victimise anyone with these protected characteristics. They are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

WHAT IS DISCRIMINATION?

Under the Equality Act, there are four main types of discrimination: Direct; Indirect; Harassment; and, Victimisation.

Direct discrimination

Where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing

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to employ a woman because she is pregnant. Direct discrimination also includes:

- **Direct discrimination by association:** where an individual is directly discriminated against because of their association with another individual who has a protected characteristic. For example, where a non-disabled colleague is treated less favourably by his manager because he has a disabled child and may need to take time off to attend his child's hospital appointments.
- **Direct discrimination by perception:** where an individual is directly discriminated against based on a perception that they have a particular protected characteristic which they do not have. For example, a colleague who is perceived as being gay being asked to use separate changing facilities from the communal changing room. This would be direct discrimination because of sexual orientation based on the assumption that the colleague is gay, even though they are not. If the colleague was gay, this behaviour would be direct discrimination.

Indirect discrimination

Where a provision, criterion or practice is applied consistently, but puts individuals with a particular protected characteristic at a disadvantage. An example would be the introduction of a 'no hats or other headgear' rule for colleagues. If this rule was applied in exactly the same way to all colleagues, then some would not be able to meet the requirements of the dress code due to their religion (e.g. Sikhs). Unlike direct discrimination, indirect discrimination may sometimes be justified if we are able to show that the provision, criterion or practice is a proportionate means of achieving a legitimate aim. This is rare though and you should contact the Line Manager Advisory Service first if you need further advice in this area.

Harassment

This is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment also includes unwanted conduct of a sexual nature.

Victimisation

Where a colleague is treated less favourably because they have, in good faith, made or supported a complaint, or raised a grievance about equality or discrimination; or where they are suspected of doing any of these things.

An example would be if a supervisor gave unwanted sexual attention to a customer assistant. As the conduct was unwanted, this behaviour is sexual harassment. The customer assistant tells the supervisor to stop behaving in this way, but the supervisor then becomes over-critical of the customer assistant's work. This would be victimisation.

PERSONAL INFORMATION

Any personal information about someone's health (whether physical or mental), genetic or biometric data, racial or ethnic origin, sexual life, political, religious, philosophical beliefs, trade union membership or criminal offences is classified as 'Special' or 'sensitive' personal information. These categories of personal data are treated differently from other types of personal data and are subject to very strict restrictions and controls.

COMPLIANCE

This Policy applies to:

- UK
- Stores
- Logistics
- Support Centres

Our commitment to Equal Opportunities is more than just a policy. It runs right through everything we do, from recruitment and selection, to learning and development, appraisal, promotion opportunities and retirement. We promote an environment free from discrimination, harassment and victimisation and work hard to ensure everyone is offered equality of opportunity to achieve their full potential. All the decisions we make relating to employment practices are objective, free from bias and based solely upon work criteria and individual merit.

We will raise awareness of our responsibilities by designing and delivering training programmes that support the aims set out here. We will continually monitor and report on the Company's workforce and review changes in attitude and application of policy. We will employ a workforce which reflects the diverse community which we serve and maximise personal and commercial opportunities. And our line managers will make sure their teams are aware of our policy, understand it and behave in an appropriate way.

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REPORTING AND QUERIES

M&S has a zero tolerance to discrimination, harassment or victimisation.

The most important thing is that you tell someone who is able to take action, such as your line manager.

If you feel that you are experiencing any type of discriminatory behaviour you should explain to the person concerned that you find their behaviour unacceptable and ask them to stop. Ask a colleague to be present if that will help.

If the situation continues, or you feel you cannot approach the person creating the problem, ask your line manager to investigate and assist you in resolving the matter. If you feel you cannot do this (perhaps it is your manager who is creating the problem) then tell a more senior person or someone you feel most at ease with, for example your BIG rep. Or you can contact your HR Business Partner or raise a grievance. Whoever you tell, please be

assured we will take your concerns seriously and act on them in the most appropriate way. Equally, an allegation found to have been made maliciously will be dealt with under our Disciplinary Procedure.

And finally, a reminder that every one of us is responsible for our own behaviour and for maintaining an environment free from discrimination, harassment and victimisation. So even if it isn't happening to you, if you witness it, act on it, report it, don't ignore it.

For advice on this policy, please contact:

Offices & Stores – the Line Manager Advisory Service at Colleague Services dialling:

→ Stores: 74747474

→ All Other Lines (free): 0800 092 4445

→ Non-Free Line: 0345 304 7474

Distribution – Line Manager Advisory Services Logistics.

FURTHER INFORMATION

Policy Owner	UK Employment Policy Team
Compliance Lead	
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