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**AGE DISCRIMINATION POLICY**

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## AGE DISCRIMINATION POLICY

### 1. STATEMENT OF POLICY

- 1.1 The Company is an equal opportunities employer. This means that the Company is committed to a policy of treating all its employees and job applicants equally. The Company does not discriminate against any employee or job applicant on grounds of their age or apparent age.
- 1.2 Where complaints of unlawful discrimination are made, the Company will investigate these and take the appropriate steps in the light of such investigation, in accordance with this policy.

### 2. RESPONSIBILITY FOR AGE DISCRIMINATION POLICY

- 2.1 The Human Resources Director shall have prime responsibility for implementing and monitoring this Age Discrimination Policy. Any queries on age discrimination issues should be referred to the Human Resources Department.
- 2.2 All members of staff are personally responsible for applying the Company's policy and for not discriminating against another member of staff or potential member of staff. Managers are also responsible for ensuring that neither they, nor employees reporting, to them, discriminate against existing or prospective employees on the grounds indicated above.

### 3. WHAT IS AGE DISCRIMINATION?

Discrimination takes the following main forms:-

- 3.1 **Direct Discrimination** - this occurs where a person is treated less favourably than another on grounds of age (e.g. not promoting an employee because of his or her age).
- 3.2 **Indirect Age Discrimination** - this may occur where a provision, criterion or practice is applied on all employees or job applicants but:
  - 3.2.1 which is such that it would be to the detriment of a considerably larger proportion of a certain age ; and
  - 3.2.2 which is not justified irrespective of the age of the person to whom it is applied; and
  - 3.2.3 which is to their detriment

(e.g., it may amount to indirect age discrimination to require all job applicants to be recent graduates, or have an unjustifiable number of years experience).

Therefore, whenever the Company applies a provision, criterion or practice, it must be able to justify it on objective business grounds, ie grounds unrelated to age. If so, the provision, criterion or practice will not be discriminatory.

It should be noted that **motive** is wholly irrelevant to whether direct or indirect discrimination has occurred. It is the **effect** of a decision or rule or requirement on an individual which causes the discrimination, not its intention.

- 3.3 **Harassment** - this occurs where an employee of a certain age is subjected to any behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent, but it can also be unintentional, subtle and insidious.
- 3.4 **Victimisation** - this occurs where an employee is penalised for having raised a discrimination complaint or concern in good faith, or assisted another in doing so (e.g. disciplining an employee because he or she gave evidence to an Industrial Tribunal in support of a discrimination claim brought by a colleague).
- 3.5 Acts by employees to induce, pressurize or support another person to discriminate against an employee on the grounds of age are also prohibited.

#### 4. **AGE DISCRIMINATION POLICY IN PRACTICE**

- 4.1 Unlawful age discrimination can occur in all aspects of the working relationship. For example, it may occur in areas of recruitment, promotion, access to benefits/facilities, pay increases, training, discipline and dismissal.
- 4.2 Managers should be able to ensure that their decisions in any context can be justified on objective business grounds, which are not directly or indirectly related to age. Where Managers might be concerned that there is a possible inference of age discrimination arising from an intended decision, they should liaise with the Human Resources Department beforehand.
- 4.3 **Application of policy**

The following paragraphs set out the Company's age discrimination policy in specific areas:

#### 4.3.1 **Recruitment, promotion and job transfers**

All employees will have equal opportunities in relation to the appointment to any job within the Company, subject to the requirements of that particular role and the individual's skills, suitability and experience relevant to that role. This means that: -

- Job vacancies will be advertised fairly within the Company and also sufficiently advertised externally to ensure as far as possible that job applicants are not limited to one age group;
- Decisions on job appointments, promotions and transfers will be on the basis of merit and ability and will be made without reference to age

#### 4.3.2 **Terms & conditions of employment**

Consideration of age will play no part when considering entitlement or access to benefits or salary levels.

#### 4.3.3 **Performance review**

Considerations of age will play no part when assessing an individual's performance.

#### 4.3.4 **Counselling and disciplinary issues**

Considerations of age will play no part in deciding whether or not an individual needs to receive informal counselling or to have the disciplinary procedure evoked in relation to him/her.

#### 4.3.5 **Access to facilities, training and opportunities**

Considerations of age shall play no part in an individual's access to facilities made available by the Company for promotion, training or career opportunities.

#### 4.3.6 **Dismissal**

Considerations of age shall play no part when considering the dismissal of an employee.

#### 4.3.7 **Harassment**

Harassment on the grounds of age is regarded by the Company as gross misconduct and, after a proper investigation, persons found guilty of such behaviour will face disciplinary action (including dismissal in appropriate cases).

#### 5. **MONITORING**

The Human Resources Department is responsible for monitoring compliance with this policy.

#### 6. **POSITIVE DISCRIMINATION**

The Company does not practise positive discrimination.

#### 7. **ENFORCEMENT AND PROCEDURE FOR DEALING WITH AGE DISCRIMINATION-RELATED COMPLAINTS**

7.1 Employees who believe that they have been discriminated against on grounds of age may raise this issue with the Human Resources Department at the first instance. The complaint should be made in writing. The Human Resources Department will then arrange for a suitable level Manager to investigate the matter, whether formally or informally, depending upon the circumstances. Where, following that investigation, the individual who raised the complaint is dissatisfied with the Company's response to the investigation, he/she may pursue it through the Company's grievance procedure.

7.2 Employees who are found to have discriminated on the grounds of age will be subject to disciplinary action (including, in appropriate cases, dismissal).

#### 8. **STATUS OF POLICY**

This policy, including the procedure referred to in paragraph 7 above, does not give any contractual rights to employees or otherwise have contractual effect.