



Equal Status Policy

Purpose

The purpose of this policy is to establish the commitment of the Fitzgerald Group in regard to meeting our legal obligations to our customers under relevant equality legislation (the Equal Status Acts 2000-2015 and the Intoxicating Liquor Act 2003) and acknowledging and valuing the diversity of our customers across the nine protected grounds under equality legislation.

The Fitzgerald Group Equal Status Policy is a key pillar of our wider commitment to quality customer service. It underpins a systematic approach to equality, diversity, and non-discrimination for all customers covered by the nine grounds under equality legislation.

Scope

This policy applies to:

- all employees of the Group;
- all subcontractors of the Group; and
- customers using the services of the Group.

Other relevant policies:

This policy should be read in conjunction with the Equality and Dignity at Work Policy.

Statement of Commitment This policy is based on and motivated by our values of:

- Dignity: showing respect for each customer and treating them fairly.
- Diversity: recognising people in their different identities and taking account of specific needs that arise from such diversity.
- Inclusion: placing the full diversity of our customers at the centre of what we do and ensuring a quality of service for all customers.

The Fitzgerald Group is committed to ensuring that the full diversity our customers experience a welcome and are treated with respect, across all our services. We seek to understand and respond to the specific needs of the diversity of our customer base from across the nine equality grounds.

We will take steps to ensure that:

- our employees and subcontractors welcome the diversity of our customers and treat them in a manner that is free from discrimination, harassment, sexual harassment, and victimisation,
- conduct between customers that constitutes harassment or sexual harassment is prevented and, if it occurs, is addressed appropriately and effectively,
- all that is reasonable is done to ensure that customers with disabilities can access our services, and
- all that is reasonable is done to address any specific barriers encountered by customers from across all nine grounds covered by the legislation.

Legal obligations to our customers under equality legislation

Under the Equal Status Acts (2000-2015) it is unlawful for providers of goods and services (including those provided by the Fitzgerald Group) to discriminate against, harass, sexually harass, or victimise a person, in the course of their accessing goods and services. The legislation places an obligation on service providers to provide 'reasonable accommodation' for people with disabilities to access services. It allows service providers to take positive measures to promote equality of opportunity for customers.

The legislation promotes equality and prohibits discrimination, harassment, sexual harassment, and victimisation across nine grounds. The grounds are: Gender (including transgender people); Age (over 18 years); Disability; Sexual Orientation; Family Status; Civil Status; Race (ethnic background, skin colour, nationality); Membership of the Traveller Community; and Religion.

When people are accessing, or attempting to access the services of the Fitzgerald Group, we are legally obliged to:

- ensure that they do not experience discrimination, harassment, sexual harassment, or victimisation from our employees or subcontractors,
- provide 'reasonable accommodation' for people with disabilities to access and enjoy our services, and
- take appropriate steps to ensure that our customers are not harassed or sexually harassed by other customers.

Legal Terms

In order to support our employees and subcontractors to implement this policy, the relevant legal terms in the Equal Status Acts (2000-2015) are explained:

What is discrimination?

Direct discrimination is the less favourable treatment of a person based on their membership of a protected ground under equality legislation. Some examples, from cases taken under the legislation, include, but are not limited to: asking a visually impaired person with a guide dog to leave the premises stating health and safety issues; asking a lesbian couple to leave the premises due to an expression of affection between them; and refusing entry to a group of Traveller women on the basis of their identity.

Indirect discrimination occurs where a person or group (protected under equality legislation) cannot access a service because of a requirement or provision that they find hard to satisfy and are therefore placed at a disadvantage, compared to other customers. Unless the service provider can reasonably justify the existence of this requirement or provision, this could constitute indirect discrimination.

Discrimination by association occurs where a person is treated less favourably because of their association with another person, who is protected under equality legislation.

Discriminatory advertising is also prohibited. This involves publishing or displaying an advertisement that indicates an intention to discriminate, harass, or sexually harass or might reasonably be understood to indicate such an intention.

It is not unlawful to discriminate when employees are obliged to comply with health and safety legislation or other relevant legislation or court order related to the operation of licensed premises.

What is harassment and sexual harassment?

Harassment and sexual harassment are defined as any form of unwanted conduct that has the purpose or effect of undermining a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Harassment is unwanted conduct based on one of the nine grounds under the equality legislation. Examples include, but are not limited to the following: homophobic, racist, or sexist comments. Sexual harassment is any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature.

What is victimisation?

Victimisation is prohibited under equality legislation. Victimisation occurs where a person (an employee, subcontractor, or customer) is badly treated or penalized because they made a complaint about prohibited conduct under the legislation or were involved in some way in such a complaint, or in opposing any action that is unlawful under the legislation.

What is 'reasonable accommodation' for people with disabilities?

Service providers must provide specific treatment or facilities to enable people with disabilities to access and enjoy their goods and services. This is referred to as 'reasonable accommodation'. Service providers are not expected to go beyond a 'nominal cost' in providing these facilities. Casework under the legislation has shown that 'nominal' does not constitute a fixed low sum of money, but is assessed on the basis of the scale of and resources available to the service provider.

Making 'reasonable accommodation' involves engaging in discussion with our customers with disabilities on their specific needs and how best to meet those needs.

Implementing this policy

Achieving our standard

This policy sets out the standard we expect from managers, employees, and subcontractors of the Fitzgerald Group. It ensures that: all our customers are dealt with in a courteous and open manner; that our services are accessible, and free from any form of discrimination or harassment; and that our employees and subcontractors acknowledge and value the diversity of our customers in a consistent and professional manner.

Training

Training will be provided to employees on equality, diversity and non-discrimination, the provisions of this policy, and the skills to implement it.

Communication

Employees will be made aware of the provisions of this policy on recruitment and in our induction processes. This Equal Status Policy will be accessible for all staff members through our Employee Self Service website ("ESS") and an outline of the Management and Employee responsibilities will be included in the employee handbook. Employees will be provided with updates as part of our ongoing internal communication processes. Employees will be encouraged to give feedback on the implementation of the policy on a regular basis.

Subcontractors will be made aware of this policy as part of any contract entered into with the Group.

Customers of the Fitzgerald Group will be made aware of our commitments under this policy. The policy will be available to customers on request in all our services. The existence of the policy and its core provisions will be made publicly available on our Group Website.

Information will be made publicly available for customers wishing to provide feedback, or to submit a complaint related to this policy on our Group Website.

Leadership

The General Manager on each premises of the Fitzgerald Group will be given responsibility for leading, supervising, monitoring, and reporting on the implementation and impact of this policy.

Complaints

Customer complaints in regard to this policy will be addressed fairly, sensitively, and in a timely manner. Care and consideration will also be given to respecting people's confidentiality (to the greatest extent possible) and ensuring there is no victimisation of those involved in making a complaint.

The General Manager on each premises of the Fitzgerald Group is nominated as the person to whom complaints under this Equal Status Policy can be made and/or referred. In the first instance, attempts will be made to resolve and/or respond to the complaint informally. This may include a written response to the complainant, where complaints are received in writing. In the case of written complaints received, a response will be issued to the complainant within one month of receiving the written complaint.

Breaches of this policy may lead to: disciplinary action (in the case of employees); suspension of contracts (in the case of subcontractors); and exclusion from the premises (in the case of customers).

Allocation of Responsibilities

Managers

Management and others in positions of authority have a particular responsibility to ensure that our customers, and people seeking to access our services, do not experience discrimination, harassment, sexual harassment or victimisation, in the course of accessing our services. Management, therefore, are required to:

- lead by example, by treating customers with respect and in a manner that upholds their dignity and values their diversity,
- take all reasonable steps to ensure that employees (and subcontractors where relevant) do not discriminate against, harass, sexually harass, or victimise customers, or people seeking to access our services,
- take steps to ensure reasonable accommodation of people with disabilities accessing, or seeking to access our services, and to remove barriers that might be specific to any other groups covered by the legislation,
- take all reasonable steps to ensure employees (and subcontractors where relevant) act to prevent and deal with any incidents of harassment or sexual harassment between customers. This may include reporting any incidents

(employee to customer/ and between customers) as soon as practicable to the identified contact person,

- ensure that an employee or customer reporting an incident under this policy is not victimised for doing so,
- facilitate customers who wish to make a complaint or give feedback to the Fitzgerald Group, in regard to prohibited behaviour under this policy, and ensure any such incidents are effectively and efficiently addressed,
- monitor and follow up the situation, following any complaints submitted, to ensure such incidents do not recur,
- ensure all publicity, advertising and promotional materials are not discriminatory and reflect our values of dignity, diversity, and inclusion.

Employees and subcontractors

Employees and subcontractors are required to contribute to the provision of a service to the public that is free from discrimination, harassment, sexual harassment, and victimisation and respectful of diversity. Employees and subcontractors are, therefore, required to:

- treat all customers with respect and in a manner that upholds their dignity,
- co-operate with management strategies to: ensure customers do not experience discrimination, harassment, sexual harassment, or victimisation, in accessing our services; ensure reasonable accommodation of customers with disabilities; and address specific barriers experienced by other groups covered by the equality legislation,
- take all reasonable steps to prevent and deal with any incidents of harassment or sexual harassment between customers, with the support of management.
- report any incidents of harassment or sexual harassment between customers, and any action that was required to deal with the incident, to their line manager.