

Skills Consultants Equality & Diversity Policy

Introduction

Skills Consultants is committed to ensuring equal opportunities, fairness of treatment, dignity, the encouragement of diversity and elimination of all forms of discrimination in the workplace and within the learning environment for all individuals whether they be employees, learners or visitors.

We aim to create an environment in which all individuals will be free from discrimination or harassment and where fairness is key to all decisions made. What is key to Skills Consultants is that they can provide a working and learning environment in which all people who attend our premises feel safe, comfortable and confident that they will be treated with fairness, respect and dignity.

This policy includes our approach to

Promotion of the policy to our staff, learners and employers we work with

Gaining engagement towards the policy

Training our employees in implementing the policy

Utilising this policy to inform our approach to recruiting, delivering apprenticeship training and working with employers and apprentices

Our policy is reviewed annually with next policy review planned for August 2022

Policy Statement

Skills Consultants is dedicated to eliminating discrimination and promoting equality, diversity and Inclusion amongst our staff, apprentices, learners, apprentice employers and other stakeholders. Our aim is that everyone will feel respected, valued as an individual and have equal opportunity to our services and employment. Therefore, to ensure equality, inclusion, and fairness for all our recruitment, employment, training, and promotion of training, no staff member, apprentice, learner, employer or other service user will be treated less favourably than another on grounds of any of the nine protected characteristics:

- Age
- Gender reassignment
- Married or in a civil partnership
- Pregnant or on maternity leave
- Disability
- Race, including colour, nationality, ethnic or national origin
- Religion and belief
- Sex
- Sexual orientation

Date: August 2021 - to be reviewed August 2022

Company Director: Emma Garrick

Signed *Emma Garrick*

Skills Consultants is an equal opportunities and inclusive employer and actively encourages diversity with its workforce. The company takes its legal and ethical responsibilities seriously and recognises the proven business benefits attributable to fair procedures and diverse team.

Wherever possible Skills Consultants will make adaptations to services to meet the needs of individuals with protected characteristics and places an obligation upon all staff, apprentices and learners to respect and act in accordance with the policy and in line with the Equality Act 2010.

This policy is implemented with the Skills Consultants Complaints, Safeguarding, Prevention of Extremism and Radicalisation, Data Protection, Learner Behaviour, Staff Code of Conduct, Acceptable use of IT and Grievance Policies. The policy also applies equally to the treatment of our customers and stakeholders.

Adherence and Review

Skills Consultants will always adhere to this policy and will review all aspects of employee, apprentice, and learner recruitment, to avoid unlawful or undesirable discrimination, on an on-going basis. This policy is fully supported by senior management and will be monitored and reviewed every **12 months**. The overall responsibility of this policy belongs to the **Director, Emma Garrick**.

Promotion, Training and Development

All staff, apprentices, learners, and employers will receive an induction training session including equality, diversity and inclusion and the policy will be disseminated during this time and after each policy revision/review.

This will include:

- An explanation of what the policy means to the Skills Consultants, staff, apprentices, learners or employers.
- An explanation of the forms discrimination can take (direct, indirect, victimisation and segregation).
- Guidance on the danger of generalised assumptions and prejudices.
- Contextualised examples of good practice in equality, diversity and inclusion and the impact of discrimination relevant to their role and responsibility.
- Teaching, learning and assessment staff are given additional training to support

equality, diversity and inclusion in teaching, learning and assessment practice (please see below).

- Equality, diversity and inclusion will be mandatory on all meeting agendas to reinforce this and to identify and address any emerging training needs.

All staff will be appraised annually and there will be positive encouragement to discuss suitable development and training opportunities.

All staff will be required to complete mandatory annual equality and diversity training, both externally and inhouse to ensure contextualisation and full understanding of the policy. This will also be reinforced by the observation of teaching, learning and assessment process (please see below).

Apprentices and learners will receive training on equality, diversity, and inclusion, which will be embedded and delivered within their apprenticeship/programme (please see below).

Equality and Diversity Promoted in Teaching, Learning and Assessment

Apprentice's and learner's additional support needs related to disabilities, diagnosed special needs, learning difficulties or additional needs are planned for and where an apprentice or learner is studying or completing an apprenticeship, Skills Consultants will follow the guidelines set out in the relevant Adjustment Policies published by each awarding organisation to ensure fair and equal access to assessments and examinations, where applicable.

All teaching, learning and assessment staff will be trained to apply an equality analysis to their scheme of work and lesson plans to ensure that:

- Materials and teaching, learning and assessment methods foster good relations, are sensitive to and promote equality of opportunity.
- That needs of individuals are planned for in teaching sessions to ensure that they can achieve, progress and flourish.

Skills Consultants management will apply its observation of teaching policy, annual appraisal, and performance management systems to ensure that:

- Teaching, learning, and assessment staff have consistently high expectations in ensuring that learning activities motivate and engage all apprentices and learners, whatever their age, ability and cultural background, and that they are suitably demanding.
- All teaching, learning and assessment staff are highly adept at working with and developing knowledge, skills and behaviours in all apprentices and learners and demonstrate this in a range of learning environments.

- Equality and diversity is integrated fully into the learning experience and teaching, learning and assessment staff manage apprentices' and learners' behaviour skilfully; they show great awareness of Fundamental British Values and equality and diversity in teaching sessions.
- All staff, apprentice and learner requirements will be reflected in the delivery and support given. We will consider how support can be given for SEND or learning disabilities. Where appropriate we will provide the resources and equipment needed to enable all staff, apprentices, and learners to engage with their roles and responsibilities, as well as their learning/training.

Leadership & Management

Skills Consultants will implement equal, diverse, and inclusive practice in all of its training activities in line with the definition and standards of the relevant qualification, Awarding Organisations, End Point Assessment Organisations and other regulatory bodies it works with. Skills Consultants will report annually to measure the achievement of its equality and diversity activities.

Access to Learning, Training and Recruitment

Skills Consultants will strive to ensure that learning and recruitment opportunities are available to all. No individual will be excluded from a learning, apprenticeship, or recruitment opportunity on the grounds of their age, disability, gender reassignment, race, religion or belief, sex, training or caring status, sexual orientation or marital or civil partnership status. We will record and monitor individual participation/application and withdrawal/rejection of learning/recruitment opportunities to ensure equality of opportunity and fair representation.

For apprentices and learners: Initial advice and guidance is impartial and seeks to ensure that individuals are offered appropriate training opportunities for them to achieve their aims without bias.

We will support all apprentices and learners as far as reasonably possible (but subject to funding and health and safety requirements) to pursue the learning programme of their choice and make all efforts to ensure physical access to the learning/workplace environment. In circumstances where this is not possible, we will identify alternative options/provision.

For apprentice employers: We will provide Skills Consultants services only to employers who support our commitment to equality and diversity and comply with related requirements. We expect employers to ensure fair access to Skills Consultants courses and work-based opportunities and to strive to monitor employer's and apprentice's participation and performance.

Selection for employment, promotion, or any other employment benefit, as well as access to training for learners, will be made on the basis of aptitude and ability. (For learners, this may also

be dependent on funding availability). All staff, apprentices and learners will be helped and encouraged to develop their full potential.

Recruitment of Staff

The design of jobs, working hours and related practices can discriminate against certain groups of applicants. As vacancies arise the requirements of individual jobs will be reviewed and redesigned where necessary in order to ensure that we can recruit the broadest possible range of suitable people.

Skills Consultants recognises the need to consider, where appropriate, flexible working patterns such as job share, term time only, part-time working or home working where an employee has a need to reduce their working hours. These methods of working will be considered dependent on business needs.

Wherever appropriate vacancies will normally be advertised within the Company in order to provide an equal opportunity for all interested persons to apply.

One exception to the above applies when special arrangements are made for the redeployment of personnel who would otherwise be at risk of redundancy within the Company.

Where it is appropriate an external application form can be used. This should be designed to obtain all the necessary information for a fair and instructive interview and for the screening and selection of applicants. Personal details which are not necessary for a recruitment decision to be made - such as marital status, number of children, next of kin, gender, age, race, or religious belief are, therefore, not specified.

Training in interviewing skills and equality and diversity will be given for all those concerned with recruitment. Prior to the selection process, managers will examine all selection criteria to ensure that they are related to the job requirements and are not discriminatory.

Consideration should be given as to whether practical experience or actual achievements in previous employment may act as a satisfactory substitute for higher education or professional qualifications. In assessing qualifications, it will not be assumed that overseas diplomas or degrees are of a lower standard than their UK equivalents although their validity will still be checked. Wherever possible experience may count as an equivalent to professional qualifications. Careful consideration will be given as to whether any minimum or maximum number of years relevant experience is necessary for effective performance of the job. Such restrictions will not be imposed unless there is a proper job-based reason why they are necessary.

All appointments will be made solely on merit.

Supporting Diversity in the Workplace

The following list details some of the ways that Skills Consultants will support diversity throughout the business.

- Recognise that all staff are individuals and will therefore respond to them, and their social identity, in an individual manner.
- Ensuring that employment opportunities are available as full or part time roles wherever possible and that we can be flexible about working hours to suit individual needs.
- Ensuring that roles can be performed at home, if necessary, in most cases, to support individual needs.
- Provide staff training to increase our knowledge and understanding of aspects of social identity that may be different from our own, and how to support people with different social identities.

Disclosure and additional support provisions

Before starting and during learning, apprenticeship or employment, individuals will be given opportunity (in confidence) to disclose any disability, learning difficulty or additional need they may have. This is to ensure we put in place additional or alternative support or adapted working practices where reasonably practical and possible. We will explain why this information is being sought and how it will be used. We will ask individuals to let us know of any personal commitments or barriers which can affect their commitment or time in learning, an apprenticeship or employment and offer help/alternative ways of training or working to minimise their impact.

Additionally: For apprentices and learners: Where a learner discloses a disability, learning difficulty or additional need, we will identify what additional or alternative support provisions need to be put in place in discussion with them. We will endeavour to secure and provide any additional support for the duration of the apprentices or learner's learning programme where reasonably practical and possible and in full, agreed disclosure by the apprentice or learner. We will also work in partnership with the apprentice employer to support them to identify and provide additional or alternative support provisions to ensure that employment is accessible, where this is reasonably accessible. Support could be in the form of additional/alternative assistance, provision of a specialist service, involvement of personal carers/support workers, provision of alternative or adaptive equipment or learning/training environment etc. Where it is not reasonably possible to provide required and sufficient (specialist) support to enable an apprentice/learner to achieve, we will signpost to more suitable provision.

Where barriers to learning cannot be minimised to such an extent to make learning/training with Skills Consultants viable, we will refer the apprentice/learner to a referral agency and/or signpost them to alternative provision.

For staff: Where a staff member declares a disability, reasonable steps will be taken to accommodate this by making reasonable adjustments. The company may consider redeployment

and appropriate re-training to enable the staff member to remain in employment wherever possible.

For apprentice employers: We will, where appropriate and with the apprentice or learner's permission, share information on any disability, learning difficulty, additional needs and/or barriers to learning and where appropriate require support/ provision from the apprentice employer to accommodate these in the apprentice's learning, training and employment.

Advertising and Marketing

Skills Consultants will apply an annual equality analysis to ensure that:

- Diversity is promoted in publications and visual communications.
- Telesales techniques used are enhanced by alternative communication systems to promote inclusivity.
- Outreach is carefully targeted to underrepresented and disadvantaged groups of potential apprentices, learners and employers.

Progress and achievement

Skills Consultants will measure and report annually on groups of apprentices and learners to identify any significant variations in their progress and that the achievement rate of apprentices and learners is in line and greater than the national average. Skills Consultants will set challenging targets to ensure that the performance and destinations of different groups of apprentices and learners are carefully monitored, and appropriate action is taken to close any identified gaps.

Skills Consultants will ensure that all equality and diversity aspects are fully assessed, and appropriate action is built into strategic plans and the impact of plans is monitored and follow-up action is taken to address areas for improvement.

Skills Consultants will ensure that staff, apprentices, and learners understand their roles and responsibilities in relation to equality and diversity.

Through the implementation of accompanying policies Skills Consultants will ensure that apprentices, learners, employers, and staff are protected from harassment, bullying and discrimination, including those based with employers and at other sites external to the provider and that incidents and complaints specifically about equality, diversity and bullying are proactively managed and acted upon, including, where appropriate, providing counselling and support.

Skills Consultants will ensure that arrangements for apprentice, learner and employer feedback actively facilitate all apprentices, learners and employers, including those with learning difficulties and/or disabilities, to share their views on the provision.

Public Sector Equality Duty

The Public sector Equality Duty is set out in section 149 of the Act and came into force on 5th April 2011. The Equality Duty has three aims. It requires public bodies to have due regard to the need to:

eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;

advance equality of opportunity between people who share a protected characteristic and people who do not share it, and

foster good relations between people who share a protected characteristic and people who do not share it.

Skills Consultants have due regard to these duties in the carrying out of its functions. Having due regard means consciously thinking about the three aims of the general duty as part of the process of decision-making. For example, having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics.
- meet the needs of people with protected characteristics; and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.
- Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Specific duties:

The Public Sector specific duty requires all public bodies to publish information to demonstrate the extent to which it furthered the aims of the general equality duty:

- Publish equality objectives every four years.
- Publish information annually to demonstrate their compliance with the general Equality Duty, such as equality and diversity impact data for both apprentices, learners, and staff.

Skills Consultants will uphold its public sector duty as outlined above and actively seek to ensure that apprentices, learners, and staff experience equality of opportunity and are free from harassment, discrimination, or victimisation of any kind, regarding the protected characteristics. Skills Consultants will challenge all forms of inequality, discrimination, and harassment, and actively promote opportunities for groups with protected characteristics and foster good relations between them. This work is regarded as the responsibility of all staff. Any action which contravenes this policy renders individuals employed by Skills Consultants, apprentices, or learners liable for disciplinary action. Evidence of discrimination or harassment may be considered as gross misconduct. Clients, employers, or contractors who contravene the policy can also expect appropriate action.

Reporting Discriminatory Behaviour

Any staff member may use the grievance procedure to complain about discriminatory conduct. Similarly, apprentices, learners or employers should use the complaint procedure, to make a complaint. Skills Consultants will take such complaints very seriously, and will thoroughly investigate all complaints objectively, according to the grievance/complaint procedure.

No individual will be penalised or victimised for raising a genuine grievance, however individuals raising serious complaints that are found to be both untrue and made in bad faith, may be subject to disciplinary action.

Any staff member, apprentice or learner who harasses any other staff member, apprentice, or learner, on the grounds of sex, sexual orientation, age, disability, gender reassignment, marital or civil partnership status, carers status, race, colour, religion, sex or sexual orientation will be subject to Skills Consultants disciplinary procedure.

In serious cases, such behaviour will be deemed to constitute gross misconduct and, as such, will result in summary dismissal, in the absence of mitigating circumstances. Additionally, we take the welfare of our staff very seriously and will not tolerate unlawful discrimination from members of the public.

Monitoring

All staff and applicants including learners and apprentices will be asked to voluntarily provide information about their sex, ethnic origin, and any disabilities. Skills Consultants guarantees that this information will only be used for the purpose of monitoring the effectiveness of its equality and diversity policy.

The compositions of the workforce and job applicants will be monitored on a regular basis. Should inequalities become apparent, positive action will be taken to redress the imbalance, including such measures as advertising jobs in ethnic or male/female interest publications, as appropriate.

This equality and diversity policy applies to the advertisement of jobs, recruitment, conditions of work, pay and to every other aspect of employment and appointing of staff. It also applies to the training and recruitment of apprentices and learners. The policy also applies equally to the treatment of our employers, customers including apprentices, learners and the parents and children we come into contact with.

Implementing anti-discriminatory practice

Skills Consultants will implement this policy by:

- Making and publicising our clear statement on equality and diversity.
- Ensuring that it is a condition of employment, or acceptance onto a training course, that all staff, apprentices, and learners understand, agree with and are willing to implement this policy.
- Monitoring our programmes, events, publicity, and services to ensure that they too lead to the elimination of discrimination.
- Adopting recruitment policies, which aim to ensure that no applicant, staff, apprentice, or Learner of Skills Consultants is discriminated against, on any grounds.
- Adopting policies, which positively encourage participation in the activities at Skills Consultants by those who are particularly subject to wider disadvantages within society.
- Creating an environment in which individual differences, and the contributions of all our staff, apprentices, and learners, are recognised and valued.
- Ensuring that every staff member, apprentice, and learner is entitled to a working environment that promotes dignity and respect to all. No form of intimidation, bullying or harassment will be tolerated.
- Offering training and development opportunities to all staff, apprentices, and learners.
- Ensuring that staff, apprentices, and learners are aware of current legislation and guidance and develop a greater understanding of significant issues relating to gender, ethnicity, sexuality, class and disability.

Staff will be encouraged to develop a greater understanding of significant issues relating to gender, ethnicity, sexuality, class and disability and the impact that discrimination can have on people's lives. They will be made aware of current legislation and guidance and take part in training as appropriate.

Supporting Diversity

The following list details some of the ways that Skills Consultants will support diversity throughout the business. This is not; however, an exhaustive list and Skills Consultants will continue to seek and adopt new methods for supporting the individual needs of apprentices, learners and staff.

- Recognise that all staff, apprentices, and learners are individuals and will therefore respond to them, and their social identity, in an individual manner.
- Ensuring that employment opportunities are available as full or part time roles wherever possible and that we can be flexible about working hours to suit individual needs.
- Ensuring that roles can be performed at home, if necessary, in most cases, to support individual needs.
- Offering both paper portfolios and e-learning to our apprentices and learners, to ensure that we can support all apprentices and learners, including those who are disadvantaged,

and those who are based in remote locations. Skills Consultants will support apprentices and learners to gain access to IT equipment to support them in their training.

- Conducting thorough initial assessments to ascertain details of any learning difficulties, cultural requirements, or other pertinent information, which will allow teaching, learning and assessment staff to support individual apprentice or learner needs, and use assessment methods that are most appropriate to the apprentice or learner.
- Using plain English for all marketing and communication and will ensure that all literature is available is larger fonts, and different print colour combinations if desired.
- We will utilise a range of methods to communicate with staff, apprentices, and learners, including letters, emails, SMS, Live-Chat facilities, face-to-face meetings and graphical presentations, to ensure that messages are conveyed accurately, and in a way that the recipient is comfortable with.
- Undertaking training to increase our knowledge and understanding of aspects of social identity that may be different from our own, and how to support people with different social identities.
- Resources, materials, and literature are presented in a way that is sensitive to equality and diversity, and that consideration is taken to represent the diverse range of individuals who access the provision.

Promoting Fundamental British Values

Skills Consultants approaches the promotion of Fundamental British values in line with the Government's PREVENT strategy (please read in conjunction with the Prevention of Extremism and Radicalisation Policy). These British Values are democracy; individual liberty; the rule of law; mutual respect; tolerance of those with different faiths and belief. Each is defined below and placed in a training context using examples. It is, without question, everyone's duty to ensure we do not undermine these Fundamental British Values.

Democracy

Democracy can be seen as a state of society characterised by equality of rights and privileges. It can also refer to our nation's electoral systems.

At Skills Consultants we promote the importance of democracy through such things as:

- A programme of study/ Apprenticeship is delivered with comprehensive coverage of the topics outlined in the Prevent and British Values guidance.
- British Values are affirmed in the apprentice or learner progress review process and documentation.
- Plans for teaching and learning include democracy.
- The Personal Development plans incorporates learning about citizenship, including electoral systems.
- Apprentices and Learners are encouraged to consider alternative pathways in sessions.

- Apprentice and learner voice strategy and learner surveying
- There is a clear academic appeals route
- Apprentices and Learners are encouraged to demonstrate and develop their equality, diversity and inclusion knowledge, skills and behaviours via the application of work based practical skills.

Individual Liberty

Individual liberty suggests the free exercise of rights generally seen as outside Government control.

At Skills Consultants we promote the importance of individual liberty through such things as:

- Apprentices and Learners are encouraged to voice views in sessions in a formative manner.
- Apprentices and Learners are offered autonomy over choices regarding progression pathways.
- Curriculum is designed to meet the individual apprentice and learner needs and training requirements- apprentices and learners are encouraged to participate in making informed choices about course content, employability, and personal development targets.
- Learning about health, healthy relationships, sex education and wellbeing in relation to diet, exercise, a healthy mind, and positive lifestyle.
- Learning about radicalisation and extremism through curriculum and the apprentice and learner progress review process.
- Apprentices and Learner blogs that promote free speech.
- Apprentices and Learners are encouraged to demonstrate and develop their equality, diversity and inclusion knowledge, skills, and behaviours via the application of work based practical skills.

Rule of Law

All people and institutions are subject to and accountable to law that is fairly applied and enforced.

At Skills Consultants we promote the importance of the rule of law through such things as:

- There is an apprentice/learner code of conduct.
- Behaviour and employability skills are promoted in sessions.
- Marking and feedback set clear boundaries which are explained clearly to apprentices and learners.
- Accountability is stressed to all stakeholders including apprentices, learners, employers, and staff and this is recorded in the commitment statement and contract of learning.

- Apprentices and Learners are encouraged to demonstrate and develop their equality, diversity and inclusion knowledge, skills and behaviours via the application of work based practical skills.

Mutual Respect

The proper regard for an individual's dignity, which is reciprocated.

At Skills Consultants we promote the importance of mutual respect through such things as:

- Apprentice, learner, employee and employer code of conduct and handbook.
- Skills Consultants ethos, vision, principles and mission statement.
- Curriculum activities including those focussed on other cultures, stereotypes, or prejudice.
- The publishing and enforcement of a smart dress code for staff.
- Wellbeing promotes mutual respect through the skills developed in session.
- Apprentices and Learners are encouraged to demonstrate and develop their equality, diversity and inclusion knowledge, skills, and behaviours via the application of work based practical skills.

Tolerance of Those with Different Faiths and Beliefs

A fair, objective, and permissive attitude to those whose faith and beliefs may differ from one's own.

At Skills Consultants we promote the importance of tolerance of those with different faiths and beliefs through such things as:

- Observing various religious beliefs.
- Acceptance of faith symbolism.
- Religious Studies as part of the curriculum taught to all apprentices and learners.
- Apprentices and Learners are encouraged to demonstrate and develop their equality, diversity and inclusion knowledge, skills, and behaviours via the application of work based practical skills.

Spiritual, Moral, Social and Cultural (SMSC)

In order to develop the whole individual and genuinely prepare our apprentices and learners for an ever-changing world, we strive to nurture their sense of citizenship and to promote their spiritual, moral, social and cultural (SMSC) development at every opportunity. Skills Consultants

aims to promote an enrichment, in addition to all subjects across the curriculum offer the opportunity to discuss moral issues, personal experience, social and cultural issues to help apprentices and learners to develop their skills.

Training including very specific training linked to the Prevent Duty.

All staff understand that any concern about extremism or radicalisation of our apprentices or learners is to be treated as a safeguarding issue and thus should be treated in the same way. We have a robust procedure in place should we have any concerns. We ensure that through open discussion within learning environments we enable apprentices and learners to test out their ideas in a safe and supportive environment where staff can challenge and broaden understanding of the wider world. *(For further information see Prevention of Extremism and Radicalisation Policy)*

Types of Discrimination

We oppose all forms of unlawful and unfair discrimination.

It is important that all individuals associated with Skills Consultants understand what is meant by discrimination:

- **Direct Discrimination** – treating a person less favourable than others on grounds of sex, marital status, colour, race, nationality, ethnicity, age, pay or national origin.
- **Indirect Discrimination** – applying a requirement or condition, which, although applied equally to all persons is such that a considerably small proportion of persons of a particular sex, marital status, or racial group can comply with it and it, cannot be shown to be necessary for the satisfactory performance of the job.
- **Victimisation** – treating a person less favourably than other persons because for example that person has used their rights under the acts. There must be no discrimination in respect of assessment decisions made by assessors and IQAs.
- **Harassment** - When a person is on the receiving end of unwanted behaviour related to a protected characteristic which has the purpose of: Violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. This could also include a complaint about the behaviour directed at others that others in the room may find offensive.

- **Discrimination by association** – This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- **Perception discrimination** – This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Third party harassment – Employers are now potentially liable for harassment of employees by people (third party) who are not employees of the company, such as customers, or clients. Employers are only liable when harassment issues have occurred on at least two occasions and the employer has not taken reasonable steps to stop it