



## Equality and Diversity Policy

### 1. Introduction

- 1.1 First Corporate Clothing Ltd (the Company) is fully committed to promoting equality of opportunities in its business, to reflect positive values of human differences and diversity.
- 1.2 Within the framework of existing legislation the Company is committed to eliminate and prohibit discrimination in its own policies and procedures and in those areas over which it has influence.
- 1.3 This policy regulates the conduct of the Company and those acting for it.
- 1.4 This policy applies to the conduct of the Company towards its employees, its contract workers, suppliers, service providers, customers, potential customers and all those with whom the Company has dealings.
- 1.5 Since all employees act on behalf of the Company this policy both imposes duties and confers rights on employees.
- 1.6 The term “the Company” shall include its employees or agents. This means that contravention of this policy by an employee or agent will put the Company in breach.

### 2. Legislation and Codes of Conduct with which the Company complies:

- 2.1 The Equality Act 2010
- 2.2 Any amendment to the Equality Act 2010
- 2.3 Any relevant EU Regulation or Direction
- 2.4 Any further relevant UK Statute
- 2.5 Schedule 6 of the Employment Equality (Age) Regulations 2006, any subordinate legislation made under the authority of the Equality Act 2010, any amendment thereto or any subsequent relevant primary legislation.
- 2.6 The Human Rights Act 1998
- 2.7 The Company is committed to follow the Code of Practice set by the Equality and Human Rights Commission and approved by Parliament.

### 3. Protected Characteristics

- 3.1 The following are protected characteristics:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex

- Sexual orientation

#### **4. Prohibited Conduct**

- 4.1 Direct discrimination
- 4.2 Indirect discrimination
- 4.3 Harassment
- 4.4 Victimisation

#### **5. Definitions**

##### 5.1 Direct Discrimination

5.2 Direct discrimination occurs where a person A treats another B, because of a protected characteristic, less favourably than A treats or would treat others.

##### 5.3 Indirect Discrimination

5.3.1 Indirect discrimination is where a person A discriminates against another B by applying a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic even though A applies it to persons with whom B does not share the characteristics and A cannot show that it is a proportionate means of achieving a legitimate aim.

5.3.2 The relevant protected characteristics are age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex and sexual orientation

##### 5.4 Disability discrimination (particular instance)

5.4.1 A person A discriminates against a disabled person B if (a) A treats B unfavourably because of something arising in consequence of B's disability and (b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

##### 5.5 Gender reassignment discrimination (particular instance)

5.4.1 A person A discriminates against a transsexual person B if in relation to an absence of B's that is because of gender reassignment A treats B less favourably than A would treat B if (a) B's absence was because of sickness or injury or (b) B's absence was for some other reason and it is not reasonable for B to be treated less favourably.

##### 5.6 Pregnancy and maternity discrimination

5.6.1 A person A discriminates against a woman if, in the protected period in relation to a pregnancy of hers, A treats her unfavourably – (a) because of her pregnancy or (b) because of illness suffered by her as a result of it.

5.6.2 A person A discriminates against a woman if A treats her unfavourably because she is on compulsory maternity leave.

5.6.3 A person A discriminates against a woman if he treats her unfavourably because she is exercising or seeking to exercise, or has exercised or sought to exercise, the right to ordinary or additional maternity leave.

##### 5.7 Harassment

5.7.1 A person A harasses another B if:

- (a) A engages in unwanted conduct related to a relevant protected characteristic, and
- (b) The conduct has the purpose or effect of
  - (i) violating B's dignity, or
  - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

5.7.2 A also harasses B if

- (a) A engages in unwanted conduct of a sexual nature, and
- (b) The conduct has the purpose or effect referred to in 5.6.1(b) above.

5.7.3 A also harasses B if

- (a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
- (b) The conduct has the purpose referred to in 5.6.1(b) above, and
- (c) Because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

5.7.4 The relevant protected characteristics are:

- Age;
- Disability;
- Gender reassignment
- Race;
- Religion or belief;
- Sex;
- Sexual orientation

5.7.5 A may also be taken to harass B when a third party (being a person other than A or an employee of A) harasses B in the course of B's employment and A has failed to take such steps as would have been reasonably practicable to prevent the third party from doing so and A knows that B has been harassed in the course of B's employment on at least two occasions by a third party; and it does not matter whether the third party is the same or a different person on each occasion.

5.8 Victimisation

5.8.1 A person A victimises another person B if A subjects B to a detriment because

- (a) B does a protected act, or
- (b) A believes that B has done, or may do, a protected act.

5.8.2 Protected acts are:

- (a) bringing proceedings under the Equality Act 2010;
- (b) giving evidence or information in connection with proceedings under the Equality Act 2010;
- (c) doing any other thing for the purpose of or in connection with the Equality Act 2010;
- (d) making an allegation (whether or not express) that A or another person has contravened the Equality Act 2010 or committed a breach of an equality clause or rule.

5.9 Reasonable Adjustment

5.9.1 There is a requirement that where a provision, criterion or practice of the Company puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

5.9.2 There is a requirement that where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

5.9.3 There is a requirement that where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

## **6. Rights, Duties and Commitment under this Policy**

- 6.1 The Company must not and will not discriminate against a person (a) in the arrangements the Company makes for deciding to whom to offer employment; (b) as to the terms on which the Company offers a person employment; (c) by not offering employment.
- 6.2 The Company must not and will not discriminate against an employee (a) as to the employee's terms of employment; (b) in the way the Company affords an employee access, or by not affording an employee access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service; (c) by dismissing an employee; (d) by subjecting an employee to any detriment.
- 6.3 The Company must not and will not victimise a person (a) in the arrangements the Company makes for deciding to whom to offer employment; (b) as to the terms on which the Company offers a person employment; (c) by not offering a person employment.
- 6.4 The Company must not and will not victimise an employee (a) as to terms of employment; (b) in the way the Company affords an employee access, or by not offering access, to opportunities for promotion, transfer or training or for any other benefit, facility or service; (c) by dismissing an employee; (d) by subjecting an employee to any other detriment.
- 6.5 A duty to make reasonable adjustments applies to the Company.
- 6.6 Reference to dismissing an employee includes (a) a reference to the termination of employment by the expiry of a period (including expiry by reference to an event or circumstance) unless immediately after the termination the employment is renewed on the same terms, (b) by an act of the Company (including giving notice) in circumstances such that B is entitled, because of the Company's conduct, to terminate their employment without notice.
- 6.7 The Company must not and will not harass (a) an employee, (b) any person who has applied for employment.
- 6.8 The rules and code of conduct set out in this section 6 are applied (with appropriate modifications read into them) to the Company's dealings with customers, potential customers, or any member of the public seeking or inquiring about the Company's services.
- 6.9 The rules and code of conduct set out in this section are applied (with appropriate modifications read into them) to the Company's dealings with contract workers.
- 6.10 It is a contravention of this policy and the Equality Act 2010 to instruct, cause, induce or aid contravention.
- 6.11 All employees have a personal responsibility not to engage in conduct that is discriminating or that amounts to harassment or victimisation.
- 6.12 Managers and supervisors are responsible for investigating any reports or complaints of discrimination, harassment or victimisation according to the Grievance Procedure (HR005) and the Disciplinary Procedure (HR006).
- 6.13 Managers and supervisors are responsible for communicating this policy to employees.
- 6.14 It shall be the duty of any member of staff who receives a complaint of discrimination, harassment or victimisation from a client or potential client to report it to the General Manager who will then invoke the Complaints Procedure (CRP007).
- 6.15 It shall be the duty of any member of staff who receives a complaint of discrimination, harassment or victimisation from a supplier or service provider to report it to the General Manager who will treat it as a non-conformance.
- 6.16 Management will review this policy at least annually in order to ensure that it reflects current legislation, EU regulations and best practice.

- 6.17 The Managing Director has overall responsibility for this policy and its effective implementation.
- 6.18 Rights and duties under this policy continue after a relationship has ended.

## **7. Suppliers and service providers**

- 7.1 The Company will apply this policy in (a) the selection of suppliers and service providers; (b) procurement; (c) range maintenance; (d) supply chain management.
- 7.2 The Company will require acceptable standards of Equality and Diversity to be demonstrated by all suppliers and service providers.

## **8. Further instances of conduct that amounts to harassment**

### **8.1 Physical**

- 8.1.1 Unnecessary touching, patting, pinching, brushing up against the person, assault, battery, sexual assault, rape, threatening or insulting behaviour or gestures.

### **8.2 Verbal**

- 8.2.1 Unwelcome advances, propositions for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, flirtations, lewd comments, innuendo, abusive language, cutting remarks, teasing and ribald comments.

### **8.3 Others**

- 8.3.1 The display of pornographic or sexually suggestive pictures including male or female images, offensive objects or written materials including graffiti.

## **9. Contraventions of this policy**

- 9.1 Any member of staff who considers that he or she has been the victim of discrimination, harassment or victimisation should invoke the Grievance Procedure (HR005).
- 9.2 Any member of staff found to have contravened this policy renders himself or herself liable to disciplinary proceedings (HR006).
- 9.3 Contravention of this policy in respect of a member of staff or contract worker by an employee may result in a complaint to an Employment Tribunal against that employee and the Company.
- 9.4 Contravention of this policy in respect of a customer or potential customer by a member of staff may result in a claim in the High Court or County Court against that employee and the Company.
- 9.5 A finding in favour of a complainant or claimant in any tribunal or court can result in a very substantial award of damages against a respondent or defendant.
- 9.6 Certain acts of discrimination, harassment or victimisation may amount to criminal offences that render the perpetrator liable to prosecution.

## 10. General Matters

- 10.1 This policy forms part of the Company's policy manual which is the document that sets the parameters for the Company's Quality Management System for which the Company has ISO9001:2008 accreditation.
- 10.2 Although the language of this document is in places formal and reflects the statutory provisions, it is not intended to be intimidating but to set the rules by which the Company ensures that it is and remains an equal opportunities employer and that trust and confidence, courtesy, respect and dignity prevail in the workplace and throughout all the Company's dealings.

Signed:



Mal Davies  
Managing Director

Date: 13<sup>th</sup> January 2024

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