

## Equality and Diversity Policy

### **Statement of policy and purpose of policy**

This policy covers the provisions of the Equality Act, which became law in October 2010. The Act harmonises and replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in what you need to do to make your organisation a fair environment and to comply with the law. The Equality Act covers the same groups that were protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. The Act extends some protections to characteristics that were not previously covered, and also strengthens particular aspects of equality law.

Top2% is committed to providing equal opportunities when engaging consultants and when undertaking training and consultancy work. This policy is intended to assist Top2% to put this commitment into practice. Compliance with this policy should also ensure that consultants do not commit unlawful acts of discrimination.

Striving to ensure that everyone is treated with dignity and respect is an important aspect of ensuring equal opportunities in the engagement of consultants.

### **The law**

It is unlawful to discriminate directly or indirectly in the engagement of consultants because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after engagement may also be unlawful, e.g. refusing to give a reference for a reason related to one of the protected characteristics.

Consultants should not discriminate against, or harass a learner, in the provision of training. It is unlawful to fail to make reasonable adjustments to overcome barriers to accessing any training caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible, or unreasonably difficult, for disabled people to make use of services. Top2% and their consultants have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

### **Types of unlawful discrimination**

**Direct discrimination** is where a person is treated less favourably than another, because of a protected characteristic. An example of direct discrimination would be refusing to engage a woman because she is pregnant.

**Indirect discrimination** is where a provision, criterion or practice is applied, that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination), such that it would be to the detriment of people who share that protected characteristic, compared with people who do not and it cannot be shown to be a proportionate means of achieving a legitimate aim.

**Harassment** is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

**Associative discrimination** is where an individual is directly discriminated against, or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and according to guidance from the Government and ACAS, pregnancy and maternity).

**Perceptive discrimination** is where an individual is directly discriminated against or harassed, based on a perception that he/she has a particular protected characteristic when he/she does not in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

**Victimisation** occurs where an employee/consultant is subjected to a detriment, such as being denied an assignment because he/she made or supported a complaint under the Equality Act 2010, or because he/she is suspected of doing so. However, a consultant is not protected from victimisation if he/she acted maliciously, or made, or supported an untrue complaint. There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind consultant raises a complaint that the organisation is not complying with its duty to make reasonable adjustments and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

**Failure to make reasonable adjustments** is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage, compared with someone who does not have that protected characteristic and the organisation has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

### **Equal opportunities in engaging with consultants**

Top2% will avoid unlawful discrimination in all aspects of engagement, including recruitment, assignments and consultancy fees.

Opportunities will be limited to those skills and expertise that are necessary for the effective delivery of training. Disability and personal or home commitments will not form the basis of assignment decisions except where necessary.

### **Dignity at work**

Top2% will not tolerate bullying and harassment on any ground.

### **Clients and external partners**

Top2% will not discriminate unlawfully against clients or external partners engaging with our services. Consultants should report any bullying or harassment by external clients or partners to the Company Director, who will take appropriate action.

## **Your responsibilities**

Every consultant is required to assist Top2% to meet its commitment to provide equal opportunities in training, assessment and consultancy and avoid unlawful discrimination.

Consultants can be held personally liable as well as, or instead of Top2%, for any act of unlawful discrimination. Consultants who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against other consultants or clients are unacceptable and could lead to the termination of any agreement with Top2%.

## **Monitoring and review**

This policy will be monitored periodically by Top2% to judge its effectiveness and will be updated in accordance with changes in the law.

## **Application of this policy**

This policy, its principles and procedures should be applied by the Director, consultants, contractors and other personnel who work in partnership with Top2%.

If a breach of this policy is suspected or detected amongst or about personnel or consultants, it should be referred to the Company Director. Such reports will be treated confidentially.