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<b>Report To:</b>	<b>Policy &amp; Resources Committee</b>	<b>Date:</b>	<b>06 February 2018</b>
<b>Report By:</b>	<b>Head of Organisational Development, Human Resources &amp; Communications</b>	<b>Report No:</b>	<b>HR/03/18/BMcQ</b>
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<b>Subject:</b>	<b>Dignity &amp; Respect at Work and Equality &amp; Diversity Policies</b>		

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## 1.0 PURPOSE

- 1.1 The purpose of this report is to seek the approval of the Policy and Resources Committee to introduce a 'Dignity and Respect at Work' policy and an 'Equality and Diversity' policy. The Dignity and Respect at work policy replaces the current Bullying, Harassment and Victimisation policy and the new Equality and Diversity policy sets out the Council's vision and commitment to equality and diversity.
- 1.2 The introduction of these policies support the implementation of the Council's People and Organisational Development Strategy 2017/20 by reviewing and strengthening our Equal Opportunities policy and ensuring we continue to have modern and innovative HR Policies in place for our employees.

The Equality & Human Rights Commission has issued legal guidance on sexual harassment, as defined in the Equality Act 2010. This guidance has been incorporated in the Council's Dignity & Respect at Work Policy & Procedures, and will form part of associated training on the issue.

## 2.0 SUMMARY

- 2.1 The existing Bullying, Harassment and Victimisation Policy and Procedures have been in place for some time now and require updating. These have now been reviewed, in consultation with the trade unions, and the policy and procedures have been re-named to become the Council's Dignity & Respect at Work Policy (Appendix 1).
- 2.2 The new Dignity & Respect at Work Policy has been modernised to align with today's best practice, employment legislation and to reinforce the Council's adoption of a zero tolerance to bullying, discrimination, harassment and victimisation.
- 2.3 The new Equality and Diversity Policy (Appendix 2) re-affirms the Council embracing a positive attitude towards the promotion of equality and diversity and to create a working environment which is inclusive of everyone.

## 3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Policy and Resources Committee:
  - a) agree the 'Dignity and Respect at Work' and the 'Equality and Diversity' policies attached at Appendix 1 & 2;
  - b) note that the policy statements will be kept under review and revised as and when necessary to reflect any changes in regulations or policy, and note that procedural

guidelines on the application of the policy will be available for employees and managers

- c) note that awareness training will also be arranged for employees and elected members
- d) approve extending the number of internal trained mediators involving employees from other areas of the council

**Steven McNab**  
**Head of Organisational Development,**  
**Human Resources and Communication**

## 4.0 BACKGROUND

- 4.1 The existing Bullying, Harassment and Victimisation Policy and Procedures have been in place for some time now and require updating. These have now been reviewed, in consultation with the trade unions, and the policy has been re-named to become the Council's Dignity & Respect at Work policy (Appendix 1).
- 4.2 The new Dignity & Respect at Work Policy has been modernised to align with today's best practice, employment legislation and to reinforce the Council's adoption of a zero tolerance to bullying, discrimination, harassment and victimisation.
- 4.3 A letter was sent by the Chief Executive of EHRC to all Council Leaders in December 2017, attaching legal guidance they have issued on sexual harassment, as defined in the Equality Act 2010. This guidance has been incorporated in the Council's Dignity & Respect at Work Policy & Procedures, and will form part of associated training on the issue. The guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/sexual-harassment-and-law-guidance-employers>.
- 4.4 The EHRC also asked Councils to supply them with evidence, through participating in a short survey, on our existing and planned systems, processes, safeguards and workplace culture in relation to sexual harassment. Responses will be used to highlight best practice and to propose recommendations for systemic reform on the most effective ways to prevent and respond to this issue. The survey has been completed and is attached as appendix 3.
- 4.5 The new Equality and Diversity Policy (Appendix 2) re-affirms the Council embracing a positive attitude towards the promotion of equality and diversity and to create a working environment which is inclusive of everyone.

## 5.0 KEY CHANGES

### KEY CHANGES – DIGNITY & RESPECT AT WORK

- 5.1 The key changes of the revised Dignity and Respect at Work Policy are:
  - reference to the Equality Act 2010
  - the standards expected by Council employees are clearly outlined
  - the roles and responsibilities of employees, trade union colleagues, HR and line managers/supervisors are clearly defined
  - provision of what is considered competent complaints
  - modernisation of the definitions for harassment, bullying, discrimination and victimisation
  - making it clear that there is a one-stage internal appeal process and that the decision of the Appeals Panel (Officers) will be binding on all parties
  - employee representation to be changed to trade union representative or work colleague
  - the involvement of Legal Services in terms of issuing 'cease and desist' letters from Inverclyde Council where an employee has been subject to abusive behaviour from a member of the public
- 5.2 The key changes of the revised Dignity and Respect at Work Procedures are:
  - outlining appropriate timescales for each stage of the formal process
  - the format of the stages involved in process
  - increased focus on mediation to resolve disputes
- 5.3 The revised Procedures emphasise the adoption of mediation, where appropriate. Mediation is a useful technique for resolving workplace disputes in a confidential and informal way. Mediators are trained in working with difficult situations but much depends on the mediator's skill and training. Mediation within the Council has tended to be undertaken by the HR Operations Team however it would be beneficial to extend the number of internal trained mediators involving employees from other areas of the Council.

5.4 There are defined stages of the process within the revised Dignity & Respect at Work Policy (Appendix 1):

- Section 12 – Competency of Claims – which defines what would be assessed as a competent complaint, and;
- Section 19 – 3 stages Informal Stage/Formal Stage – carrying out a formal investigation, and Appeals Stage – a one stage internal appeal hearing which is heard by a panel which comprises of the Head of HR, OD & Communications and a Corporate Director (or nominees) not previously involved in the case.

At the 3 stages (informal, formal, appeal), the revised Procedures state that the appropriate trade union representative will be consulted, or can attend meetings. This is in line with current practice.

5.5 There has been positive engagement with the trade unions in the development of this revised policy with the trade unions agreeing to a move away from employees having recourse to the Grievance Procedure at the end of the Appeals process. However, the trade unions have requested a greater involvement in the new process as outlined below and the Policy and Resources Committee is asked support this involvement which has been reflected in the new procedures:

- (a) An independent internal trade union colleague (one which is not representing either the complainant or the alleged aggressor) can be appointed to be fully consulted, with an appointed Manager and HR representative, in assessing the competency of a claim;
- (b) An independent internal trade union colleague (one which is not representing either the complainant or the alleged aggressor) can be appointed to be consulted in respect of investigations into the claims;
- (c) An independent internal trade union colleague (one which is not representing either the complainant or the alleged aggressor) can be appointed to be fully consulted, with the appointed Appeals Panel (Officers), in assessing the competency of an appeal;

The above areas have been reflected in the new policy and procedures.

## **KEY CHANGES – EQUALITY & DIVERSITY POLICY**

5.6 The Equality & Diversity Policy complies with current legislative requirements including the Equality Act 2010. The Council is committed to ensuring that equality and diversity is embedded in all aspects of service delivery, and strives to ensure that all employees, Elected Members, customers and partners are treated fairly and with respect at all times. The policy applies to all the groups above and specifies their responsibilities.

## **6.0 PROPOSALS**

6.1 It is proposed that the Policy and Resources Committee:

- a) agree the 'Dignity and Respect at Work' and the 'Equality and Diversity' policies attached at Appendices 1 & 2;
- b) note and agree the position in respect of trade union involvement as outlined at paragraph 5.5 of this report;
- c) note that the policy statements will be kept under review and revised as and when necessary to reflect any changes in regulations or policy, and note that procedural guidelines on the application of the policy will be available for employees and managers; note that awareness training will be arranged for employees and elected members
- d) approve extending the number of internal trained mediators involving employees from other areas of the Council.

## 7.0 IMPLICATIONS

### Finance

#### 7.1 Financial Implications:

Equality and Diversity training costs will be contained within existing training budgets.

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A		2017/18			

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (if Applicable)	Other Comments
N/A					

### Legal

7.2 As outlined in the report

### Human Resources

7.3 As outlined in the report.

### Equalities

7.4 Has an Equality Impact Assessment been carried out?

YES

NO - will follow – but neutral impact

### Repopulation

7.5 N/A.

## 8.0 CONSULTATIONS

8.1 Trade Unions have been fully consulted in the development of these Policies and Procedures.

8.2 Legal & Property Services has been consulted on the proposal for Legal Services' involvement in the issuing of 'cease and desist' letters and are supportive.

## 9.0 LIST OF BACKGROUND PAPERS

- 9.1 Appendix 1 – Dignity and Respect at Work Policy
- Appendix 2 – Equality and Diversity Policy
- Appendix 3 – EHRC survey

Appendix 1

Version 1.0

Produced by:

*Human Resources*

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# Dignity & Respect at Work Policy



**INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER  
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## **1. Policy Statement**

Inverclyde Council adopts a zero tolerance approach to bullying, discrimination, harassment and victimisation.

Inverclyde Council is committed to equality of opportunity and acknowledges that a major contributor to this aim is the creation of a working environment in which all employees can expect to be treated with dignity and respect.

It is recognised that bullying, discrimination, harassment, and victimisation undermine this objective. The Council considers such behaviour as unacceptable and will take all necessary steps e.g. use of disciplinary procedures, retraining etc.as appropriate to ensure that it does not occur.

The Council requires all employees to treat one another with dignity, respect each other's right to form opinions and will not bully, discriminate, harass, victimise or otherwise subject another person to any types of demeaning behavior.

## **2. Scope**

This policy applies to all Local Government Employees' including Chief Officers, and Teachers.

Elected members, external agencies, partners and contractors who work in partnership with the Council also have a responsibility to comply with this policy.

This policy applies to all employees of the Council who are employed on permanent, temporary fixed term or part time contracts and casual/sessional and supply workers.

The policy applies in the workplace and applies to conduct outside the workplace in accordance with the Employee Code of Conduct.

This policy and associated procedure supports Inverclyde Council's Equality & Diversity Policy and reinforces the Council's commitment as an equal opportunities employer and the Council's Violence in the Workplace Policy

## **3. Introduction**

The aims of this policy and associated procedures are to:

- a) demonstrate that the Council will not tolerate acts that breach the Dignity and Respect at Work Policy.
- b) set out the values and expected behaviours that all employees are required to display in carrying out their duties and responsibilities.
- c) ensure that all employees are aware of what dignity and respect at work means and to recognise the types of behaviour which are not acceptable.
- d) ensure that all employees understand their responsibilities in connection with the policy.

- e) provide arrangements whereby all bullying, discrimination, harassment & victimisation referrals can be investigated in a manner which recognises the sensitivity of the issues raised and the rights of everyone involved. In exceptional circumstances the anonymity of claimant or witnesses may be preserved.
- f) ensure that all allegations of any breach of the policy are responded to timeously, positively and with the utmost confidentiality.

#### **4. Definitions/Recognising Bullying, Discrimination, Harassment, or Victimisation**

The terms bullying and harassment are used interchangeably by most people, and many definitions include bullying as a form of harassment.

##### **4.1 Harassment**

Harassment as defined in the Equality Act 2010 is: unwanted conduct related to a relevant protected characteristic, (age, disability, gender reassignment, race, religion or belief, marriage and civil partnership and pregnancy and maternity, sex and sexual orientation) which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

In addition, the claimant need not possess the relevant characteristic themselves and can complain because they are wrongly perceived to have one, are treated as if they do or because of their association with a person who has a protected characteristic.

##### **4.2 Bullying**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against any other employee regardless of their position within the Council (see Scope at Section 2 above). It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the employee or group.

Bullying and harassment are not necessarily face to face e.g. they may also occur in written communications, email, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled, being administered unfairly. Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

### **4.3 Discrimination**

Discrimination is the singling out of a particular person or group of people for special favour or disfavour, based on stereotypical assumptions about characteristics or interests within certain groups of people

### **4.4 Victimisation**

Victimisation occurs when an employee is treated less favourably because for example they have made or supported a referral or raised a grievance, or because they are suspected of doing so.

### **4.5 Claimant**

The employee or group of employees, who considers that they may be experiencing inappropriate behaviour, as defined by this policy.

The claimant may also be a third party (another employee) raising a concern upon witnessing the potentially inappropriate treatment of others and where that treatment has had a negative impact on the third party. If the impact on the third party is less clear, such as where the third party is merely bringing to management's attention the potentially inappropriate behaviour because it is in contravention of this policy, then the third party will not be treated as a claimant but an investigation may be carried out in line with the Council's disciplinary procedures.

### **4.6 Respondent**

The respondent could be an employee or a group of employees accused of behaviour that the claimant believes to be inappropriate or offensive.

*Examples of the types of behaviour which may constitute bullying and harassment are detailed at Appendix 2, page 13.*

## **5. Legal Framework/Equalities**

### **Legal Framework**

The Equality Act 2010, places a specific responsibility on the Council to protect employees in circumstances where bullying, discrimination, harassment or victimisation occurs. The Council is committed to meeting the requirements of the Equality Act 2010 which simplifies, streamlines and strengthens existing equality legislation and protects employees from discrimination on the basis of the following 9 'protected characteristics':

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race (including ethnic or national origins, colour and nationality);
- Religion and belief;
- Sex;
- Sexual orientation.

The Council has a commitment to equal opportunities in employment and service delivery. The Dignity and Respect at Work Policy supports the principles of fair treatment. It works towards creating a working environment that is free from bullying, discrimination, harassment and victimisation.

The Equality & Human Rights Commission has issued legal guidance on sexual harassment, as defined in the Equality Act 2010. This guidance has been incorporated in the Council's procedures, and will form part of associated training on the issue. The guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/sexual-harassment-and-law-guidance-employers> (also attached at appendix 3).

## 6. Key Principles

The Council recognises offensive behaviour can create an intimidating, hostile or humiliating working environment which can impact on the physical and emotional health, confidence, morale and job performance of employees. It can also have a direct impact on other colleagues, service delivery and the overall effectiveness of the Council.

It is possible that inappropriate behaviour, whilst being acceptable to some employees may actually cause embarrassment, distress or anxiety to others. It has to be recognised that feelings of bullying, discrimination, harassment, or victimisation relate essentially to the views held by individual employees. It is important to note that it is not the intent behind the behaviour that defines whether it is inappropriate or offensive but whether the recipient perceives the behaviour as such and importantly the behaviour could **reasonably** be considered to be so. The inappropriate behaviour could be insidious but bullying & harassment often reveals themselves through patterns of behaviour and frequency of incidents.

The Council supports an open and transparent culture where allegations of offensive behaviour at work will be treated seriously. No employee will suffer any form of detriment for bringing forward an allegation of bullying, discrimination, harassment or victimisation, unless that allegation is found to be malicious or vexatious.

The Council expects all parties involved in the Dignity and Respect at Work process to preserve the confidentiality of the matter at all times. Breach of confidentiality can hinder early and constructive resolution and disciplinary action may be taken.

## 7. Values and Expected Behaviours

### RESPECT

The Council expects certain standards (list not exhaustive), undernoted, but these standards alone cannot create and maintain the desired culture. This can only be achieved if everyone, regardless of their role, position, grade or level of seniority within the organisation embraces and personally embeds these behaviours in their day-to-day working relationships:

Recognise and reward achievement;

Encourage colleagues to express opinions and ideas, work collaboratively and provide mutual support;

Strive to communicate with integrity, honesty and openness;

Praise more frequently than criticise. Encourage praise and recognition from employee to employee as well as from the manager to employee and vice versa;

Embrace diversity, respect difference and allow individuality to flourish;

Consistency in the implementation of policies and procedures to ensure people are treated fairly and equitably;

Treat people with courtesy, politeness and kindness;

The Council is a large and diverse organisation with many employees engaged in a wide range of activities. Disciplinary Procedures (<http://icon/hr/policy-a-z/>) also set out guidance on how employees should conduct themselves during their day to day duties.

*Examples of acceptable behaviour that promote dignity at work are detailed at Appendix 1.*

## **8. Employee Responsibilities**

- a) making sure they familiarise themselves with the policy and understand it in relation to their own personal behaviour;
- b) displaying a positive, professional and cooperative attitude in line with the council's core values and the standards set out in this policy;
- c) developing competence in their inter-personal and communication skills to a level appropriate for their role;
- d) not participating in, encouraging, condoning or supporting the bullying, discrimination, harassment or victimisation of another person or covering up for, or protecting, an individual who is behaving inappropriately;
- e) responding constructively to feedback and advice on their behaviour whether this is from a manager or a colleague;
- f) challenging inappropriate behaviour whenever it occurs if they feel able;
- g) supporting colleagues who may be experiencing bullying, discrimination, harassment or victimisation if they feel able;
- h) reporting to their line manager (or senior manager), trade union representative, or Human Resources any incidents of bullying, discrimination, harassment, victimisation or other inappropriate behaviour that they experience or witness;
- i) participating fully in any investigations that may be undertaken;
- j) not bringing claims of unacceptable behaviour maliciously or vexatiously n.b see also para 5 of the procedure

## 9. Management/HR Responsibilities

9.1 Senior managers and line managers/supervisors are also responsible for:

- a) ensuring that they implement this Policy within their teams and that it is properly communicated and explained fully to all their staff;
- b) setting standards of appropriate behaviour within their area of responsibility;
- c) leading by example by displaying positive, professional behaviours in line with the organisation's core values;
- d) creating and maintaining an inclusive working environment in which bullying, discrimination, harassment, victimisation or other unacceptable behaviour is not tolerated;
- e) being proactive in preventing bullying, discrimination, harassment or victimisation at work by challenging inappropriate behaviour;
- f) ensuring that an individual's behaviour is considered as important as the other competencies required for the job when assessing performance in supervision/appraisal processes;
- g) being approachable, ensuring regular 1-2-1's and supervision sessions are held with staff to ensure any problems that may be arising within the team are brought to their attention;
- h) ensuring that all allegations of bullying, discrimination, harassment or victimisation are taken seriously and are promptly and properly dealt with in accordance with this policy;
- i) supporting staff who may feel they are being bullied, discriminated against, harassed or victimised, ensuring that there is no retaliation against employees making a referral or those supporting colleagues to make a referral under this policy;
- j) investigating referrals when appointed and where appropriate in accordance with the Policy;
- k) conducting facilitated or mediated meetings between staff in conflict in accordance with the Policy.

9.2 Human Resources are responsible for:

- a) advising staff who believe that they are being bullied, discriminated against, harassed or victimised;
- b) advising staff who may be distressed after witnessing bullying, discrimination, harassment or victimisation;
- c) advising managers who need to take action on becoming aware that bullying, discrimination, harassment or victimisation might be taking place;
- d) appointing and advising investigating managers;
- e) sourcing mediators as required or mediating where practicable;
- f) ensuring the effective, fair and consistent implementation of the policy;
- g) monitoring incidents of bullying, discrimination, harassment or victimisation and reporting findings to CMT on a regular basis;
- h) providing training for managers to equip them with the knowledge and skills to address such issues effectively;
- i) auditing the return rate and content of exit interviews to identify any claims of bullying, discrimination, harassment or victimisation and to report these to the appropriate Head of Service for possible further action;
- j) assessing the effectiveness of the policy through reviewing the results of the confidential staff survey on the incidence of staff feeling bullied, discriminated against, harassed or victimised;
- k) reviewing and amending the policy as necessary.

## **10. Trade Union Responsibilities**

- a) Trade union representatives are responsible for:
- b) making sure they familiarise themselves with the policy and understand it;
- c) accepting that they have an important role to play in helping the council achieve the stated objectives of this policy;
- d) championing respectful and equitable behaviour which will help to create a climate of fairness and cooperation;
- e) assisting their members who have been bullied, discriminated, harassed or victimised including supporting them in taking their referrals forward;
- f) representing their members who are the subject of a referral;
- g) highlighting to their members when their behaviour falls short of the standards outlined in this policy.

## **11. Management of Employee Performance**

Line managers are responsible for ensuring that employees who report to them perform to an acceptable standard. Therefore, the legitimate, justifiable and appropriate actions taken by a manager in accordance with council policies and procedures to improve an individual's behaviour, attendance, work performance etc. does not constitute bullying, discrimination, harassment or victimisation. However, it is acknowledged that some staff may feel anxious or stressed while these procedures are going on.

In summary there is a need for employee performance to be managed in order to bring about the aims of the Council and Service requirements. This Policy does not seek to diminish a manager's ability to do this. Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying, discrimination, harassment or victimisation.

It is however unacceptable to condone bullying, discriminatory, harassing or victimising behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with respect. Strong management can unfortunately sometimes tip over into bullying behaviour. A culture where employees are consulted and problems discussed is less likely to encourage bullying and harassment than one where there is an authoritarian management style. Examples of inappropriate behaviour are detailed at Appendix 2 and training will be provided to managers and supervisors.

## **12. Competency of claims**

An employee cannot take out a referral under this policy against a Manager or Council Official who is applying council policy unless there is evidence of incorrect application, or some form of discrimination. This will be considered by Chief Executive/Corporate Director/Head of Service/Service Manager/Head Teacher (level will depend on the level of alleged perpetrator and the Head of Organisational Development, HR & Communications (or nominee) and will involve consultation with the appropriate trade union(s))

Similarly, where a claimant fails to follow the procedure or refuses to detail allegations when required to do so, this may result in the claim being declared invalid.

Referrals have to be raised within a reasonable time scale. Referrals should be raised within 3 months of an incident or if a series of linked incidents within 3 months of the last incident. If a referral is received out with this timescale it will not be considered under the Policy

unless there is justification/ exceptional circumstances accepted by relevant Senior Management.

A referral cannot be submitted in respect of issues which have been dealt with under Council's disciplinary or grievance procedures or any other Council Policy/Process which have their own appeal process.

An independent internal trade union colleague (one which is not representing either the complainant or the alleged aggressor) can be appointed to be fully consulted, with an appointed Manager and HR representative, in assessing the competency of a claim;

### **13. Representation**

At any point in the Procedure, an employee can be accompanied by a companion who is either:

- A fellow employee in Inverclyde Council; or
- A trade union representative

### **14. Employee support including counselling, Information and training**

Training courses provided by the Council include the subject of bullying, harassment, discrimination and victimisation at work. All employees have a responsibility to discourage such behaviour and this is reiterated within this policy and other training courses provided within the Council.

Managers should ensure that Information posters on 'Violence in the Workplace' are circulated prominently throughout all Council buildings, including those accessible by the public. These posters highlight that Inverclyde Council will not tolerate verbal or physical abuse towards our employees.

### **15. Monitoring of Policy and Procedures**

This policy will be reviewed and updated in line with any legislative changes and examples of best practice within the workplace.

### **16. Equality Impact Assessment**

This policy has been equality impact assessed in line with the Council's obligations to comply with the Equality Act 2010.

### **17. Withdrawing Services**

In cases of serious harassment, where for example, there has been a threat of violence or assault or a campaign of unacceptable behaviour from service user(s), a group, a parent or a member of the public, the Manager/Head Teacher must consider taking immediate action to prevent the employee from experiencing any further abuse.



This may involve the withdrawal of services or refusing access to the premises where this is possible or other actions short of the withdrawal of services e.g. reallocation of work or relocation with the individual's agreement.

'Violence at Work' posters are located throughout the Council, including within Education establishments, HSCP offices and the Customer Contact Centre. These posters communicate that Inverclyde Council will not tolerate abuse of their employees. Any person abusing an employee of the Council, either verbally or physically, may be subject to legal action and as above, a withdrawal of services.

## **18. Legal Assistance**

The Council can assist employees to take positive action to afford protection from abusive behaviour. Examples of the options available to staff include:

- a) a "cease and desist" letter from Inverclyde Council Legal Services to those involved in abusive behaviour towards staff, instructing that they stop said behaviour immediately;
- b) imposing a ban on contact between the perpetrator and the affected employee(s);
- c) the Council providing advice and assistance to those seeking to raise interdict proceedings, and in certain limited circumstances may meet the legal costs involved;
- d) providing advice about court processes.

## **19. Procedure**

Details of how bullying, harassment and victimisation claims will be dealt with are detailed in the Dignity & Respect at Work Procedures. This includes how to raise a referral of this nature and the relevant appeals process. Under this policy there are 3 defined stages

- Informal
- Formal
- Appeal – there is a one stage appeal process which is heard by an Appeals Panel. Following this stage all internal procedures are considered to be exhausted and there is no further right of appeal.

The Dignity & Respect at Work Procedures also outline the involvement of an independent internal trade union colleague in respect of investigations into the claims and in assessing the competency of an appeal.

### Examples of acceptable behaviour that promote dignity at work

Everyone has a duty to see that dignity and respect are promoted in their dealings with all their colleagues, irrespective of whether those colleagues are managers, peers or staff they manage.

The value that is most clearly linked to the promotion of dignity is “respect”. This means staff should display the following behaviours when dealing with one another.

The list is not exhaustive:

- a) use ordinary everyday courtesy and politeness, including using the names that people prefer;
- b) treat people as they would like to be treated;
- c) act with sincerity, integrity, honesty, fairness, impartiality and diligence;
- d) work positively on a collaborative and co-operative basis with others;
- e) give honest feedback based on evidence;
- f) be open to constructive criticism;
- g) do your job to the best of your ability;
- h) do what is reasonably asked of you even if you disagree;
- i) give people encouragement, help and support when they need and want it;
- j) trust and be open with your colleagues;
- k) respect the diversity of cultures, backgrounds, lifestyles and beliefs that people bring to the workplace;
- l) listen to, respect and value the diverse ideas, contributions and opinions of colleagues;
- m) be sensitive to the needs of others;
- n) respect the privacy, confidentiality and personal space of others
- o) be aware of the effect your behaviour has on others and only make reasonable and manageable demands;
- p) appreciate and praise good work;
- q) actively seek to build productive working relationships and partnerships with people across and outside the Council;
- r) challenge inappropriate or unacceptable behaviour in an appropriate manner;
- s) aim to deliver a first class service to customers both internal and external.

## Appendix 2

### Examples of the types of behaviour which may constitute bullying and harassment

Bullying, harassment, discrimination and victimisation behaviours can be verbal, non-verbal and/or physical assault. Although not exhaustive, the following are examples of inappropriate behaviours relating to the 'protected characteristics' and which will not be tolerated by the Council towards other employees, or towards or from third parties (clients/customers):

- a) being offensive or insulting, or spreading malicious rumours;
- b) making unwelcome remarks, jokes, innuendoes, lewd comments or using abusive language;
- c) ridiculing, humiliating, demeaning or picking on someone;
- d) copying correspondence, including emails or the use of other forms of communication such as instant messenger or discussion forums/blogs/social media/apps, such as Facebook, to forward information about an individual to others who do not need to know (note – such information may also infringe other Council policies and/or professional codes and/or breach of criminal legislation);
- e) displaying materials which are held to be offensive e.g. posters, pictures, banners
- f) isolation and non-cooperation at work, exclusion from work related or social activities;
- g) unfair treatment and/or victimisation, for example, not being given the same opportunities for promotion and/or development as other colleagues;
- h) examples of sexual harassment
  - sexual comments or jokes
  - displaying sexually graphic pictures, posters or photos
  - suggestive looks, staring or leering
  - propositions and sexual advances
  - making promises in return for sexual favours
  - sexual gestures
  - intrusive questions about a person's private or sex life, and discussing your own sex life
  - sexual posts or contact on social media
  - spreading sexual rumours about a person
  - sending sexually explicit emails or text messages
  - unwanted and inappropriate physical contact, such as sexual advances;unwelcome touching, hugging, massaging or kissing
  - criminal behaviour, including sexual assault, stalking, indecent exposure and offensive communications.

n.b An individual can experience unwanted conduct from someone of the same or different sex.
- i) making derisory comments against individual beliefs for example, towards someone's religion and culture;
- j) demeaning an individual as having lesser intellect or ability because of their advancing years or 'putting down' employees because of their youth;
- k) encouraging incitement and conflict;
- l) name calling and stereotyping;
- m) threatened disclosure of private and personal information.

# **Sexual harassment and the law:**

## **Guidance for employers**

## What is sexual harassment?

Sexual harassment occurs when a person engages in unwanted conduct of a sexual nature that has the purpose or effect of:

violating someone's dignity, or  
creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Sexual harassment is unlawful under the Equality Act 2010.

<b>Unwanted conduct of a sexual nature</b>	<p>Includes a wide range of behaviour, such as:</p> <ul style="list-style-type: none"><li>• sexual comments or jokes</li><li>• displaying sexually graphic pictures, posters or photos</li><li>• suggestive looks, staring or leering</li><li>• propositions and sexual advances</li><li>• making promises in return for sexual favours</li><li>• sexual gestures</li><li>• intrusive questions about a person's private or sex life, and discussing your own sex life</li><li>• sexual posts or contact on social media</li><li>• spreading sexual rumours about a person</li><li>• sending sexually explicit emails or text messages</li><li>• unwelcome touching, hugging, massaging or kissing</li><li>• criminal behaviour, including sexual assault, stalking, indecent exposure and offensive communications.</li><li>• An individual can experience unwanted conduct from someone of the same or different sex.</li><li>• The recipient of the behaviour decides whether or not it is unwanted.</li></ul>
--	---

	<ul style="list-style-type: none"> <li>• Unwanted conduct can be one-off. It does not need to be repeated to constitute sexual harassment.</li> <li>• Unwanted conduct does not need to be directed at a person. It can be witnessed or overhead.</li> <li>• It does not matter whether the conduct is acceptable to others or is common in the person's work environment.</li> <li>• Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted.</li> <li>• Sexual conduct that has been welcomed in the past can become unwanted.</li> </ul>
<b>Purpose or effect</b>	<p>If unwanted conduct is intended to violate a person's dignity or create an offensive environment, it does not matter whether it has that effect on the person.</p> <p>If unwanted conduct is not intended to cause distress, it can still have the effect of violating a person's dignity or creating an offensive environment.</p>
<b>Violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment</b>	<p>Whether or not unwanted sexual conduct violates a person's dignity or creates an offensive environment, depends on the victim's perspective and whether their reaction is reasonable in all the circumstances.</p> <p>People have different reactions to sexual conduct. Behaviour that might appear harmless to one person can be more serious to another.</p> <p>Factors that affect the creation of an offensive environment include the relative power, seniority, age, race and cultural background of the people involved.</p>

### Examples of sexual harassment

- A person imitates a sexual act at work that makes a colleague feel degraded.
- An employer asks one of his workers if the worker is having sex with his boyfriend, which intimidates and humiliates him.

- A hotel manager propositions one of his workers. She rejects his advances and he then refuses her a promotion.
- An employer displays a screensaver of a topless woman, which creates an offensive environment for other workers.
- A man overhears a female colleague being subjected to sexually abusive language, and this causes him offence.
- A manager puts his hand up his assistant's skirt during the office Christmas party.
- An employee has had a relationship with his boss. When the employee ends the relationship, his boss spreads rumours about his sexual preferences at work.
- A shop assistant is repeatedly subjected to comments about her appearance by a customer. The shop owner does not take any steps to prevent the situation from happening again.
- Employers' obligations

### **Employers' obligations**

You have a duty of care to protect your workers and you will be legally liable for sexual harassment in the workplace if you have not taken reasonable steps to prevent it.

Sexual harassment is prohibited in all workplace contexts and related activities, including at office functions and parties, on training courses and at conferences. Sexual harassment can be perpetrated by other workers and non-workers, including contractors, agency staff, clients or customers.

There are no minimum requirements you can rely upon to demonstrate that you have taken reasonable steps to protect your workers, but all employers will be expected to have in place:

- an anti-harassment policy that is communicated to workers and is effectively implemented, monitored and reviewed
- an appropriate procedure for reporting harassment, protecting victims of harassment and taking action if harassment occurs.

### **What should an anti-harassment policy contain?**

The essential elements of an anti-harassment policy include:

- a commitment to a zero-tolerance approach to sexual harassment
- a statement that sexual harassment is unlawful
- a clear definition of sexual harassment with examples relevant to the employer's working environment

- defined reporting channels for staff who wish to report harassment
- a range of approaches for dealing with harassment from informal resolution to formal disciplinary process
- a range of appropriate consequences and sanctions if harassment occurs
- a prohibition on victimisation or retaliation against a complainant
- information about support and advice services.

### **How should the policy be implemented?**

Implementation of anti-harassment policies is crucial to the creation of a safe and positive workplace environment. If a policy is not properly implemented, you are likely to be liable for failing to take reasonable steps to prevent harassment.

Effective implementation of an anti-harassment policy includes:

- anti-harassment training for all staff and the opportunity for ongoing reflection in the workplace
- verbal communication of the policy during staff induction
- discussion and reinforcement of the policy at staff meetings or through your usual line management processes
- translation of the policy for a linguistically diverse workforce if necessary
- evaluation of harassment in the workplace through regular staff surveys on dignity at work where these are in place.

### **How should sexual harassment complaints be handled?**

You can choose to deal with sexual harassment complaints through your existing grievance policy or through your anti-harassment policy. However, you should be aware that complaints of sexual harassment are often very sensitive and complex. Anybody dealing with sexual harassment complaints should receive specialist training.

The grievance process should:

- address any complaint in a fair and timely manner
- provide the opportunity for quick and informal resolution of less serious complaints
- set out the investigation process in detail
- state that disciplinary action up to and including dismissal may be taken under your disciplinary procedure if a complaint of sexual harassment is upheld
- state that the alleged perpetrator may be suspended during the investigation as a precaution for the protection of the complainant or to prevent interference in the investigation
- ensure the confidentiality of employees, subject to any requirement to involve external agencies
- respect the principles of procedural fairness
- offer formal support to the complainant, including counselling in serious cases
- give a guarantee that the complainant will not be disadvantaged by making the complaint



make adjustments to enable the complainant to participate in the disciplinary process without fear of victimisation.

### **Criminal behaviour**

There can be an overlap between behaviour that constitutes sexual harassment and criminal offences, including sexual assault, indecent exposure, stalking and offensive communications.

If you believe that a criminal offence may have been committed, you should advise the victim to report the matter to the police as soon as possible and give them appropriate support. In cases where the police are involved, you should liaise with the police regarding the disciplinary process and take advice on how to conduct a fair process.

If you believe there is an ongoing risk of serious harm to an individual, you should contact the police themselves and inform the victim that you have done so.

# Contacts

This publication and related equality and human rights resources are available on our website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Website [www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)

Telephone 0808 800 0082

Textphone 0808 800 0084

Hours 09:00 to 19:00 (Monday to Friday)  
10:00 to 14:00 (Saturday)

Post FREEPOST EASS HELPLINE FPN6521

Questions and comments regarding this publication may be addressed to: [correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com). We welcome your feedback.

## **Alternative formats**

This publication is also available as a Microsoft Word file from [www.equalityhumanrights.com](http://www.equalityhumanrights.com). For information on accessing a Commission publication in an alternative format, please contact: [correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com).

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Inverclyde GMB Barbara Gillan <bgillan17@gmail.com>

Victim Support [www.victimsupport.org.uk](http://www.victimsupport.org.uk)

UNISON [www.unison.org.uk](http://www.unison.org.uk)

GMB [www.gmb.org.uk](http://www.gmb.org.uk)

UNITE (the union) [www.unitetheunion.org](http://www.unitetheunion.org)

EIS [www.eis.org.uk](http://www.eis.org.uk)

ACAS <http://www.acas.org.uk/media/pdf/o/c/Bullying-and-harassment-at-work-a-guide-for-employees.pdf>

## Appendix 2

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Produced by:

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# 2018

# Inverclyde Council Equality and Diversity Policy



**INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER  
THIS POLICY BOOKLET IS AVAILABLE ON REQUEST, IN LARGE PRINT, BRAILLE,  
ON AUDIOTAPE, OR CD.**

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## DOCUMENT CONTROL

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## **1. Introduction**

- 1.1 Inverclyde Council is committed to ensuring that the ethos and principles of equality of opportunity and valuing diversity are embedded in all aspects of service delivery and are a guiding principle for all its activities.
- 1.2 The Council strives to embrace a positive attitude towards the promotion of equality and diversity and to create a working environment which is inclusive of everyone regardless of ethnic origin, religion or belief, disability, age, sex, gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, carer responsibility, race nationality, social or economic status, trade union membership or activity.
- 1.3 This policy is consistent and in accordance with the current legislative requirements and the Equality Act 2010 and it is the responsibility of all employees to comply with this policy and be familiar with its contents and principles.

## **2. Purpose**

- 2.1 The purpose of this policy is to set out the Council's vision and commitment to equality and diversity in the workplace. It aims to promote equality and diversity in all aspects of the Council's work and encourages a working environment which is free from all forms of discrimination and harassment, where all employees can fulfil their full potential.
- 2.2 The Council is committed to ensuring that equality and diversity is embedded in all aspects of service delivery, and strives to ensure that all employees, customers and partners are treated fairly and with respect at all times.
- 2.3 The Council is positively and actively committed to ensuring that:
  - Employees are educated on equality and diversity;
  - Policies, procedures and practices support the Council's equality and diversity responsibilities;
  - The services provided by the Council are relevant to the needs of the diverse community;
  - The Council's workforce represents the community;
  - A safe and inclusive environment is provided which is free from any form of bullying, harassment discrimination or victimisation;
  - Unacceptable behaviour will be challenged;
  - Equality and diversity practices in the Council are measured regularly and are compliant.

## **3. Scope**

- 3.1 This policy applies to all employees of the Council and Elected members. External agencies, partners and contractors who work in partnership with the Council also have a responsibility to comply with this policy.

## **4. What do we mean by equality and diversity?**

- 4.1 Equality is about making sure people are treated fairly and given fair chances. It is about giving people an equality of opportunity to access all services available and to fulfil their potential.
- 4.2 Diversity is about recognising, respecting and valuing differences. It is not about treating everyone exactly the same, but treating people as individuals and creating a working culture and practices that harness and appreciate differences.

## **5. Legal Framework**

5.1 The Council is committed to meeting the requirements of the Equality Act 2010 which simplifies, streamlines and strengthens existing equality legislation. The Equality Act 2010 protects people from discrimination on the basis of 'protected characteristics'. The protected characteristics are:

- Age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (including ethnic or national origins, colour and nationality)
- religion and belief
- sex
- sexual orientation

5.2 As well as the above mentioned protected characteristics, the policy also covers actions and behaviour motivated by homophobia and/or transphobia this includes:

- Verbal abuse including taunting, name-calling or threats (e.g. of physical violence, sexual assault,
- Threats of 'outing' i.e. disclosing that a person is, or is perceived to be, lesbian, gay, bisexual or transgender, without their freely-given consent)
- Threatening behaviours by individuals or (more commonly) groups, including closing in on,
- following, chasing and/or surrounding a targeted individual or individuals
- Physical or sexual aggression and violence,
- Social marginalising or ostracising

## **6. Other Relevant Council Policies / Procedures**

6.1 The policy should be read in conjunction with other relevant council policies, procedures and training materials as appropriate, including:



- Recruitment and Selection Procedures
- Respect at Work Policy
- Learning and Development
- Grievance Procedures
- Disciplinary Procedures
- Code of Conduct for Employees
- Corporate Equalities Framework
- Equality and Diversity training
- Induction

## **7. Responsibilities**

7.1 The Council, elected members, managers, employees, HR and Organisational Development, employee representatives and partners/external agencies have specific equality and diversity responsibilities which are outlined below:

### **7.1.1 Council's Responsibilities:**

The Council is committed to the implementation of this policy and in particular has a responsibility to:

- Foster a culture which embraces and values equality and diversity and encourages equal opportunities best practice;
- Establish systems for monitoring the application of the policy and take action to rectify any inequalities or deficiencies;
- Provide training and guidance to managers and other employees as appropriate on the content of this policy and also raise awareness of equality and diversity issues;.
- Ensure that all policies/procedures of the Council reflect the guiding principles of equality and diversity;
- Take necessary steps to eliminate such behaviours and ensure an inclusive working environment.

### **7.1.2 Elected Members Responsibilities:**

- To be aware of this policy and its content and promote equality and diversity throughout their work for the Council;
- To attend equality and diversity training;
- To consider claims of inequality or discrimination brought to their attention through other Council policies/procedures;

### **7.1.3 Line Manager Responsibilities:**

- To be aware of this policy and implement it in their own work areas;
- To make their employees aware of their equalities responsibilities;
- To maintain an environment which actively promotes equality and diversity and is free from discrimination;
- To apply this policy fairly, consistently and without discrimination;

- To address instances of suspected discrimination, immediately, sensitively and confidentially and take appropriate action where necessary;
- To ensure employees take part in equality and diversity training.

#### 7.1.4 Employees' responsibilities:

- To read this policy and understand their own equality responsibilities;
- To participate and co-operate in any measure introduced by the Council to implement this policy, promote equal opportunity and prevent discrimination;
- To ensure their own behaviour towards colleagues, partners, customers and members of the public is appropriate in terms of this policy;
- To challenge and report any suspected discriminatory practice to an appropriate manager;
- To treat other employees with respect;
- To take part in equality and diversity training as appropriate.

#### 7.1.5 OD & HR Service Responsibilities:

- Promoting equality and diversity awareness;
- To ensure that all employment policies/procedures are reviewed and developed in line with relevant legislation and equality and diversity best practice;
- Regularly analyse equality and diversity and workforce statistical information;
- To ensure that equality and diversity is streamlined in all training courses and employment policies and procedures;
- To support managers and employees on the implementation of this policy;
- To support managers and employees in all equality and diversity related issues.

#### 7.1.6 Employee Representatives Responsibilities:

- To be aware of the Council's policy and its content;
- To promote the Council's policy and participate in any joint activities to raise the profile of equality and diversity;
- To support and provide representation to employees who have raised issues about inequality, discrimination and unfair treatment.

#### 7.1.7 Partners/External Agencies, Contractors, Agency Workers Responsibilities :

- To be aware of the Council's policy and its content;
- To promote the Council's policy and participate in any joint activities to raise the profile of equality and diversity;
- To support and provide representation to employees who have raised issues about inequality, discrimination and unfair treatment.

## 8. Protection from Discrimination

8.1 All employees of the Council have the right:

- Not to be discriminated against;
- To receive equality of opportunity;
- To challenge any unfair treatment or discrimination;
- To make a complaint when they feel they have been unfairly treated.

8.1.1 The Equality Act 2010 provides protection from discrimination on the basis of 'protected characteristics'. The protected characteristics are:

- Age;
- Disability;
- Gender Reassignment;
- Marriage and Civil Partnership;
- Pregnancy and Maternity;
- Race;
- Religion and Belief;
- Sex;
- Sexual Orientation.

8.2 More information about the protected characteristics is provided in Appendix 1.

8.3 The Equality Act 2010 introduced a public sector equality duty (PSED) which has two parts - the general duty and the specific duties.

8.4 The general duty requires the Council to have due regard to the need to:

- To eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;
- To advance equality of opportunity between people who share a relevant protected characteristic and those who do not;
- To foster good relations between people who share a protected characteristic and those who do not.

8.5 The specific duties help the Council to meet the three needs of the general equality duty. These duties are:

- mainstreaming equality;
- equality outcomes;
- assessing impact;
- employee information;
- equal pay policy ;
- procurement;
- involvement;
- accessibility

8.6 More information about the specific duties is provided in Appendix 2.

- 8.7 The specific duties ensure the Council takes effective action on equality, makes the right decisions, develops better policies and practices based on evidence, is more transparent, is accessible and accountable and delivers improved outcomes for all.

## **9. Failure to Comply**

- 9.1 Concerns or complaints from employees, partners/external agencies, contractors and agency workers will be investigated in line with the appropriate Council policy/procedures, for example, Grievance Procedures, Disciplinary Procedures and Recruitment and Selection Complaint Procedures. Any breaches or failure to comply may lead to further action being taken by the Council.
- 9.2 If an employee of a partner / external agency or contractor is found to be in breach of this policy, this will be reported to the relevant employer for the matter to be progressed through their own disciplinary procedure. Any breach in this respect could result in no further involvement with the Council.

## **10. Learning and Development**

- 10.1 The Council offers a range of learning and development opportunities in equality and diversity. Details of all e-learning and face-to-face courses are available via ICON and Brightwave.

## **11. Equality Impact Assessment**

- 11.1 This policy has been impact assessed in line with the Councils obligation to comply with the Equality Act 2010.

## **12. Monitoring and Review**

- 12.1 This policy will be monitored and reviewed regularly as it is applied, and in line with any legislative changes relating to equality and diversity in the workplace.

## **Appendix 1 – Protected Characteristics**

Protected characteristics are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### **Age**

People of all ages are protected. From October 2011 the default retirement age of 65 was removed, making compulsory retirement at any age unlawful unless objectively justified.

### **Disability**

Under the Act, a person is disabled if they “have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities. This may include the following:

- Learning disabilities (such a Down’s syndrome or dyslexia or cognitive impairment (such as autism or head injury)
- Long standing illness or health condition (such as cancer, HIV, diabetes, chronic heart disease or epilepsy)
- Mental health condition (such as depression or schizophrenia)
- Physical impairment (such as difficulty using your arms or mobility issues which means using a wheelchair or crutches)
- Sensory impairment (such as being blind, having a serious visual impairment or being deaf/having a serious hearing impairment).

### **Gender reassignment**

Gender reassignment is the process of transitioning from one gender to another. A person does not have to be under medical supervision to be protected, so a woman who decides to live permanently as a man but does not undergo any medical procedures would be covered.

### **Marriage and civil partnership**

Previously marriage was defined as a 'union between a man and a woman'. However, marriage is now available to mixed sex and same sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. The Marriage and Civil Partnership (Scotland) Act 2014 was passed in the Scottish Parliament in February 2014 and from December 2014 existing civil partnerships can now be converted to a marriage and other same-sex couples can give notice of their intention to marry.

## **Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth.

The protected period starts when a woman becomes pregnant and continues until the end of her maternity leave, or until she returns to work if that is earlier.

## **Race**

It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

This includes colour, nationality and ethnic or national origins. The Act protects people of all races. Examples of national identity are Scottish, English, Welsh, Northern Irish and British. Examples of ethnic groups are:

- White – i.e. Scottish, Other British, Irish, Gypsy/Traveller, Eastern European (for example Polish);
- Mixed or Multiple Ethnic Groups;
- Asian, Asian Scottish or Asian British – i.e. Pakistani, Pakistani Scottish or Pakistani British, Indian, Indian Scottish or Indian British, Bangladeshi, Bangladeshi Scottish or Bangladeshi British, Chinese, Chinese Scottish or Chinese British;
- Caribbean or Black – i.e. Caribbean, Caribbean Scottish or Caribbean British, Black, Black Scottish or Black British;
- Arab – i.e. Arab, Arab Scottish, Arab British.

## **Religion and belief**

Religion includes any religion. It also includes a lack of religion. A religion must have a clear structure and belief system. Belief means any religious or philosophical belief or lack of such belief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour. Denominations or sects with a religion can be considered a protected religion or religious belief. Humanism is a protected philosophical belief but political beliefs would be protected. Examples of religion or beliefs are Buddhist, Church of Scotland, Hindu, Humanist, Jewish, Muslim, Other Christian, Sikh, Pagan and Roman Catholic.

## **Sex**

Both men and women are protected.

## **Sexual orientation**

This relates to a person's sexual attraction is towards their own sex, the opposite sex or to both sexes. This includes bisexual, gay, heterosexual and lesbian people. The Equality Act 2010 prohibits direct discrimination, associative discrimination, discrimination by perception, indirect discrimination, harassment and victimisation in relation to employment and training.

## **Appendix 2 – The Specific Duties**

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force on 27 May 2012. The specific duties will help the Council to meet the three needs of the general equality duty. The specific duties are:

### **Mainstreaming equality**

The Council is required to publish information about how it has integrated the equality duty into all of its functions. Equality considerations must feature adequately in all service improvement plans, board or other reports, financial, performance and equality frameworks and other policy documents.

### **Equality outcomes**

The Council is required to publish a set of equality outcomes which will enable the Council to better perform the general equality duty.

### **Assessing impact**

The Council is required to assess the impact of applying a proposed, new, revised or existing policy against the needs of the general equality duty so that any potential inequalities can be addressed before implementation.

### **Employee information**

The Council is required to take steps to gather information on the composition of employees by protected characteristic. This information will be used by the Council to better perform in meeting the needs of the general equality duty.

### **Equal Pay Policy**

The Council is required to publish a revised equal pay policy specifying the Council's policy on equal pay between men and women, employees with and without disabilities and employees from minority racial groups.

### **Procurement**

Where the Council is carrying out a public procurement exercise, due regard must be given to whether or not the award criteria should include equality considerations which will help the Council to better meet the needs of the general equality duty.

### **Involvement**

The Council will take reasonable, practicable and proportionate steps to involve relevant equality groups and communities and use their evidence when decision making.

## **Accessibility**

The Council is required to publish reports on mainstreaming the equality duty, equality outcomes and report on progress made to achieve these outcomes, gender pay gap information and its policy on equal pay and occupational segregation.



## Appendix 3

## Sexual harassment in the workplace

1. Questions for employers

2. About your organisation

Would you classify your organisation as...?						Response Percent	Response Total	
1	Private sector					0.00%	0	
2	A charity or voluntary sector organisation or a social enterprise					0.00%	0	
3	Public sector					100.00%	1	
4	Other (please specify):					0.00%	0	
<b>Analysis</b>	Mean:	3	Std. Deviation:	0	Satisfaction Rate:	66.67	answered	1
	Variance:	0	Std. Error:	0			skipped	0
Other (please specify): (0)								
No answers found.								

3. About your organisation

Is your organisation's GB head office in....?						Response Percent	Response Total	
1	England					0.00%	0	
2	Scotland					100.00%	1	
3	Wales					0.00%	0	
<b>Analysis</b>	Mean:	2	Std. Deviation:	0	Satisfaction Rate:	50	answered	1
	Variance:	0	Std. Error:	0			skipped	0

4. About your organisation

What sector do you operate in?						Response Percent	Response Total
1	Agriculture, fishery and mining					0.00%	0
2	Manufacturing					0.00%	0
3	Utilities					0.00%	0
4	Construction					0.00%	0

## Appendix 3

What sector do you operate in?						Response Percent	Response Total	
5	Retail					0.00%	0	
6	Health and social work					0.00%	0	
7	Arts, culture and leisure					0.00%	0	
8	Central or local government					100.00%	1	
9	Finance					0.00%	0	
10	Real estate and business					0.00%	0	
11	Education					0.00%	0	
12	Hotels and restaurants					0.00%	0	
13	Transport and communication					0.00%	0	
14	Other (please specify):					0.00%	0	
<b>Analysis</b>	Mean:	8	Std. Deviation:	0	Satisfaction Rate:	53.85	answered	1
	Variance:	0	Std. Error:	0			skipped	0
Other (please specify): (0)								
No answers found.								






## 5. About your organisation

Approximately what proportion of your workers are female?						Response Percent	Response Total	
1	Three quarters or more are female					100.00%	1	
2	More than half, but less than three quarters					0.00%	0	
3	Around half					0.00%	0	
4	More than a quarter, but less than half					0.00%	0	
5	Less than a quarter					0.00%	0	
6	None are female					0.00%	0	
<b>Analysis</b>	Mean:	1	Std. Deviation:	0	Satisfaction Rate:	0	answered	1
	Variance:	0	Std. Error:	0			skipped	0


## 6. Preventing Sexual Harassment in the Workplace

What systems, processes and safeguards has your organisation put in place to prevent workplace sexual harassment?						Response Percent	Response Total
1	Training for managers					100.00%	1

## Appendix 3

What systems, processes and safeguards has your organisation put in place to prevent workplace sexual harassment?								Response Percent	Response Total
2	Training for other employees						100.00%	1	
3	Policy on sexual harassment						100.00%	1	
4	Evaluation of harassment policy through regular staff surveys						0.00%	0	
5	Information on sexual harassment included in induction						0.00%	0	
6	Information for customers/service users on appropriate behaviour towards staff						100.00%	1	
7	Training for staff on investigating complaints						100.00%	1	
8	Clear support structures for complainants, alleged harassers and managers investigating complaints						100.00%	1	
9	Other (please specify):						0.00%	0	
<b>Analysis</b>	Mean:	27	Std. Deviation:	55.49	Satisfaction Rate:	262.5	answered	1	
	Variance:	3079	Std. Error:	55.49			skipped	0	
Other (please specify): (0)									
No answers found.									

## 7. Reporting Sexual Harassment

Has your organisation taken any steps to ensure that all employees – including those who may experience particular barriers in raising issues, such as agency or younger workers– feel able to report instances of sexual harassment?								Response Percent	Response Total
1	Yes						100.00%	1	
2	No						0.00%	0	
3	Don't know						0.00%	0	
4	If yes: please describe the steps you have taken:						0.00%	0	
<b>Analysis</b>	Mean:	1	Std. Deviation:	0	Satisfaction Rate:	0	answered	1	
	Variance:	0	Std. Error:	0			skipped	0	
If yes: please describe the steps you have taken: (0)									
No answers found.									

Has your organisation taken specific steps to ensure that those reporting instances of sexual harassment are not victimised?								Response Percent	Response Total
1	Yes						0.00%	0	

## Appendix 3

Has your organisation taken specific steps to ensure that those reporting instances of sexual harassment are not victimised?						Response Percent	Response Total		
2	No					0.00%	0		
3	Don't know					0.00%	0		
4	If yes: please describe the steps you have taken:					100.00%	1		
<b>Analysis</b>	Mean:	4	Std. Deviation:	0	Satisfaction Rate:	100	answered	1	
	Variance:	0	Std. Error:	0			skipped	0	
If yes: please describe the steps you have taken: (1)									
1	15/12/17 9:17AM ID: 69595714	We treat it sensitively and confidential (if necessary), and regularly promoted the Council's zero tolerance approach.							

## 8. Planned activity

Does your organisation have plans to take any further steps to prevent and respond to sexual harassment at work in the near future?						Response Percent	Response Total		
1	Yes					100.00%	1		
2	No					0.00%	0		
3	Don't know					0.00%	0		
<b>Analysis</b>	Mean:	1	Std. Deviation:	0	Satisfaction Rate:	0	answered	1	
	Variance:	0	Std. Error:	0			skipped	0	
Please describe planned activity: (1)									
1	15/12/17 9:17AM ID: 69595714	Refreshing and revising the current policy and there is an Equalities Working Group who meet regularly re activity.							

## 9. Good Practice

Do you have any examples of good practice on this issue that you would like to share?						Response Percent	Response Total	
1	Yes					0.00%	0	
2	No					100.00%	1	
3	Don't know					0.00%	0	
<b>Analysis</b>	Mean:	2	Std. Deviation:	0	Satisfaction Rate:	50	answered	1
	Variance:	0	Std. Error:	0			skipped	0

## 10. Documentation

## Appendix 3

**Do you have any documents relating to sexual harassment in the workplace that you would like to share (for example your employee induction pack or managers training materials - maximum 10 documents)?**

File Type	Average Size	Files Upload
.doc	235kb	1
.pdf	164kb	1
To view the files uploaded, go into the individual results.		answered
		skipped
		1
		0

## 11. Your organisation's contact details

Your details			Response Percent	Response Total
1	Your name:		100.00%	1
1	15/12/17 9:17AM ID: 69595714	Allan Wilson		
2	Your organisation's name:		100.00%	1
1	15/12/17 9:17AM ID: 69595714	Inverclyde Council		
3	Full postal address:		100.00%	1
1	15/12/17 9:17AM ID: 69595714	Municipal Buildings, Clyde Square, Greenock		
4	Telephone:		100.00%	1
1	15/12/17 9:17AM ID: 69595714	01475 712740		
5	Mobile:		0.00%	0
No answers found.				
6	Fax:		0.00%	0
No answers found.				
7	Email address:		100.00%	1
1	15/12/17 9:17AM ID: 69595714	allan.wilson@inverclyde.gov.uk		
8	Preferred contact method:		100.00%	1
1	15/12/17 9:17AM ID: 69595714	Email		
9	Please indicate if you would like a copy of our final report: yes / no		100.00%	1
1	15/12/17 9:17AM ID: 69595714	Yes		
			answered	1
			skipped	0

## 12. Confidentiality statement