

# **Challenging and Preventing Discrimination, Harassment & Bullying**

## **Code of Practice**

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## Introduction from the Chief Executive

We believe that all residents of Richmond, users of our services and employees of the Council have a right to live and work in an environment that is safe, inclusive, and where all feel respected, valued and share a sense of belonging.

We take seriously our duty to help create such an environment.

This Code of Practice demonstrates our commitment to this duty and spells out our moral and legal responsibility to particularly vulnerable groups, especially our new duties arising from the Equality Act 2010.

The Code can be used by our residents, service users, partner organisations and employees to inform them how to identify, report and follow up allegations of discrimination, harassment and bullying.

The Code provides users and staff with information on actions that amount to discrimination, harassment and bullying behaviour and the steps that can be taken to challenge and prevent such activity. It spells out our responsibility as a Council to maintain and promote the Code and the obligation of our elected members and employees to support the Code.

The Code also highlights the existing systems available for combating this type of conduct and emphasises the need for action when such incidents are reported to us.

We will collect and analyse information on incidents of discrimination, harassment and bullying and publish the information as part of our annual publication of equality performance information. This will also help us meet our commitments to the Public sector equality duty 2011.



Gillian Norton  
Chief Executive

December 2011

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# Challenging and Preventing Discrimination, Harassment and Bullying

## Introduction to the Discrimination, Harassment and Bullying Code of Practice

1. This Discrimination, Harassment and Bullying Code of Practice sets out our responsibility to protect the dignity and respect of our residents, those using our services, those engaging with us, all staff and those providing services on our behalf.
2. It also spells out the rights and responsibilities under the Code of our residents, those using our services, those engaging with us and those providing services on our behalf.
3. The Code also details how we will establish and maintain a system for receiving complaints of discrimination, harassment & bullying and how such complaints are handled.
4. The Code does not seek to create a new policy, instead provides an overall framework and guidance re: discrimination, harassment and bullying and, in particular, how complaints and incidents of such behaviours are reported and handled under existing policies and procedures.

## The Code of Practice

5. We believe that equality of opportunity and freedom from discrimination are fundamental human rights and that every individual has an absolute right to be treated with dignity and respect.
6. We believe that discrimination, harassment and bullying are unacceptable; damaging to the Borough in general and the Council in particular; and are contrary to our explicit aim of providing excellent services, recruiting and retaining the best employees and collaborating with our local & other partners.
7. We take seriously our responsibility to provide a safe environment for our users, visitors, residents and employees, particularly those enshrined in legislations such as the Human Rights Act and the Equality Act.

## Our promise to you

8. We will provide the highest standard of service to our service users and residents. This Code of Practice on Challenging and Preventing Discrimination, Harassment and Bullying, the Code, spells out the action to be taken by us to prevent this type of behaviour.
9. The Code will help us achieve this objective by committing us to: -

- a. Develop and publicise the Discrimination, Harassment and Bullying Code of Practice, ensuring that it is, and remains, easily accessible; is fair and objective; and maintains confidentiality.
- b. Treat users of the Code politely and with dignity.
- c. Act quickly on reports, with clear timescales for action, keeping complainants informed of the progress of their complaint.
- d. Answers all points and issues raised and provide appropriate redress, where required.
- e. Raise awareness of discrimination, harassment and bullying across the Borough, amongst employees and with partner organisations.
- f. Provide and/or contribute towards procedures designed to challenge and prevent discrimination, harassment and bullying.
- g. Provide training for managers and employees on challenging and preventing discrimination, harassment and bullying.
- h. Providing support for individuals complaining of discrimination, harassment and bullying treatment, and
- i. Provide regular monitoring reports to appropriate members of staff at the Council.

### **Your responsibility**

10. The right to be treated with dignity and respect places a duty on everyone to treat others with dignity and respect. This means that councillors, employees, service users and our agents, partners and contractors are expected to maintain and foster good relations when dealing with each other.
11. Where behaviour, which amounts to discrimination, harassment and/or bullying is brought to our attention we will:-
  - a. Inform the perpetrator that such behaviour is unacceptable.
  - b. Ask for the behaviour to be changed, and
  - c. Take action against persons who do not amend their behaviour, when it is determined that their action(s) amount to discrimination, harassment and bullying.
12. Employees engaging in actions that amount to discrimination, harassment and bullying will be committing a disciplinary offence. Serious cases will be treated as potential gross misconduct and can result in dismissal. The Council will treat such matters seriously and deal with any allegations quickly.
13. Agents, partners & contractors of the Council are governed by their contractual terms and the general law. Behaviour by their employees, and anyone working on their behalf, which amounts to discrimination, harassment and bullying may be a breach of their contract and the law.
14. The standards of conduct expected of councillors when carrying out their duties, and in their relationships with the Council, our officers and others is governed by the Council's Code of Conduct. Actions taken by a councillor which amount to discrimination, harassment and bullying may be regarded as bringing their office or the Council into disrepute and amount to a breach of the Code of Conduct.



15. We have also published a charter for members of the public and staff re: what standards of conduct are expected of both. Members of the public and service users can use the corporate online form to report a complaint/incident of harassment and discrimination and then be directed to the appropriate procedure.
16. If you need guidance on the action to be taken to combat such behaviour, please refer to the [Reporting Discrimination, Harassment or Bullying Incidents section of the Code](#).

## What is Discrimination, Harassment and Bullying

17. It is wrong to treat a person worse than you would treat another in the same situation by behaving in a discriminatory, harassing and bullying manner. Discriminatory, harassing and bullying treatment may be unlawful or illegal<sup>1</sup>.
18. This Code provides information and advice to councillors, employees, service users and our agents, partners & contractors, on challenging and preventing discrimination, harassment and bullying particularly where it affects individuals covered by legislation including the provisions of the Human Rights Act and the Equality Act 2010<sup>2</sup>.

### Discrimination

19. Protected characteristics are those attributes falling under the protection of the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation
20. This takes the form of direct and indirect discrimination.
21. **Direct discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic they have or are perceived to have or because they associate with someone who has a protected characteristic<sup>3</sup>.
22. **Indirect discrimination** occurs when a condition, rule, policy or practice is applied to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that your actions were a proportionate means of achieving a legitimate aim.
23. The treatment can be either an act or a failure to act.

<sup>1</sup> Protection from Harassment Act 1997, Criminal Justice & Public Order Act 1994, **Human Rights Act 1998**, Equality Act 2010 (s.26) and the common law.

<sup>2</sup> Further details are available from the Equality and Human Rights Commission, <http://www.equalityhumanrights.com/>.

<sup>3</sup> See the Equality and Human Rights Commission website <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/glossary-of-terms/>. The Equality Act definition is at <http://www.legislation.gov.uk/ukpga/2010/15/section/13> and <http://www.legislation.gov.uk/ukpga/2010/15/section/19>

24. **Institutional discrimination** is concerned with discrimination that has been incorporated into the structures, processes and procedures of organisations, either because of prejudice or because of failure to take into account the particular needs of different protected characteristics.

### **Harassment**

25. Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, humiliating or offensive environment for that individual<sup>4</sup>.

A person is also protected from harassment because of perception and association related to a protected characteristic.

**Third party harassment** means that employers are potentially liable for harassment of their employees by people (third parties) who are not employees of their organisation, such as service users. Employers will only be liable when:

- harassment has occurred on at least two previous occasions
- employers are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

### **Victimisation**

26. Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act, or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.
27. The unwanted conduct to another can be either an act or a failure to act.

### **Bullying**

28. This is either persistent, offensive, abusive, intimidating or insulting behaviour; the abuse of power; and/or unfair sanctions, or a combination of these, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress<sup>5</sup>.

**See [appendix B](#) for further explanation and examples of above definitions.**

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<sup>4</sup> The Equality Act definition is at <http://www.legislation.gov.uk/ukpga/2010/15/section/26>

<sup>5</sup> MSF Union, 1994

## Scope of the Code of Practice

29. This Code applies to and can be used by persons alleging discrimination, harassment and bullying or witnessing such behaviour, where the alleged perpetrator is a councillor, member of the public, service user; customer, employee, and agents, partners & staff contracted to work for the council.

The Code does not apply to Richmond's schools or other educational establishment. These organisations have their own policies.

30. The Code works in conjunction with related policies, including the: -

- [Equality and Diversity Policy](#)
- [Corporate Complaints Procedures](#)
- [Grievance and Disciplinary Policy](#)
- [Personal Safety and Security Policy](#)
- [Hate Incidents and Crimes reporting systems](#)
- [Domestic Violence Policy](#)
- Violence Against Women and Girls
- [Code of Conduct for Members](#)

## Responsibility to Combat and Prevent Discrimination, Harassment and Bullying

31. We are responsible, directly or with other agencies, for challenging and preventing discrimination, harassment and bullying in those areas for which we have a responsibility.
32. Our corporate responsibilities and the specific responsibilities of councillors, our employees, service users and our agents, partners & contractors, are spelled out below.

### Our Corporate Responsibility

33. We are responsible for the welfare of the residents of Richmond; the well-being of those in our care and the health and safety of our employees whilst they are engaged in their work.
34. We will take all reasonable steps to prevent and combat all forms of discrimination, harassment and bullying.
35. We will ensure that Councillors, managers, employees, partner agencies, contractors and voluntary groups are made aware of the Code and are informed of the action that can be taken to challenge, prevent and/or combat discrimination, harassment and bullying.

## **Members**

36. Members are also responsible for promoting the Code and must ensure that their own behaviour is free from discrimination, harassment and bullying.

## **Managers**

37. Managers must ensure they are exemplars under the Code by treating employees, service users, councillors and our agents, partners & contractors with dignity and respect, and ensure that their conduct is free from discriminatory, harassing and bullying behaviour.
38. Managers have a responsibility to familiarise themselves with the Code, distribute it to their staff and consistently apply appropriate standards of behaviour in keeping with the Code.
39. Managers must deal with complaints/incidents reported to them in an appropriate and impartial manner. They must take any complaints/incidents seriously and not underestimate the effect on an individual's feelings.
40. Managers must monitor cases previously brought to them, whatever the outcome to ensure that discrimination, harassment and bullying is prevented from recurring.

## **Employees**

41. All employees must ensure they are exemplars under the Code by treating employees, service users, councillors and our agents, partners & contractors with dignity and respect, and make certain that their behaviour is free from discriminatory, harassing and bullying behaviour.
42. Employees have a responsibility to familiarise themselves with the Code and ensure that appropriate standards of behaviour are followed by colleagues and our agents, partners & contractors.
43. Where complaints/incidents are reported to them they should treat these in an appropriate and impartial manner, ensuring that it is immediately passed on to their manager for action/investigation.
44. Employees witnessing discriminatory, harassing and bullying conduct are encouraged to report any offending behaviour and/or seek advice from their manager.

## **Confidentiality**

45. All complaints/incidents reported under this Code are to be taken seriously and documented appropriately. In doing so, confidentiality must be maintained. Disclosure of information to a person not authorised to receive it

is a breach of the law and can result in penalties being applied to the individual responsible and to the Council<sup>6</sup>.

46. All parties using the Code are expected to respect confidentiality. When you report an incident or make a complaint under the Code, the unnecessary disclosure of confidential information at any stage may lead to disciplinary action. This does not apply to confidential consultation with a friend or colleague, when seeking their support.

## **Reporting Discrimination, Harassment or Bullying Incidents**

47. The Code does not introduce new procedures. It acts instead as a focal point for the referral to the appropriate procedures of incidents of discrimination; harassment and bullying that fall within the responsibility of the Council.

### **Action to be taken where there is no existing policy**

48. Policies and procedures are very helpful in resolving issues. They determine the environment in which the matter is discussed; they lay out the route to be followed and they provide transparency to the process. However, even large and complex organisations such as Richmond cannot have a policy for every contingency. In the absence of a particular policy, action must be taken by the responsible manager to resolve issues.
49. In such situations, complainants and the managers responsible for the service area should agree a process to resolve the matter. The imperative to lead on this rests with the responsibility of the manager.

### **Making a complaint**

50. In order to report an incident /complaint of discrimination, harassment and bullying either on your own behalf or on behalf of another, please go to and complete the discrimination, harassment and bullying form at [http://www.richmond.gov.uk/discrimination\\_or\\_harassment](http://www.richmond.gov.uk/discrimination_or_harassment).
51. Staff are encouraged to submit a report as soon as possible and within three months of an incident occurring to support a detailed investigation.
52. The information supplied via this e-form will automatically be forwarded to the manager responsible for the area in which the complaint arose and/or the policy used to formally resolve the complaint, see the table at [appendix A](#).
53. The responsible manager will work through the complaint according to the guidance provided by the relevant policy.

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<sup>6</sup> Information on handling data including the law, can be obtained from the [The Information Commissioner's Office](http://www.ico.gov.uk/) at <http://www.ico.gov.uk/> or from Richmond's website, Privacy and Data Protection, [http://www.richmond.gov.uk/home/council\\_government\\_and\\_democracy/data\\_protection\\_and\\_freedom\\_of\\_information/data\\_protection.htm](http://www.richmond.gov.uk/home/council_government_and_democracy/data_protection_and_freedom_of_information/data_protection.htm).

54. For example, where the alleged perpetrator is a council employee and the complainant is service user or member of the public the following should take place: -
- a. The complainant completes the discrimination, harassment and bullying e-form at [http://www.richmond.gov.uk/discrimination\\_or\\_harassment](http://www.richmond.gov.uk/discrimination_or_harassment). The complaint is automatically sent to the relevant [departmental monitoring officer](#).
  - b. Alternatively, where the complainant presents themselves at a Council office, call the contact centre or puts their complaint in writing, the receiving staff complete the discrimination, harassment and bullying e-form at [http://www.richmond.gov.uk/discrimination\\_or\\_harassment](http://www.richmond.gov.uk/discrimination_or_harassment). The complaint is then automatically sent to [departmental monitoring officer](#).
  - c. The complaint will be forwarded to the appropriate manager who will determine the nature of the complaint. In this case they may conclude that this is a complaint falling under the corporate complaints procedure.
  - d. The manager will then use the corporate complaints procedure, see page at [http://www.richmond.gov.uk/complaints\\_procedure](http://www.richmond.gov.uk/complaints_procedure), and deal with the complaint accordingly.

## Appendix A

The table below indicates the policy/procedure used to respond or resolve complaints of discrimination, harassment and bullying.

		Respondent				
		Councillor	Council Officer	Service User	Member of the Public	Agents, Partners & Contractors
Complainant	Councillor	<ul style="list-style-type: none"> <li>Councillor complaint process at <a href="http://www.richmond.gov.uk/complaint_against_a_councillor">http://www.richmond.gov.uk/complaint_against_a_councillor</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Internal disciplinary procedure</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Personal Safety and Security Policy</a></li> </ul>	<ul style="list-style-type: none"> <li>Report to the police option</li> <li><a href="#">Personal Safety and Security Policy</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Corporate complaints procedure</a></li> </ul>
	Council Officer	<ul style="list-style-type: none"> <li>Councillor complaint process at <a href="http://www.richmond.gov.uk/complaint_against_a_councillor">http://www.richmond.gov.uk/complaint_against_a_councillor</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Internal disciplinary procedure</a></li> <li>Grievance procedure at <a href="http://rio/grievanceprocedureincadhb.doc">http://rio/grievanceprocedureincadhb.doc</a></li> </ul>	<ul style="list-style-type: none"> <li>New process to be developed</li> <li><a href="#">Personal Safety and Security Policy</a></li> <li>Third party harassment</li> </ul>	<ul style="list-style-type: none"> <li>Report to the police option</li> <li><a href="#">Personal Safety and Security Policy</a></li> </ul>	<ul style="list-style-type: none"> <li>New process to be developed</li> <li>Third party harassment</li> </ul>

	Councillor	Council Officer	Service User	Member of the Public	Agents, Partners & Contractors
Service User	<ul style="list-style-type: none"> <li>Councillor complaint process at <a href="http://www.richmond.gov.uk/complaint-against-a-councillor">http://www.richmond.gov.uk/complaint-against-a-councillor</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Corporate complaints procedure</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Third party reporting</a></li> <li>Report to the police option</li> <li><a href="#">Personal Safety and Security Policy</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Third party reporting</a></li> <li>Report to the police option</li> <li>Third party harassment procedure ?</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Corporate complaints procedure</a></li> </ul>
Member of the Public	<ul style="list-style-type: none"> <li>Councillor complaint process at <a href="http://www.richmond.gov.uk/complaint-against-a-councillor">http://www.richmond.gov.uk/complaint-against-a-councillor</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Corporate complaints procedure</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Third party reporting</a></li> <li>Report to the police option</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Third party reporting</a></li> <li>Report to the police option</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Corporate complaints procedure</a></li> </ul>
Agents, Partners & Contractors	<ul style="list-style-type: none"> <li>Councillor complaint process at <a href="http://www.richmond.gov.uk/complaint-against-a-councillor">http://www.richmond.gov.uk/complaint-against-a-councillor</a></li> </ul>	<ul style="list-style-type: none"> <li>New process to be developed</li> </ul>	<ul style="list-style-type: none"> <li>Current process to be clarified ?</li> <li>Monitoring requirement in specification ?</li> <li>Report to the police option</li> </ul>	<ul style="list-style-type: none"> <li>Current process to be clarified ?</li> <li>Monitoring requirement in specification ?</li> <li>Report to the police</li> </ul>	<ul style="list-style-type: none"> <li>New process to be developed</li> <li>Organisation's procedures and copy of report to monitor of contract ?</li> </ul>



## Appendix B

### Discrimination, Harassment and Bullying Code of Practice Definitions and Examples of Discrimination

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All staff, members of the public and service users should recognise that a range of characteristics, known as **protected characteristics**, are legally protected. For example, employees can complain of behaviour they find offensive even if it is not directed against them; employees are protected from third party harassment; and victimisation on the grounds of age, disability, gender reassignment, race, religion/belief, sex and sexual orientation (and in the case of victimisation – marriage/civil partnership and pregnancy/maternity).

#### **Direct discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

*Paul, a senior manager, turns down Angela's application for promotion to a supervisor position. Angela, who is a lesbian, learns that Paul did this because he believes the team that she applied to manage are homophobic. Paul thought that Angela's sexual orientation would prevent her from gaining the team's respect and managing them effectively. This is direct sexual orientation discrimination against Angela.*

*Lydia is pregnant and works at a call centre. The manager knows Lydia is pregnant but still disciplines her for taking too many toilet breaks as the manager would for any other member of staff. This is discrimination because of pregnancy and maternity as this characteristic does not require the normal comparison of treatment with other employees.*

#### **Discrimination by association**

Already applies to race, religion or belief and sexual orientation. Now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic. See Annex 1 for an example of discrimination by association.

*June works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home, has had a stroke, the promotion is withdrawn. This may be discrimination against June because of her association with a disabled person.*

#### **Perception discrimination**

Already applies to age, race, religion or belief and sexual orientation. Now extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. See Annex 1 for an example of perception discrimination.

*Jim is 45 but looks much younger. Many people assume that he is in his mid 20s. He is not allowed to represent his company at an international meeting because the Managing Director thinks that he is too young. Jim has been discriminated against on the perception of a protected characteristic.*

### **Indirect discrimination**

Already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Now extended to cover disability and gender reassignment.

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business, i.e. that it is 'a proportionate means of achieving a legitimate aim'. A legitimate aim might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate really means being fair and reasonable, including showing that you have looked at 'less discriminatory' alternatives to any decision you make.

*A small finance company needs its staff to work late on a Friday afternoon to analyse stock prices in the American finance market. The figures arrive late on Friday because of the global time differences. During the winter some staff would like to be released early on Friday afternoon in order to be home before sunset – a requirement of their religion. They propose to make the time up later during the remainder of the week.*

*The company is not able to agree to this request because the American figures are necessary to the business, they need to be worked on immediately and the company is too small to have anyone else able to do the work.*

*The requirement to work on Friday afternoon is not unlawful indirect discrimination as it meets a legitimate business aim and there is no alternative means to available.*

### **Harassment**

*Harassment is "unwanted conduct related to a relevant protected characteristic, 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".*

Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

*Paul is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. Richard shares an office with Paul and he too is claiming harassment, even though he is not disabled, as the manager's behaviour has also created an offensive environment for him.*

*Steve is continually being called gay and other related names by a group of employees at his work. Homophobic comments have been posted on the staff notice board about him by people from this group. Steve was recently physically pushed to the floor by one member of the group but is too scared to take action. Steve is not gay but heterosexual; furthermore the group knows he is not gay. This is harassment because of sexual orientation.*

## **What are bullying and harassment ?**

These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment. Harassment, in general terms is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

**Bullying** unlike harassment can be general and not related to a protected characteristic.

*Barbara manages Peter. During an appraisal meeting Barbara challenges Peter in an aggressive and hectoring manner. Peter perceives this to be threatening, intimidating and bullying behaviour and makes a formal complaint of bullying and not one of harassment based on his sex.*

Bullying and harassment are not necessarily face to face. They may also occur in written communications, email, phone etc.

### **Third party harassment**

Already applies to sex. Now extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation.

The Equality Act makes you potentially liable for harassment of your employees by people (third parties) who are not employees of your company, such as customers or clients. You will only be liable when harassment has occurred on at least two previous occasions, you are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

*Chris manages a Council Benefits Office. One of his staff, Frank, is gay. Frank mentions to Chris that he is feeling unhappy after a claimant made homophobic remarks in his hearing. Chris is concerned and monitors the situation. Within a few days the claimant makes further offensive remarks. Chris reacts by having a word with the claimant, pointing out that this behaviour is unacceptable. He considers following it up with a letter to him pointing out that he will ban him if this happens again. Chris keeps Frank in the picture with the actions he is taking and believes he is taking reasonable steps to protect Frank from third party harassment.*

### **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

*Anne makes a formal complaint against her manager because she feels that she has been discriminated against because of marriage. Although the complaint is resolved through the organisation's grievance procedures, Anne is subsequently ostracised by her colleagues, including her manager. She could claim victimisation.*

## **Institutional Discrimination**

The MacPherson Report described as “institutional racism” the potentially discriminatory or unequal effects of an institution’s policies and practices if they remained unexamined and unchallenged. That Report concluded (at paragraph 46.27) that:

“... It is incumbent upon every institution to examine their policies, and the outcome of their policies and practices, to guard against disadvantaging any section of our communities”.

The means adopted by Parliament to seek to eliminate such “institutional” discrimination was the creation of strong and enforceable duties upon public authorities to have “due regard” to the equality implications of the performance of their functions, in the course of devising and implementing policies and practices.

- For example, exclusionary practices such as word-of-mouth recruitment and tendering
- Failure to investigate complaints of needs not being adequately assessed and appropriately met from protected groups
- Failure at managerial levels to respond to complaints of incidents of harassment and discrimination

If you require a copy of this leaflet in large print, Braille, audio or other format, please contact:

Corporate Equalities: 0208 891 7829  
[s.ranganathan@richmond.gov.uk](mailto:s.ranganathan@richmond.gov.uk)

### Albanian

Nese keni veshtersi per te kuptuar kete botim, ju lutemi ejani ne recepcionin ne adresen e shenuar me poshte ku ne mund te organizojme perkthime nepermjet telefonit.

### Arabic

إذا كانت لديك صعوبة في فهم هذا المنشور، فنرجو زيارة الإستقبال في العنوان المعطى أدناه حيث بإمكاننا أن نرتب لخدمة ترجمة شفوية هاتفية.

### Bengali

এই প্রকাশনার অর্থ বুঝতে পারায় যদি আপনার কোন সমস্যা হয়, নিচে দেওয়া ঠিকানায় রিসেপশন-এ চলে আসুন যেখানে আমরা আপনাকে টেলিফোনে দোভাষীর সেবা প্রদানের ব্যবস্থা করতে পারবো।

### Farsi

اگر در فهمیدن این نشریه مشکل دارید، لطفاً به میز پذیرش در آدرس قید شده در زیر رجوع فرمایید تا سرویس ترجمه تلفنی برایتان فراهم آورده شود.

### Gururati

જો તમને આ પુસ્તિકાની વિગતો સમજવામાં મુશ્કેલી પડતી હોય તો, કૃપયા નીચે જણાવેલ સ્થળના રિસેપ્શન પર આવો, જ્યાં અમે ટેલિફોન પર ગુજરાતીમાં ઇન્ટરપ્રિટીંગ સેવાની ગોઠવણ કરી આપીશું.

### Polish

Jeżeli masz trudności ze zrozumieniem tej publikacji, proszę pójść do recepcji (adres jest podany poniżej), gdzie możemy zorganizować tłumaczenie przez telefon.

### Punjabi

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਸ ਪਰਚੇ ਨੂੰ ਸਮਝਣ ਵਿਚ ਮੁਸ਼ਕਲ ਪੇਸ਼ ਆਉਂਦੀ ਹੈ ਤਾਂ ਹੇਠਾਂ ਦਿੱਤੇ ਗਏ ਪਤੇ ਉੱਪਰ ਰਿਸੈਪਸ਼ਨ 'ਤੇ ਆਓ ਜਿੱਥੇ ਅਸੀਂ ਟੈਲੀਫੋਨ ਤੇ ਗੱਲਬਾਤ ਕਰਨ ਲਈ ਇੰਟਰਪ੍ਰਿਟਰ ਦਾ ਪ੍ਰਬੰਧ ਕਰ ਸਕਦੇ ਹਾਂ।

### Urdu

اگر آپ کو اس اشاعت کو سمجھنے میں کوئی مشکل ہے تو، براہ کرم نیچے دیئے ہوئے ایڈریس کے استقبالیے پر جا کر ملیئے، جہاں ہم آپ کیلئے ٹیلیفون انٹرپریٹنگ سروس (ٹیلیفون پر ترجمانی کی سروس) کا انتظام کر سکتے ہیں۔