



Discrimination, Harassment and Victimisation Policy and Procedures

August 2013

INVERCLYDE LEISURE IS AN EQUAL OPPORTUNITIES EMPLOYER

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1. INTRODUCTION

- 1.1 Discrimination, harassment and victimisation can occur in a number of different ways within the workforce and for a variety of reasons. This type of behaviour can affect anyone in the workplace but in many instances the affected employees are women, disabled people or members of the ethnic minorities. In order to create a working environment where discrimination and harassment do not exist it is necessary for Inverclyde Leisure to put in place policies and procedures which tackle the causes and where they occur, to provide employees with the means to have them dealt with timeously. Discrimination, harassment and victimisation are legal definitions but they also describe behaviour which is commonly known as bullying. Bullying is also covered by this policy and procedure.
- 1.2 In 1991 the European Commission published a Code of Practice - *"The protection of the dignity of women and men at work"*. A principal aim of the Code is to eliminate from the workplace unwanted conduct, such as unwelcome physical, verbal and non-verbal conduct, which by its existence affects the dignity of women and men at work.

Inverclyde Leisure supports the European Commission's Code and this Policy Statement and Procedure has been developed to give practical advice and support to all employees and managers in dealing with discrimination, harassment and victimisation in the workplace. In preparing this Policy and Procedure, account has been taken also of the relevant Codes of Practice issued by the Commission for Racial Equality and the Equal Opportunities Commission.

2. POLICY STATEMENT

Inverclyde Leisure is committed to equality of opportunity and acknowledges that a major contributor to this aim is the creation of a working environment where women and men respect each other's human integrity. It is recognised that discrimination, harassment, victimisation or bullying undermine this objective and accordingly Inverclyde Leisure considers such behaviour unacceptable and will take all necessary steps to ensure that it does not occur.

3. CREATING A SUPPORTIVE ENVIRONMENT

3.1 In order to create an environment in which the aims of the Policy Statement can be achieved, the following steps will be taken:-

- (i) All staff will have a duty to be aware of how their behaviour affects others. What matters is how it feels to the individual on the receiving end of the behaviour. They must decide what is acceptable to them and what is not. Inverclyde Leisure recognises that there may be cases where an employee may be unaware of the effect of their behaviour on colleagues. For this reason, it is particularly important that all employees familiarise themselves with the policy and be aware of the possible effects of their conduct on other colleagues.
- (ii) It will be the responsibility of all employees, but particularly managers and supervisors, to ensure that the policy is adhered to at all times.
- (iii) In their specific line management role, managers and supervisors have a special duty to be vigilant of the behaviour of individuals within their workgroups and are responsible for addressing actions which might cause offence. Managers and supervisors are expected to act before waiting for a complaint to be registered.
- (iv) The display of sexually offensive materials and racially abusive writing and pictures, e.g. pin-ups, posters and cartoons, are prohibited and any such material will be removed.
- (v) All new employees will be informed of Inverclyde Leisure's policy during induction when it will be made clear that all complaints of discrimination, harassment, victimisation and bullying will be treated seriously.
- (vi) It is the duty of the Senior Management Team to ensure that all staff are aware, and understand, the contents of this Policy.
- (vii) Inverclyde Leisure commits itself to handling all complaints in a sensitive manner and in complete confidence. Where appropriate a Personnel Advisor of the same sex as the employee submitting a complaint will be made available.
- (viii) Appropriate equality training will be provided to all employees covering the topics of discrimination, harassment, victimisation and bullying.

4. DEFINITIONS

The following definitions are of a general nature and are given for guidance only. In certain cases there are legal definitions laid down in the relevant legislation:

4.1. *Discrimination*

Discrimination occurs where a person is treated less fairly than another for reasons which cannot be justified. In the employment field it can occur for example, during the recruitment process, in the allocation of duties, in selection for training or in the application of terms and conditions.

It is unlawful to discriminate on the grounds of sex, marriage, sexual orientation, disability, race or religious belief.

Currently there is no law prohibiting age discrimination, however, in 2000 the European Union published an Anti-Discrimination Directive which included prohibition of discrimination on grounds of age. This must be implemented by the government by December 2006.

4.2 *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, 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.

Harassment takes many forms and includes physical, verbal or non-verbal conduct. It can include comments, actions, jokes or suggestions which may create a stressful working environment. Harassment is often sexual or racial but can be for any other reason such as someone simply taking a personal dislike to a colleague or making comments on the grounds of a colleague's sexual orientation or derogatory comments about a colleague's disability, religion or age. Harassment can be related to an employee's position in Inverclyde Leisure, for example, a person in a position of authority abusing that power and displaying an intimidating management style. Harassment may be an isolated incident or repeated actions.

One of the most common types of harassment is sexual harassment which is generally, but not solely, directed by men at women. This is often based on an abuse of power by the harasser. The following are examples of sexual harassment:

- Unwanted, non-accidental, physical contact ranging from unnecessary touching, patting, pinching, brushing against an employee's body, to assault and coercing sexual relations.
- Unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity within or outwith the workplace, after it has been made clear that such suggestions are unwelcome.
- Suggestions that sexual favours may further an employee's career or refusal may hinder it.
- Leering, whistling or making sexually suggestive comments or gestures, innuendo or lewd comments.
- Conduct that denigrates or ridicules or is intimidatory or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse or insults which are gender related and offensive comments about appearance or dress.

The following are examples of racial harassment:

- Conduct that denigrates or ridicules an employee because of his or her race, such as derogatory remarks, graffiti, jokes. Such conduct can be verbal, non verbal or physical.
- The display or sending of offensive letters or publications.
- Being 'frozen out' of conversations, jostling or assault, or other non-accidental physical contact.
- Derogatory nicknames or racial name calling.

4.3 Victimisation

Victimisation generally occurs where an employee is singled out for unfair treatment because they have raised a complaint or given evidence for someone else who has made a complaint.

4.4 Bullying

Bullying can be described as behaviour which humiliates, demeans or intimidates an individual. The following are examples of bullying:

- Shouting at an employee, persistently negative attacks on a colleague's personal or professional performance.
- Persistently setting objectives with impossible deadlines or unachievable tasks.
- Removing or replacing areas of responsibility with menial or trivial tasks.
- Undervaluing an employee's contribution, placing unreasonable demands on or over monitoring an employee's performance.
- Withholding information with the intent of deliberately affecting an employee's performance.
- spreading malicious rumours, or insulting someone (particularly on the grounds of race, sex, disability, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face, they may be by written communications, electronic e-mail (so called 'flame-mail'), phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all workers.

Bullying and harassment can often be hard to recognise – they may not be obvious to others, and may be insidious. The recipient may think 'perhaps this is normal behaviour in this organisation'. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating. They may be accused of 'overreacting', and worry that they won't be believed if they do report incidents.

People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences for themselves. They may be so relieved not to be the subject of the bully themselves that they collude with the bully as a way of avoiding attention.

Line managers are responsible for ensuring that the staff for whom they are responsible perform to an acceptable standard. Accordingly bullying does not include legitimate, justifiable, appropriately conducted criticism of an employee's behaviour or job performance.

Inverclyde Leisure considers discrimination, harassment, victimisation and bullying to be serious acts of misconduct which, if proven, will leave an employee open to discipline in accordance with Inverclyde Leisure's Disciplinary Procedures. Similarly, any unwarranted allegation of harassment etc. made in bad faith and with malicious intent, may also be regarded as gross misconduct and could lead to disciplinary action in accordance with Inverclyde Leisure's Disciplinary Procedures.

5. WHAT TO DO ABOUT DISCRIMINATION, HARASSMENT, VICTIMISATION OR BULLYING

5.1 Introduction

Many people subjected to discrimination, harassment, victimisation or bullying do not complain because they feel embarrassed, are worried that they will be victimised or they don't want to get the other person into trouble.

Inverclyde Leisure guarantees that all complaints will be taken seriously and investigated swiftly, and that all parties involved will be treated with respect.

Victimisation as a result of an employee raising a complaint will not be tolerated, will be treated as harassment and may be subject to disciplinary action. Likewise, staff who are required to assist in the investigation will be protected from victimisation or discrimination.

5.2 *The Informal Procedure*

If an incident occurs which offends you and leads you to believe you are being harassed you should initially attempt to resolve the problem by informing the person whose behaviour you consider is unacceptable. In many cases it may be possible and sufficient to explain clearly to the person concerned that the behaviour in question is not welcome, that it offends you or makes you feel uncomfortable and that it interferes with your work.

In circumstances where raising the matter directly is too difficult or too embarrassing for you to do on your own you should seek support from one of the designated Personnel Advisors, a Trade Union representative or a friend or colleague.

If you are in any doubt as to whether an incident or series of incidents which have occurred constitutes bullying or harassment or if the perpetrator is one of your Managers, then in the first instance you should not hesitate to approach the designated Personnel Advisor or Trade Union representative for confidential advice on an informal basis. They will be able to advise you whether the incident merits further action and if so how the matter may be dealt with.

The names and telephone numbers of the Personnel Advisors are listed on the final page of this document.

Many incidents of harassment can be dealt with effectively in an informal way, as often the harasser has no idea of the effect of their behaviour is having on others, and once it is drawn to their attention it ceases.

5.3 *The Formal Procedures*

Submitting a Complaint

Where the action outlined above under the informal procedures fails to stop the behaviour, or where serious harassment occurs, you should make a formal complaint either personally or through your Trade Union and in so doing you should seek assistance from one of the designated Personnel Advisors. The complaint should be made in writing and where possible state:

- 1) the name of the alleged harasser
- 2) the nature of the alleged harassment
- 3) dates and times where the alleged harassment occurred
- 4) names of witnesses to any incident of alleged harassment
- 5) any action already taken by you to have the alleged harassment stopped

The complaint should be sent in an envelope marked Private and Confidential to:-

Head of Personnel Services
Municipal Buildings
Clyde Square
Greenock
PA15 1LY

When a complaint of discrimination, harassment, victimisation or bullying has been received it will be assessed and, where it is considered necessary, immediate action will be taken to separate the alleged harasser from the complainant. This may involve the temporary transfer of the alleged harasser to another work location, or their suspension with pay until the complaint has been resolved.

The designated Personnel Advisor handling the complaint will carry out a thorough investigation as quickly as possible. Strict confidentiality will be maintained throughout the investigation. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them. It will be explained to witnesses that a breach of confidence constitutes gross misconduct under Inverclyde Leisure's disciplinary procedures and will itself be subject to disciplinary action.

The investigation will be thorough, impartial and objective. It will be carried out with sensitivity and with due respect for the rights of both the complainant and the person against whom the complaint has been made.

The complainant and the alleged harasser will have the right to be accompanied at all interviews. The alleged harasser will be given full details of the nature of the complaint and will be given the opportunity to respond.

At the completion of the investigation a short report will be prepared summarising the details of the complaint, the results of the investigation and the conclusions. A copy will be sent to both the complainant and the alleged harasser.

If the investigation produces evidence that discrimination, harassment, victimisation or bullying has taken place, action may be taken in accordance with Inverclyde Leisure's agreed disciplinary procedures.

If disciplinary action is appropriate, this may be coupled with specific action to ensure that the employee who has submitted the complaint is able to continue working without embarrassment or anxiety. After discussion with the complainant, the relevant Executive Manager or other senior officer may order the transfer of the harasser to a different work location, or arrange for assessment of working practices to minimise contact between the two employees. If the complainant so wishes, his or her transfer will be arranged, subject to practical limitations. Where the employees involved are members of a Trade Union then such moves will be the subject of discussion with the appropriate workplace representatives.

If the complainant is not satisfied about the way his or her complaint has been handled, he or she may ask for it to be reconsidered under the Grievance Procedures. Requests for consideration of the grievance should be made within 10 working days of the complainant being advised of the outcome of the investigation.

5.4 *Use of the Grievance Procedures*

If an employee wishes, Inverclyde Leisure's Grievance Procedures, rather than the procedures detailed in section 5.3 above, can be used to raise complaints of discrimination, harassment, victimisation or bullying. However, as this procedure operates on the basis of a grievance being raised with an employee's immediate manager or supervisor there can be a problem if a complaint of discrimination, harassment or victimisation is being made against said immediate manager or supervisor; or is of a sensitive or personal nature e.g. in a case of alleged sexual harassment being made against a manager. An employee unsure of which procedure to use should seek advice from a Personnel Advisor.

6. OTHER CONSIDERATIONS

6.1 *Training*

As part of the support to the Policy and Procedures on discrimination, harassment, victimisation bullying Inverclyde Leisure provides training on the following topics:

- (a) implementing the policy and procedures
- (b) assertiveness skills
- (c) time management
- (d) personal development
- (e) stress management

The above training is available to employees who wish to equip themselves against being harassed or bullied and for employees who no longer wish to get things done by inappropriate behaviour.

Details of the above and other in-service training courses are available from:

Carol Reid
Inverclyde Council
Employee Development Section
Personnel Services
Municipal Buildings
Greenock PA151LY
Telephone: 01475 712027 Email: carol.reid@inverclyde.gov.uk

6.2 *Counselling*

Counselling will be provided to help employees who have been subjected to discrimination, harassment, victimisation or bullying to recover their self confidence. If deemed appropriate, professional counselling will be offered to perpetrators of harassment.

6.3 *Harassment Whilst Performing Inverclyde Leisure Duties*

An employee who considers that they have been discriminated, harassed, victimised or bullied during the course of their Inverclyde Leisure duties by a member of the public, a sub-contractor or an elected Member should report the matter to their manager supervisor at the earliest possible opportunity.

The assistance of the designated Personnel Advisor and/or a Trade Union representative may also be obtained by the complainant in such instances.

6.4 *Employment Tribunals*

The above procedures both informal and formal do not detract from an employee's right to complain to an Employment Tribunal or Court of Law. A time limit of 3 months is usually applied in respect of bringing an application to an Employment Tribunal.

7. DESIGNATED PERSONNEL OFFICERS

If you wish to discuss any matters covered by this Policy and Procedures then you should contact one of the undernoted members of Inverclyde Council's Personnel Services. All contacts will be treated in confidence and initially you may not have to reveal your name of service.

Barbara McQuarrie Tel 01475 712845
Allan Wilson Tel 01475 712022
Alex Hughes Tel 01475 712014

Also, Brian Lawrie, Policy and Performance Manager, Inverclyde Leisure.
Tel. No. 01475 716204

**APPENDIX 1 - Insert of Inverclyde Leisure Harassment
Complaints Procedure
(FLOWCHART)**

APPENDIX 2 - GLOSSARY OF TERMS

DISCRIMINATION ON THE GROUNDS OF RACE, RELIGION OR BELIEF

The Race Relations Act 1976 gives protection against discrimination and victimisation on the grounds of colour or nationality.

The regulations that amended the Act (Race Regulations 2003) also give a stand alone right to protection from harassment on the grounds of race and ethnic or national origin.

The Employment Equality (Religion or Belief) Regulations 2003 give protection against discrimination and harassment on the grounds of religion or belief.

- (a) **DIRECT DISCRIMINATION** consists of treating a person on racial grounds less favourably than others are or would be treated in the same or similar circumstances.

Racial grounds are the grounds of race, colour, religion, belief, nationality, including citizenship or ethnic or national origins. Groups defined by reference to these grounds are referred to as racial groups.

Segregating a person from others on racial grounds constitutes less favourable treatment.

- (b) **INDIRECT DISCRIMINATION** consists of applying in any circumstances covered by the Act, a requirement or condition which although applied equally to persons of all racial groups, is such that a considerably smaller proportion of a particular racial group can comply with it and cannot be shown to be justifiable on other racial grounds.

When an employer requires higher language standards than are needed for the safe and effective performance of the job, this constitutes indirect discrimination.

- (c) **GENUINE OCCUPATIONAL QUALIFICATIONS** - A person's race may be a Genuine Occupational Qualification for a job in which case discrimination in recruitment, training, etc, would not be unlawful. An example of this is where the holder of a particular job provides persons of a racial group with personnel services, promoting their welfare and those services can be provided most effectively by a person of that group.

DISCRIMINATION ON THE GROUNDS OF SEX AND SEXUAL ORIENTATION

The Sex Discrimination Act 1975 gives protection against discrimination and victimisation on the grounds of sex, marriage or because someone intends to undergo, is undergoing or has undergone gender reassignment.

The Employment Equality (Sexual Orientation) Regulations 2003 give protection against discrimination and harassment on the grounds of sexual orientation (orientation is defined as 'same sex' - lesbian/gay - 'opposite sex' - heterosexual - and 'both sexes' - bisexual)

- (a) DIRECT DISCRIMINATION where a woman is treated less favourably than a man or vice versa, or a married person is treated less favourably than a single person; for example, dismissal of a pregnant woman may amount to sex discrimination
- (b) INDIRECT DISCRIMINATION occurs where a man or woman cannot comply with an unjustifiable requirement which on the face of it applies equally to men and women (or to married and single people), but in practice, can only be met by a smaller proportion of one sex (or by a smaller proportion of married people compared to single people).

For example, a requirement that applicants must be six feet tall could be met by significantly fewer women than men

If such a requirement cannot be justified by the employer without regard to sex, it may then be deemed unlawful. A finding of unlawful discrimination may be made by an employment tribunal even though an employer has no intention to discriminate.

- (c) GENUINE OCCUPATIONAL QUALIFICATIONS - a person's sex may be a Genuine Occupational Qualification (GOQ) for a job and, therefore, discrimination in recruitment, training, etc, would be lawful. For example, it would be lawful to allow only women to be eligible to apply for a job which involves undertaking personal care tasks for an elderly women in a residential home.

DISABILITY DISCRIMINATION ACT 1995

The Disability Discrimination Act 1995 makes it unlawful for an employer to treat a disabled person less favourably because of a reason relating to their disability, when applying for or during employment without a justifiable reason.

Disability is defined under the Act as a physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

The quota system and the requirement for individuals with disabilities to register their disabilities under the DISABLED PERSONS (EMPLOYMENT) ACT WILL NO LONGER APPLY.

An employer can discriminate against a disabled person in two ways:

- (a) An employer discriminates against a disabled person if, for reasons which relates to the disabled person's disability, the employer treats that person less favourably than he or she treats or would treat others who do not have a disability and the employer cannot show that the treatment is justified.
- (b) An employer discriminates against a disabled person if the employer fails to make a reasonable adjustment in relation to the disabled person and the employer cannot show that the treatment is justified.

The concept of indirect discrimination does not apply in the case of Disability Discrimination Act.

EQUAL PAY ACT 1970

The Act was made on May 1970, but the provisions of the Act relating to equality for men and women only came into force on 29 December 1975. The Act, as amended by the EQUAL PAY (AMENDMENT) REGULATIONS and the SEX DISCRIMINATION ACT 1986 established the right of men and women to equal treatment as regards terms and conditions of employment when they are employed on the same or broadly similar work or work which, although different, has been given equal value under a job evaluation scheme or work which is of equal worth in terms of the demands of the job. It applies to men as well as women and to full and part-time employment.

TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992

The above Act makes it unlawful to discriminate against an individual because he or she is a Union member by:

- refusing him or her employment;
- submitting him or her to action short of dismissal
- dismissing him or her

OTHER TERMS USED

VICTIMISATION occurs when a person is treated less favourably than others would be because he/she has done something by reference to the provisions of this policy and the relevant Acts. It is therefore unlawful to victimise an individual for a complaint made in good faith about discrimination or for giving evidence about such a complaint.

HARASSMENT as applied to sexual orientation, religion or belief and race and ethnic and national origin is defined as unreasonable, unwanted or offensive conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment..

Discrimination, victimisation and harassment are disciplinary offences and will lead to action being taken against the offending employee, which may be dismissal in terms of Inverclyde Leisure's agreed Disciplinary Procedures.

Inverclyde Leisure's agreed policy and procedures on Discrimination, Victimisation and Harassment describes these offences and explains fully what action employees should take to discontinue such offences against them.

RACIAL EQUALITY MEANS QUALITY - A STANDARD FOR RACIAL EQUALITY FOR LOCAL GOVERNMENT IN SCOTLAND

The above document attempts, for the first time, to establish a common framework for the development of racial equality that can be used by all local Government by providing a common standard based on quality, with which to identify and acknowledge achievement made, and to plan systematically for improvement. The standard is a mechanism of self-assessment and forward planning.

Inverclyde Leisure has adopted the document - "Racial Equality Means Quality - A Standard For Racial Equality - For Local Government In Scotland".

APPENDIX 3 - LEGAL REMEDIES

INTRODUCTION

Harassment claims are on the increase. This increase coupled with the unlimited compensation which can be awarded in successful sex discrimination cases and the fact that Inverclyde Leisure can be held liable for the discriminatory acts of their employees if Inverclyde Leisure fails to stop the harassment means that harassment of all types at work is an issue which Inverclyde Leisure cannot afford to ignore.

LEGAL POSITION

The term harassment does not appear in either the sex discrimination or race discrimination legislation. However, sexual harassment has been held to be "less favourable treatment" and as such unlawful, the leading case is Porcelli -v- Strathclyde Regional Council (1986) IRLR where the Scottish Court of Session emphasised that the question is not 'was there sexual harassment?' but was the applicant less favourably treated on the grounds of sex than a man would have been treated? If the answer to that is 'yes' then there is discrimination within the necessity of the SEX DISCRIMINATION ACT 1975.

In the *Porcelli* case the Court held that a woman who was subjected to a campaign of unpleasant treatment, including an element of sexual harassment, by two male colleagues was treated less favourably on the grounds of her sex, notwithstanding that the treatment that would have been accorded to an equally disliked man would have been equally unpleasant. The weapon used (sexual harassment) was based on the sex of the victim. Since this form of treatment would not have been used against an equally disliked man, the treatment of women was different in a material respect from that which would have been inflicted upon a male colleague.

SINGLE OCCURRENCE IS ENOUGH

Sexual harassment does not have to take place over a period of time for it to be regarded as unlawful discrimination. A single incidence of sexual harassment, provided it was sufficiently serious, is a detriment and therefore unlawful. In Insitu Cleaning Co Ltd -v- Heads (1995) IRLR4. The Employment Appeals Tribunal (EAT) held that a single act of *verbal* sexual harassment can constitute unlawful discrimination.

EMPLOYERS' VICARIOUS LIABILITY

An important aspect of sexual harassment complaints is the extent to which an employer is liable for the acts of his or her staff. Suffice to say here that Inverclyde Leisure can be held responsible for discriminatory acts committed by an employee

during the course of his/her employment with or without Inverclyde Leisure's knowledge or approval. The only defence for Inverclyde Leisure is if it can prove that all reasonably practicable steps were taken to prevent staff from committing such acts.

Recent case law suggests that an employer's liability may also extend to protecting employees from harassment by third parties such as customers, suppliers, contractors, entertainers and others, provided it can be shown that the harassment takes place at an event (workplace) which is under the employer's control and which is preventable by good employment practice.

The burden of proof for showing that all reasonable steps have been taken is not easy. The individual harasser may, together with the employer, be held personally liable for his or her behaviour and a manager or supervisor who fails to respond appropriately to a complaint may be liable to a claim of discrimination.

CONSTRUCTIVE DISMISSAL

Someone who is subjected to harassment can claim constructive dismissal if, having told management about it, nothing is done and he or she resigns as a result.

PROTECTION FROM HARASSMENT ACT 1997

In terms of this Act a person may obtain an interdict or a non-harassment order from the civil courts against any person who has pursued a course of conduct which amounts to harassment. A 'course of conduct' involves conduct on at least two occasions and 'harassment' in this context can include causing alarm or distress to a victim. A subsequent breach of non harassment order is a criminal offence.