

Zero Tolerance at Work 2: Checklist for Employers

Now that you have read Zero Tolerance at Work 1, get started making your workplace better, safer and more equal for all:

▶ STEP 1: CREATE A CULTURE OF RESPECT

a) Influencing change

- ✓ 'Lead from the top' – support/champion at director and board level
- ✓ Ensure the board/management committee is gender-balanced
- ✓ Host a 'leaders event' to bring together leaders in your area/sector to discuss action on preventing VAW through workplace activity

b) Organisational and workforce development

- ✓ Director support and 'strategic buy in' of leaders means action throughout the organisation
- ✓ Ensure there is a code of conduct for promoting respectful relationships at work
- ✓ Model a 'fair play' culture and assess whether there are unconscious or conscious barriers to women's leadership and progression
- ✓ Identify and train up VAW champions; leaders who make it clear that tackling VAW is an organisational priority
- ✓ Include information about VAW policy and practice in the induction process for new staff
- ✓ Encourage staff to do in-house or external training e.g. [this online training](#).

c) VAW and equalities policy

- ✓ Evaluate workplace policies against equalities measures. Set targets for policies such as flexible working, parental leave, the living wage, equal pay job audits
- ✓ Undertake Equality Impact Assessments (EQIA)
- ✓ Undertake a skills/job evaluation audit

d) Communications and social marketing

- ✓ Posters and leaflets (for example in staff toilets/kitchens) signposting to support e.g. helplines
- ✓ Use internal communications to publicise issues relevant to VAW, human rights and equalities
- ✓ Encourage managers to learn about VAW and lead an effective response through their departments
- ✓ Encourage different departments to ensure compliance with a zero-tolerance approach to VAW and gender inequality
- ✓ Take advice from other organisations and experts

▶ STEP 2: DEVELOP AN UNDERPINNING POLICY

Develop a VAW policy which sets out the ethos and expectations of your organisation and its workforce. The policy should include:

a. Introduction: purpose and definitions

- ✓ Identify the business (and legal) imperative: effects on victims and perpetrators, other employees, the working environment and example to wider society
- ✓ Define VAW and explain what the policy covers
- ✓ State that everyone has the right to live free from violence and abuse in any form and the policy intends to create a safe working environment by instituting both remedial and preventative measures

b. Practical support to victims/survivors

- ✓ State that anyone who is experiencing or has experienced violence or abuse can raise the issue, confident that the organisation will treat the matter effectively, sympathetically and confidentially
- ✓ Explain how the organisation will provide practical support, what can be expected and who will do this
- ✓ Address confidentiality, safety and risk
- ✓ Cross-reference other policies such as health and safety; sexual harassment at work; grievance and disciplinary

c. Response to perpetrators

- ✓ State how you will respond to an employee who commits VAW within the workplace or which is affecting their work/role (for example because of criminal prosecution for domestic abuse)
- ✓ Explain how you will assess the situation (for example contact with vulnerable individuals or groups, breach of corporate/professional code of conduct)
- ✓ Explain how the organisation will provide practical support, what can be expected and who will do this
- ✓ Address confidentiality, safety and risk
- ✓ Cross-reference other policies
- ✓ Set out standard of proof required
- ✓ Set out possible sanctions

d. Training and prevention

- ✓ State commitment to prevention and workplace environment which is respectful and fair. This should extend to out-of-hours work-related activities involving staff such as clubs and social events
- ✓ State commitment to training relevant to VAW, equalities and anti-discriminatory practice

▶ STEP 3: SUPPORT EMPLOYEES WHO EXPERIENCE VIOLENCE

Support employees effectively by:

Encouraging and responding sensitively to disclosure

- ✓ Reassure the employee that you take any report of VAW seriously
- ✓ Discuss possible next steps for ensuring the safety and support of the employee
- ✓ Check that the employee knows about support organisations and help available from trade unions
- ✓ Consider workplace adjustments

Being non-judgemental and supportive

- ✓ Ask non-threatening, open questions in a place and at a time that is appropriate
- ✓ Follow this up with offer of proposed action and/or support

Responding to non-disclosure

- ✓ If you suspect that an employee is experiencing VAW but they do not disclose despite prompts, respect their decision. Many people do not disclose because of fear of reprisal and/or belief that it may affect their standing at work
- ✓ Continue to reassure all staff that VAW is taken seriously
- ✓ Appointing a designated contact for VAW, a nominated person may be useful so that employees can feel able to approach a neutral third party in difficult circumstances

Ensuring privacy and safety

- ✓ Prioritise safety over work efficiency and make necessary adjustments: adjustments are likely to result in a productive employee. Adjustments can include ensuring that the victim does not have to work directly with alleged abuser
- ✓ Ensure any records are kept in accordance with data protection legislation. You should document all absences in line with usual procedures, but if they relate to VAW then they can be marked as confidential 'for manager and employee access only' and should not be held against the employee in question
- ✓ Maintain strict confidentiality: an employee may attempt to glean information about another (from colleagues, computer records and so on)
- ✓ Information should only be shared with an individual's agreement (unless there is a statutory requirement to do so because of risk of harm)
- ✓ Extra precautions may be required to keep addresses, phone and email address, NI number, bank or medical details confidential
- ✓ All staff should be reminded that no personal information of any kind should be given to callers. Reception staff should be instructed about correct procedures

Gathering evidence

- ✓ You can help an employee by logging dates, times and details of any incidents. This and other information could be useful as evidence in prosecuting crime or getting civil protective orders
- ✓ Encourage the employee to keep copies of any texts, screenshots, emails, social media or web incidents, photos or stalking behaviour. One incident on its own may seem trivial but seemingly small things which happen every day have a cumulative effect (particularly in cases of domestic abuse and coercive control)

Workplace adjustments

Employers have legal duties to ensure health and safety. Possible adjustments include:

Managing responsibilities and workload

- ✓ Offering a temporary or permanent change of workplace or chance to work from home (if this does not put the employee in more danger)
- ✓ Providing more job security for those on unstable or flexible contracts
- ✓ Flexible working; time off to attend appointments, for example lawyer; special leave (over and above standard leave provision)
- ✓ Adjusting workload for a temporary period to make it more manageable
- ✓ Changes to duties, for example, not answer telephones or interacting with the public
- ✓ Approving requests for an advance of pay

Improving safety

This depends on the form of abuse, for example sexual harassment by a colleague at work or domestic abuse which could involve being harassed during work time by an ex-partner. Some general principles apply:

- ✓ Agreeing safe, confidential methods of communication with the employee
- ✓ Reviewing IT systems to ensure there are no system breaches or hacking
- ✓ Advising employees on appropriate social media usage
- ✓ Lone worker policy – a policy designed to minimise risks faced by lone workers and provide them with required support
- ✓ Reminding staff never to divulge personal information, such as home address, hours of work, absence to anyone, including family members
- ✓ Establishing other methods, in consultation with the employee, to increase safety and minimize risk

▶ STEP 4: RESPOND EFFECTIVELY TO EMPLOYEES WHO PERPETRATE VAW

Some employees may perpetrate VAW across a wide spectrum of behaviour including domestic abuse, rape or sexual harassment. VAW of any form is a serious matter which:

- ▶ Contravenes equalities and human rights legislation
- ▶ Could constitute a criminal offence
- ▶ May breach corporate and professional codes of conduct, including professional ethics

The standard of proof in a misconduct dismissal is that the employer believes that the misconduct has occurred, has reasonable grounds for that belief, and has conducted a reasonable investigation in order to reach that belief. The law does not require something to occur in the course of the work, at the place of work, or even to be connected with the work, if it affects the employee, or would be thought likely to affect the employee, while they are doing their work. Disciplinary action could take place on the grounds of gross misconduct or some other substantial reason.

If no criminal conviction arises from an employee's behaviour, the organisation must be able to establish a genuine belief from its own investigation that the employee has done something to damage the trust and confidence which an employer requires to invest in every employee. Even if there is no criminal investigation, or an employee is acquitted by a court, an employer can take disciplinary action.

a. Disciplinary action

- ✓ Ensure procedures for disciplinary action, grievance, complaints of unfair treatment, discrimination or harassment are addressed promptly and confidently
- ✓ Act to minimise the potential for employees to use their position or work resources to perpetrate abuse. This may include a change of duties such as withdrawing access to PCs or basing the employee off-site
- ✓ Consider disciplinary action and dismissal

NEXT STEP?

Read Zero Tolerance at Work 3: Additional Resources.

b. Assessment

Take account of:

- ✓ The nature of the conduct and the employee's work
- ✓ The extent to which the employee's role involves contact with vulnerable individuals or groups and other employees
- ✓ If the alleged actions of the employee could breach their corporate/professional code of conduct
- ✓ If the alleged actions could bring the organisation into disrepute or into conflict with its aims and values

c. Provide information to enable change

- ✓ Ask for advice from, or refer employees to, a reputable organisation which works with perpetrators of abuse to change behaviour, for example, **Respect**
- ✓ Consider referral to occupational health, counselling or local domestic abuse perpetrator programme
- ✓ Make it clear to perpetrators that they can choose to manage their abusive behaviour and that there are organisations which want to help them with this

d. Consider the risks of not responding

Ultimately employers which do not act appropriately to a complaint could be subject to an employment tribunal or civil litigation, if they fail to act in the best interests of, and protect their employees from, abuse. This could be relevant in the case of sexual harassment if the employer does not take a suitable enough course of action (for example keeping a known perpetrator in the same vicinity as a victim)¹ or an abuser is the victim's superior or employer and the victim thinks they have no genuine recourse to policies or procedures designed to protect them.

More **guidance** on developing a policy is available from The Equalities and Human Rights Commission. For more inspiration, a good example of a workplace gender-based violence employee policy is **NHS Scotland PIN policy**.

¹ Rape Crisis Scotland Sexual. Information on sexual harassment at work: <https://www.rapecrisisscotland.org.uk/publications/sexualharassmentleaflet.pdf>

www.zerotolerance.org.uk

For further information please call **0131 556 7365** or email **info@zerotolerance.org.uk**

Zero Tolerance is a Scottish charity: SC023484