



## **Employee Complaints Procedure**

### **Introduction**

We are an equal opportunity authority and our equal opportunities policy aims to make sure that we keep to the terms of the Sex Discrimination Acts 1975 and 1986, Race Relations Act 1976 and Disabled Persons (Employment) Acts 1944 and 1958 as amended by the Disability Discrimination Act 1995.

We have approved a procedure which tells you what to do if you believe you have been discriminated against, harassed, victimised or bullied. This applies to all our employees. This policy now covers complaints by employees against elected members.

This procedure is an alternative to our formal grievance procedure and does not affect your right to use the formal grievance procedure or to complain to an Employment Tribunal or court of law. (If you apply to an Employment Tribunal there is usually a limit of three months)

### **Purpose**

We treat discrimination, harassment, victimisation and bullying as acts of misconduct that may lead to disciplinary action. We have outlined in the following pages, descriptions of discrimination, harassment, victimisation and bullying.

We have designed this procedure for the benefit of employees, including a way of initially removing consideration of a complaint not only from your workplace but also from the more formal areas of our grievance procedures by including the following conditions.

- It is an easier, less formal approach to making a complaint.
- We will provide an experienced officer with skills in counselling and in tackling sensitive situations (the same sex as you if you ask).
- We will make an initial confidential assessment of your complaint along with providing advice on how to deal with the complaint.
- We will provide a separate counselling service for you and for the alleged offender.

**The events that lead to complaints of discrimination, harassment, victimisation and bullying may depend on your circumstances, including your work place, work patterns, opportunity, seniority and knowledge of equal opportunities. However, we realise that**

**only you can say what is offensive to you. It is the effect of a person's conduct we view as important, not the intent**

## **Discrimination**

### **Direct discrimination**

This happens when a person is treated less favourably (for example, because of their race, sex, marital status, religion or personal moral beliefs or disability) than others are or would be treated in the same or similar circumstances.

### **Indirect Discrimination**

This happens when a requirement or condition is used equally to everyone but:

- a considerably smaller percentage of a particular sex can meet it;
- a considerably smaller percentage of a particular racial or religious group can meet it; or
- people with particular disabilities cannot meet it.

and the requirement or condition cannot be shown to be justifiable in terms of the Sex Discrimination Acts, Race Relations Act, Disabled Persons (Employment) Acts or our Equal Opportunities Policy.

**Discrimination** might happen in many workplace settings but is most likely to happen when:-

- the recruitment and selection process takes place.
- duties are given out.
- employee appraisals take place.
- you are selected for training.
- we enforce the terms and conditions of employment.
- disciplinary and grievance procedures are used; and
- you are considered for benefits, facilities or services.

## **Harassment**

We view harassment as unwelcome comments, looks, actions, suggestions or physical contact that you consider offensive and which might threaten your job security or create an intimidating working environment.

It may be deliberate or not, it may be obvious or not but as it is offensive, it acts in a way to humiliate, ridicule, discomfort or embarrass and generally undermines.

**Sexual harassment** is normally linked both to power and to sex roles and it is usually (but not always) directed at women by men.

Sexual harassment is most likely to take the form of verbal statements such as pestering for dates, demands for sexual favours or unwelcome comments, innuendo or jokes. Visual materials can also be harassment such as pictures, posters or literature and physical actions such as leering, touching or assault can also form sexual harassment.

**Racial harassment** is normally directed at people who are black or belong to an ethnic minority group.

Racial harassment is most likely to take the form of verbal statements such as jokes or intimidation, visual materials such as posters, badges or literature or in the form of physical actions. The physical actions can mean unnecessarily excluding someone from knowledge or conversations, segregation or even physical violence.

**Harassment of Disabled Employees** may be directed at an individual who is disabled, of either sex and/or any racial group.

Harassment of a disabled person is most likely to take the form of verbal statements, such as jokes, or physical actions such as mimicking or unnecessary segregation.

## **Victimisation**

**Victimisation** happens when a person is treated less favourably than others would be because he or she has done something which is related to the conditions of the Equal Opportunities Policy, the Equal Pay Act, Race Relations Act, Sex Discrimination Acts or the Disabled Persons (Employment) Acts.

Victimisation is normally regarded as any type of unacceptable behaviour which is directed against a person who has made or plans to make a complaint as outlined above, has given evidence or otherwise generally supported or helped with a complaint.

## **Bullying**

Workplace bullying is defined as intimidation which happens regularly and undermines the competence, effectiveness, confidence and honesty of the person being bullied. Bullies misuse power, position or knowledge to criticise, humiliate and destroy a colleague or even their own boss.

## Complaints procedure

- 1 Whenever possible, you should ask the offender to stop, or make it clear that the behaviour is unwelcome. You can do this orally or in writing. If this is too difficult or embarrassing for you to do on your own a colleague or trade union representative or other suitable person may do this for you.
- 2 If the offender carries on you can get help from a Human Resources Adviser. You may, if you prefer, speak to a Human Resources Adviser of the same sex as yourself. You can also:

- 1 Contact your trade union, if you are a member. The following trade union telephone numbers can be the first contact point.

|                     |               |                      |               |
|---------------------|---------------|----------------------|---------------|
| Jim Burnett, Unison | 0141 578 8058 | Frank Healy, EIS     | 041 776 3062  |
| John Kelly, NASUWT  | 0141 776 1585 | Sandy Paterson, SSTA | 0141 956 2281 |
| David Stark, T&G    | 0141 332 7321 | Mick Conroy, GMB     | 0141 332 8641 |
| Bill Tynan, AEEU    | 0141 248 7131 | Alan Ritchie, UCATT  | 0141 221 4893 |

- 2 Put our formal grievance procedure in action (or indeed complain to an employment tribunal or court of law) within the specified time limit.
- 3 The Human Resources Adviser will do the following
  - 3.1
    - a The Adviser will talk things over confidentially with you (you may be accompanied by a representative).
    - b The Adviser will assess the level of discrimination, harassment, victimisation or bullying.
    - c The Adviser will recommend a suitable course of action you can follow if you agree which may include the following-
  - 3.2 They may tell you to record details of each incident. The Human Resources Adviser will tell the alleged offender of each occasion you make an entry on the record
  - 3.3 They may contact the alleged offender at work and outline in writing your allegations and tell their department.
  - 3.4 They may tell the alleged offender's Head of Department (or nominated senior representative) about the complaint, who may in turn take disciplinary procedures.
  - 3.5 They may tell you to follow the formal grievance procedures.
4. If you have followed action recommended at 3.1 - 3.5 above and the offences carry on then you should immediately tell the Human Resources Adviser and start our formal grievance procedure at stage 2.

5. If you are the alleged offender, you also have the right to representation from your trade union and support from Human Resources. The adviser dealing with your case will be independent from the adviser dealing with the complainant.
6. If a complaint relating to discrimination harassment, victimisation and bullying is made against an elected member you can get advice and help according to Stages 1 - 4 on page 4 with the following exceptions:
  - a) The Human Resources Adviser will tell the Head of Human Resources the nature of the complaint and the identity of the alleged offender.
  - b) The Head of Human Resources will send details to the Chief Executive who in turn will raise the matter with the particular elected member and/or the Political group secretary.
  - c) The employee may wish to raise the issue with their trade union representative who can request a more informal resolution with the Chief Executive or Council Group Leader.
  - d) If the matter cannot be sorted out satisfactorily you can send a complaint to the Standards Committee within 15 working days of receiving a decision at stage 6(b). You should raise the complaint in writing and send it to the Chief Executive who will in turn arrange a committee within 15 working days. You will have the right to be represented by your trade union. The Standards Committee will notify you of its recommended action in writing.
7. If an elected member wishes to make a complaint against an employee related to discrimination, harassment, victimisation and bullying, the elected member should raise this complaint with the employee's Strategic Director. If the complaint is regarding the actions of a Strategic Director, the matter should be raised with the Chief Executive.