Toolbox Talk:

Fairness Inclusion and Respect: Your Responsibilities

Prepare: Location? Distractions? Talk aids?

Reason: Awareness of responsibilities and rights of employers and employees.

Why: Workplaces are more productive and healthy in an environment free from bullying and harassment.

Outline: The talk will cover legal and contractual rights and responsibilities covering dignity in the workplace. It will raise awareness of the issues which can affect good working relationships.

Legal Scope

1. Everyone in the construction industry has legal duties under the Equality Act 2010.
2. Everyone will have rules of behaviour within their own terms and conditions, some of which may extend beyond the protection afforded within the Equality Act.
3. Everyone in the construction industry is protected by the Act and their company rules of behaviour.
4. The Act supports and protects any worker challenging behaviours even if not directed at them.
5. The Act puts responsibilities on managers to act swiftly to challenge behaviours.
6. The Act gives you the right not to be harassed by third parties and makes your employer potentially liable for harassment of their employees by people such as customers or clients. (The employer will only be liable when harassment has occurred on at least two previous occasions, they are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.)

Q. Who has responsibility for ensuring the workplace remains free from harassment and everyone is treated fairly and with respect?

General Provisions of the Act concerning Harassment

1. Under the Act your employer has a legal duty to provide a workplace free from bullying and harassing behaviour. They should:
    - Make it clear in their terms and conditions/training/policies and procedures that such behaviour will not be tolerated.
    - Take seriously any complaint.
    - Challenge your behaviour to safeguard others who may be affected by your actions and behaviour.
    - Ensure breeches in behaviour are investigated and treated in line with disciplinary procedures (or dignity at work procedures).

2. Under the Act you as an employee have legal duties to:

- Ensure you treat co-workers, clients and the public with dignity and respect.

Other Provision

3. Unfair dismissal

- Employers have a ‘duty of care’ for all their employees. If the mutual trust and confidence between employer and employee is broken – for example, through bullying and harassment at work – then an employee can resign and claim ‘constructive dismissal’ on the grounds of breach of contract. Employers are usually responsible in law for the acts of their workers.

4. Health and Safety Breach of Contract

- Under the Health and Safety at Work Act 1974 employers are responsible for the health, safety and welfare at work of all employees.

Q. Which legislation protects employees from behaviour affecting their dignity and respect?

What more can you do?

Unfortunately there may occasionally be times when not all employers or managers follow the correct procedures. In these situations, there are organisations you can contact for support, advice or guidance.

ACAS (Advisory, Conciliation and Arbitration Service)

ACAS is an independent body with statutory duties. It provides information, advice and training, and works with employers and employees to solve problems and improve performance in the workplace.

Helpline

0845 747 4747

Q. Do you have any further questions for me?