



Vocational Training Services

Equal Opportunities Policy





Contents

Policy Statement and Policy Aim and Objectives

Policy Framework

Responsibility for Equal Opportunities

Monitoring and Review Procedures

Guidance/Further Information

Policies and Procedures

Harassment Policy

Policy Statement

Policy Aim and Objectives

Responsibility of Vocational Training Services Employees

Forms of Harassment

Other forms of Harassment

What are the Effects of Harassment or Bullying?

Counseling

Dealing with Harassment

Action against the Alleged Harasser

Legal Acts Relating to Intentional Harassment

The Human Rights Act 1998



Acts Referred to in this Policy:-

The Sex Discrimination Act 1975 S 42

The Race Relations Act 1976 S 33 (1)

The Race Relations Act 1976 – Definition of term “racial”

Race Relations Act 1976 S 71 (Local Authorities duties)

The Equal Pay Act

The Disability Discrimination Act (Update Sept 2005)

The Public Interest Disclosure Act 1998

The Criminal Justice and Public Order Act 1995

The Protection from Harassment Act 1997

The Human Rights Act 1998



Vocational Training Services

Equal Opportunities

This is our policy statement towards equal opportunities

Our aim and commitment at Vocational Training Services is to ensure that no person whether an applicant for employment, employee, client, learner or member of the community, receives less favorable treatment because of sex, race, color, nationality, marital status, sexual orientation, trade union activity, disability, having dependants or any other factors.

All employees and our service users have the right to be treated with dignity and consideration. This extends to the right to work in a healthy and safe environment, free from intimidation, discrimination, harassment, bullying either directly or indirectly by other employees. Vocational Training Services is committed to the implementation of this Policy and will actively pursue practices designed to promote fairness and to eliminate intimidation, discrimination, harassment and bullying.

The overall responsibility for the Policy lies with the Managing Director of Vocational Training Services, however, all employees of Vocational Training Services are expected to comply with the policy, and to act in accordance with its objectives so as to remove any barriers to equality and fairness. Any act of discrimination by employees or any failure to comply with the terms of the policy may result in disciplinary action.



1. Policy Statement

Vocational Training Services (hereafter VTS) is not only committed to the concept of Equal Opportunities and to the framework of the law in which it is embodied, but also to actively promoting equality for all.

VTS acknowledges its responsibilities to all existing and potential employees and to those whom we serve, and is committed to the equal application of fair employment practices and access to service provision.

Accordingly, VTS will ensure that all individuals and groups are treated fairly, and with dignity and are valued irrespective of disability, gender, race, health, HIV status, social class, sexual orientation, marital status, nationality, religion, employment status, spent convictions, age, or membership or non-membership of a trade union.

Whilst this may not be an exhaustive list it is the purpose of the policy to ensure that no-one receives less favorable treatment on any terms than another, or is disadvantaged by requirements of this policy and its principles must be observed by all employees of VTS, individuals who are placed within the company on work experience or any visitor to company premises.

2. Policy Aim and Objectives

(a) Aim

To oppose all forms of unfair discrimination, promote good practices, and ensure fair treatment and well-being for all, within the work environment.

(b) Objectives

- (i) Ensure all existing and potential employees are provided with equality of opportunity in all aspects of employment, recruitment, selection and promotion and training.
- (ii) Ensure all individuals and groups are treated fairly and with dignity
- (iii) Ensure that no individual(s) or groups receive less favorable treatment than another, or is disadvantaged by requirements or conditions which cannot be otherwise justified.



- (iv) Identify and eliminate any existing or potential practices, procedures and customs which unfairly discriminate and/or which may cause detriment to an individual.
- (v) Ensure that all premises are accessible and available to all
- (vi) Ensure that equal access to all services and customer care initiatives are provided by VTS
- (vii) Ensure the development and implementation of a comprehensive system of monitoring to provide sufficient, accurate, current and specific data to assist future planning, and to enhance the process of effective evaluation and review.
- (viii) Ensure the continuation of culture change towards equal opportunities and acknowledgement of diversity within VTS by a commitment to this policy and a continual training programme for all employees.
- (ix) Ensure the implementation of agreed grievance, disciplinary, complaints and appeals procedures and provision of support and advice networks in order to protect all employees and service users from discriminatory behavior.
- (x) Increase the awareness and opportunity to apply for posts (vacancies) within VTS, from under – represented groups.

3. Policy Framework

- (a) The law requires that individuals shall not unlawfully discriminate, nor shall they help others to do so.
- (b) To ensure compliance with both the letter of the law and the spirit of the law, the VTS Equal Opportunities Policy has been developed within a framework of legislation and codes of practice.
- (c) VTS will use these laws, regulations and policies to seek to eliminate unlawful discrimination and to promote equality of opportunity and good relations between all.
- (d) All employees must observe the requirements of the Equal Opportunities Policy and apply it's principles without exception.



- (e) This policy sets out the general provisions only and is not the definitive statement of the law.

4. Responsibility for Equal Opportunities

- (a) The managing director has the overall responsibility for the implementation of the VTS Equal Opportunities Policy (and may appoint a member of the management team to assist with this role). However, this does not preclude the day to day responsibilities of all line managers and other employee's.
- (b) VTS recognizes that for the successful implementation of any Equal Opportunities Policy there are specific responsibilities of both the employer and employees which must be undertaken.

5. Monitoring and Review Procedures

- (a) Records will be maintained in order to provide a statistical database to monitor the effectiveness of the Equal Opportunities Policy and to review policies and practices as appropriate.

6. Guidance/Further Information

Guidance documents are being formulated and will be made available

7. Policies and Procedures

(a) The Display and Use of Offensive Materials

Introduction

- (i) VTS recognizes that all employees, potential employees and visitors to its offices have their own individual moral values and must be treated with dignity.
- (ii) The display of any material which may be construed as offensive whether sexually suggestive or otherwise is not acceptable. This is regardless of whether or not the workplace is being used only by the same employee(s) who accept(s) the material and where access is denied to, for example, visitors, cleaner, etc.



Statement of Policy

- (iv) Materials such as posters, calendars, books or magazines, photographs, cartoons etc, which would cause offence, whether pornographic, sexist, racist or otherwise, must not be displayed in offices occupied by VTS or in personal storage areas.
- (v) Films, videos or computer generated or networked material, which could cause offence, whether pornographic, sexist, racist or otherwise, must not be viewed in offices or premises occupied by VTS.
- (vi) VTS computer hardware or any other equipment must not be used to view, display, manufacture, copy or edit any material which could cause offence.
- (viii) Prescriptive guidance on whether or not any particular material is offensive is not practical.

It is anticipated that such matters will be determined informally by those affected and line management where appropriate.
- (ix) Any complaint made against VTS must be dealt with in accordance with the VTS complaints / appeals procedure.



Harassment Policy

1. Policy Statement

Vocational Training Services (hereafter VTS) regards all forms of harassment as totally unacceptable in its role as an employer and service provider.

All matters concerning harassment shall be taken very seriously. Such behavior may be lawful. Perpetrators may be held personally liable for acts of harassment in the event of legal proceedings.

Harassment is defined as “any unwanted and unwelcome physical/verbal or visual conduct that gives offence to the recipient and makes them feel uneasy, patronized, humiliated, threatened or insulted”.

Working to eliminate harassment does not mean an end to fun which should be part of our working environment and importantly should be enjoyed by all. There are legitimate and necessary elements for building team spirit and combating stress such as “having a laugh” and “working hard, playing hard”. However, uncontrolled these factors can conspire to create levels of hostility, wariness or lack of concern for policies and procedures.

2. Policy Aim and Objectives

(a) Aim

Everyone has the right to seek/obtain and hold employment, and to receive a service without discrimination or harassment. The aim of this policy is to ensure that everyone is treated fairly and with respect by providing a working environment that is free from harassment and intimidation of any form that is offensive to the individual.

(b) Objectives

- (i) Ensure all employees and service users are aware of the definition of harassment.
- (ii) Ensure that employees and services users are aware of the sensitive and complex issues surrounding harassment and understand that what one person may find acceptable, another may find offensive. Be aware that it is the impact of harassment that is the deciding factor and not the motive or intention.



Harassment can take many different forms. It can be an isolated incident or repetitive behavior; it can be directed at one individual or a group.

- (iii) Ensure employees and service users are aware of the different forms of harassment and understand examples of inappropriate behavior.

3. Responsibility of Vocational Training Services Employees

- (i) Comply with the law, relating to harassment.
- (ii) Cooperate fully with all measures introduced by VTS with regard to Equal Opportunities, policies, practices and procedures.
- (iii) Do not discriminate against any individuals or groups, whether other employees, clients, learners or members of the community, or incite others to do so. "A person who knowingly aids another to do an unlawful act shall be treated as doing the act himself". (Sex Discrimination Act 1975 S42: Race Relations Act 1976 S33 (1)).
- (IV) Do not harass, abuse, bully or intimidate any individuals or groups, whether other employees or members of the community, or incite others to do so.
- (v) Do not victimize any individuals or groups, whether other employees or members of the community, or incite others to do so.
- (vi) Bring to the attention of the appropriate line manager any suspected acts or practices of discrimination, harassment, bullying, intimidation or victimization without delay.
- (vii) Report to the appropriate line manager any incident seen or heard, which may be contrary to the law and/ or the Equal Opportunities policy. Managers (mentors and supervisors) may also be found liable: they have a duty to ensure policies and practices are upheld.



4. Forms of Harassment

(a) Sexual Harassment

Sexual harassment means unwanted conduct of a sexual nature or conduct based on a gender which is offensive to the recipient, or to any third party who maybe present. It refers to behavior that is unsolicited, that is personally offensive, and that fails to respect the rights of others.

Sexual harassment can amount to unlawful sex discrimination under the sex Discrimination Act 1975. It is discrimination because the gender of the recipient is the determining factor in who is being harassed. Harassment can be from a male to a female, a female to a male, a male to a male or a female to a female.

Sexual harassment does not refer to behavior deemed as socially acceptable. However, it should be remembered that different ethnic groups may have different tolerance levels of what they class as socially acceptable.

Examples of Inappropriate Behavior Covered by this Policy

- (i) Physical conduct of a sexual nature: unwanted physical contact, including unnecessary touching, patting, pinching or brushing against another person, assault or coercing sexual intercourse.
- (ii) Verbal conduct of a sexual nature: unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestion for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive, flirtatious, suggestive remarks, innuendoes or lewd comments.
- (iii) Non-verbal conduct of a sexual nature, the display of pornographic or sexually suggestive pictures, objects or written material (do we have any instruction in other policies regarding porno. drawings, letters, photos etc. Which should be referred to inside brackets after written material), leering, whistling or making sexually suggestive gestures.
- (iv) Sex based conduct: conduct that denigrates or ridicules or is intimidator or physically abusive of a person 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.



(b) Racial Harassment

The definition of the term “racial” which is used in the Race Relations Act 1976 refers to “color, race, nationality (including citizenship), ethnic or national origin”. The definition of “racial” therefore applies to white people as well as the other ethnic groups.

Examples of inappropriate Behavior Covered by this Policy.

- (i) Physical or verbal conduct: assault, derogatory name calling, malicious comment, hostile attitudes.
- (ii) Non-verbal conduct: graffiti, display of racial insignia or material, damage to personal property, denial of opportunities, exclusion from social activities.

(Under Section 71 of the Race Relations Act 1976 local authorities have a statutory duty to:

- (i) Eliminate unlawful racial discrimination, and
Promote equality of opportunity and good relations between persons of different racial groups.

5. Other Forms of Harassment

(a) Bullying

Bullying is defined as “persistent, offensive, abusive, intimidating, malicious or insulting behavior, abuse of power or unfair work sanctions which make the recipient feel upset, threatened, humiliated or vulnerable which undermines their self- confidence and may cause stress”.

It should be recognized that the occasional difference of opinion or conflicts which occur in working relationships can be regarded as normal working occurrences.

Bullying can occur from a manager to a sub-ordinate, supervisor to a sub-ordinate, a sub-ordinate, or group of sub-ordinates to a supervisor or manager and between peers. There are different forms of bullying:



(i) Open Bullying

This can take the form of:-

- (1) Shouting or swearing when in public or in private, sometimes over trivial matters.
- (2) Insults and name calling.
- (3) Persistent criticism which undermines or demeans any individual.
- (4) Public ridicule or humiliation.
- (5) Singling out an individual for different treatment.

(ii) Unseen Bullying

This can take the form of:-

- (1) Unreasonably removing areas of responsibility and replacing with menial or trivial tasks.
- (2) Deliberately ignoring or excluding someone.

(b) Victimisation

Victimisation may occur as an aspect of harassment.

A person discriminates by victimization when they treat a person less favorably as a result of them having either:-

- (i) made a complaint and/or brought proceedings under the Sex Discrimination Act, Race Relations Act, Equal Pay Act, Disability Discrimination Act and this policy.

Or

- (ii) Given evidence or information in connection with a complaint/proceedings under the above.

This may occur to those bringing a case or those acting as witnesses.



6. What are the Effects of Harassment or Bullying?

(a) Individual

The effects of harassment and bullying on an individual can be many and varied. She or he may suffer from physical or emotional symptoms which may include:-

Physical – disturbed sleep, loss of energy, feeling sick, sweating.

Emotional – depression, anxiety, lack of motivation, loss of confidence, reduced self- esteem.

These lists are not exhaustive. Different people may show different symptoms and have varying levels in their ability to cope. If any of the symptoms are sufficiently prolonged, a more serious condition may result necessitating medical treatment.

Individuals may also suffer in other ways, e.g., through loss of training development opportunities or missed promotion opportunities.

(b) Organisation

As well as the serious personal effects upon staff, bullying and harassment can affect the Company and the service it delivers. Vocational Training Services may suffer from-

Low morale, high rates of absence and sickness, poor performance and a tense and unhappy atmosphere amongst colleagues and those we serve.

7. Counseling

It is recognized that employees and service users who are victims of harassment may suffer emotional or psychological reactions to their experiences. It is essential that the management response to these situations is sympathetic and supportive.

Support can be obtained from the company's confidential support advisors, line managers, the general Manager or ultimately from the managing director.



8. Dealing with Harassment

There are both formal actions and formal procedures that can be taken to stop the situation from continuing.

It is prudent to document any action you do take. It provides evidence of your actions to stop the harassment and /or bullying.

(a) Informal Action

This may be especially appropriate where the harasser is a co-worker or subordinate, or where the behavior is viewed by the victim as being relatively minor and it is felt that intervention now may stop the behavior continuing.

The fear of adverse reaction and embarrassment often causes individuals experiencing harassment to avoid raising issues. The following actions are useful ways of stopping the harassment from developing further.

(i) Talk to Someone Else

If you feel too embarrassed or frightened to make a direct approach to the alleged harasser on your own, you may wish to ask a friend or a colleague to accompany you or approach the alleged harasser on your behalf. Ask to speak to a confidential support advisor, line manager, a sympathetic work colleague or the managing director.

Make it clear, either verbally or in writing that the alleged harasser's behavior is unacceptable to you and you want to stop.

(ii) Make an Informal Objection

When seeking advice or support, it should be made clear to all parties that no official complaint is being made at this stage. You may take a colleague with you, if you wish.

In the absence of an official complaint, your advisor should not ignore such a problem and shall ensure, as far as is reasonably practical, that the problem is addressed through informal means and without compromising confidentiality.

If the situation continues, further action should be considered. This can still be done informally, by informing the alleged harasser of your intention to take further action if their behavior continues. This introduces a slightly more formal note which may influence the alleged harasser.



It is important that any written record should indicate the date, place, time and names of witnesses and details of the incident(s). Such details will assist if you decide to pursue a formal complaint.

Formal Action

A formal complaint may be raised when:-

- (i) The conduct continues after an informal approach has been made to the alleged harasser.
- (ii) retaliatory behavior is encountered
- (iii) The incident is too serious, or the complainant feels too frightened to approach the alleged harasser, with or without the help of others.

In order to make the complaint formal the following options are available:-

- (i) The VTS Complaints Procedure
- (ii) Employees' Grievance Procedure

In addition, employees who are victims of harassment have the right to take their complaint to an Employment Tribunal (ET). However, the matter should first be brought to the attention of Vocational Training Services, under The Public Interest Disclosure Act 1998, to enable us to deal with the circumstances of the complaint. If the outcome of the investigation conducted by VTS is unsatisfactory to the victim of the harassment then the complaint may be taken to an ET.

9. Action against the Alleged Harasser

(a) Informal Action

Where an employee or service user is approached informally, either by a colleague, a trainer, assessor, internal verifier, a line manager, or the managing director, regarding a complaint against them, the purpose of the discussion will be to resolve the situation informally.

It is in the interest of the alleged harasser to deal with the issues raised at this stage to prevent any further action.



The alleged harasser may require the support of a confidential support advisor, colleague or manager.

(b) Formal Action

Where an employee is approached as part of a formal complaint, it may be in their interest to seek advice from a line manager, representative, colleague or friend, who may also be present at any formal meeting concerning a harassment investigation.

If the complaint is upheld, the disciplinary process will be instigated.

If the complaint is not upheld following an investigation of the matter, no further action will be taken against the alleged harasser.

Where a complaint against an individual is frivolous or malicious, this matter will be investigated and any necessary action will be taken under the disciplinary procedure.

10. Legal Acts Relating to Intentional Harassment

(a) Criminal Justice and Public Order Act 1995

The act was primarily introduced to deal with racial harassment in public places, however, it covers others forms of harassment, such as sex and disability. The workplace is covered under this Act.

A person is guilty of an offence if, with intent to cause person harassment, alarm or distress him/her:-

(i) uses threatening, abuse or insulting words or behavior, or disorderly behavior.

or

(ii) Displays any writing, sign or other visible representation which is threatening, abusive or insulting.

A person found guilty is liable on summary conviction to imprisonment for a term of up to six months or a fine, or both.



(c) The Protection from Harassment Act 1997

This Act makes harassment both a civil and criminal offence. The principal aim of this Act is to deal with stalking but it also provides a remedy for those subjected to harassment at work, outside of the sex, race and disability legislation.

The test under this act is whether the offender is committing acts that a reasonable person would expect to give rise to harassment.

A person found guilty of an offence is liable on summary conviction to imprisonment for up to six months or a fine, or both.

11. The Human Rights Act 1998

Convention Right Article 3 of the Human Rights Act 1998 prohibits degrading treatment. This provision aims to protect an individual from physical and mental ill treatment.