

Workplace Behaviours

To ensure a safe, respectful, and compliant working environment, the Female Analysts Working Group have developed a suite of practical documents that provide essential guidance on workplace behaviours, risk assessment, and safety procedures within the asbestos analytical industry.

The **Risk Assessment** document provides a structured approach to identifying and mitigating risks on-site. The **Supplementary Guidance on Decontamination Requirements for Analysts' undertaking 4-Stage Clearance** outlines best practices for both decontamination and personal safety protocols. Complementing these technical guidelines, the **Workplace Behaviours** document sets expectations for professional conduct, addressing concerns such as bullying, harassment, and discrimination.

To reinforce our commitment to maintaining a positive work culture, we also introduce a **Respect Charter**, which all organisations are encouraged to sign, demonstrating their pledge to uphold these standards. Together, these documents create a comprehensive framework to protect both physical and mental well-being in the workplace.

Introduction

It is well known that employers have a responsibility to ensure their employees safety while at work. Within the asbestos industry managing health and safety is well understood and is the cornerstone to most of the work undertaken but when it comes to the effects of poor workplace behaviour are the same standards applied?

Employee health and safety must also consider the impacts on an employee's mental health and wellbeing and the need to implement actions to prevent abusive or threatening behaviour. All individuals have a responsibility to behave in a manner which supports an inclusive and tolerant working environment.

With this in mind consider the following employer health & safety requirements -

- To identify what could cause harm and implement procedures to prevent this
- To explain how the risks will be assessed and controlled
- To give training and information to employees

Classification

In some instances, inappropriate work-based behaviours can be easy to identify but others may be less obvious. The nature and extent of these behaviours can also be difficult to assess in terms of severity and implications for those involved. The following classifications aim to provide some guidance.

Unwanted Conduct or Behaviour

This can be difficult to define as the impact on the individual is what ultimately determines if a behaviour is unwanted. Examples of unwanted conduct or behaviours can include -

- Aggressive / abusive behaviours
- Spreading rumours
- Insulting people
- Rudeness
- Disrespect
- Humiliation or demeaning
- Obstructing performance

Bullying

The Advisory, Conciliation and Arbitration Service (ACAS) defines bullying as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

There is no single piece of UK legislation that covers workplace bullying specifically, however indirectly this can be covered by numerous pieces of legislation including The Employment Rights Act, The Human Rights Act and the Health and Safety at Work Act.

Harassment

ACAS defines harassment as:

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Protected characteristics include the following:

- Age
- Gender reassignment
- Race
- Sex
- Disability
- Religion of belief
- Sexual orientation

Harassment covering any of the above criteria is unlawful under the Equality Act. In addition, employers can be in breach of the Worker Protection Act if they do not take reasonable steps to prevent sexual harassment of their employees.

Discrimination

Discrimination means that an individual is treated less favourably than someone else because of a specific protected characteristic as listed below:

- Age
- Gender
- Race
- Sex
- Disability
- Religion of belief
- Sexual orientation
- Marriage & civil partnership
- Pregnancy & maternity

Discrimination can be either direct or indirect.

Direct discrimination is where someone is put at a disadvantage because of a protected characteristic. This may mean that they are excluded from opportunities, feel distress or their job may be harder to undertake because of their specific circumstances. There are three types of direct discrimination -

- Where the individual is discriminated against because of a protected characteristic they have,
- Where the individual is discriminated against because of an association they have with someone with a protected characteristic,
- Where the individual is thought to have a protected characteristic even if this is not true.

Indirect discrimination where working practice, methodology, policy etc; is in place for all persons, is less fair to those with protected characteristics. Often indirect discrimination is less obvious to identify and, in many cases, there is no intent to cause harm or disadvantage.

Discrimination covering any of the above criteria is unlawful under the Discrimination and the Equality Act 2010.

Examples

Some examples of different mechanisms for inappropriate workplace behaviours are shown below. These could be classified as being unwanted conduct/ behaviour, bullying or harassment dependent upon the nature and extent.

Name Calling

Generic (not including protected characteristics) for example

- Being insulted about ability or intelligence - idiot / stupid / basic / pump jockey / jobsworth / anal-ist
- Being insulted about physical appearance – four eyes / weight or build / hair status

Specific to protected characteristic

- Being insulted about gender or sexual orientation
- Being insulted about race, colour, ethnic background, nationality
- Being insulted about religion or beliefs
- Being insulted about age
- Being insulted about being pregnant

Sending text messages or emails

- Where these include content which is insulting / derogatory / harassment etc.
- The act of sending them due to the timing or frequency could also be considered harassment e.g. frequent or incessant late night or weekend calls
- Emailing others with content, not the intended victim, behind their back

Leaving physical notes

- Notes left in site offices or on desks
- Shared on notice boards
- Written on enclosure walls or other graffiti

Being threatened physically

- Being grabbed or held
- Being backed into a corner by one or a group of persons
- Not being allowed to leave site, being blocked in the car park
- Having the use of weapons or tools being held against them

Being threatened psychologically

- All the above etc. being verbally discussed
- Being followed home
- Being excessively watched or stalked

Property Loss or Damage

- Hiding or stealing personal or work possessions
- Scratching vehicle paintwork or letting down tyres

Maliciousness

- False reporting to others on a person's abilities or behaviour
- Spreading rumours about a person with others
- Purposeful and unreasonable exclusion of an individual
- Misusing a position of power

Impact

For the individuals involved the impact of negative or illegal workplace behaviours can be significant. For the victims, these behaviours can negatively impact both their physical and mental health, their professional performance and development and their relationships both at work and at home.

The effects can also have significant impact on others and the company itself, for example

- Increased absenteeism
- Reduced employee performance

- Bad workforce morale
- Increased employee turnover
- Loss of productivity to investigate incidents / conduct disciplinaries
- Legal costs
- Loss of company reputation

The potential impact that poor workplace behaviours could have on an individual's performance whilst at work has significant ramifications from a quality and accreditation perspective.

Responsibilities

Vicarious liability is where an employer could be held responsible for the actions of one of their employees. This can include where their behaviour is found to be unlawful in terms of bullying, harassment & discrimination. To avoid vicarious liability employers must be able to demonstrate that they have taken reasonable steps to prevent inappropriate workplace behaviours.

Reasonable steps include the following:

- Having suitable policies and procedures in place
- Having reporting mechanisms
- Conducting training for employees & managers
- Investigating incidents
- Consequences for any individuals found to be at fault
- Committing to a Respect Charter

From 26th October 2024, employers have a legal duty to anticipate when sexual harassment may occur and take reasonable steps to prevent it under the Worker Protection Act 2023. If sexual harassment has taken place, an employer should take action to stop it from happening again. This sends a clear signal to all employers that they must take reasonable preventative steps against sexual harassment, encourage cultural change where necessary, and reduce the likelihood of sexual harassment occurring.

Relevant Legislation

The Health and Safety at Work Act 1974

<https://www.legislation.gov.uk/ukpga/1974/37/contents>

The Human Rights Act 1998

<https://www.legislation.gov.uk/ukpga/1998/42/contents>

The Equality Act 2010

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

The Worker Protection (Amendment of Equality Act 2010) Act 2023

<https://www.legislation.gov.uk/ukpga/2023/51/contents>

Useful Links

ACAS: The Advisory, Conciliation and Arbitration Service – Discrimination & Bullying

<https://www.acas.org.uk/discrimination-and-bullying>

EASS: The Equality Advisory and Support Service

<https://www.equalityadvisoryservice.com/>

The Equality & Human Rights Commission – Code of Practice

<https://www.equalityhumanrights.com/equality/equality-act-2010/codes-practice/employment-code-practice-0>

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