

## Dignity at work Policy

### 1 A commitment to tackling bullying, harassment and victimisation

- 1.1 The Greater London Authority (GLA) respects the dignity of all employees and values the contribution they make in the workplace. The GLA has a zero-tolerance approach to all forms of bullying, harassment (discrimination) and victimisation, and is committed to providing a working environment that is open, inclusive and in which everyone is treated with respect.
- 1.2 The GLA deplores any kind of bullying, harassment or victimisation. This behaviour causes offence, degrades people and creates an intimidatory working environment. It can affect people's health, wellbeing, safety and welfare, and prevent effective working.
- 1.3 The GLA will not tolerate this type of behaviour and will deal with any complaints of bullying, harassment and victimisation promptly, fairly and sensitively. If, after investigation, it is found that bullying, harassment or victimisation has occurred, the GLA will take action under the disciplinary procedure.
- 1.4 This policy has the full support of the Mayor and Assembly, the Head of Paid Service, the senior management team and Unison and Staff Networks (who have assisted in the development of the policy).
- 1.5 This policy applies to all employees of the GLA, Mayoral appointees, outward and inward secondees, agency workers and consultants working in the GLA.

### 2 What is bullying, harassment and victimisation?

- 2.1 **Bullying** can be defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power which undermines, humiliates, denigrates or injures the person on the receiving end. Bullying can be by one person against another or can involve groups of people. Bullying may be overt or subtle. Whatever form it takes, it is unwarranted and unwelcome to the person on the receiving end of it.
- 2.2 'Mobbing' is where bullying is committed by a group on a targeted individual and can be described as 'being ganged up on'. Sometimes, but not always, it can take the form of upward bullying i.e. a manager, or managers, are bullied by a number of less senior staff.
- 2.3 **Harassment** is any form of unwanted verbal, non-verbal or physical conduct which has the purpose or effect of violating the dignity of a person, and/or creating an intimidating, hostile, degrading, humiliating or offensive environment. It may be related to age, sex, race, disability, sexual orientation, gender identity, religion, nationality or any personal characteristic of the individual. It may be persistent or an isolated incident. If a person is treated less favourably, due to having rejected unwanted conduct, this is also considered harassment. The key is that the actions or comments are viewed as demeaning and unacceptable to other people.

2.4 **Victimisation** refers to the less favourable treatment of someone compared to their peers because they have complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint, or given evidence in relation to a complaint. It includes situations where a complaint has not yet been made but someone feels they are being subject to different treatment because it is suspected they might make one.

2.5 A complaint made in good faith, is not considered malicious or vexatious regardless of whether the complaint is upheld or dismissed. However, an employee will not be protected from the possibility of disciplinary action if a malicious or vexatious complaint is made or supported, or if they give false evidence.

### **3 Perception of bullying, harassment and victimisation**

3.1 For the purpose of this policy, the GLA will investigate any complaint of bullying, harassment or victimisation which is *perceived* as such by the person on the receiving end of it, taking into account all the circumstances, to establish whether it can reasonably be considered that bullying, harassment or victimisation has taken place.

3.2 What an employee determines as offensive is a key issue in determining whether bullying, harassment or victimisation has occurred. However, there is also an element of whether, on the balance of probability, a reasonable person would view the behaviour as offensive if they were in the same circumstances as the individual finding the behaviour offensive.

### **4 Recognising bullying, harassment and victimisation**

4.1 Bullying, harassment and victimisation can be:

- face to face
- written
- by e-mail
- by text (including WhatsApp and instant messaging)
- on social media (including 'trolling')
- by phone

4.2 As sometimes bullying, harassment and victimisation is subtle, this may make someone doubt what is happening to them. It can happen off-site, or outside of work hours i.e. at social events with colleagues.

4.3 For fear of victimisation colleagues may be reluctant to come forward as witnesses as they may also fear the consequences for themselves. They may be so relieved that they are not being bullied or harassed themselves that they go along with the bully/harasser as a way of avoiding attention themselves.

4.4 Whatever the situation, the GLA is committed to taking action on allegations of bullying, harassment and victimisation.

## **5 The effects of bullying, harassment and victimisation**

5.1 Bullying, harassment and victimisation can affect physical and mental health as well as job performance. It can impact people in different ways, and it is important to understand the possible effect of these behaviours, which can often include\*:

- low self-confidence and low self-esteem
- demotivation
- stress
- anxiety and depression
- ill health
- absence from work
- working with increased isolation from others
- humiliation
- anger and frustration
- not feeling able to cope
- job insecurity
- issues in relationships both inside and outside work
- changes in behaviour, mood or interaction with colleagues
- changes in work output levels and focus
- struggling to make decisions, to get organised or to prioritise effectively
- losing interest in activities and tasks previously enjoyed
- changes in eating habits, appetite and increased smoking and drinking

\* these behaviours are indicative

## **6 Managers' responsibilities**

- 6.1 Managers have a particular responsibility to be aware of the different kinds of bullying, harassment, and victimisation, and ensure that the working environment is open and inclusive. They must ensure that all employees are treated fairly, equally and with respect. They should examine their own behaviour to ensure that they are not bullying, harassing or victimising any members of their team. In particular, they should be aware that circumstances can arise where employees may feel this way even if no such abuse is intended.
- 6.2 Managers also have a responsibility to tackle bullying, harassment and victimisation in the workplace (as well as ensuring their own approach does not constitute such behaviours). One of the simplest ways that managers can do this is to ensure that they model appropriate work-place behaviour when carrying out their own roles and in their daily contact with team members, GLA colleagues, stakeholders and partners.
- 6.3 It is also important that managers feel confident to challenge inappropriate behaviour if they witness it, and to ensure that employees are aware of the support and procedures available to them if they feel that they are being bullied, harassed or victimised.

- 6.4 Managers should also be aware of work situations where there is a potential for bullying, harassment and victimisation to take place and try to guard against it. For example, by being mindful when an employee is:
- in a minority in a workgroup, or is working in an isolated role, where there is little support; or
  - liaising with someone but you know they feel uncomfortable doing so (this includes people from third party organisations)

## **7 Support and awareness**

- 7.1 It is important for managers to support employees experiencing bullying, harassment and victimisation and to understand the anxiety that they may be feeling. Managers should understand that employees may find it easier to talk to a colleague about what is happening rather than their manager. Resolution Champions, Unison representatives and Staff Networks are also an additional source of support.
- 7.2 However, no matter how managers become aware of bullying, harassment or victimisation they should take immediate action to deal with it. All incidents or complaints should be treated seriously. Managers should avoid making any judgements concerning the complaint until it has been fully investigated.
- 7.3 The GLA believes that, where possible, informal resolution to issues is in the best interest of all parties. Submitting a formal request for resolution should be the last resort for an employee who feels they have suffered bullying, harassment and victimisation. There is a requirement on managers to ensure that they have appropriately considered all possible informal approaches to tackling any issues which have been brought to their attention.
- 7.4 Managers should be having regular 1:1 discussions with their direct reports to discuss performance and development, and the GLA advises managers to use these conversations to also talk about wellbeing issues at work. Having open conversations with employees about the way they are feeling if they have an issue with the behaviour of another employee is vital to try to avoid the situation escalating unnecessarily. If an employee raises a complaint of bullying, harassment or victimisation, the manager should seek advice from their HR Adviser.
- 7.5 The manager's role in dealing with incidents is to take action to ensure that complaints are handled promptly in the appropriate manner, and that the bullying, harassment or victimisation does not continue or recur. They should ensure that effective working relationships are resumed as soon as possible and that the work of the team is not unduly affected.
- 7.6 Managers should be aware of how management action, such as addressing poor performance, can cross over or be perceived by the member of staff to be bullying behaviour. Therefore, managers need to ensure that disciplinary, capability and sickness absence policies are consistently and fairly applied.

## **8 Employer responsibilities**

- 8.1 **Training-** The GLA will ensure that all managers are properly trained so that they know their responsibilities and the appropriate standards expected, both in terms of their own behaviour and that of their staff. All staff (managers and non-managers) are required to attend, '[Dignity and Inclusion within the GLA](#)', within their first 6 months. This face to face interactive workshop aims to enable attendees to achieve positive outcomes by promoting inclusive behaviours within the workplace.
- 8.2 **Confidentiality-** Repeating accusations of bullying, harassment or victimisation prior to the outcome of an informal or formal investigation itself can constitute bullying, harassment or victimisation. The need to observe an appropriate level of confidentiality will not prevent anyone involved in the procedure from seeking the advice from the Human Resources & Organisational Development (HR & OD) Unit, Unison or a Staff Network.
- 8.3 It will not however be possible for a manager, or HR, to deal with anonymous complaints. Although every effort will be made to maintain confidentiality, managers may not be able to offer unconditional confidentiality because they have a duty to take appropriate action when they receive a complaint of bullying, harassment or victimisation. As managers are expected to both prevent and deal with potential workplace conflicts, if a manager, having liaised with HR, decides to progress a complaint they have received either formally or informally, they may do so with the employee's knowledge but without needing their permission.
- 8.4 **Policies-** On behalf of the GLA, HR is responsible for regularly reviewing the relevant policies to ensure they are in line with legislation and best practice. HR welcomes feedback from employees and managers on how these policies can be made easier to use.

## **9 Agency workers, consultants and those on secondment out of or into the GLA**

- 9.1 The right to be treated with dignity at work applies to all workers who have the same legal protection from discrimination and harassment as all other GLA staff. Line managers should seek to ensure that agency workers, consultants, and those on secondment into the GLA are not unlawfully discriminated against or harassed while carrying out work at the GLA. Line managers should also ensure that all agency workers, contractors and inward secondees are made aware of the Dignity at Work Policy and their obligations under this policy with regards to treating others in a non-discriminatory manner and with dignity, courtesy and respect.
- 9.2 If an agency worker, consultant or inward seconded has an issue or complaint in relation to bullying, harassment or victimisation while working at the GLA they should raise it under the Grievance Procedure of the Agency or parent employer in the first instance. The agency, consultancy, or seconded's employer should then liaise with the GLA about investigating and resolving the complaint.

## **10 Further information**

- 10.1 This policy will be issued to all staff and will be available on the intranet.

10.2 This Policy should be read in conjunction with other GLA Policies and Procedures such as:

- [Code of Ethics and Standards for staff](#)
- [Code of Conduct for Elected Members](#)
- [Resolution Policy and Guidance](#)
- [Disciplinary Procedure](#)
- [Anti-Fraud and Corruption \(Whistle-blowing Policy\)](#)
- [Advice on use of social media](#)
- [Trans and Gender Identity Policy](#)
- [Stress Management Policy and Guidance](#)
- [Wellbeing Framework](#)
- [Domestic and gender based violence and abuse](#)

## **11 Review and monitoring**

11.1 This policy will be kept under review by management and Unison.

11.2 Statistical details of all requests for resolution, including those relating to bullying, harassment or victimisation will be reported to the Oversight Committee and the Diversity and Inclusion Management Board on a regular basis.

## **Appendix 1**

### **Dignity at Work Guidance**

#### **1 Purpose of the guidance**

- 1.1 This guidance has been designed to offer further advice to staff about how they can help meet their responsibilities in creating an open and inclusive working environment in the GLA including on:
- Nature of bullying, harassment and victimisation
  - Guidance to staff experiencing bullying, harassment and victimisation
  - Guidance to managers on both challenging – and responding to allegations of – bullying harassment and victimisation
- 1.2 The Dignity at Work Policy states that the GLA has a zero tolerance of bullying, harassment and victimisation. To give more clarification to what types of behaviour could be viewed in these terms, this guidance offers clear examples under each of these headings.

#### **2 Barriers to employees reporting bullying, harassment and victimisation**

- 2.1 Someone who is being bullied, harassed or victimised may think “this is normal behaviour in this organisation”. They may be anxious that others will think they are weak, or not up to the job, if they are intimidated by the actions of their manager or a work colleague. They may worry that they won’t be believed or will be accused of “overreacting”. They may feel that they will get into trouble if they complain or that it will make the situation worse.
- 2.2 Workplace culture: if ‘banter’ and jokes are the norm at work and are not challenged, employees are unlikely to feel confident that a complaint about bullying and harassment will be taken seriously or dealt with effectively.
- 2.3 Career prospects: employees can perceive that making a complaint will have a negative impact on their career development.
- 2.4 Reluctance to raise the issue with a line manager or HR: employees may not trust that confidentiality will be maintained
- 2.5 Concern that colleagues will view them differently: once a complaint is made and others become involved in an investigation of alleged bullying, harassment or victimisation it may be that an employee is worried their colleagues feel ‘dragged’ into the situation. It is the responsibility of all GLA employees to be mindful of dignity and inclusion and to help address it where there might be an issue.

#### **3 Bullying**

- 3.1 Examples of bullying can include:
- making offensive jokes, remarks, derogatory or lewd comments or name-calling

- ridiculing or humiliating someone, including picking on someone or setting them up to fail
- overbearing supervision or misusing power or your position, including displaying contempt
- persistently making threats or comments about job security, including persistent undue pressure to work beyond contracted hours
- deliberately undermining a competent employee, by overloading them or by constant criticism
- preventing someone from making progress by deliberately, and without good reason, limiting career or training opportunities
- unwelcome remarks or 'banter' about physical appearance, mental health or other personal remarks
- subjecting, or threatening to subject someone to any detriment, or unfair treatment, for either making or supporting a complaint made in good faith
- deliberately making false, malicious or vexatious accusations against an employee, and/or encouraging others to do so
- incitement of others to do any of the above.

#### **4 Social media & cyber bullying**

4.1 With the increased use of social media, care should be taken by employees to behave appropriately on social media sites, and not to participate in behaviour that may be construed as bullying, harassment or victimisation under the Dignity at Work Policy.

4.2 Examples of this can include:

- emails which are considered offensive, for example this could include, the tone of the email, and also the content of the email, both words and images
- email threats, including emails which appear inoffensive, but the implied meaning behind it constitutes bullying; e.g. a manager using email to bombard an employee with more work than they can handle, and not treating other employees in the same way
- posting defamatory comments on blogs and/or social media sites
- offensive comments or threats by SMS text messages
- posting private and personal details about someone online.

#### **5 Overt and subtle signs of bullying:**

<b>Obvious Signs</b>	<b>Less Obvious Signs</b>
Open aggression, threats, abuse and obscenities, shouting and uncontrolled anger triggered by trivial situations.	Excessive supervision and monitoring and being excessively critical about minor things with malicious intent.
Humiliating, ridiculing or belittling in front of others, persistent criticism or sarcasm.	Taking the credit for the other person's work but never the blame when things go wrong.

Personal insults and name-calling, spreading malicious rumours.	Overruling an individual's authority or position without warning or proper discussion.
Freezing out, ignoring, excluding to isolate victim.	Setting impossible objectives or changing targets without telling person. Or not sharing all information available about a decision/workstream with all those involved.
Never listening to other person's point of view, always cutting across people.	Purposefully ignoring, avoiding, or not paying attention to someone; "forgetting" to invite someone to a meeting; selectively greeting or interacting with others besides a victim.
Aggressively forcing or persuading someone to say or do things against their will or better judgment.	Constantly changing expectations, guidelines, and scope of assignments; constant inconsistency of word and action (e.g. not following through on things said) with intent to undermine.

## 6 Harassment

- 6.1 It is worth being aware that someone does not have to have been subject to harassment themselves; comments don't have to be aimed at them or about them for those behaviours to be deemed unacceptable. A member of staff could overhear comments, or be offended by any made about a colleague, and could still claim harassment and challenge it.

## 7 Protected Characteristics and examples of unacceptable behaviour:

- age
- disability
- sex
- sexual orientation
- gender reassignment
- race
- religion or belief
- marriage and civil partnership\*
- pregnancy and maternity\*

\* Marriage and civil partnership/pregnancy and maternity: these characteristics are not included in the standard definition of harassment provided by the Equality Act 2010. However, harassing someone because they are pregnant or on maternity leave is likely to constitute direct discrimination.

## 8 Behaviours that could constitute harassment

- 8.1 Here are some examples that could be considered harassment linked to protected characteristics; this list is illustrative, not exhaustive:

### 8.2 Age

- Ageist remarks made to or about an employee
- Referring to someone using ageist terminology
- Treating a young colleague's ideas or suggestions as inferior because of their youth
- Teasing directed at an employee because they have a much older or much younger partner
- Leaving, for example, forms regarding pension arrangements on an older person's desk without legitimate reason
- Cracking jokes or making demeaning remarks suggesting that an older person's physical or mental faculties may be declining on account of their age

### 8.3 **Disability**

- Pranks played against a disabled employee
- Jokes or banter based on disability generally, about a particular type of disability, or about a particular person with a disability
- Offensive terminology when describing a disabled person
- Mimicking someone with a disability
- Deliberate isolation of someone at work or non-cooperation on the grounds of their disability
- Arranging events which prevents people with disabilities from attending

### 8.4 **Gender-based**

- Jokes, banter or remarks based on gender identity or expression, which are demeaning or derogatory
- Sexist remarks made to or about an employee
- Calling someone by a name with a gender-bias

### 8.5 **Sexual harassment**

- Threatened or actual sexual assault
- Unwelcome or persistent sexual advances
- Language of a sexual nature, whether verbal or in writing
- Office gossip or detrimental speculation about an employee's private sexual activities
- Jokes or banter of a sexual nature
- Coarse or vulgar humour
- Sexually suggestive gestures
- Leering or whistling at someone
- The displaying or sharing of pictures or photographs of naked individuals regardless of gender identity or expression
- Sexually explicit material displayed on computer screens

### 8.6 **Sexual orientation**

- Homophobic, biphobic or transphobic remarks or banter made to or about an employee about their sexual orientation or perceived sexual orientation

- Jokes about gender identity or expression, or a person's sexuality
- Comments implying sexual orientation, or making assumptions and judgements about a colleague based on their sexual orientation
- Offensive terminology used to or about a gay, lesbian or bisexual employee
- Deliberate isolation of someone at work or non-cooperation on the grounds of the person's sexual orientation
- Teasing, speculation or gossip directed at an employee because of their sexual orientation or a family member who is gay, lesbian or bisexual
- Gestures or phrases which are derogatory, demeaning or making stereotypical assumptions towards gay, lesbian or bisexual people
- Outing an individual without their permission
- Using religious or cultural belief to justify anti-LGBT+ bullying and harassment
- Making assumptions about a person's sexual orientation

#### 8.7 **Gender Reassignment**

- Invasive or persistent questions or comments about possible reassignment surgeries
- Suggestive remarks
- Unwanted comments on dress and appearance
- Verbal threats
- Swapping toilet signs over when someone declares their intention to undergo treatment
- Jokes or banter of a sexual nature.
- Deliberate isolation of someone at work or non-cooperation on the grounds of the person's gender identity
- Purposefully ignoring an employee's preferred pronoun or deliberately mis-gendering them
- Referring to an employee's trans history without their consent

#### 8.8 **Race**

- Use of racial stereotypes or making stereotypical assumptions
- Threatened or actual physical assault motivated by race, colour, ethnic or national origins
- Language that is racially offensive or derogatory, whether oral or in writing
- Racist remarks made to or about an employee
- Racist remarks made about a particular race but not to anyone from that race
- Calling someone by a name based on race, colour, ethnic or national origins or nationality
- Deliberate isolation of someone at work or non-cooperation on the grounds of race
- Racist material displayed on computer screens
- The conspicuous display of a tattoo or the wearing of a shirt or badge that displays a racist or racially offensive slogan

#### 8.9 **Religion or belief**

(references to religion and belief include a lack of religion and belief)

- Threatened or actual physical assault motivated by religious differences

- Derogatory remarks made about a particular religion or about a person on the grounds that they observe a particular religion or have a particular belief
- Jokes or banter based on religion
- Office gossip or detrimental speculation about an employee's religion or religious practice
- Deliberate isolation of someone at work or non-cooperation on the grounds of their religion or religious practices
- Teasing someone on the subject of religious convictions or religious practices
- The conspicuous display of a tattoo or the wearing of a shirt or badge that displays a slogan that is offensive to people of a particular religion
- The wearing of clothing displaying slogans that have a sectarian significance

## **9 Victimisation**

### **9.1 Examples of victimisation can include:**

- Penalising someone for making a complaint of discrimination, harassment or bullying
- Excluding a person from work-related activities or conversations in which they have a right or legitimate expectation to participate because they have made a complaint of discrimination, harassment or bullying
- Creating a difficult or oppressive environment for an individual because they have made a complaint – whether informal or formal – of discrimination, harassment or bullying

## **10 What should you do if you think you are being bullied, harassed or victimised?**

- 10.1 It may be difficult for you to raise the issue of bullying, harassment or victimisation, especially if you are not sure whether or not the way you are being treated is acceptable.
- 10.2 If you feel that you are being bullied, harassed or victimised, as far as possible you should try to sort matters out informally with the person concerned as soon as the incident occurs. It is possible that they simply do not realise that their behaviour is upsetting you and an informal discussion may help them understand the effects of their behaviour and agree to change it. You may choose to do this yourself or you may want advice from a Resolution Champion, your manager, your manager's manager, a colleague or a Unison representative, or a member of one of the Staff Networks. You can also contact the HR Business Partner team by making a Request for Resolution, via [resolution@london.gov.uk](mailto:resolution@london.gov.uk) and speak to a Resolution Assessor. The Dignity at Work training course advises some techniques on how to challenge unwanted behaviours, so please book yourself a place on the next course if you would like to attend a session.
- 10.3 If possible, try to avoid being alone with the person who you feel is bullying, harassing or victimising you.
- 10.4 Keep a note of the following:
- the time, date and place of any incidents
  - what happened and the nature of the incident

- your feelings and reactions at the time
- the response of the bully/harasser/victimiser
- any witnesses.

- 10.5 We have a number of informal routes of resolution including Early Resolution Meeting, Facilitated Conversation and Mediation. Depending on the nature of the issue and the desired outcome, you may want to consider one of these routes to resolution. The Resolution Champions and Assessors can explain the processes in more detail and Assessors will help you decide what informal route, if any, is appropriate for you. Please note that both parties must be willing to engage in facilitated meetings or mediation, and the purpose of it is not to blame the behaviour of others but to reach an agreement on the working relationship going forward.
- 10.6 The GLA recognises that occasionally it may not be possible, or appropriate, to informally resolve the issue. If this is the case, you can use the Resolution Policy to make a formal complaint. You will find a copy of the Resolution Policy and Guidance on the intranet.
- 10.7 Any formal complaints of bullying, harassment or victimisation will be dealt with promptly, fairly and sensitively. If, after an investigation has taken place, it is found that bullying, harassment or victimisation has occurred, appropriate action will be taken under the disciplinary procedure.
- 10.8 If, after an investigation has taken place, the complaint is deemed to be vexatious then appropriate action will be taken under the disciplinary procedure.
- 10.9 As a general principle, the decision whether to progress a complaint is up to you. However, the GLA has a duty to protect all staff and may pursue the matter independently if, given all the circumstances, it is considered appropriate to do so.

## **11 Making use of Staff Networks**

- 11.1 You may wish to contact [Unison or one of the Staff Networks](#), who can support you to share information with the HR Unit in confidence.

### **Seeking advice and counselling**

If you are reluctant or don't feel able to make a complaint, please discuss the issue with a Resolution Champion, a peer, manager, Unison or Staff Network colleague. All employees also have access to the Employee Assistance Programme (EAP) which offers free, confidential, independent advice and short-term counselling on a range of subjects (including bullying, harassment, victimisation and discrimination). The service is available 24 hours a day, 365 days a year. You will find the freephone number and other details [here](#).

Other sources of advice include:

[Equality Advisory and Support Service](#)

[ACAS](#)

[Bullyonline](#)

[Stonewall](#)

## **Advice for managers: what to do if you suspect a colleague has been subjected to bullying, harassment and victimisation/what to do if you receive a complaint of bullying, harassment or victimisation**

Sometimes people being bullied, harassed or victimised may appear to overreact to something fairly trivial but which may be the “last straw” following a series of incidents.

As a manager, you could have a private conversation with someone about whom you are concerned. It is easy to worry about how to approach a conversation but there are no special skills needed – just the ones you use every day like common sense, empathy, being approachable and listening. When you do this, you should:

- 1 Choose an appropriate place to meet; make sure it is quiet and that you will not be interrupted.
- 2 Ensure confidentiality as far as possible: the information they tell you is likely to be sensitive and should be shared with as few people as possible. Discuss with them what information should be shared with whom. Please remember that neither you, nor HR, can deal with anonymous complaints and that managers have a duty to take appropriate action if they receive a complaint of bullying, harassment or victimisation.
- 3 Have an open conversation: ask simple, open and non-judgemental questions and let your colleague explain in their own terms what might be happening, by whom and how it is making them feel.
- 4 Not make any assumptions: don't try to guess at what is happening (in case you have misunderstood the situation)
- 5 Listen carefully and respond sensitively and flexibly to what they say. Make no promises, just ask them how you can help them.
- 6 Agree actions: discuss what, if anything, they would like you to do. Before agreeing to anything, make sure you're not being asked to do something that you can't or shouldn't do.
- 7 Encourage them to seek further advice: there are alternative options available for further advice if they are feeling bullied, harassed or victimised (further information is contained in the Policy).
- 8 Offer reassurance: if they have not felt able to speak openly at that time, let them know your door is always open and that, as far as possible, you'll help them get the advice and support they need.
- 9 Seek advice for yourself: if it is appropriate to speak to your manager about the situation, you should do so. Alternatively, please contact the HR Unit Resolution Assessors via [resolution@london.gov.uk](mailto:resolution@london.gov.uk) who will be able to help.

## **The differences between a manager using the GLA processes to tackle poor performance levels (capability), poor behaviour (disciplinary) and high sick absence levels and bullying, harassing and victimisation.**

Managers are entitled to manage their staff to try to improve their performance, competencies, conduct, and absence levels. This will often involve difficult conversations and invoking the relevant GLA processes to deal with any of these issues, does not in itself constitute bullying, harassment or victimisation. Managers, when raising any issues with their staff, should be mindful

of their responsibilities to do so to try to avoid making the employee feel belittled or undermined. Managers are encouraged to seek advice from their HR Advisers about how to approach a difficult conversation to use a GLA procedure to address any issues with a member of staff.

Acceptable	Unacceptable
Ensuring regular 1:1s take place to discuss workload, performance and development and creating a reasonable note of what was agreed	Insisting on 1:1s more than weekly, which are very long, or overly thorough, in order to put undue pressure on a member of staff
Having private informal discussions relating to capability, conduct & discipline and sick absence levels, and, if things don't improve, invoking the relevant formal GLA procedure.	Not following the GLA procedures fairly and proportionately in relation to the concern they have. Making comments in public (i.e. outside the relevant line management chain and HR) about someone's' capability, conduct & discipline and sick absence levels.
Expecting staff to be flexible in their approach to their work in the short term if the volume of work is higher than normal, or cover is required for a colleague who is temporarily absent.	Forcing staff to do tasks which are not reasonably in their job descriptions (i.e. covering work for a long period of time despite no absence, or doing much more menial tasks)
Only invite staff to meetings when it is appropriate for them to attend.	Purposefully not inviting a member of staff to a meeting at which they would be expected by others to contribute, given it is their area of expertise.
Asking a member of staff to draft a presentation/briefing paper but not getting them to present it, if it is not appropriate they do so (given audience/context).	Presenting work and ideas as their own, with the intent to take full credit for it, when it is not appropriate.

### **What should you do if you are being accused of bullying, harassment or victimisation?**

If someone has raised informal concerns with you that they feel your behaviour has constituted bullying, harassment or victimisation, and it is appropriate to do so, please try to engage in an informal conversation with them to try to understand why they think this might be the case. Please also be prepared to discuss some informal resolutions as to how you can work together to resolve the issues raised. It could be that there has been a genuine misunderstanding and it is quite easy to resolve the matter between you. However, the GLA recognises this may be a challenging conversation to have, so if you would like further guidance on the processes available or some coaching on how to approach the conversation, please contact the Resolution Assessors via [resolution@london.gov.uk](mailto:resolution@london.gov.uk) and a member of the HR Unit will contact you.

If someone has submitted a formal Request for Resolution, a Resolution Assessor will be in contact with you to outline the formal process, what will be expected of you, and what rights you have under the formal Resolution process.

Updated: November 2019 and March 2021

GREATER**LONDON**AUTHORITY

**CODE OF ETHICS AND STANDARDS FOR STAFF**

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## 1. INTRODUCTION

- 1.1. The Greater London Authority believes it is important to promote the highest standards of conduct in public service and ensure that its standards and statutory obligations are fully met.
- 1.2. This Code presents the standards of conduct that the GLA expects staff to achieve. These standards may be developed further by the GLA.
- 1.3. The GLA has a variety of measures in place to encourage and support staff to adhere to the standards set out in this Code. However, breaches of this code may lead to formal disciplinary action being taken.
- 1.4. **Seven Principles of Public Life**
- 1.4.1. This Code builds on, and is in keeping with, the seven principles of public life articulated by the Nolan Committee on Standards in Public Life. The principles are as follows:

***Selflessness** take decisions based solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families, or their friends.*

***Integrity** not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.*

***Objectivity** in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.*

***Accountability** are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*

***Openness** be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.*

***Honesty** have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.*

***Leadership** promote and support these principles by leadership and example.*

## 2. CONDUCT OF THE AUTHORITY'S BUSINESS

- 2.1. The role of the Authority's staff is to assist the Mayor and the Assembly, whatever their political complexion, in formulating their policies, carrying out decisions and administering the Authority's public responsibilities. This role needs to be undertaken with integrity, honesty, impartiality and objectivity.

## 2.2. **Standards and Responsibilities**

Staff of the Authority have the following duties and responsibilities:

### 2.3. **Proper advice and support**

- a. To give the Mayor, the Assembly and the public as full information as possible about the policies, decisions and actions of the Authority, and not to deceive or knowingly mislead them;
- b. To uphold the political impartiality of the Authority's staff, not to use public resources for political purposes and not to act in any way which would conflict with this Code;
- c. To give the Mayor, the Assembly and the public fair, considered and impartial advice;
- d. To uphold the confidentiality of any advice given to the Mayor by any employee of the Authority. To not disclose, give evidence or produce documents or information relating to that advice, except where that advice has been given in public or given to the Mayor in public by the relevant functional bodies, or with the Mayor's consent. The Mayor is committed to an open, accessible and inclusive style of government and takes the view that advice given to the Mayor would not be held back if requested from the Mayor unless there are exceptional circumstances. Where maintaining confidentiality gives rise to a reportable incident under the Whistleblowing standards, the provisions of 2.16 of this Code will apply.
- e. To conduct themselves with integrity, impartiality and honesty, avoiding any kind of impropriety;
- f. To give honest and impartial advice to the Mayor and Assembly without fear or favour, and make all information relevant to a decision available to them, whilst upholding the confidentiality of any advice given in private to the Mayor by any employee of the Authority.
- g. To deal with the affairs of the public sympathetically, efficiently, promptly and without bias or maladministration.
- h. To ensure the proper, effective and efficient use of public money.
- i. To comply with the Authority's standing orders, financial regulations and other governance documents.
- j. In relation to planning decisions, to comply with the Unified Planning Code of Conduct (Appendix C).

### 2.4. **Confidence and trust**

- a. To avoid using their official position or information acquired in the course of their official duties to further their personal or private interests or those of others and to avoid receiving benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity. If an employee is approached to breach these requirements, they should report the matter to their line manager who should record the details and seek advice from the Monitoring Officer. Accepting any such benefits or failing to declare that they have a pecuniary/ financial interest in contracts with the Authority may involve committing a criminal offence (see below).

- b. To award contracts or planning decisions in accordance with the standards set out in the Authority's Contracts and Funding Code and Unified Planning Code of Conduct respectively.
- c. To not conduct themselves in a way that, in the reasonably held belief of the Authority, is likely to fundamentally undermine the required relationship of trust and confidence between themselves and the Authority.
- d. To not disclose official information which has been communicated in confidence within the Authority, or received in confidence from others.
- e. To not frustrate or influence the policies, decisions or actions of the Mayor and Assembly by the unauthorised, improper or premature disclosure of any confidential information. Work done to serve the Mayor and/or the Assembly in a proper manner in accordance with the responsibilities of the employee will not be in breach of this requirement.

## **2.5A Formally declaring “disclosable pecuniary interests” and other “significant disclosable interests”**

Staff should review regularly their personal circumstances and take steps to deal with any potential conflict of interest. Staff are expected to conduct themselves with integrity, impartiality and honesty and their private interests should not be such as to have the potential for allegations of impropriety or partiality to be sustained thereby bringing the Authority into disrepute.

### Pecuniary interests

For the purposes of this Code a **“disclosable pecuniary interest”** is anything that is required to be disclosed and registered under **paragraphs 1 to 10** of the **GLA Group Register of Interests – Notification of Disclosable Pecuniary Interests Form** (available on the intranet or from the Monitoring Officer), whether or not it has actually been registered.

**This form must be completed by all Senior Staff** (as set out in the Scheme of Delegation – Mayoral Decision-Making in the Greater London Authority) within 28 days of starting work.

- It covers the pecuniary interests of the employee and, where applicable:
  - The employee's spouse or civil partner;
  - Any other person with whom the employee is living as if they are the employee's spouse or civil partner;
 But only where the employee is aware that that other person has the interest.
- The form must also be updated within 28 days of the employee becoming aware that any of them a new interest as mentioned in paragraphs 1 to 10 of the Register of Interests Form or there is a change to an already existing registered interest.

As soon as the employee becomes aware they have, or potentially have, a disclosable pecuniary interest they must raise this with their line manager whether or not they have registered or notified it as above.

**All other Staff** should use the **General Notice of Interests to be Registered Form** (available on the intranet or from the Monitoring Officer) as and when they first become aware of the disclosable pecuniary interest, to be returned to their line manager and Monitoring Officer. Depending on the nature of the

interest the Monitoring Officer may require the employee to complete GLA Group Register of Interests – Notification of Disclosable Pecuniary Interests Form in full.

Other significant non-pecuniary interests, relationships and connections

A “**significant disclosable interest**” is a matter - which is not a pecuniary interest (as defined above) - that the employee is aware of and which:

- is an interest of the employee’s or concerns the employee; or
- is an interest of or concerns a “Connected Person” (as listed below);

that, if judged objectively and with full knowledge of the relevant facts, might reasonably be perceived as involving, or being likely to **involve, the GLA’s functions or activities** in some way (including - but not limited to – the employee’s particular role or work) **and**:

- (1) it is likely to **impact or affect** the employee or Connected Person to a significant extent (either positively or negatively); **or**
- (2) it is something affecting or likely to **affect the employee’s** conduct or influence the employee’s actions in relationship to their role or work at the GLA.

When considering these matters regard should be had to the Seven Principles of Public Life, particularly those of Selflessness, Integrity and Objectivity.

The following are “**connected persons**”:

- The employee’s spouse or civil partner;
- Any other person with whom the employee is living as if they were the employee’s spouse or civil partner;
- Any member of the employee’s “close family”: that is their parents, grandparents, siblings, children, nieces or nephews;
- Any member of “close family” of their spouse or civil partner or person the employee is living with as if they were a spouse or civil partner;
- The spouses and civil partners of the close family as defined above, including other persons who are living with them as such;
- Other persons who (judged objectively with full knowledge of the relevant facts) are personal friends of the employee, their spouse/civil partner or person they are living with as such; and
- Other persons with whom the employee, their spouse/civil partner or person they are living with as such, have a business relationship or some other significant business, social or personal connection.

Significant disclosable interests of:

- Senior Staff should be **registered at paragraph 11** of the **GLA Group Register of Interests – Notification of Disclosable Pecuniary Interests Form**. This requires the registration of “*Any other interest which I hold which might reasonably be perceived as*

*affecting my conduct or influencing my actions in relation to my role". This should be done within 28 days of starting work at the GLA.*

- Non-senior staff should be registered by completing the **General Notice of Interests to be Registered Form** as and when they first become aware of the interest, to be returned to their line manager and Monitoring Officer. Depending on the nature of the interest the Monitoring Officer may require the employee to complete GLA Group Register of Interests – Notification of Disclosable Pecuniary Interests Form in full.

If the employee later becomes aware that they have a significant disclosable interest then they must, as soon as practicable and within 28 days at the latest:

- If a Senior Member of staff: re-complete the Notification of Disclosable Pecuniary Interests Form in full;
- All other staff: complete the General Notice of Interests to be Registered Form and return it to their line manager and the Monitoring Officer. Depending on the nature of the interest the Monitoring Officer may require the employee to complete GLA Group Register of Interests – Notification of Disclosable Pecuniary Interests Form in full.

As soon as the employee becomes aware they have or potentially have a significant disclosable interest they must raise this with their line manager whether or not they have registered or notified it as above.

To ensure openness and transparency, the above Forms and any other ad hoc declarations of interest may be made public and published on the GLA's website and disclosed to appropriate internal and external bodies including the Assembly's Oversight Committee.

## **2.5B Action on becoming aware of a disclosable interest**

If employee becomes aware they have a potential disclosable interest – a disclosable pecuniary interest or significant disclosable interest as above – they must raise the matter without delay with their line manager at least, and for Senior Staff, with (as relevant) their line manager and the Monitoring Officer always.

The Monitoring Officer can provide advice and support, and obtain legal advice where necessary.

If their line manager or Monitoring Officer considers there is a disclosable pecuniary interest or significant disclosable interest then the employee must **register or declare** the matter in accordance with the requirements set out above. (If the employee has come to the same conclusion before the line manager or Monitoring Officer's involvement then they should make a precautionary interim registration and not wait.)

In certain circumstances the employee, their line manager and Monitoring Officer can agree mitigations that should resolve any potential conflicts of interest depending on its particular circumstances so as to allow the employee to continue working on the particular matter or role in question.

Where it is clear there is a disclosable interest and in the Monitoring Officer's view it is not possible to put in place mitigation arrangements as above, then:

- the employee must not exercise, or be involved in any way in any of the support processes related to, the function to which the interest relates (e.g. not just taking the decision but giving advice or writing reports etc in relation to it) and must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with by someone else).
- staff who deal with, engage or supervise contractors or process or determine matters under delegated powers with whom they have previously had, or currently have, a relationship in a private or domestic capacity, should declare that relationship to their line manager and not have any further dealings with the matter.
- (Where the law allows) you must delegate or formally arrange for some other appropriate person to take the decision or undertake the work they would have been involved in and they must agree and record that fact with their line manager, Monitoring Officer and the Governance Team (as appropriate); and
- Must not lobby "behind the scenes" or otherwise promote their views in relation to the matter or try to influence others' decisions and actions.

## **2.5C Offences involving pecuniary interests in GLA contracts and accepting improper fees or rewards**

- a. Two potential criminal offences, punishable by a fine of up to £2,500, apply to employees of the Authority concerning:
- The failure to declare a direct or indirect pecuniary/ financial interest of theirs in any contract a third party has or proposes to have with the Authority; and
  - Accepting any fees and rewards over and above an employee's normal remuneration.<sup>1</sup>

This highlights the need for a precautionary approach to any actual or potential financial/ pecuniary interests employees may have as well other interests or relationships or connections affecting partners, family or friends which might reasonably be perceived as affecting their conduct or influencing their actions at work.

### Declaration of pecuniary interests in contracts with the GLA

- b. If it comes to the knowledge of an employee of the Authority that a contract in which they have any pecuniary interest, whether direct or indirect (not being a contract to which the employee is themselves a party) has been, or is proposed to be, entered into by the Authority, the employee must, as soon as practicable, give notice in writing to the Authority of the fact that they have a direct or indirect pecuniary interest in the contract<sup>2</sup>. Failure to do so amounts to an offence. An employee is regarded in law as having an indirect pecuniary interest in a contract or proposed contract if:

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<sup>1</sup> Section 71 of the GLA Act 1999 which applies section 117 of the Local Government Act 1972 to the Authority and to its employees. The fine is Level 4 on the Standard Scale, currently £2500 (maximum).

<sup>2</sup> This requirement does not apply to a GLA employee's membership of or employment under any public body, and a member of a company or other body shall not by reason only of that employee's membership be treated as having an interest in

- The employee<sup>1</sup> or any nominee of theirs is a member of a company or other body with which the contract was made or is proposed to be made; or
- The employee<sup>2</sup> is a partner in a partnership, or is in the employment of, a body or person with whom the contract was made or is proposed to be made.

The law states that for the above offence where a GLA employee is married to or in a civil partnership with someone, and they are living together, then if that person's interests are known to the GLA employee, they are deemed by law to be the GLA employee's interests too and must be declared.

Where an employee needs to declare an interest they should complete the relevant form as set out in section 2.5A above.

#### Acceptance of improper fees and rewards

- c. The second offence is committed if an employee "under the colour of their office or employment" accepts any fee or reward of any kind other than their proper remuneration.

This offence covers situations not covered by (b) above where they accept any financial or non-financial benefit or advantage for performing their work. Offences under the Bribery Act 2010 may also be involved.

The declaration and registration of any non-contract related "disclosable pecuniary interests" is likely to prevent this situation arising. GLA staff should complete the relevant form as set out above. However, the improper acceptance of financial or non-financial benefits or advantages for performing their normal work or role would still be an offence despite registration.

## **2.6 Activities in Professional or other organisations**

- a. The Authority encourages staff to be members of their professional organisation, and to participate in activities relating to their professional development, which would be of benefit to the Authority. Staff must seek prior agreement from their relevant Director to take part in professional activities, which may include meetings of societies and/or undertaking conference and other speaking engagements and/or produce articles in the press or relevant professional journals. This will not confer automatic rights to receive reimbursement of professional subscriptions. When a fee is offered for such work this must be remitted to the GLA unless specific authority has been obtained from the employee's Director or from the Head of Paid Service to undertake the work in their own time.

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any contract, proposed contract or other matter if they have no beneficial interest in any securities of that company or other body.

<sup>1</sup> Where married persons or civil partners are living together the interest of one spouse or civil partner shall, if known to the other, is deemed to be also an interest of the other spouse or partner.

<sup>2</sup> As above.

## **2.7 Standards in the workplace**

- a. Staff have a duty to work at all times within the law and according to Authority procedures. At no time should public confidence or the interests of the Authority be put at risk by the actions or words of an Authority employee.
- b. Staff have a duty to behave in a way that reflects well on the Authority. This requires treating employees of other organisations and members of the public with courtesy, respect, efficiency and helpfulness at all times whether on the phone, in a letter or face to face, and following the Authority's guidelines on telephone and letter answering and responding to complaints.
- c. Every employee has a right to a working environment, which encourages harmonious, considerate and dignified working relationships. Staff should show respect at all times to other colleagues at all levels and should not disrupt their work in any way. Staff should apply the same high standards of conduct in dealings with their colleagues at all levels, as with the public.

## **2.8 Working relationships between managers and employees**

- a. Staff and managers have a mutual responsibility to ensure good working relationships. As part of this, staff should:
  - i. carry out any reasonable and lawful requests that their manager makes and to the best of their ability;
  - ii. behave courteously, reasonably and fairly in all dealings with their managers
- b. Managers should endeavour to:
  - i. support staff in the proper performance of their duties, including assistance, where necessary, in dealing with other employees;
  - ii. advise staff of the Authority's human resources policies;
  - iii. behave courteously, reasonably and fairly in all dealings with their staff.

## **2.9 Working relationships with the Mayor and Assembly Members**

- a. Staff (unless their job descriptions indicate otherwise) serve the Mayor and all Assembly Members, and should avoid any action or behaviour which breaches, or could be construed as breaching, the principle of political neutrality. The Authority's Head of Paid Service has powers of appointment over staff (except the statutory officers and those staff appointed by the Mayor under S.67(1) of the GLA Act (as amended)). The staff appointed by the Head of Paid Service to discharge the functions of the Mayor must be managed in a way that enables the staff to properly carry out the Mayor's functions.
- b. Dealings between officers and the Mayor and Assembly Members should be both polite and efficient. Mutual respect between officers and the Mayor and Assembly Members is important.
- c. Where there is a close personal relationship, the professional standards of the GLA require that:
  - i. Confidentiality is maintained at work and outside of work on confidential matters

- ii. Probity is maintained, for example it would not be appropriate for a manager to be signing off significant items of expenditure for somebody with whom they have a close personal relationship.
- iii. Professional conduct of staff is required at all times

#### **2.10 Attendance**

- a. The GLA is committed to improving employee attendance through fair and effective attendance management procedures. The GLA will endeavour to balance the needs of individual staff with the need for an effective and efficient organisation, recognising the impact of sickness absence on productivity, value for money and staff morale.
- b. The GLA will endeavour to be sympathetic and supportive in its approach to attendance management and will deal with issues in a confidential and sensitive manner. Managers will be encouraged to seek and follow expert advice on managing complex sickness issues.
- c. The GLA will ensure that the management of attendance is consistent and fair and without bias in relation to age, disability, gender reassignment, marital status and civil partnership, pregnancy and maternity, race, religion or belief, sex, gender identity, gender expression, and sexual orientation.
- d. Managers and staff should ensure that they comply with the provisions of the GLA's Sickness Absence Policy.

#### **2.11 Alcohol, drugs and smoking**

- a. Staff should not knowingly take any non-medical substance, including alcohol or drugs that may affect their ability to work. If drugs prescribed by a doctor may have an adverse effect on an employee's work, the employee should inform their manager, the Human Resources and Organisational Development (HR&OD) Unit or the Occupational Health Service in confidence.
- b. The consumption of alcohol by staff is not normally allowed on the Authority's premises within work hours. Any exceptions to this rule will require the prior authorisation of the Head of Paid Service, Director, the Mayor or relevant Assembly member. Staff are responsible for ensuring that any alcohol which is consumed whilst off-duty does not affect their work in any way.
- c. Smoking is not allowed on Authority premises.
- d. Staff should note that the consumption or possession of illegal drugs within the workplace, during working hours, and/or while representing the Authority will be treated as gross misconduct.

#### **2.12 Behaviour outside the workplace**

- a. Staff's off duty hours are their personal concern but they must not subordinate their duty or their private interests or put themselves in a position where duty and private interests conflict. Staff may not to engage in any other business or take up any other additional appointment for financial gain without the agreement in advance of their Director.

- b. Where staff break the law outside work in any way that would damage public confidence in the Authority if their employment were allowed to continue and/or has a direct effect on their work, this may result in disciplinary or other action being taken against them.

### **2.13 Gifts and Hospitality**

- a. Offers of hospitality must be treated with caution whenever any suggestion of improper influence could arise. To prevent any improper behaviour, or suggestion of improper behaviour arising staff must take great care when hospitality is offered. Hospitality accepted should not be extravagant and nor should it be taken from the same client/individual on a frequent basis. Staff should refer to the GLA's Gifts and Hospitality Policy and Procedure for further guidance.
- b. If staff are in doubt about whether hospitality offered can be accepted advice should be sought from the relevant Director. Staff must register receipt of any hospitality. The hospitality register is maintained in the office of the Monitoring Officer.
- c. To ensure openness and transparency, declarations of gifts and hospitality may be published on the GLA's website.

### **2.14 Contact with Press and Media**

- a. Unauthorised staff must not talk directly to the press or media. Any approach from the press or media representatives must be referred directly to the relevant Press Office unless otherwise agreed.

### **2.15 Use of the Authority's Internet and email**

- a. Staff must comply with the protocol set out in Appendix A of this code.

### **2.16 Whistleblowing Standards**

- a. The standards of conduct within this Code are intended to ensure the accountability of public officers to conduct themselves at all times with honesty and integrity. However, sometimes malpractice and wrongdoing may occur. In order to maintain high standards, it is essential that anyone working for the GLA feels able to raise any concerns where there is a belief that the public interest is not being served. This includes any activity which is:
  - i. fraudulent or corrupt
  - ii. a criminal offence
  - iii. the breach of a legal obligation
  - iv. a miscarriage of justice
  - v. a danger to the health and safety of any individual
  - vi. damage to the environment
  - vii. the deliberate covering up of information relating to any of the above matters
- b. Employees who raise concerns relating to any such these activities (whistle blowing) will be protected from victimisation as a result of the disclosure, provided the concern is raised in good faith.
- c. Guidance on whistleblowing is available on the GLA intranet.

### **3. EQUAL OPPORTUNITIES STANDARD**

#### **3.1. Introduction**

The Authority recognises that it is essential to promote equal opportunities to all persons without discrimination in all aspects of employment and encourages staff at all levels to act fairly and prevent discrimination because of age, disability, gender reassignment, marital status and civil partnership, pregnancy and maternity, race, religion or belief, sex, gender identity, gender expression, and sexual orientation. These are referred to as *protected characteristics* under the law.\* We have added gender identity and gender expression which goes above and beyond the law, in recognition that for some individuals their sex, is different from their gender identity or their gender expression.

#### **3.2. Definition of discrimination**

- a. Direct discrimination occurs when one person is treated less favourably than another because of a protected characteristic they have or are perceived to have or in certain circumstances because they are associated with someone who has a protected characteristic.
- b. Indirect discrimination occurs where a provision, criteria or practice is applied that has the effect of disadvantaging a group of people with a particular protected characteristic (see 3.1 above), more than persons in another group, unless it can be objectively justifiable in the given situation.

#### **3.3. Equality at work policy statement**

- a. The Greater London Authority intends that its workforce reflects London's diversity at all levels of the organisation. The Authority aims to be an inclusive employer that positively values the contribution of all employees. Through both its employment policies and its strategies for London, the Authority aims to achieve equality of opportunity for all sections of the workforce and the community it serves. The Greater London Authority's policies apply to all employees.
- b. The Authority will work towards eliminating all discrimination, because of age, disability, gender reassignment, marital status and civil partnership, pregnancy and maternity, race, religion or belief, sex, gender identity, gender expression, and sexual orientation. It believes that all employees should be treated with dignity and respect at all times and it will not tolerate bullying, harassment or victimisation of any groups or individuals.
- c. To achieve this, the GLA shall take steps to:
  - i. Encourage diversity and eliminate unfair treatment and discrimination through a full range of human resource policies and procedures in particular in the areas of recruitment, training and development and promotion.
  - ii. Recognise that staff have rights as employees to work in a supportive, safe and harassment free environment and that staff have individual and collective responsibility to value and respect each other's contributions.
  - iii. Promote an environment where standards of conduct are of the highest level and to ensure that no one is harassed, bullied or victimised.

### **3.4. Recruitment and selection**

- a. The Authority recognises its staff as being fundamental to its success and is committed to ensuring the staff with the right skills and abilities are employed by the organisation. Appointment of the highest calibre candidates is dependent on effective recruitment and selection processes.
- b. The Authority aims to recruit a workforce at all levels that reflects the rich diversity of London's population. Equality of opportunity is integral to the recruitment process and therefore, it is important to ensure the processes used for recruitment and selection are fair, consistently applied, transparent, objective and efficient.
- c. The Authority will ensure the recruitment and selection of its staff is conducted in a professional, timely and responsive manner and in compliance with current employment legislation and best recruitment practice.
- d. The Authority will provide appropriate training and support to those involved in recruitment and selection and panel members must attend the training before participating in recruitment and selection activities.
- e. The Authority will adhere to these principles to ensure the best candidates are appointed fairly.
- f. Managers and staff should ensure that they comply with the Authority's Recruitment and Selection policy and guidance.

### **3.5 Employment**

- a. The Authority will not discriminate on the basis of age, disability, gender reassignment, marital status and civil partnership, pregnancy and maternity, race, religion or belief, sex, gender identity, gender expression, and sexual orientation, in the allocation of duties between staff employed in any grade or grades with comparable job descriptions.
- b. All employees will be considered solely on their merits for career development and promotion with equal opportunities for all.
- c. All employees of the Authority are required to comply with the Authority's equality aims and to treat colleagues with dignity and respect.
- d. Employees must not canvass any officer of the Greater London Authority, the Mayor, Assembly Members (or declared prospective candidates for the Assembly) on recruitment or any matters relating to their terms and conditions of employment.

### **3.6 Exceptions to recruitment and employment standards**

- a. There are exceptions to these recruitment standards, which relate to appointments by the Mayor. As prescribed in the Greater London Authority Act 1999 (as amended) the Mayor may appoint two political advisors. The Mayor will decide their terms and conditions and report these decisions to the Assembly.
- b. The Mayor may also, as prescribed in the 1999 Act (as amended) appoint 11 members of staff. These appointments are required to be on merit. The appointments and terms and conditions of these staff will be decided by the Mayor and reported to the Assembly.

- c. The 'Protocol on Mayoral Appointments' sets out the general principles and procedures to be followed where the Mayor is to exercise these powers.

### **3.7 Learning and development**

- a. Employees will be provided with appropriate learning and development opportunities regardless of age, disability, gender reassignment, marital status and civil partnership, pregnancy and maternity, race, religion or belief, sex, gender identity, gender expression, and sexual orientation.
- b. All employees will be encouraged to discuss their career prospects and training needs with their line manager.

### **3.8 Discrimination and victimisation**

Everyone is entitled to be treated fairly and not to be discriminated against.

- a. Staff must never harass, bully or discriminate against people they meet in the course of their work, particularly in relation to age, disability, gender reassignment, marital status and civil partnership, pregnancy and maternity, race, religion or belief, sex, gender identity, gender expression, and sexual orientation. Harassment may take a number of forms including verbal, physical or the use of offensive material. It may be an isolated incident or repeated action but whatever form it takes, it will be uninvited, unwanted, un-reciprocated, unreasonable and offensive to the recipient.
- b. It is not acceptable to display "pin-ups" or racist material in the workplace, or to make racist, sexist, homophobic, transphobic or suggestive remarks.
- c. The Authority emphasises that discrimination, victimisation, bullying and harassment is unacceptable conduct that may lead to disciplinary action under the Authority's disciplinary procedure.
- d. The Authority will apply the Dignity at Work policy relating to behaviour at work and will treat harassment as a disciplinary offence.
- e. Any complaints of discrimination, victimisation, bullying or harassment may be pursued through the Authority's Resolution Policy and Guidance.

### **3.9. Monitoring**

- a. It is the responsibility of all Directors to ensure that the Authority's equality aims are kept under review and are operated throughout the Authority. The Diversity and Inclusion Management Board will lead and co-ordinate this work across the Authority.
- b. Where it appears that applicants/employees are not being offered equal opportunities, circumstances will be investigated to identify any policies or criteria that exclude or discourage certain employees and, if so, whether these are justifiable.

## **4. PERFORMANCE STANDARD**

#### 4.1 The GLA is committed to:

- a. developing a working environment where employee performance is linked to the GLA's strategic and business plans; and
- b. maintaining and improving employee performance through fair and effective performance management and capability procedures.

#### 4.2 **Performance measures**

The Authority operates the following performance measures:

- a. Structured induction into the Authority of all new staff
- b. A formal probation process for all new employees
- c. Employee performance review to underpin the Authority's commitment to a performance culture
- d. Effective communication of standards to all employees including regular team briefings
- e. Regular support and guidance to employees to enable them to perform effectively
- f. Commitment to continuous learning and development amongst employees
- g. A formal capability procedure to address work performance issues

#### 4.3. **Probation**

- a. All appointments to the Greater London Authority (GLA), including employees on fixed term contracts, are offered on the basis that the employee will complete a six month probation period. During this time the employee's performance will be assessed to ensure that they are reaching or capable of reaching the required standards of performance, attendance and conduct to complete the job.
- b. The purpose of the probation period is:
  - i. To give initial guidance to the probationer in adapting to the new job and to provide a structured programme of support and monitoring designed to enable the probationer to reach the required standards of performance quickly.
  - ii. To draw up action plans with the probationer if they do not achieve the required standards as quickly as expected and to assist the probationer in achieving those standards.
  - iii. To identify employees who do not meet the required standards after the GLA has exhausted all reasonable and practical remedial action.
- c. Managers and staff should ensure they comply with the Authority's Probation Procedure.

#### 4.4 **Performance Review Scheme**

- a. All employees should comply with the Authority's Performance Review Scheme and its aims to improve standards of performance through the provision of effective support to individual employees.

## **5. CONDUCT STANDARD**

### **5.1 Disciplinary Procedure**

- 5.1.1 The Authority believes it is important to promote order and fairness in the treatment of employees through the application of rules of conduct and procedure. These are set out in full in the Authority's Disciplinary Procedure.
- 5.1.2 The purpose of the Disciplinary Procedure is to help employees achieve and maintain satisfactory standards of conduct and to comply with the GLA's rules. The procedure also provides a fair and consistent way of dealing with allegations that the required standards have not been met.
- 5.1.3 Managers are responsible for specifying standards of conduct and behaviour and ensuring that breaches of these are dealt with promptly and consistently.
- 5.1.4 No disciplinary action should be taken until the facts of the case have been established and any action taken must be reasonable in the circumstances.
- 5.1.5 No employee will be dismissed for a first breach of standards except in the case of gross misconduct, when the outcome will normally be dismissal.

### **5.2 Resolution Policy and Guidance**

- 5.2.1 The Authority's Resolution Policy and Guidance gives employees a means to deal with any employment-related issue or concern. Informal and formal processes are available and at any stage the aim is to ensure good working relationships and to settle issues promptly, fairly and as close as possible to the point of origin. It applies to both individual and collective issues.
- 5.2.2 The GLA places responsibility upon all employees and managers to develop and maintain constructive working relationships. It is important that employees are treated as individuals, with respect, and that their needs and expectations acknowledged and these are balanced together with the needs and objectives of the GLA.
- 5.2.3 When dealing with an employee's issue, managers must endeavour to understand the reason for it and have a shared responsibility, with the employee, for identifying solutions to the problem or concern.
- 5.2.4 The Authority has a number of employees in key roles to support the resolution process including Resolution Champions, Resolution Team Assessors and a pool of Facilitators, Mediators and Investigators.
- 5.2.4 The responsibilities of managers, staff and roles in the Resolution Team are set out fully in the GLA's Resolution Policy and Guidance.

## **6 HEALTH AND SAFETY STANDARD**

## **6.1. The GLA's aims and responsibilities**

- 6.1.1. The Authority aims to maintain a safe and healthy environment for its employees and others who may be affected by the Authority's operations. The Authority will actively seek to maintain and improve a good record of safe and careful planning, organisation monitoring, control, education and the application of relevant practices and codes of conduct.
- 6.1.2. All Authority employees are required to actively support these aims. The Authority also expects the co-operation of all those within scope of the policy to work in such a way that accidents to themselves and others are prevented. Any employee will render themselves liable to action for proven breaches of this policy.
- 6.1.3. Insofar as is reasonably practicable the Authority will:
- a. Maintain work equipment and systems that are safe and without risks to health.
  - b. Make arrangements for assessing risk thereby ensuring the health and safety and well-being of all staff in connection with the use, handling, storage and transport of articles and substances.
  - c. Ensure all employees are made aware of the known or suspected hazards associated with or arising out of the work or duties assigned to them, and where necessary shall be suitably trained or instructed to enable them to carry out their tasks in a safe and efficient manner.
  - d. Ensure that appropriate health and safety training is provided for staff. The practicalities and method of work training will be carried out by the Authority's managers and overseen by the Head of Facilities Management.
  - e. Ensure the requirements of any legislation or codes of practice applicable to the processes or operations being undertaken and/or the premises which they are undertaking are observed.
  - f. Maintain any place under the Authority's control in a condition that is safe and without risk to health and provide and maintain means of access to, and egress from, in ways that are safe and without risk.
  - g. Ensure all activities are conducted in a responsible manner and so planned and controlled that the possibility of unplanned events occurring is reduced to the practicable minimum. It is recognised that accident prevention is a joint responsibility of all those mentioned within scope of the Authority's Health and Safety Standard.
  - h. Provide and maintain a working environment for all employees and sub contractors that is safe, without risk to health, and adequate as regards to facilities and arrangements for their welfare at work. The services of professional Health and Safety advisors may be used to provide advice, monitor implementation of systems when working in difficult or non-standard environments.
  - i. Ensure that Authority's health and safety aims are formally reviewed on an annual basis and amended from time to time to take account of changes in legislation as and when they occur.
  - j. Ensure that the following persons comply with all arrangements made to implement this Authority's health and safety aims:
    - i. Employees of the Authority,
    - ii. Sub-contractors to the Authority,
    - iii. Visitors to the Authority's premises, sites of operation,

- iv. Those to whom the Authority owes a duty of care or over whom the Authority exercises control.
- k. The Authority's Health and Safety Standard and its aims shall be displayed at all sites/locations where the Authority undertakes works and shall be issued to all new employees on appointment.

## **6.2 Employees duties and responsibilities**

### **6.2.1. Employees have a duty to:**

- a. Take reasonable care for their own health, safety and welfare and that of others who may be affected by their activities at work and not intentionally do anything likely to endanger themselves or others.
- b. Co-operate fully in enabling the Authority to fulfil its health, safety and welfare responsibilities.
- c. Not intentionally or recklessly to interfere with, misuse or remove anything provided in the interest of health, safety or welfare or for the use of employees.

**PROTOCOL ON THE USAGE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY IN THE GREATER LONDON AUTHORITY**

**1. Introduction**

- 1.1. All staff in the GLA have access to a range of equipment and technology classified under the heading of Information and Communications Technology (ICT). Such equipment and technology includes the following: PC, laptops, telephones, mobile phones, intranet/internet, e-mail, printers, facsimile machines and photocopiers. This protocol covers the usage of all such ICT, together with any information and communication equipment and/or technology that is introduced within GLA in the future.
- 1.2. Note that GLA's ICT includes equipment and technology owned or leased by the GLA, hired by the GLA, supplied by the GLA or equipment used by the GLA and not necessarily owned or leased by the GLA.
- 1.3. This protocol also applies to staff's personal equipment when being used to undertake work on behalf of the GLA on GLA premises.
- 1.4. ICT is available to help staff with their day to day work. The GLA aims to promote the use of information and communications technology as an effective means of working. As ICT is widely used within the GLA it is necessary to issue some guidance on its use to ensure that staff are aware of good practice, the required standards and implications of breaching this protocol.

**2. Rules on Information and Communications Technology use, disciplinary action and criminal offences**

- 2.1. Use of ICT is subject to the same rules of abuse and misconduct as other GLA equipment and facilities. Failure to comply with the protocol will constitute misuse of the facilities and could lead to disciplinary action under the Code of Ethics and Standards or any other action the GLA considers appropriate, being taken against the employee. Depending on the circumstances and the seriousness of the case, disciplinary action could result in dismissal.
- 2.2. Staff using the GLA's ICT must ensure that their use is in no way in breach of the GLA's Equality at Work policy. Such activity could be regarded as gross misconduct, may damage the reputation of the Authority or bring it into disrepute and could lead to disciplinary action being taken up to and including dismissal.
- 2.3. Staff are specifically reminded that there are a number of criminal offences that might arise from the misuse of ICT. These include, but are not limited to:
  - iii. Unauthorised duplication of computer software;
  - iv. Publishing obscene material which tends to deprave or corrupt;

v. Deliberate unauthorised access to computer programmes or data ("hacking").

2.4. The GLA will inform the police if it suspects that any misuse of its ICT constitutes illegal activity and will co-operate with the police if requested in any investigation or prosecution.

### **3. Scope of this protocol**

3.1. The guidance and recommendations set out in this protocol are not exhaustive and must not be treated as such. Employees are expected to use judgement, prudence, and care in using ICT.

3.2. The GLA reserves the right to amend this protocol in the interests of ensuring its relevance to current legislation, best practice and in light of experience. Staff will be notified of any changes to the protocols using whatever mechanism the GLA deems appropriate.

### **4. Access**

4.1. All staff have access to a telephone, computer and hence email, Internet and Intranet. Access to the Internet and Intranet is available from any computer within the GLA connected to the network. Access may also be available to computers owned, leased or in the care of the GLA not connected to the network, but whose access is via a direct connection. Staff also have access to other forms of ICT including mobile telephones, photocopiers, facsimile machines and printers.

### **5. Software**

5.1. The GLA purchases and licences the use of various computer software programs. Neither the GLA nor any of the GLA's employees, officers or agents have the right to duplicate this computer software or any related documentation without obtaining the prior, express written consent of the copyright owners of the software and documentation. It is expressly forbidden for any member of staff to copy for their own private use any software licensed to the GLA.

5.2. Software must be used in accordance with appropriate licensing agreements. To protect the GLA against actions for copyright infringement and the introduction of computer viruses, staff must not install or run *any* software on any GLA ICT without prior agreement of the IT Unit. This covers software available for downloading from the internet, although the IT Unit will usually agree to the installation/running of such software where the consent of the copyright owner is clearly given. Staff should always check with the IT Unit when in doubt and should be aware that the use or installation of unlicensed software is a criminal offence with a penalty of up to two years imprisonment.

### **6. Personal Use**

6.1. Staff are not forbidden from using ICT for personal purposes, however such use should be limited, should not interfere with job performance and must comply with this protocol.

- 6.2. The GLA recognises and accepts that there will be occasions when a member of staff needs to make a personal phone call that cannot be made outside office hours, however, such use
  - i. of the telephone should be limited. The GLA expects staff to exercise appropriate discretion in these matters.
- 6.3. Staff are also able to access the Internet or send and receive email for personal purposes but should, as far as reasonably practicable, do so in their own time (e.g. during the lunch break) and not during normal working hours. Staff must not spend long periods of time browsing the Internet or engaging in personal e-mail correspondence as this can be time consuming and will impact on their overall productive capacity.
- 6.4. The GLA reserves the right to withdraw permission for personal use from any member of staff if it believes that it is interfering with their work or disrupting GLA's activities. In cases of excessive or inappropriate personal use, the GLA may take disciplinary action.
- 6.5. Staff must not use their PC for playing games.
- 6.6. Staff who use the internet for personal shopping should ensure that deliveries are sent to their home address rather than City Hall. If this is not possible City Hall Security staff should be notified that a package is due, especially if that package is to include electrical equipment. It is the responsibility of the person ordering the item to pick it up from the Post Room.
- vi. 6.7 All ICT equipment and software provided to staff remains the property of the
  - (a) GLA. When the staff member is no longer employed by the GLA, arrangements must be made by the staff member to return all GLA property within 14 days after the date of termination. Please see the policy for 'Arrangements relating to ICT equipment for staff' attached at Annex 1.

## **7. Legal implications**

- 7.1. There is a large amount of relevant legislation and case law governing the use of ICT. This includes legislation/case law concerning race; sex discrimination; obscenity and human rights. Recently, legislation on the monitoring of electronic forms of communication called The Telecommunications (Lawful Business Practice) Interception of Communications) Regulations 2000 have come into force.
  - i. Computer Misuse Act (1990)
- vii. Under this legislation a person is guilty of an offence if they access any system or data for which they are unauthorised.
- viii. There are further criminal offences of gaining unauthorised access to computer material with intent to commit a further offence (e.g. fraud, theft etc.) and the unauthorised modification of computer material.
- ix. Staff should therefore take steps to ensure that their usernames and passwords are kept private as well as ensuring that computers are locked (using Control, Alt and Delete) when not in use.

**i. General Data Protection Regulations (GDPR) & Data Protection Act (2018)**

- x. Under this legislation, all handling, processing, collection and disposal of personal information is regulated. Staff who process personal data must comply with the data protection principles set out under the GDPR and have a thorough understanding of their effects. These principles form the framework for the proper handling of any personal or identifiable data.
- xi. Staff should therefore ensure that ANY personal or identifiable data, whether electronic or manual, held is:
  - i. processed lawfully, fairly and in a transparent manner in relation to individuals (i.e. the data subject has been made aware of its collection and use, and that we have identified a legal basis for processing that data under GDPR)
  - ii. only collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
  - iii. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
  - iv. accurate and, where necessary, kept up to date;
  - v. every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay
  - vi. Held for no longer than necessary and erased or rectified without delay
  - vii. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
  - viii. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures
  - ix. Not to be transferred outside the European Union.

- 7.2. This document will be reviewed as necessary in order to take account of further changes in the law and all staff will be notified of these.

**8. Appropriate use of E-Mail**

- 8.1. Staff must never send or distribute any e-mail, where for personal or business purposes, which:
  - xii. Contains information that is confidential or personal, except where authorised;
  - xiii. May damage the reputation of the GLA or that of any person or organisation with which it deals;
  - xiv. Makes representations or express opinions purporting to be those of the GLA, except where authorised;

- xv. Contains defamatory, obscene, indecent, sexually explicit, pornographic, or any material which a reasonable person might consider to be pornographic, offensive, racist, sexist or violent material or which may reasonably be considered by others to cause offence or distress;
- xvi. Involves a breach of the GLA's Equalities Policy;
- xvii. Involves sexual harassment (this means unwanted conduct of a sexual nature, conduct based on sex which affects the dignity of women (or men) at work or conduct which denigrates, ridicules or is abusive on grounds of sex and is offensive to the recipient. Sexual attention becomes sexual harassment if it is persisted in once it has been made clear that it is regarded by the recipient as offensive, although one incident of harassment may constitute sexual harassment if sufficiently serious);
- xviii. Involves racial abuse, racial harassment or the distribution of racist material (this means abusive/aggressive/insulting behaviour towards an individual on grounds of race, making or distributing comments or jokes based on the assumption that races have distinctive cultural characteristics determined by hereditary factors (i.e. racial stereotyping) and any other behaviour likely to leave a reasonable person feeling disadvantaged on grounds of their race);
- xix. Involves any other kind of harassment, bullying or intimidation whether on grounds of sex, race, disability or other personal grounds. (This includes conduct that is unwanted, unreasonable and offensive to the recipient and creates an intimidating, hostile or humiliating working environment for the recipient).

## **9. Passwords and Unauthorised Access**

- 9.1. Staff should change their passwords on a regular basis. Email passwords can be changed via a link on the Intranet in the IT section. Network passwords can be changed by pressing 'Control Alt Delete' and then selecting change password.
- 9.2. In order to prevent your PC being used when you are away from your desk, you should get into the habit of locking your PC by pressing 'Control Alt Delete' and then selecting the option 'Lock Workstation'. Upon return to your PC you will need to re-enter your password to continue working.
- 9.3. Passwords are unique to each member of staff and must not be disclosed to anyone except a member of the IT Unit. No member of staff should permit another individual to log on to a computer using that member of staff's password. Similarly, no member of staff should log on to a computer using another member of staff's password. Any member of staff suspecting that there may have been unauthorised access to their computer should contact the IT Unit immediately.

## **10. The GLA's Website**

- 10.1. There are strict protocols regarding information published on the GLA's Website, which presents information relating to the Mayor and Assembly.

- 10.2. The site is maintained by the External Relations Unit in the Strategy and Communications Directorate and any requests to post material on the site, or queries regarding information currently posted, should be made to that Unit.

## **11. Inappropriate use of the Internet**

### **11.1. Pornographic obscene and offensive material**

- xx. You must not use the GLA's Internet facilities to deliberately access, view, download, print or distribute pornographic, indecent, sexually explicit or obscene material or material likely to cause offence, whether or not this would constitute a criminal offence and irrespective of whether you do so during working hours or whether you personally find such material insulting or distasteful. To do so may result in disciplinary action, which may result in dismissal.
- xxi. Staff are advised to exercise caution and not access any sites that may contain information that could be interpreted in this way.

### **11.2. Racist material**

- xxii. You must not use the GLA's Internet facilities to access, view, download, print or distribute racist material. Staff who do so may be subject to disciplinary action, which may result in dismissal.
- xxiii. Staff are advised to exercise caution and not access any sites that may contain information that could be considered to be racist.

### **11.3. Other inappropriate material**

- xxiv. The Internet has numerous sites containing material inappropriate to be accessed using the GLA's Internet facilities. Examples include sites containing material that is sexist, homophobic, transphobic or publicising hate campaigns that would be deemed contrary to the equalities ethos of the GLA or illegal
- xxv. If the GLA has evidence that you have used the GLA's equipment and ICT systems to deliberately access, view, download, print or distribute such material, you may be subject to disciplinary action which may result in dismissal.
- xxvi. Generally, staff should exercise all reasonable care to ensure that they do not access any site that may contain material that could offend others.

### **11.4. Unintentional access of inappropriate sites**

- i. You may inadvertently access material described above because of misleading site descriptions, and innocent searches. If this should happen, the site should be exited immediately and for your own protection, you should report the matter to your line manager. The line manager is then responsible for advising the IT Unit of the address

of the site regarded as inappropriate. Failure to exit the site with due speed may result in the GLA's conclusion that you have deliberately accessed and/or viewed material in question.

### **11.5. Downloading information**

- xxvii. Do not download software from the Internet without prior approval from the IT Unit as such software may contain viruses or may not be licensed.
- xxviii. Care should be taken when downloading any information from a website, as some pages have programs imbedded in them which may be downloaded inadvertently.

### **12. Subscription**

- 12.1. You must obtain the budget holder's permission before using any service on the Internet that requires payment.

### **13. Appropriate use of other ICT**

- 13.1. The use of any GLA ICT to distribute pornographic, obscene, racist or otherwise inappropriate material (as defined above) is strictly forbidden and may result in disciplinary action, including dismissal in appropriate cases. This includes using faxes or photocopiers for the purposes of copying and distributing any material that may be regarded as offensive or inappropriate. Staff must not use the telephone in a manner that would be regarded as being abusive, or to deliver information or messages that would be likely to cause offence to the listener.

### **14. Profit or Gain**

- 14.1. You must not use GLA's Information and Communications Technology facilities for profit or gain making activities not authorised by the GLA. If there is evidence that you have used GLA ICT in this way, you may be subject to disciplinary action which may lead to dismissal.

### **15. Monitoring**

- 15.1. The GLA allows access to ICT systems to all staff, and therefore gives staff a wide degree of autonomy in how their time is utilised and relies on trust in using these systems to apply this protocol (for example, sometimes temporary staff may only be contracted for one day only). Managers and supervisors will still be responsible for the general supervision of staff and the GLA reserves the right to monitor staff usage of the internet, intranet, e-mail and telephone at any time and without express consent for the purposes set out below.
- 15.2. The GLA will use a variety of methods to monitor staff use of its ICT systems but does not have the intention of unnecessarily intruding on staff privacy and autonomy. The GLA may use a variety of methods to monitor staff use of its ICT systems, however, monitoring will only take place for reasons relevant to the business of the GLA and for the following purposes:

- xxix. for the monitoring or recording of communications:
- xxx. to establish the existence of facts;
- xxxi. to ascertain compliance with regulatory or self-regulatory practices or procedures; iv. to ascertain or demonstrate standards which are or ought to be achieved (quality control and training);
- xxxii. in the interests of national security (in which case only certain specified public officials may make the interception);
- xxxiii. to prevent or detect crime;
- xxxiv. to investigate or detect unauthorised use of telecommunication systems;
- xxxv. to secure, or as an inherent part of, effective system operation;
- xxxvi. monitoring received communications to determine whether they are business or personal communications; or
- xxxvii. monitoring communications made to anonymous telephone helplines.

(a) Monitoring will be carried out only by staff authorised by the GLA.

(b) All staff should be aware that deleted emails may be retrievable by the System Administrator and that details of sites accessed from each desktop machine are recorded in the GLA's network log and routinely kept for three months.

(c) All staff should not treat any form of ICT communication as confidential or private and are not advised to use GLA's ICT to communicate sensitive personal details

(d) No member of staff should monitor any communication sent or received using GLA's ICT by another member of staff unless specifically authorised to do so (for one of the purposes set out in 15.2) by the Executive Director of Resources (for staff appointed by the Head of Paid Service), the Mayor (for staff appointed directly by the Mayor), the Mayor and Assembly (for the Statutory Officers)..

(e) Where monitoring reveals unauthorised usage of GLA's ICT systems, disciplinary action may follow, including dismissal in appropriate cases.

## **16. Conclusion**

- 16.1. The GLA is committed to quality of service and ensuring compliance with the law in addition to our internal protocols. If any member of staff is in any doubt as to what behaviour and communication this protocol applies to they should contact their manager in the first instance. Staff will also need to apply the equalities standard which is set out in this document and any other protocol which may be relevant.

**ARRANGEMENTS RELATING TO ICT EQUIPMENT FOR DEPARTING STAFF**

**1. Who these arrangements apply to**

- 1.1 The provisions in this document apply to all employees of the GLA including the Mayor's appointees.<sup>1</sup>

**2. Definitions**

In this document:

- 2.1 "ICT" means the range of equipment and technology classified under the heading 'information and communications technology' (ICT). It includes any information, documents and equipment and/or technology owned by the GLA at any relevant time.

- 2.2 "Equipment" may include some or all of the following:

- PC or laptop
- Telephone
- Mobile phone
- Printers
- Facsimile machine

- 2.3 "Information" may include some or all of the following:

- Any document, records or information the copyright in which is owned by the GLA; or
- Any document, records or information in which the copyright is owned by a third party, but where the GLA has purchased a licence in respect of the copyright;
- Any confidential document, records or information; or
- Any GLA related e-mails, email addresses, circulation lists, electoral register or any part thereof.

- 2.4 "Date of termination" means the date that an employee's employment ends.

**3. GLA ICT Equipment**

- 3.1 All equipment and software provided by the GLA remains the property of the GLA at all times. The equipment is provided solely for the legitimate GLA business use of the person to whom the equipment is provided.

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<sup>1</sup> Appointed by the Mayor under section 67(1) of the GLA Act 1999 as amended.

3.2 Unless a request to keep any item of GLA ICT equipment has been made in accordance with paragraphs 3.3 – 3.4 below, all such equipment must be returned (or if so agreed to by the GLA, made available for collection) within 14 days after the date of termination.

3.3 A request by an employee to keep any item of GLA ICT equipment must be made (using a form available on the intranet) via their line manager to the Head of IT at least 14 days before the expiry of their contract of employment.

3.4 A decision to grant requests will only be made if the following conditions are met:

- The equipment has no residual value at the date of termination.
- There are no contractual obligations between the GLA and the provider of the equipment and/or software which would prevent the GLA releasing the equipment; and
- The costs, in officer time and effort, of removing any software and taking any necessary steps or making arrangements to prepare the equipment for release is not disproportionate.

AND

- will be communicated to requestors within 14 days after the date of termination.

3.5 If equipment is released by the GLA then, in some cases, it may be possible for the number of a mobile phone to be transferred from the GLA account to a personal account at the member of staff's own cost.

#### **4. GLA Information**

4.1 When returning ICT equipment staff must have regard to the Protocol on the Usage of ICT in the GLA.

4.2 Staff should remove any information to which they are legitimately entitled before the date of termination, but nobody must remove or copy any GLA related information from the equipment before it is returned. Any information remaining on the GLA ICT equipment at the date of termination remains at all times the property of the GLA. It is subject to the Data Protection Act 1998 and the Freedom of Information Act 2000.

4.3 Any ICT accounts (including phone and email) will be closed down within 1 month of the employee's date of termination.

4.4 However, any material contained within an email account that has been closed down or which has been deleted by an individual before returning equipment, will be retained on back up tapes for a period of 3 months. Should employees require access to such information after the date of termination, and within 3 months, a formal request should be made via their line manager to the Head of ICT.

4.5 In addition, should any individual wish for out-of-office messages to be displayed in response to emails or for emails to be re-directed to them after they leave the GLA, they should contact the Technology Service Desk for advice and assistance, before, or as soon as possible after, their date of termination.

## **5. Failure to comply with these arrangements**

5.1 If any GLA ICT equipment or information is not returned in accordance with the provisions of this document, the GLA may seek to recover from the individual concerned (if necessary via legal proceedings) any losses or costs it incurs and which are related to the individual's failure to comply with these arrangements.

**PROTOCOL FOR MEMBER SERVICES STAFF**

**1. Purpose of protocol**

1.1 This Protocol provides general, formal guidance to those Secretariat staff who work within the party Groups' teams or directly to individual Assembly Members (collectively and formally known as 'Member Services', as part of the Committee and Member Services Unit), in relation to their role, duties and responsibilities when working in support of Assembly Members. The Protocol forms part of the Authority's Code of Ethics and Standards for staff and is to be read in conjunction with the Code and the other relevant documents referred to below.

**2. Appointment of Member Services staff**

2.1 The Authority's Chief Executive, as Head of Paid Service, is responsible for the appointment of all staff (with the exception of those posts appointed to by the Mayor under section 67(1) of the GLA Act 1999 as amended and the Authority's 3 statutory officer posts appointed jointly by the Mayor and the Assembly) within the Authority, for setting the terms and conditions of employment and for all other employment matters.

2.2 In relation to the appointment of staff of the Authority, including those working within the Assembly's Secretariat Directorate, the procedures for appointment are set out within the HoPS's Scheme of Delegation of Functions - <http://legacy.london.gov.uk/about/corpgov/docs/scheme-of-delegation-hops.pdf>.

2.3 The processes and procedures by which the Chief Executive, as Head of Paid Services (HoPS), undertakes these general functions are set out within the HoPS' Staffing Protocol - <http://legacy.london.gov.uk/about/corpgov/docs/hops-staffing-protocol.pdf>.

2.4 As a general rule, the procedures outlined above in relation to the appointment of Heads of Unit posts within the Secretariat shall apply to the appointment of staff working in the party Groups on the London Assembly and to any individual Members – namely, that relevant officers will serve as the interview and appointment panel but that Assembly Members can attend and, subject to any direction from the chair of the panel, participate in the appointment panels but can not vote on or decide the appointments.

2.5 Appointments will be made:

- (a) On merit, without reference to political preference;
- (b) In accordance with the Authority's Recruitment and Selection Policy and on advice of HR officers as necessary; and
- (c) Subject to standard terms and conditions of service of GLA employees.

### **3. Nature of support staff's work**

3.1. The job description for each post will detail the nature of the work required and the line management arrangements. The line manager will allocate work, monitor performance, provide guidance and training as necessary and ensure that the Authority's performance review processes (including compliance with the Competency Framework) are undertaken.

3.2 All members of staff working directly in support of Assembly Members are employees of the Authority, are not under the management of the Member(s) to whom they provide support and are not employed to provide party political support or advice to the Members. (The Assembly's statutory role is set out at section 59 of the Greater London Authority Act 1999 as amended.) However, within that framework, Assembly Members are properly able directly to provide such members of staff with direction and guidance as to the nature of the work required and relevant timescales. Assembly Members' views on the performance of such members of staff can routinely be sought as part of the performance review process and at other times as may be necessary.

3.3 The Authority's Code of Ethics and Standards for members of staff sets down formal guidance, as part of the terms and conditions of employment, for officers in relation to the expected standards of conduct in the performance of their duties, including in relation to the following areas:

- [Standards and responsibilities](#)
- [Proper advice and support](#)
- [Confidence and trust](#)
- [Declaration of interests](#)
- [Activities in professional or other organisations](#)
- [Standards in the workplace](#)
- [Working relationships between managers and employees](#)
- [Working relationships with the Mayor and Assembly Members](#)
- [Attendance](#)
- [Alcohol, drugs and smoking](#)
- [Behaviour outside the workplace](#)
- [Gifts and hospitality](#)
- [Contact with press and media](#)
- [Use of the Authority's internet and email](#)
- [Whistleblowing - standards](#)

3.4 The Code of Ethics also sets down the disciplinary procedures for GLA staff.

### **4. Role of Head of Office and Head of Unit**

4.1 The Head of Office will be the overall line manager for all staff working within each team supporting the relevant party Group on the Assembly. They are responsible for leading and managing the staff and resources allocated to the relevant party Group on the London Assembly, providing those Assembly Members with key policy, research, communications

advice and administrative support and representing their GLA positions/interests within the organisation and beyond.

4.2 The Heads of Office discharge this responsibility by:

- managing staff and resources in accordance with the Authority's policies and Code of Ethics and Standards;
- developing and ensuring delivery of plans and tasks;
- managing the budget allocated to the Group;
- ensuring the provision of the research, communications and administrative support required by Assembly Members;
- acting as a key source of high quality advice and support for the Assembly Members in the Group on all matters relating to their GLA roles and functions and to represent their GLA positions/interests within the organisation and beyond as required

4.3 The Heads of Office will:

- allocate the work for all members of staff within their team
- undertake the probationary and performance review procedures for staff within their team
- agree the implementation of terms and conditions of service for all members of staff (determining requests for annual or special leave, flexible or remote working etc)
- take action to address matters of misconduct or capability as necessary, in accordance with the Authority's Disciplinary and Capability Procedures
- provide guidance, support, training and information to staff

4.4 Some of the above functions may be delegated to another officer (either permanently or for other, defined periods of time) – in which case all relevant members of staff will be made aware of the revised formal arrangements.

4.5 In the course of performing their duties, the Heads of Office are expected to liaise closely with the Group Leader, all other Members of the relevant party Group and their Head of Unit (the Head of Committee and Member Services).

4.6 The Head of Unit has overall responsibility for: the management of the Heads of Office and other staff working to Assembly Members as required; the overall provision of staffing support for Assembly Members; the overall provision of budgets and resources for Members; for ensuring overall provision of all other support services for Members (IT equipment, offices etc); the provision of advice and guidance in relation to the Authority's governance rules (with particular reference to the rules governing the use of the Authority's resources by Members); for providing guidance, support, training and information to the Heads of Office; for acting as Head of Office for a particular team as and when necessary; for conducting disciplinary matters for staff working in the party Groups as necessary; for the overall provision of information and induction processes for all new Assembly Members; for all procedures and processes in relation to the meetings of the London Assembly and its committees (including the committee structure of the London Assembly); for the provision of procedural advice and

guidance to the Chair of the London Assembly and Members both within and without formal meetings; for the provision of legal services to the London Assembly; for the management of the Committee Services Manager. The Head of Unit reports to the Executive Director of Secretariat.

### UNIFIED PLANNING CODE OF CONDUCT

#### Purpose

1. This Code is intended to ensure that those it applies to conduct themselves in accordance with the highest standards of probity, openness and transparency in the sphere of the GLA's planning work.

#### Scope and application

2. This Code applies to the following people involved in exercising the GLA's (Mayoral or Assembly) planning functions, including those providing advice on or scrutinising them:
  - The Mayor;
  - The Statutory Deputy Mayor, other Assembly Members and co-opted members of the Assembly's committees (if any);
  - Other Deputy Mayors and any other member of GLA staff appointed by the Mayor;
  - Other members of GLA staff, including those supporting the Assembly;
  - All other office-holders, consultants or contractors engaged by the GLA to exercise or support Mayoral or Assembly planning functions.
3. "Decision-Maker" refers to anyone formally exercising (determining) a statutory decision in relation to a planning matter. This is usually the Mayor but can include others acting under delegated powers: the Statutory Deputy Mayor, other Deputy Mayors and other GLA staff members. Where appropriate, it may also include Assembly Members and their support staff in relation to the Assembly's role in scrutinising planning matters.
4. Nothing in this Code is intended to restrict the legitimate and appropriate scrutiny of the Mayor's exercise of planning functions (including by GLA staff and others on their behalf) by the Assembly, its committees and individual Assembly Members.

#### Guiding Principles: The Seven Principles of Public Life

5. The Seven Principles of Public Life (as approved at any time by the Committee on Standards in Public Life) apply at all times in relation to the planning work of Decision-Makers. They are widely publicised and set out in the GLA Code of Conduct for Elected Members.

## **The 7 principles of public life**

### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

### **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **6. Honesty**

Holders of public office should be truthful.

### **7. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Enforcement**

6. Failure to comply with the expectations set by this Code may result in action being taken against:

- The Mayor, Statutory Deputy Mayor and Assembly Members: under the GLA Members Code of Conduct;
- GLA staff (whether appointed by the Mayor or Head of Paid Service): under the Code of Ethics and Standards for Staff and other relevant disciplinary policies and procedures; and
- Other office-holders, consultants or contractors: under the terms of their appointment, engagement or other relationship with the GLA.

## **General requirements**

7. Those covered by this Code shall ensure the following:

- All planning matters are considered solely on their merits;
- Proper and adequate reasons are recorded or published for decisions;
- Bias or the appearance of bias arising from personal interests or connections is avoided;
- Any discussion about a specific planning proposal, or planning matters generally, does not prejudice or prejudice the formal exercise of any planning functions (also see the text on Pre-determination below in paragraphs 17 to 19);
- There is openness in the GLA's relations with all interested parties;
- There is transparency in the handling of planning matters (see paragraphs below relating to declaration of interests);
- That no improper or undue influence is brought to bear by or on behalf of any of the persons to whom this Code applies on any other person (including GLA staff, office-holders, consultants or contractors) in connection with any planning matter;
- Any information gained in the course of their work is not misused for personal gain or political purposes;
- They shall not seek to promote their own private interests or those of any persons, businesses or other organisations with whom they have relationships or connections by giving them advantages or more favourable treatment than others (see paragraph 9 below).

8. Additional requirements dealing with specific issues are set out below.

## **Declarations of interests, relationships and avoidance of potential conflicts**

9. This is important for the following reasons:

- It is a fundamental legal principle that a person with a private/personal stake in the outcome of a decision cannot be involved in taking it;
- To demonstrate that planning decisions have been taken on their planning merits and in the wider public interest;
- To avoid the perception of bias or pre-determination: Decision-Makers and all persons involved in the exercise of planning functions must avoid doing anything from which they could reasonably be regarded as having a "closed mind" as to the outcome of the decision (see paragraphs 17 to 19 below);
- To avoid giving grounds for legal challenge;
- To avoid the perception that decisions are being taken to benefit family, friends or business contacts' interests or for other social or reputational advantage;

- To maintain the integrity of the planning system and of those making decisions, advising on or scrutinising its work.

### ***Pecuniary interests***

10. Pecuniary interests have to be disclosed and declared by:

- The Mayor, Statutory Deputy Mayor and other Assembly members in accordance with Part 2 of the GLA Members Code of Conduct;
- All GLA staff (including Deputy Mayors and other staff appointed by the Mayor) in accordance with the Code of Ethics and Standards for Staff;
- Other office-holders, consultants or contractors engaged by the GLA in accordance with the Code of Ethics and Standards for Staff as if they were GLA staff for this purpose.

### ***Effect of having a pecuniary interest***

11. “Pecuniary interest” includes anything that is required to be disclosed and registered under the above Codes, whether or not it has actually been registered.
12. The Decision-Maker, or other person involved in the exercise of the planning functions to which the pecuniary interest relates, must contact the Monitoring Officer or if a member of Staff contact their manager (who may contact the Monitoring Officer and obtain legal advice) without delay to flag the issue and take advice and:
- Must not exercise, or be involved in any way in any of the support processes related to, the function to which the interest relates (e.g. not just taking the decision but giving advice or writing reports etc in relation to it);
  - (Where the law allows) must delegate or formally arrange for some other appropriate person to take the decision or undertake the work they would have been involved in and record that fact with the Governance Team; and
  - Must not lobby “behind the scenes” or otherwise promote their views in relation to the matter.
13. If delegation of the decision/ matter to another person is prohibited by statute, then the planning function must not be exercised unless legal advice confirms it can.

### ***Non-pecuniary interests, relationships and potential conflicts of interest***

14. In addition to pecuniary interests it is important that other non-financial matters and “relationships” are disclosed to avoid the perception of undue/improper influence even though, strictly speaking, they do not have to be registered under the various GLA codes for Elected Members or GLA staff.
15. Examples of where non-pecuniary interests or relationships must be disclosed include:

- Where a Decision-Maker is subject to a party whip in relation to a planning matter, they must declare the existence of the whip and its nature;
- Where Assembly Members are also on a local Planning Committee or the board of a functional body they should declare the interest when attending any meeting on a relevant application; or
- The Decision-Maker is a friend or relative of a person who is involved or stands to benefit from the planning matter in question.

### ***Effect of having a non-pecuniary interest***

16. The same requirements apply as if the person concerned had a pecuniary interest: the Monitoring Officer or manager must be contacted and the same restrictions apply.

### **Pre-determination and bias**

17. The Mayor or other Decision-Maker on a planning matter must not do anything by which it could reasonably be regarded as them having a “closed mind” as to the outcome of the decision.

18. Having taken legal advice from the planning legal advisor, if they consider that it is possible to reasonably regard themselves as having a closed mind as to that particular decision, then that decision should be delegated to another appropriate person.

19. In particular:

- There is no pre-determination simply by virtue of the fact the Mayor takes over a planning application for the Mayor’s own determination, nor by the Mayor or other Decision-Maker being active in planning issues generally (including expressing views or campaigning on planning matters) provided that in doing so they do not do anything from which they could reasonably be regarded as showing they have a closed mind or have predetermined any future planning decision, application or matter, and they must be careful not to give any such impression; and
- The Mayor shall not automatically be precluded from exercising planning functions, including assuming jurisdiction over an application, when one of the GLA’s Functional Bodies has an interest in that function.

### **Pre-application/post submission discussions and meetings**

20. In the interests of promoting the highest standards of development in Greater London and facilitating consultation on matters of potential strategic importance, the staff of the Authority may provide pre-application advice relating to planning matters of potential strategic importance to potential applicants in accordance with the procedures set out in the GLA’s pre-application advice service.

21. Before any discussion takes place, it must be made clear that the advice given by officers does not constitute a formal response or decision by the Mayor (or any person to whom the Mayor may have delegated the function). Any views or opinions expressed are without prejudice to the Mayor's formal consideration of the application or that of such delegated person(s).
22. In the interests of open consultation, Decision-Makers and persons involved in the exercise of planning functions may, for the purpose of discussion and clarification only, agree to receive presentations on potential planning applications, or to have meetings with potential applicants or applicants, local authorities and other interested parties, provided that relevant GLA staff are also present, and:
- Shall ensure that a note is kept and filed of any such meetings and placed on the website in the event of such an application being formally notified to the Mayor in due course;
  - May seek to involve other interested parties in such meetings;
  - Shall ensure that no indication of opinion is given or a view expressed that may give the impression that a final view on the application/matter in question has already been reached; and
  - Shall ensure that discussions do not develop into negotiations and confirm that such meetings do not form part of the formal determination process.

## Site visits

23. The Mayor will not normally attend any site visits unless they have directed to become local planning authority. Where any planning matter requires a site visit these shall be carried out in accordance with section 3 of the Procedure for Representation Hearings.

Issue date	October 2019
Amendments made from previous version	Consolidation of three previously separate codes into a unified code for all Members and staff
Approved by	Mayor and London Assembly, acting jointly
Review date	October 2021
Senior owner	Monitoring Officer
Document owner	Governance and Performance Manager

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Before subsequent use, check with the intranet or the document's author.**

Document author	██████████
Issue no.	2
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Issue no.	Description of change	Release Date
1	Original version.	June 2003
2	Updated version	January 2011 August
3	Minor amendment to 2.13	2011
4	Reviewed version	September 2013
5	Minor changes to language to remove gendered terms e.g. he/she, and inclusion of gender identity and gender expression.	August 2018
6	Revision of Section 2.5 regarding registration of interests and other small corrections where information is outdated	March 2020

## **Trans and gender identity Policy**

### **1. Purpose and Scope**

- 1.1 The Greater London Authority (GLA) is committed to welcoming and supporting trans employees and removing barriers to their recruitment, promotion and retention. Providing a working environment that is free from discrimination, harassment or victimisation because of gender identity or gender expression is an important step in ensuring that trans employees are treated with dignity, respect and are valued.
- 1.2 The GLA is fully supportive of the needs of individuals who identify as having a gender identity which differs to that assigned at birth.
- 1.3 The aim of this policy is to make clear the GLA's commitment to supporting trans employees in the workplace. It includes information for trans employees and outlines the support available to them during the course of their employment. The policy also provides guidance on the support available for employees who are undergoing gender reassignment (transitioning).
- 1.4 Gender reassignment is a protected characteristic under the Equality Act 2010. Compliance with this policy should also ensure that employees do not commit unlawful acts of discrimination. This policy also aims to create a working environment that allows individuals to feel safe (confident) when seeking help, advice and support.

### **2. Definition(s)**

- 2.1 Trans is an umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth. Trans people may describe themselves using a wide variety of terms, including (but not limited to) transgender, transsexual, gender-fluid, non-binary, gender-variant, trans man, trans woman, trans masculine, trans feminine.
- 2.2 Gender reassignment is the process of transitioning from one gender to another. This is a personal process, not solely a medical process. This means that someone does not need to have undergone surgery or be under any kind of medical supervision to be classed and protected as trans. When an individual decides to live openly in their acquired gender they have made a social transition.
- 2.3 Definitions and terminology regarding trans people are evolving. Individuals will self-identify and how they choose to describe themselves should be respected by their colleagues. Rather than assume, it is best to reflect the language that someone uses when talking about themselves.

### **3. Supporting individuals in the workplace**

- 3.1 The GLA recognises the value of a diverse and inclusive workforce and welcomes the contribution of all employees regardless of their gender identity.
- 3.2 The GLA is committed to providing a working environment that is free from all forms of discrimination and in which everyone is treated with respect. The GLA recognises that trans job applicants and employees are not required to inform the GLA of their gender status or gender history. The gender in which the individual presents will always be acknowledged and respected.
- 3.3 The GLA recognises that gender identity, gender expression and sexual orientation are not interchangeable terms. Trans status is not indicative of a person's sexual orientation and so employees should not assume that a trans colleague has a particular sexual orientation.
- 3.4 The GLA will not tolerate inappropriate language from any of its employees. Using inappropriate language and terminology that has not been reflected by the individual will cause offence and distress and undermines the GLA's efforts to create an inclusive workplace for trans people.
- 3.5 If any employee feels that they are experiencing unfair or discriminatory treatment at work should seek advice and support to raise awareness and challenge the inappropriate behaviour or treatment.

#### **Support available from Human Resources (HR&OD) unit**

- 3.6 An employee may speak in confidence with members of the Human Resources (HR&OD) Unit, who will provide information and advice on the support and facilities available to trans employees at the GLA.
- 3.7 The HR&OD unit will also provide support and guidance to employees to challenge inappropriate behaviour by colleagues or line managers; this includes but is not limited to providing support to give feedback to colleagues who have caused offense and support staff to raise complaints under the Dignity at Work policy and Grievance procedures.
- 3.8 The HR&OD unit can also signpost employees to relevant well-being schemes and staff networks to support the employee in the workplace.

#### **Support available from line managers**

- 3.9 In some instances the employee may find it helpful to talk to their line manager about their experience at work, to seek advice or support. Talking to a line manager about concerns or requests for support, may help the employee and line manager to work together to raise awareness within the employee's team and/or address any use of inappropriate language or treatment.

- 3.10 If an employee would like to talk to their line manager but would welcome support to do so they can ask the HR&OD unit, a colleague or member of a staff network to support them in their conversation.

### **Support available from Staff networks**

- 3.11 There are a number of active staff networks, committees and clubs within the GLA. The networks and committees are staff led groups who have come together to raise awareness and provide support and social connections for all GLA employees.
- 3.12 All employees can join any of the networks and committees and/or contact the networks for support and information. Details of the current networks are on the internal intranet - <http://intranet.london.gov.uk/node/10668>
- 3.13 The GLA recognises the trade union UNISON. Members can seek advice and support from the GLA UNISON branch committee. Contact details are available on the internal intranet - <http://intranet.london.gov.uk/blogs/gla-unison-launches-its-intranet-page>

### **Support available from the Employee Assistance Programme (EAP)**

- 3.11 The GLA's Employee Assistance Programme "Be Supported" is hosted by AXA PPP Healthcare. Be Supported is available on a confidential basis 24/7 to all GLA employees and their family members who reside at the same address.
- 3.12 Employees may contact the EAP by telephone, email or use their website tools and resources. The services are confidential and free to the employee and their household members, having been pre-paid by the employer. The service is available to provide support, advice and guidance to help manage issues in personal and work lives.
- 3.13 Be supported offers high quality information, support and counselling for all aspects of life. Further information is available on the internal intranet - <http://intranet.london.gov.uk/node/9078>

## **4. Confidentiality and disclosure**

### Names and pronouns

- 4.1 The GLA will take all necessary steps to ensure that an individual's gender identity and chosen name is respected. Each employee has access to their personal details record via the Employee Self-Service (ESS) module of the HR system. Employees can choose if they wish to declare their gender identity and can also choose to amend or update it via the ESS.
- 4.2 All information declared via the recruitment system or the employee self-service is confidential and only seen by the HR&OD unit. Through 'people manager' module, line managers are able to see the employment elements of their team

information, such as absence details and contractual information but they cannot see the personal details information submitted by employees.

- 4.3 If a trans employee wishes to change their name at work, the HR&OD unit will provide support and guidance on how they can do this to update all of their work details and to communicate this with their line manager and colleagues (should they wish to).
- 4.4 A Gender Recognition Certificate (GRC) is not required to enable a trans person to change their name and the GLA will not ask an individual if they have a GRC to verify a name change.
- 4.5 Where an employee discloses information about their gender history or status (verbally or in writing), this will be treated as confidential. This includes any information provided to the line manager or HR&OD. Such information will not be shared with others, unless there is a specific reason and then not without the written consent of the individual concerned.
- 4.6 It is an individual's decision whether or not to reveal their gender status and history and the GLA will respect their right to privacy. For example, if someone is recruited into a team managed by a trans employee, they must not be informed about the manager's gender history. The right to privacy will apply regardless of whether or not the individual has a GRC.

## **5. Recruitment and Selection**

- 5.1 The GLA wishes to attract applicants from as wide a talent pool as possible and the recruitment process is designed to be inclusive of trans applicants.
- 5.2 Equality of opportunity is integral to the GLA recruitment approach. A job applicant's gender identity is irrelevant and job opportunities should be open to all suitably qualified applicants.
- 5.3 Sensitive information, including an applicant's gender is used for monitoring purposes only. Sensitive information is only available to the HR&OD unit. The information is not shared with the recruiting manager or the panel and shortlisting is completed on a 'name blind' basis; that is, all of the identifying information is removed from the application form and each application is automatically allocated a unique reference number before it is shared with the shortlist panel.
- 5.4 An applicant will not be asked to declare their gender history during the recruitment process or during employment. Where an individual's documentation reveals their previous name and thereby their gender history, this information will be kept confidential and stored securely with the permission of the individual and in accordance with the GLA's data protection policy. The same approach will apply where an applicant is required to present qualification certificates before a job offer is confirmed and the certificates are in the applicant's previous name.

## **6. Bullying, Harassment and Discrimination**

- 6.1 The GLA adopts a zero-tolerance approach to harassment, bullying or victimisation and will deal with any such complaints promptly, fairly and sensitively.
- 6.2 Examples of harassment against trans people include:
- verbal abuse such as name-calling, threats, derogatory remarks or belittling comments about trans people;
  - asking an individual if they have a Gender Recognition Certificate (GRC);
  - joking about someone's gender identity or trans people generally;
  - refusing to use the pronoun appropriate to someone's acquired gender (for example, calling a trans woman "he") or calling the person by the name they had before they transitioned;
  - threatening behaviour or physical abuse;
  - intrusive questioning about someone's gender identity or transition;
  - excluding a trans colleague from conversations or from social events;
  - refusing to work with someone because they have transitioned; and
  - displaying or circulating transphobic images and literature.
- 6.3 All employees should be aware of the GLA's dignity at work policy and the procedures in place for handling complaints of bullying and harassment.
- 6.4 Any complaints of bullying and harassment are taken seriously and dealt with in accordance with the GLA's Dignity at Work and Grievance policies. If, after investigation, it is found that bullying, harassment or victimisation has occurred, the GLA will take action under the disciplinary procedure. Relevant procedures can be found on the intranet - <http://intranet.london.gov.uk/pages/human-resources-policies-and-procedures>

## **7. Support available when Transitioning**

- 7.1 Where an employee is transitioning, it may be necessary to inform certain people of these circumstances, to ensure that they can receive the appropriate support. The GLA recommends that the employee identifies a nominated individual within the workplace who can support them during this time. The employee may seek support from the HR&OD unit in identifying their nominated individual, such as a member of the HR&OD unit, a line manager, a work colleague, a member of a staff network or a union representative.
- 7.2 How, when, and whose role it will be to inform others, will be discussed at an initial meeting between the employee and their nominated individual. The employee should seek support from their line manager, HR&OD unit or a staff network or committee to identify an appropriate individual who can support the employee initially and throughout the process.

- 7.3 At the initial meeting, the nominated individual will support the employee to think through the appropriate considerations, which will include but not be limited to;
- timescales for transitioning
  - time-off for medical appointments and procedures (if appropriate)
  - communication to colleagues and partner organisations (if the employee wishes)
  - timing for changes to records and accounts
- 7.4 Any communication and disclosure will only be made with the individual's explicit consent. The employee may wish to tell colleagues about their transition or may prefer if this is done by someone else on their behalf. The GLA will support the individual to do what is best for them and, if the employee is not ready to tell anyone at the early stages, the GLA will respect the employee's wishes. The employee is entitled to privacy and the GLA will seek to protect them from intrusive enquiries.
- 7.5 Upon request, the GLA will change the name, title and gender on an employee's work records, IT system and employment identification cards at the time agreed between the employee and the HR&OD unit. Records will include all of the systems that may contain names, titles and other personal identifiers such as photographs on the GLA's website and intranet. The GLA will work with the employee to ensure that nothing is omitted.
- 7.6 All records that include details of an employee's gender history will be destroyed in a secure manner, unless there is a specific reason for retaining them. Where other people in the GLA need to be aware of the employee's transition to make a change to a particular record, the GLA will obtain the employee's consent, and restrict the information to those who need to know.
- 7.7 Where there is a need to retain documentation that shows someone's gender history, this information will be stored confidentially in line with the requirements of data protection legislation. The information will be held electronically in a secure environment (for example, password protected) that can be accessed only with the consent of the individual concerned. Only named individuals will be allowed to access this information and those individuals will be made aware that breaches of confidentiality could be unlawful and result in disciplinary action.
- 7.8 The GLA is aware that a failure to change pronouns and names on records in respect of a trans employee could constitute direct discrimination. A Gender Recognition Certificate (GRC) is not required to enable a trans person to change their name and the GLA will never ask an individual if they have a GRC to verify a name change, as to ask such a question would be inappropriate.
- 7.9 Consistently addressing a trans employee by their previous name and/or an inappropriate pronoun may be regarded as harassment and will be dealt with through the GLA's Dignity at Work Policy and Disciplinary procedure.

## **8. Implementation and Review**

- 8.1 This policy will be made available to all staff on the GLA's intranet and will be kept under regular review by the Human Resources Unit.

## **9. Useful Contacts**

- Government Equalities Office <http://www.dwp.gov.uk/aboutus/geo.asp>
- Press for Change <http://www.pfc.org.uk>
- Gender Trust <http://www.gendertrust.org.uk>
- Equality and Human Rights Commission  
<http://www.equalityhumanrights.com/your-rights/trans/>  
<http://www.equalityhumanrights.com/advice-and-guidance/information-for-employers/guidance-on-recruiting-and-supporting-trans-people/>
- GALOP – reporting service. <https://www.galop.org.uk/>
- Stonewall <https://www.stonewall.org.uk/>
- Gender, Identity, Research & Education Society <https://www.gires.org.uk/>

**MAYOR OF LONDON**

# Dignity & Inclusion



**LONDON**ASSEMBLY

## Workbook

# Dignity & Inclusion

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# Aims and Learning Outcomes

## **Aims:**

To enable you to achieve positive outcomes through promoting inclusive behaviours within your workplace

## **Learning Outcomes:**

- Define diversity, equality and inclusion at the GLA
- Explain the concept of bias and how bias can hinder an inclusive environment
- Describe strategies individuals can use to eliminate their own bias
- List and describe the characteristics protected by equality legislation
- Recognise inappropriate behaviours
- Demonstrate the ability to confidently challenge inappropriate behaviours
- Plan specific actions for promoting diversity and inclusion within GLA

## **Programme:**

- Welcome
- The drivers for diversity and inclusion
- The legislation
- Stereotyping and overcoming bias
- Inappropriate behaviours and challenging them
- Action planning

# Definitions

**Direct Discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic. *No legal defence.*

**Indirect Discrimination** occurs where the effect of certain provision, criteria or practice has an adverse impact disproportionately on one group or other. Indirect discrimination *does have a legal defence* - where it is a proportionate means of achieving a legitimate aim.

**Associative Discrimination** is discrimination against an individual because of an association with another person who has a Protected Characteristic under the Equality Act 2010 (other than marriage and civil partnership, and pregnancy and maternity).

**Positive Discrimination** is a policy in which members of minority groups are given preference over members of majority groups. This is done in a bid to obtain some equality or balance. Positive discrimination is illegal.

**Positive Action.** Action that may involve treating one group *more favourably* where this is a proportionate way to help members of that group overcome a disadvantage or participate more fully, or in order to meet needs they have that are different from the population as a whole.

**Genuine Occupational Requirement.** In very limited circumstances, an employer can claim that a certain protected characteristic is necessary for a role. For example, it may be appropriate for female doctor to be employed in an area of high Muslim population to be employed on grounds of decency.

**Bullying.** Offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power or authority which has the purpose or effect of undermining, humiliating, denigrating or injuring the recipient.

- Bullying may be a persistent or an isolated incident
- This conduct may be of a physical, verbal or non-verbal nature.

**Harassment.** Any form of unwanted verbal, non-verbal or physical conduct which has the purpose or effect of violating the dignity of a person and/or creating an intimidating, hostile, degrading, humiliating or offensive environment.

- It may be related to age, sex, race, disability, sexual orientation, gender, religion, gender identity, nationality or any other personal characteristic of the individual
- It may be persistent or an isolated incident
- The key is that the actions or comments are viewed as demeaning and unacceptable to the person on the receiving end of it.

**Victimisation.** The less favourable treatment of someone compared to their peers *because they have complained* (whether formally or otherwise) that someone has been bullying or harassing them or someone else, *or supported someone* to make a complaint or given evidence in relation to a complaint. This would include the isolation of someone because he or she has made a complaint or giving him or her worse work.

**Equality** is about recognizing, respecting and valuing, including different needs and giving everyone the opportunity to succeed. It is not about treating everyone the same. The characteristics protected by equality legislation are age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage and civil partnerships and pregnancy and maternity.

**Diversity** is about recognizing, respecting and valuing a wide set of differences and understanding that the opportunities we get are impacted by characteristics beyond those protected by legislation like class, family background, political views or union membership.

**Inclusion** means removing barriers and taking steps to create equality, harness diversity and produce safe welcoming communities and cultures that encourage innovative and fresh ways of thinking and allow people to speak up especially to suggest where things could be done better

**Disability** You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities

Reasonable Adjustments only have to be made if it's **reasonable** to do so. What's a reasonable thing to ask for depends on things like your disability, how practicable the changes are, if the change you ask for would overcome the disadvantage you and other disabled people experience, the size of the organisation, how much money and resources are available, the cost of making the changes and if any changes have already been made.

The **Equality Act 2010** says changes or adjustments should be made to ensure you can access the following things if you're disabled: education, employment, housing, goods and services like shops, banks, cinemas, hospitals, council offices, leisure centres and associations and private clubs like the Scouts and Guides, private golf clubs and working men clubs.

## Stereotyping and Bias

Stereotyping is defined as an "oversimplified, usually pejorative, attitude people hold toward those outside one's own experience who are different; they are a result of incomplete or distorted information accepted as fact without question". A stereotype is simply a widely held belief that an individual is a member of a certain group based on characteristics. Due to the process of over-generalisation within social perception, stereotyping leads to a great deal of inaccuracy in social perception.

Negative stereotyping wields a lingering impact on those who experience it, and in situations unrelated to the initial insult, a new study\* finds:

"Past studies have shown that people perform poorly in situations where they feel they are being stereotyped," said lead researcher Michael Inzlicht of the University of Toronto in Canada. "What we wanted to do was look at what happens afterwards. Are there lingering effects of prejudice? Does being stereotyped have an impact beyond the moment when stereotyping happens?"

Inzlicht and colleagues went a step beyond the usual studies which examine the effects of discrimination on subjects completing a task directly related to cognitive abilities. They also observed the impact of experiences of negative stereotypes on subjects faced with neutral tasks afterwards —those tasks that required the ability to regulate thoughts and emotions.

"Even after a person leaves a situation where they faced negative stereotypes, the effects of coping with that situation remain," Inzlicht said. "People are more likely to be aggressive after they've faced prejudice in a given situation. They are more likely to exhibit a lack of self-control. They have trouble making good, rational decisions. And they are more likely to over-indulge on unhealthy foods."

\*Inzlicht, M.; Kang, S. K. (2010). "Stereotype threat spillover: How coping with threats to social identity affects, aggression, eating, decision-making, and attention". *Journal of Personality and Social Psychology*. 99: 467–481. PMID 20649368. doi:10.1037/a0018951.

In another study\*, the primary goal was to examine the role of proactive personality in moderating the influence of the widely-held 'masculine' stereotype about entrepreneurs on intentions to become an entrepreneur. Manipulating stereotype threat, results from eighty young women indicated that women with more proactive personality were more significantly affected by exposure to the commonly known

stereotype about entrepreneurs and had a significant decrease in entrepreneurial intentions compared to women with less proactive personality.

\*Gupta, V. K.; Bhawe, N. M. (2007). "The Influence of Proactive Personality and Stereotype Threat on Women's Entrepreneurial Intentions". *Journal of Leadership & Organizational Studies*. 13 (4): 73–85. ISSN 1071-7919. doi:10.1177/10717919070130040901.

## So why do **Stereotypes Persist?**

There are three key factors:

1. **Stereotypes are functional:** As audience members we are bombarded with much more information than we can process. Our tendency is to reduce complexity to simplicity. We trade-off for simplification, which can lead to inaccuracy and we are often unaware of this deduction.
2. **Stereotypes are results of selectivity in social perception:** We tend to see what we expect to see, and we have a tendency to twist and distort the characteristics of others until it fits our stereotype of that particular group.
3. **Prejudice:** This is the most influential factor in stereotyping. Our perceptions are highly subjective; unfortunately the selectivity of a person's perception result in people seeing what they expect to see when they come in contact with members of a group they view with prejudice.

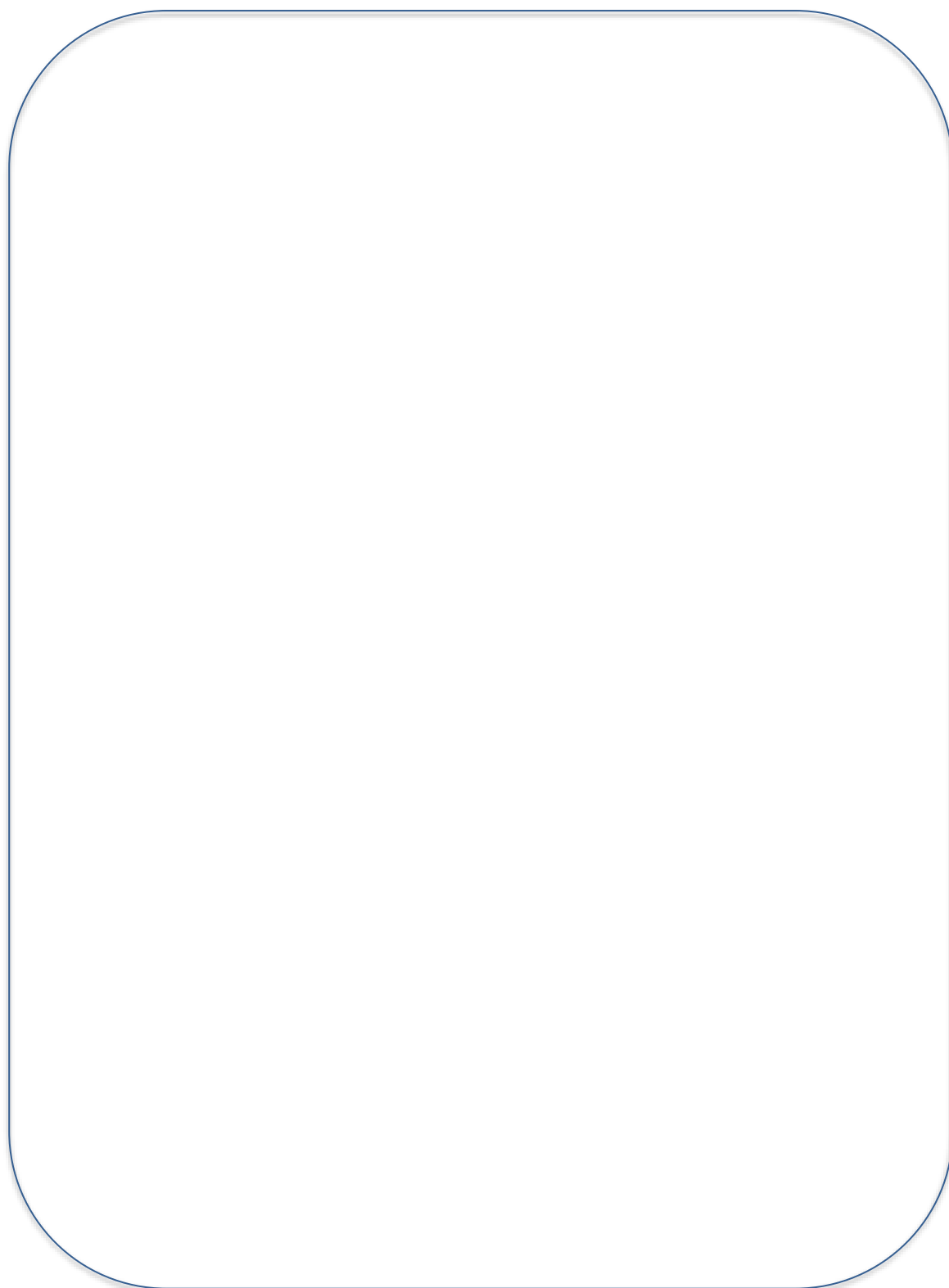
## Ladder of Inference



**LONDON**ASSEMBLY

As we adopt beliefs about people they become our 'unconscious bias'. This leads us to be being drawn towards those who are like us and pull us away from those who are different; this was a very natural and understandable way of behaving during our evolutionary history when faced with fighting for our survival.

## **Ways of Overcoming Bias**





# Personal Reflection on Bias

## Directions

Using the rating scale through NEVER, SOMETIMES, OFTEN to ALWAYS, assess yourself for each item by placing an "X" on the appropriate place along each continuum.

When you have completed the checklist, review your responses to identify areas in need of improvement.

1. I educate myself about the culture and experiences of other racial, religious, ethnic and socioeconomic groups by reading and attending classes, workshops, cultural events, etc.

Never      Sometimes      Often      Always

2. I spend time reflecting on my own upbringing and childhood to better understand my own biases and the ways I may have internalised the prejudicial messages I received.

Never      Sometimes      Often      Always

3. I look at my own attitudes and behaviours as an adult to determine the ways they may be contributing to or combating prejudice in society.

Never      Sometimes      Often      Always

4. I evaluate my use of language to avoid terms or phrases that may be degrading or hurtful to other groups.


Never      Sometimes      Often      Always

5. I challenge my stereotypes and generalisations of other people based on their group identity.

Never      Sometimes      Often      Always


6. I value cultural differences and avoid statements such as “I never think of you as \_\_\_\_\_,” which discredits differences.

Never	Sometimes	Often	Always
-------	-----------	-------	--------




7. I am comfortable discussing issues of racism, anti-Semitism and other forms of prejudice with others.

Never	Sometimes	Often	Always
-------	-----------	-------	--------




8. I am open to other people's feedback about ways in which my behaviour may be culturally insensitive or offensive to others.

Never	Sometimes	Often	Always
-------	-----------	-------	--------




9. I give equal attention to other people regardless of race, religion, gender, socioeconomic class or other difference.

Never	Sometimes	Often	Always
-------	-----------	-------	--------




10. I am comfortable giving constructive feedback to someone of another race, gender, age or physical ability.

Never	Sometimes	Often	Always
-------	-----------	-------	--------




11. The value of diversity is reflected in my work, which includes a wide range of racial, religious, ethnic and socioeconomic groups, even when these groups are not personally represented in my community.

Never	Sometimes	Often	Always
-------	-----------	-------	--------



12. I work intentionally to develop inclusive practices, such as considering how the time, location and cost of scheduled meetings might inadvertently exclude certain groups.

Never	Sometimes	Often	Always
-------	-----------	-------	--------



13. I work to increase my awareness of biased content in television programmes, newspapers and advertising.

Never	Sometimes	Often	Always
-------	-----------	-------	--------

14. I take time to notice the environment of my home, office, house of worship and children's school, to ensure that visual media represent diverse groups, and I advocate for the addition of such materials if they are lacking.

Never	Sometimes	Often	Always
-------	-----------	-------	--------

15. When other people use biased language and behaviour, I feel comfortable speaking up, asking them to refrain and stating my reasons.

Never	Sometimes	Often	Always
-------	-----------	-------	--------

16. I contribute to my organisation's achievement of its diversity goals through programming and by advocating for hiring practices that contribute to a diverse workforce.

Never	Sometimes	Often	Always
-------	-----------	-------	--------

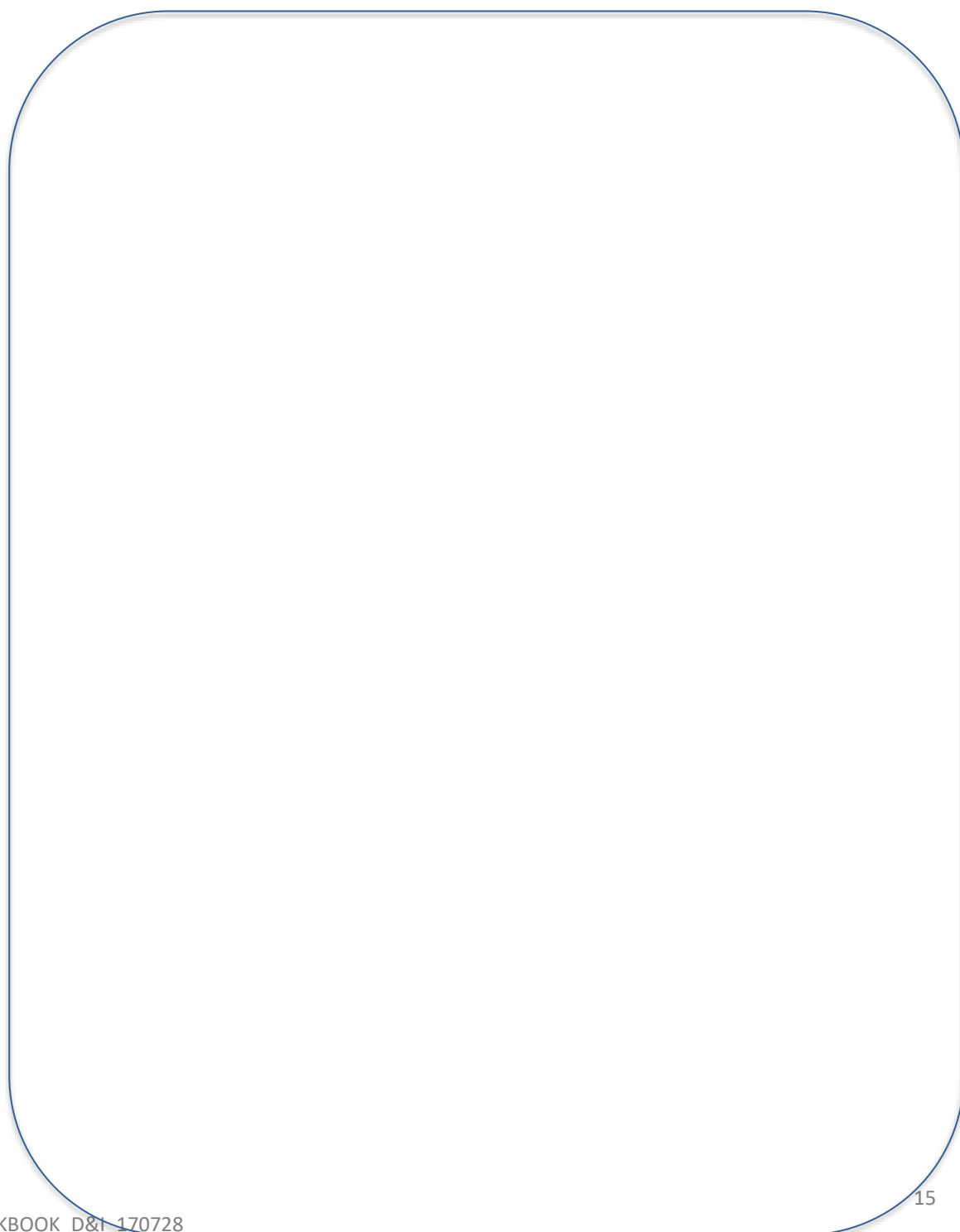
17. I demonstrate my commitment to social justice in my personal life by engaging in activities to achieve equity.

Never	Sometimes	Often	Always
-------	-----------	-------	--------

18. Whenever I organise, or attend an event I think carefully about making it accessible to people with a disability, and/or raise this with the organiser if I notice that the arrangements are inadequate.

Never	Sometimes	Often	Always
-------	-----------	-------	--------

## Areas of Growth



## Strategies for Overcoming Bias

- ☐ Consider various ways you can gain some insight in to your bias
- ☐ Explore the dynamics of your biases
- ☐ Recognise that specific bias exists
- ☐ Consider why it is usually so difficult to remove biases
- ☐ Ask yourself the 'difficult' question – why do I think this?
- ☐ Meet the object of your bias head on with an open mind
- ☐ Be objective – and encourage others to do likewise
- ☐ Differentiate on facts, not conscious or unconscious subjectivity
- ☐ Take time to make decisions
- ☐ Be, and make others, accountable for choice, decisions and actions
- ☐ Look for evidence to disconfirm stereotypes
- ☐ Challenge yourself and others on assumptions, stereotypes and bias

# Behaviours

## that could constitute harassment

Here are some examples that *could* be considered harassment linked to the Protected Characteristics:

### Gender-based

- Jokes, banter or remarks about people of a particular gender which are demeaning or derogatory
- Sexist remarks made to or about an employee
- Calling someone by a name with a gender-bias
- Playing pranks on someone who is the only person of their gender in the workplace.

### Gender/Sex

- Unwelcome fondling, patting or touching
- Threatened or actual sexual assault
- Persistent sexual advances
- Language of a sexual nature, whether verbal or in writing
- Office gossip or detrimental speculation about an employee's private sexual activities
- Jokes or banter of a sexual nature
- Coarse or vulgar humour
- Sexually suggestive gestures
- Leering or whistling at someone in a manner that is overtly sexual
- The display of pin-up calendars or pictures of naked people
- Sexually explicit material displayed on computer screens.

### Sexual orientation

- Homophobic or biphobic remarks or banter made to or about an employee with regard to their sexual orientation
- Jokes about gay, lesbian or bi people generally, including comments implying sexual orientation
- Offensive terminology used to or about a gay, lesbian or bi employee
- Deliberate isolation of someone at work or non-cooperation on the grounds of the person's sexual orientation
- Teasing directed at an employee on account of the fact they have a same-sex partner or a child who is gay, lesbian or bi
- Gestures which are derogatory or demeaning towards gay, lesbian or bi people

**Race**

- Threatened or actual physical assault motivated by race, colour, ethnic or national origins
- Microaggressions
- Language that is racially offensive or derogatory, whether oral or in writing
- Racist remarks made to an employee
- Racist remarks made about a particular race but not to anyone from that race
- Calling someone by a name based on race, ethnic or national origins or nationality
- Deliberate isolation of someone at work or non-cooperation on the grounds of race
- Racist material displayed on computer screens
- The conspicuous display of a tattoo or the wearing of a shirt or badge that displays a racist or racially offensive slogan.

**Gender Reassignment**

- Suggestive remarks or sounds
- Unwanted comments on dress and appearance
- Verbal threats
- Swapping toilet signs over when someone declares their intention to transition
- Transphobic language and bullying
- Deliberate and repeated deadnaming (calling a trans person by a previous name) or misgendering (deliberately using incorrect pronouns to refer to a trans person)
- Jokes or banter of a sexual nature.

**Religion**

- Threatened or actual physical assault motivated by religious differences
- Derogatory remarks made about a particular religion or about a person on the grounds that they observe a particular religion
- Jokes or banter based on religion
- Office gossip or detrimental speculation about an employee's religion or religious practice
- Deliberate isolation of someone at work or non-cooperation on the grounds of their religion or religious practices
- Teasing someone about religious convictions or religious practices
- The conspicuous display of a tattoo or the wearing of a shirt or badge that displays a slogan that is offensive to people of a particular religion
- The blatant and conspicuous wearing of jewellery with an obvious religious message
- The wearing of clothing displaying football slogans that have a sectarian significance

**Disability**

- Pranks played against a disabled employee
- Jokes or banter based on disability generally, about a particular type of disability, or about a particular person with a disability
- Offensive terminology when describing a disabled person
- Mimicking someone with a disability
- Deliberate isolation of someone at work or non-cooperation on the grounds of their disability.

**Age**

- Ageist remarks made to or about an employee
- Referring to someone using ageist terminology
- Treating a young colleague's ideas or suggestions as inferior just because of their youth
- Teasing directed at an employee on account of the fact that they have a much older or much younger partner
- Leaving, for example, forms regarding pension arrangements on an older person's desk without legitimate reason
- Cracking jokes or making demeaning remarks suggesting that an older person's physical or mental faculties may be declining on account of their age.

## Inappropriate Behaviours

There are many reasons why inappropriate behaviours go unchallenged in the workplace. Here are just a few:

- Unaware of policy and procedure
- Unaware of the impact on the 'victim'
- Position in organisation
- Don't know who to turn to
- Fear of victimisation
- Fear of being seen as a 'trouble maker'
- Lack of self-confidence
- Lack of confidence in the procedure
- Perception of not being taken seriously in the past

When challenging inappropriate behaviour, it is vital to be able to do it in an assertive manner. Here's a 'format' to help you do it:

### Challenging Inappropriate Behaviour

#### **BIFFS**

- **B**ehaviour – be specific with no interpretations
- **I**mpact – on the business
- **F**eelings – your emotional reaction
- **F**uture – what you want
- **S**ituation monitoring

# Behaviours

## that don't constitute bullying or harassment

The table below explains the differences between management and bullying behaviour when tackling performance issues. This can sometimes be a difficult issue for both parties. Performance has to be managed the key is how that is done.

<b>Addressing Poor Performance</b>	<b>Strong Management</b>	<b>Bullying</b>
<b>Identifying the performance issue</b>	Involves looking at all the potential reasons for poor performance e.g. people , systems, training and equipment	No attempt to identify the nature or source of the poor performance
<b>Seeking the views of the team or individual to identify the cause of the unacceptable level of performance</b>	The team / individual takes part in looking for the source of the problems in performance and helps the manager to identify solutions for the whole team	No discussion of the cause of the performance deficit, or opportunities for the team members / individual to discuss their difficulties
<b>Agreeing new standards of performance with all team members</b>	Involves setting and agreeing standards of performance and behaviours for each team member and the manager	Imposing new standards without team discussion on appropriate standard of performance or behaviour
<b>Agreeing the method and timing of monitoring team performance</b>	Whenever possible the team or team member takes part in the monitoring process. The outcome of the monitoring is openly discussed	Without agreeing standards, the monitoring can occur at any time and involve areas that are unexpected by team members
<b>Failure to achieve the standards of performance is dealt with as a performance improvement issue</b>	Opportunities are taken to identify individuals who are struggling, and support is provided. Where individuals are unwilling to comply with the agreed performance improvement process, disciplinary action may be taken	Individuals who fail to achieve the standards of performance are put under pressure to confirm. This may include ridicule, criticism, shouting, withholding of benefits, teasing or sarcasm
<b>Recognising positive contributions</b>	Recognises and rewards improvements in performance, attitude and behaviours	With no monitoring it's impossible to recognise where there have been positive contributions. Rewards and recognition are therefore arbitrary and open to acts of favouritism

## Reporting Bullying and Harassment

For further information about reporting bullying and harassment, please refer to the following policies:

[Code of Ethics](#)

[Dignity at Work Policy](#)

[Resolution Policy](#)

# Case Studies

## Number One

Helen, a fellow line manager, comes to you for advice. She explains that one of her team members, Claudette doesn't seem herself and has been acting 'weird'. Her work performance is also suffering. Over the past 6 months or so, Claudette seems much more emotional and erratic than normal and her personal presentation which was previously smart is rather unkempt. Helen admits that she is not one to 'confront things' and as a result has preferred to ignore the situation and has intentionally given her work that is not as critical. Initially it wasn't a problem and the mistakes that Claudette was making were minor and Helen was able to correct them but the mistakes are getting more serious and more frequent.

Your thoughts . . .

**Number Two**

Anna is from Poland has worked in the team for 9 months. She recently became friendly with Dorota, also from Poland, who works in another team across the other side of the building.

They often arrange break times together. Both are fluent in English although often chose to speak Polish during their breaks. They often look at other non-Polish speaking colleagues when they are talking and laugh whilst doing so.

This is making the colleagues feel very uncomfortable and intimidated and two of their colleagues, you and Mark have already mentioned to Anna that they feel this way to which Anna replied that it is their right to speak in their native language.

Since then, you feel Anna and Dorota are constantly talking and laughing at you, even when they're not together.

You really do want to sort this out . . .

**Your thoughts . . .**

**Number Three**

You are in a meeting where your line manager is overly critical towards a junior member of your team. You feel that this is inappropriate and decide to give your manager some honest feedback at your next 1:1. He is not as receptive as you have hoped and disagrees that anything in his behaviour was inappropriate. After the meeting, you notice a subtle shift in your relationship, as your manager comes more rarely to speak to you on informal basis and is rather formal on other occasions.

One day, you learn that a new project you were hoping to get involved in to develop your experience has been allocated to another colleague. You are very disappointed, as you stated in your PDP you wanted to develop in that particular area. You also wonder whether the incident and subsequent exchange had anything to do with your manager's decision.

**Your thoughts . . .**

**Number Four**

You are fairly new to a team that has been together for a long time and where many of the work relationships have become friendships, with many members of the team also enjoying socialising outside of the work context.

Recently you have noticed that several of your colleagues who are very 'pally' with your manager have been offered the opportunity to take part in some exciting projects which could lead to all sorts of different development and career opportunities. One has been offered a secondment to a high-profile business.

You're disappointed that you seem to have been overlooked and mentioned it a while ago to your manager hoping that they would find something for you too. What happened in reality was that yet more opportunities seemed to be handed out to the select few yet again.

It seems like favouritism to you. What do you do?

**Your thoughts . . .**

**Number Five**

You have recently attended the run through of a presentation to be given to the public during a stakeholder meeting on the implementation of a new process.

Whilst your colleague gave a good presentation during the rehearsal, you are concerned about the slides themselves because:

- It uses Times New Roman as a font (there is no specified 'house-style') with several words being in *italics*
- On several slides there are over 12 lines of text
- There is both red and green text

What are the problems here, actual or potentially? What do you do and say?

**Your thoughts . . .**

**Number Six**

You have overheard a conversation in the office. Chris is complaining to a friend about the way a stakeholder has used language they found offensive the last time they spoke and now doesn't want to call them and "get another earful". Chris is usually really confident at dealing with stakeholders but for some reason this seems to have undermined that confidence.

Chris is pleading with the friend not to say anything as the stakeholder is very senior and tackling it could be "career limiting". The quote of what was said is shocking and you find it offensive too. What do you do?

**Your thoughts . . .**

# Action Planning

**What else do you need to know?**

**What skills do you need to develop?**

**What will you do about these points?**

**When?**

**What will you do to promote dignity and inclusion within the GLA?**

## Legal quiz

# Answers

Which of the following characteristics are protected in The Equality Act 2010?

- |                |            |                                 |            |
|----------------|------------|---------------------------------|------------|
| a) Sex         | <b>Yes</b> | b) Marriage & Civil Partnership | <b>Yes</b> |
| c) Smoking     | <b>No</b>  | d) Gender reassignment          | <b>Yes</b> |
| d) Nationality | <b>Yes</b> | e) Weight                       | <b>No</b>  |
| f) Age         | <b>Yes</b> | g) British regional accent      | <b>No</b>  |

The nine **Protected Characteristics** under the Equality Act are:

• <b>Age</b>	• Marriage and Civil Partnership	• <b>Religion /Belief</b>
• <b>Disability</b>	• <b>Pregnancy and Maternity</b>	• Sex
• <b>Gender Reassignment</b>	• <b>Race</b>	• Sexual Orientation

- Are you legally protected by legislation against:
  - Bullying? **No**  
(although there are times when the legislation against unfair/constructive dismissal may come in to play or claims for stress related injury/illness)
  - Harassment? **Yes**
  - Unfair discrimination? **Yes**
- It is acceptable to employ only women in an organisation because of its culture, and it's perceived that men wouldn't fit in nor be able to work alongside the women effectively.

True/**False**

- **Direct Discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic they have or are

thought to have, or because they associate with someone who has a protected characteristic

3. It would be unlawful to refuse to employ someone in a driving job because they have a beard

**True/False**

- **Indirect Discrimination**, whilst it may not be intentional, could unfairly discriminate against certain faiths. Indirect discrimination occurs where the effect of certain requirements, conditions or practices has an adverse impact disproportionately on one group or other. Indirect discrimination generally occurs when a rule or condition, which is applied equally to everyone, can be met by a considerably smaller proportion of people from a particular group, the rule is to their disadvantage, and it cannot be justified on other grounds.
- Indirect Discrimination does have legal defence if it can be demonstrated that the discrimination is a proportionate means of meeting a legitimate aim. For example an organisation may demonstrate differences of treatment on grounds of age; this may not constitute discrimination if they are objectively and reasonably justified by a legitimate aim, including legitimate employment policy, labour market and vocational training objectives and if the means of achieving that aim are appropriate and necessary.

4. Some who is caring for a disabled adult is protected by The Act

**True/False**

- Known as **Associative Discrimination**. Discrimination against an individual because of an association with another person who has a Protected Characteristic under the Equality Act 2010 (other than marriage and civil partnership, and pregnancy and maternity)

5. It is unlawful to employ staff from a particular race solely because the current ratio doesn't match the local population.

**True/False**

- **Positive Discrimination**. Positive discrimination is a policy in which members of minority groups are given preference over members of majority groups. This is done in a bid to obtain some equality or balance. Positive discrimination is unlawful.

6. It is lawful to provide special training sessions for women to help them become more eligible for senior positions

True/False

- Known as **Positive Action**. The Equality Act allows service providers to take action that may involve treating one group more favourably where this is a proportionate way to help members of that group overcome a disadvantage or participate more fully, or in order to meet needs they have that are different from the population as a whole.

7. In an Indian restaurant, it would be lawful to employ only people of Indian race in:

a) A chef role True/**False** (Direct Discrimination)

b) A serving role **True**/False

- **Genuine Occupational Requirement**. In this case, for reasons of authenticity it would be legal to employ from a specific ethnicity for serving staff but *not* for cooking as it would be considered that this is a skill that could be demonstrated by people from other ethnic groups.
- In very limited circumstances, an employer can claim that a certain Protected Characteristic is necessary for a role:
  - Physiology or authenticity (for example, in choosing actors to play a role),
  - Privacy and decency of people the employee would be dealing with (for example, staff in a care home),
  - Private household's integrity (for example, professional carers for an individual, but not normally nannies),
  - Single-sex accommodation, when it is unreasonable to expect the employer to provide additional accommodation,
  - Single-sex establishments, for example special prisons and refuges,
  - Personal welfare and counselling, when sex is directly relevant to the welfare or counselling provided,
  - Jobs in foreign countries with specifically relevant laws or customs.

In each of these, reasons must be specific and absolute, not based on stereotypes or generalised assumptions.

8. Someone who is undergoing treatment for cancer is covered by The Act

True/False

- The Equality Act automatically considers a diagnosis of **cancer as a disability**. You don't have to have symptoms or to consider yourself to be disabled by your cancer to be covered.

10. Employers can always ask applicants for a new job about their health and disabilities as part of the selection process?

True/**False**

- A key section of the Equality Act prohibits employers from asking job applicants questions about their disability or health prior to making an offer of employment, except in some prescribed circumstances. Employers may ask applicants if they need any reasonable adjustments for the application process, assessments or interview or if personal knowledge or experience of a particular disability is required for the job, e.g. mental illness for a mental health case worker the employer can ask if the applicant has or had that disability.
- Employers can ask – and they do through the monitoring questionnaires – but not as part of the selection process.

11. What % of the London population classify themselves as:

- |   |  |
|---|--|
| a) Black, Asian, Minority Ethnic (BAME) | <b>42%</b> : Source: 2011 UK Census  |
| b) Disabled                             | <b>20%</b> : Source: London Assembly Economy, Culture and Sport Committee March 2012 |
| c) Gay, Lesbian and Bisexual            | <b>2.5%</b> : Source, ONS Integrated Household Survey 2010.                          |
| d) White British                        | <b>58%</b> : Source, 2011 Census   |

12. An employer can tell staff what to wear at work?

**True**/False

As a subject area, dress codes and appearance at work are becoming more important in the workplace. This is partly due to a number of legal cases being highlighted in the media and uncertainties amongst employers and employees about what dress code is acceptable.

Dress codes are often used in the workplace and there are many reasons why an employer may have one, for example workers may be asked to wear a uniform to communicate a corporate image and ensure that customers can easily identify them. Often an employer will introduce a dress code for health and safety reasons, for example health care workers may not be allowed to wear jewellery for safety reasons when around patients and certain clothing may not be allowed in factories while operating machinery.

An employer's dress code must not be discriminatory in respect of the protected characteristics in the Equality Act 2010.

**Key points**

- Employers must avoid unlawful discrimination in any dress code policy.
- Employers may have health and safety reasons for having certain standards.
- Dress codes must apply to both men and women equally, although they may have different requirements.
- Reasonable adjustments must be made for disabled people when dress codes are in place.

A dress code can often be used by employers to ensure workers are safe and dressed appropriately. It should, however, relate to the job and be reasonable in nature. For example workers may be required to tie their hair back or cover it for hygiene reasons if working in a kitchen.

Employers may have a policy that sets out a reasonable standard of dress and appearance for their organisation. Any dress code should be non-discriminatory and should apply to both men and women equally. Standards can be different, for example a policy may state "business dress" for women but may state for men "must wear a tie".

(ACAS Guidelines)

# Key Terminology

**Equality** is about recognising, respecting and valuing differences, including different needs, and giving everyone the opportunity to succeed. It is not about treating everyone the same. The characteristics protected by equality legislation are age, disability, sex, gender reassignment, ethnicity, pregnancy and maternity, religion and/or belief and sexual orientation.

**Diversity** is about recognising, respecting and valuing a wide set of differences and understanding that the opportunities we get are impacted by characteristics beyond those protected by legislation like class, family background, political views, union membership etc.

**Inclusion** means removing barriers and taking steps to create equality, harness diversity and produce safe, welcoming communities and cultures that encourage innovative and fresh ways of thinking and allow people to speak up, especially to suggest where things could be done better.

**Inclusive Design** creates environments which everyone can use to access and benefit from the full range of opportunities available; confidently, independently, with choice and dignity, which avoids separation or segregation and is made up of places and spaces that acknowledge diversity and difference, meeting the needs of everyone in society.

A **Carer** is anyone who cares, unpaid, for a friend or family member who due to illness, disability, a mental health problem or an addiction cannot cope without their support

**Community Engagement** is a process that involves communities in deliberation, decision- making and practical action. Community engagement can be done using a wide range of methods and can include both face-to-face and online engagement.

**Disability** as defined by the Equality Act 2010, is a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on a person's ability to do normal daily activities The social model of disability defines disability as the effect of the barriers, discrimination and disadvantages faced by disabled people, not the impact of their specific impairment.

**LGBTQ+** is an acronym describing lesbian, gay, bi and trans people.

A glossary of terms describing sexual orientation and gender identity is included below:

**Lesbian** - Refers to a woman who has a romantic and/or sexual orientation towards women.

**Gay** - Refers to a man who has a romantic and/or sexual orientation towards men. Also a generic term for lesbian and gay sexuality - some women define themselves as gay rather than lesbian.

**Bi** - Bi is an umbrella term used to describe a romantic and/or sexual orientation towards more than one gender. Bi people may describe themselves using one or more of a wide variety of terms, including, but not limited to, bisexual, pan, queer, and other non-monosexual identities.

**Trans** - An umbrella term to describe people whose gender is not the same as, or does not sit comfortably with, the sex they were assigned at birth.

Trans people may describe themselves using one or more of a wide variety of terms, including (but not limited to) transgender, transsexual, gender-queer (GQ), gender-fluid, non-binary, gender-variant, crossdresser, genderless, agender, nongender, third gender, bi-gender, trans man, trans woman, trans masculine, trans feminine and neutrois.

**Queer** - Queer is a term used by those wanting to reject specific labels of romantic orientation, sexual orientation and/or gender identity. It can also be a way of rejecting the perceived norms of the LGBTQ+ community (racism, sizeism, ableism etc). Although some LGBTQ+ people view the word as a slur, it was reclaimed in the late 80s by the queer community who have embraced it.

**Questioning** - The process of exploring your own sexual orientation and/or gender identity.

**I** - A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. Intersex people may identify as male, female or non-binary.

**A** - LGBTQ+A (typically) straight and/or cis person who supports members of the LGBTQ+ community.

**Ace** - Ace is an umbrella term used to describe a variation in levels of romantic and/or sexual attraction, including a lack of attraction. Ace people may describe themselves using one or more of a wide variety of terms, including, but not limited to, asexual, aromantic, demis and grey-As.

**Pan** - Refers to a person whose romantic and/or sexual attraction towards others is not limited by sex or gender

**Minority-led business** are businesses where the over 51% of the senior management team or owners are from a minority ethnic community.

**Older people** refers to people over 50, but also recognises that those above retirement age and those over 70 may have particular requirements that need to be addressed.

**Social integration** is about how we all live together - building strong communities where all Londoners can lead interconnected lives and play an active part in their city and the decisions that affect them. This can only be achieved by working to prevent, identify and remove inequalities and barriers that prevent people from engaging in their communities and wider society, whilst recognising the important role interaction and participation play in overcoming these.