

Northern Lighthouse Board

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11 August 2009

Dear

Freedom of Information Act 2000 – Provision of Information

Thank you for your request for information. I have dealt with this in accordance with the Freedom of Information Act 2000.

Your Questions:

1. Has the organisation issued any recent guidance to its staff on their use of language as part of their everyday work? This advice will include but will not be limited to lists of words and phrases which should be used or which should be avoided during face to face contact and or during telephone conversations and or in correspondence and emails. The advice will relate to how staff communicate with each other either in person and or over the telephone and or in internal communications (including emails). It will also relate to how staff communicate with members of the public either in person and or over the telephone and or in correspondence including emails.
2. Could the organisation please provide copies of this advice? Could it please state why this advice was issued? Could it state when this advice was issued?
3. Has the organisation drawn up or circulated a list of words and or phrases which staff should avoid when talking / communicating / corresponding to each other and or members of the public. If so can you please provide a list of these words and phrases. Does the organisation recommend the use of any alternatives words and phrases. If so can it please provide details. Could it please state why it has issued this advice?

Continued.../

For the safety of all

Certified to: ISO 9001:2000 · The International Safety Management Code (ISM) · OHSAS 18001

4. Has the organisation circulated any material which aims to raise the awareness of staff to the fact that certain words and phrases could cause offence on the grounds of race and or faith and or gender and or sexuality. If so can you please provide details and copies of the advice. Please also provide details of similar advice given which relates to the issue of disability.
5. Has the organisation encouraged staff to attend workshops, lectures, seminars (or similar) on the correct use of language in different settings. These workshops will encompass many of the issues outlined above. Could the organisation state how many of these workshops have taken place? Could it provide the title of each of the workshop or lecture and state where they took place. Could the organisation state how much the session cost? Could the organisation state how many people attended each workshop? Could the organisation provide the name of any outside body which was involved in the session?

Answer:

The Northern Lighthouse Board has not issued specific guidance on the use of language in the workplace however we do have a "Code of Respect" which forms part of our Dignity at Work policy. A copy of the policy is attached.

In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. The Northern Lighthouse Board will, therefore, be publishing the information you requested on www.nlb.org.uk

Yours sincerely

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THE NORTHERN LIGHTHOUSE BOARD DIGNITY AT WORK POLICY

This policy is the result of a joint working group consisting of parties from NLB Management, staff and volunteers appointed from the NLB Staff Council. It has been developed in partnership and has the full support of NLB Senior Management and is endorsed by the Managing Board.

This section covers:

- **1. Policy Statement**
 - 1.1 What is the policy for?
 - 1.2 Who does this cover?
 - 1.3. General principles
- **2. The policy framework**
 - 2.1 The informal procedure
 - 2.2 The formal procedure
 - 2.3 Disciplinary and Appeal
- **3. Appendices**
 - Code of Respect – *Appendix 1*
 - Definitions and examples of Unacceptable Behaviour – *Appendix 2*
 - Self-Diagnosis Questions – *Appendix 3*
 - List of Support Available – *Appendix 4*
 - Guidance Notes – *Appendix 5*

1. Policy Statement and Purpose

The Northern Lighthouse Board (NLB) is an equal opportunity employer, committed to treating every member of staff with dignity and respect. It is the Board's policy to ensure, as far as reasonably practicable, that all staff have equality of opportunity in their terms and conditions of employment and are able to work in an environment free from harassment, victimisation, discrimination and/or bullying. The Board has a Code of Respect (Appendix 1) which details the rights and responsibilities of all individuals with regards to this.

All of our employees should be treated with respect, regardless of sex, marital status, age, race, ethnic origin, sexual orientation, disability, religion or any other irrelevant difference, e.g. social background, working pattern or trade union activity.

1.1 What is the Policy For?

The purpose of this policy is to set out the responsibilities of both managers and staff in helping to ensure that the Northern Lighthouse Board is free from harassment, victimisation, discrimination and bullying.

The policy also details both the range of support options available to staff who are subject to harassment, victimisation, discrimination or bullying and the procedures that should be followed in the event that any complaint of unacceptable behaviour is made.

1.2 Who Does This Cover?

The policy covers all NLB staff including Commissioners. External contractors e.g. temporary staff, agency staff, agency staff on ships, visitors to any NLB premises etc; are expected to sign up to the principle of this policy prior to any award of contract. Visitors staying on board NLB tenders will be informed of the policy and Code of Respect during their initial Health & Safety briefing once on board.

Additional Note

We will presume all accusations have been made in good faith, i.e. that the complainant genuinely believes that they have suffered harassment, victimisation, discrimination or bullying, whether or not that proves to be the case after investigation. However, if it is clearly evident that anyone has knowingly made a false accusation, including giving a witness statement, this shall be regarded as a disciplinary matter and dealt with in accordance with NLB's disciplinary policy.

1.3 General Principles

- All staff will be made aware of the standards of respect expected;
- No member of staff should be allowed to suffer in silence if they believe they are being subjected to any form of unacceptable behaviour;
- All complaints will be dealt with fairly and sympathetically;
- No-one will be penalised for raising a legitimate complaint;
- Wherever possible complaints raised will be dealt with as confidentially as possible.

2. Policy Framework

The NLB Dignity at Work Policy Framework

The Northern Lighthouse Board's Dignity at Work policy is made up of both informal and formal routes and includes three potential stages;

- 2.1 Informal procedure** – made up of any level and combination of discussion/investigation/counselling/ mediation but no formal action.
 - 2.1.1 Speaking to Alleged Offender** – where appropriate, the individual complainant may choose to discuss the offending behaviour with the person and make a request for this to stop.
 - 2.1.2 Informal Involvement of Line Manager** – if the complainant does not wish to speak directly to the alleged perpetrator either by themselves or with support from another individual, they may discuss their complaint with their line manager (or that person's line manager if they are the perpetrator).
 - 2.1.3 Investigation** – where appropriate, the line manager or other supervisor/ section head/Master/Director/ will speak to both parties advising them that these discussions are informal, and will then give the parties an opportunity to both state and respond to the allegations. Although this investigation is **NOT** part of the formal procedure, this does not prevent Line managers from considering any information obtained during this process if the case progresses to the formal stage.
 - 2.1.4 Outcome** – after these discussions have taken place, the line manager will need to inform both parties of their view. A record of the discussions and any agreed outcomes will be kept and the line manager should advise the parties that the situation will continue to be monitored for a period of time.
 - 2.1.5 Mediation** – At this stage the line manager in conjunction with HR, may also consider offering the opportunity to use mediation to help resolve the issues.
- 2.2 Formal procedure** – Any formal complaint must be made in writing and submitted to your line manager/countersigning officer. A full and thorough investigation into the facts surrounding the allegations will then commence.
 - 2.2.1 Disciplinary Policy and Appeal** - If after a full investigation it is believed that there is a case to answer; and on production of a report into the findings, the case will be considered at the appropriate stage of NLB's disciplinary policy.
- 2.3 Sanctions and Appeal**
Timescales, disciplinary hearing, potential sanctions and the full right of appeal will all be applied as per the disciplinary policy.

Policy Implementation Date: 24th August 2006.

Formal review of **Policy**: August 2007.

Revision of Appendices and **Guidance Notes** on an 'As Required' basis.

3. APPENDICES

Appendix 1

NORTHERN LIGHTHOUSE BOARD

Code of Respect

Everyone has the **right** to:

1. be treated with courtesy, kindness and respect
2. express feelings and opinions assertively
3. work in an atmosphere of harmony and cooperation
4. expect that the Board's policies are fair, consistently implemented and respect the rights of all involved
5. be valued for their individuality, including that of race, gender, cultural, physical or intellectual diversity
6. feel secure and safe in a caring and supportive environment

Everyone carries **responsibilities** to support these rights:

1. treat others with courtesy, kindness and respect
2. listen to others with mutual respect
3. maintain a safe, secure and harmonious work environment
4. model and support the Board's policies and be responsible for their own actions
5. value others, for their individual differences
6. work to achieve personal best whilst supporting others to do the same

Appendix 2

Definitions - Please note that these definitions are purely illustrative and are not meant to be viewed as exhaustive.

There are various types of behaviour which are forms of, or which could lead to, harassment, victimisation, discrimination or bullying. These behaviours have a detrimental effect on both individuals and the organisation as a whole. They can significantly lower staff morale and motivation, cause increased absenteeism and turnover of staff and, in some cases, end in legal proceedings. Some common definitions, along with relevant examples, are set out under the individual headings below.

Bullying –

The CIPD defines bullying as:

- any persistent behaviour, directed against an individual, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the recipient.

Bullying behaviour may be characterised by:

- taking credit for others' work, but never taking responsibility when things go wrong;
- open aggression or verbal abuse;
- humiliation or ridicule;
- excessive or under supervision;
- overruling a person's authority or undermining skills and capabilities;
- setting impossible objectives;
- withholding information from or deliberately excluding an individual; or
- making others feel upset, humiliated, threatened or vulnerable;
- Assault.

Harassment - (ACAS) describes harassment as:

- unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality, or any personal characteristic of the individual and may be persistent or an isolated incident. It does not have to be face to face but can involve e-mail or other forms of communication.
- Witnessing this behaviour

Examples of harassment could include:

- physical or verbal abuse or intimidation;
- jokes, banter, insinuations, insults and taunts based on a person's nationality, including Scottish and English;
- asking intimate questions about a person's disability.

Victimisation

The Sex, Race and Disability Discrimination Acts define victimisation as occurring when you are treated less favourably because you have complained about unacceptable behaviour or have given evidence for another employee when they have complained.

Examples of victimisation could include being:

- given an unfair work-load;
- isolated by others; or
- picked on or singled out by another.

Discrimination

Direct Discrimination is:

- treating someone less favourably on the basis of sex, marital status, age, race, ethnic origin, sexual orientation, disability or religion.

Indirect Discrimination

Where a provision, criterion or practice is applied or would be applied universally but which is such that it would be to the detriment of a considerably larger proportion of one particular group (whether based upon sex, race, disability etc) and which cannot be justified irrespective of the group to whom it is applied and it is to that person's detriment. For example, a requirement to work full-time might affect more women than men as women are much more likely to undertake caring responsibilities for their dependants. A complainant would have to show that fewer women than men could comply with such a requirement and that it is to her detriment that she cannot comply.

Sexual harassment

- Physical contact, ranging from unnecessary touching through to sexual assault;
- Unwelcome sexual advances, propositions or demands for sexual favours;
- Unwanted or unjustifiably derogatory comments about dress or appearance;
- Leering and suggestive gestures, comments or innuendo; or
- Displaying or circulating offensive materials, pornographic pictures or pin-ups.

Racial harassment

- Physical or verbal attacks on co-workers, because of their race, colour, nationality or ethnic origin;
- Refusing to work with or deliberately isolating co-workers because of their race, colour, nationality or ethnic origin;
- Displaying racially offensive material;
- Racist jokes, banter, insinuations, insults and taunts based on a person's nationality, including Scottish and English;
- Discouraging someone from taking advantage of relevant and suitable training on grounds of race.

Harassment of staff with disabilities

- Physical or verbal abuse or intimidation;
- Asking intimate or inappropriate questions about a person's disability;
- Use of offensive language, name calling, taunts, jokes, mockery;
- Assumptions that disabled people don't have a social life;
- The assumption that physical disability equals mental disability;
- Exclusion from workplace activities and social events;
- Inappropriately questioning the existence of a non-apparent impairment;
- Unwelcome interference in an attempt to "help" with work or questioning a disabled person's work ability by, for example, overzealous scrutiny of sickness records;
- Uninvited touching.

Bullying behaviour

- Taking credit for others' work, but never taking the blame when things go wrong;
- Open aggression, bawling out, threats, shouting, swearing, abuse, physical or verbal intimidation;
- Intimate questioning about someone's personal or sex life;
- Humiliating, ridiculing or belittling efforts often in front of others or in private;
- Excessive or under supervision, monitoring everything, even minor things;

- Overruling a person's authority, reducing a job to routine tasks, well below skills and capabilities;
- Setting impossible or unrealistic objectives;
- Unjustifiably blocking promotion or training opportunities;
- Withholding information, ostracising, marginalizing, spreading rumours etc.

Harassment of transgender staff, bisexuals, lesbians or gay men

- Physical or verbal abuse or intimidation;
- Unwelcome comments or jokes;
- Intimate questioning about someone's personal or sex life;
- Assuming that everyone is heterosexual;
- Making stereotypical assumptions about lesbians and gay men, including assuming that all gay men are HIV positive;
- Displaying or circulating homophobic or anti-gay materials;
- Gossip and speculation about someone's sexuality;
- Excluding people because they are transgender, bisexual, lesbian or gay.

Harassment on age grounds

- Physical or verbal abuse or intimidation;
- Pressure to retire;
- Discouraging taking advantage of relevant and suitable training on grounds of age;
- Assumptions or derogatory remarks about ability or competence;
- Exclusion from workplace activities and social events because of age.

Other Issues

- Deriding or mocking people's religious or political beliefs or their trade union involvement;
- Unfair work allocation;
- Displaying tattoos that may be offensive in terms of dignity at work, equal opportunities or diversity.
- Sectarian – rigidly adhering to a particular set of doctrines and being unacceptably intolerant of other views.
- Behaviour outside the office can fall within the scope of the policy, e.g. away days, social events, working off site, working from home, office parties.

Appendix 3

SELF-DIAGNOSIS OF UNACCEPTABLE BEHAVIOUR

If you have any doubts about what is or is not acceptable behaviour, it may help you to consider the following:

Would your actions or behaviour be acceptable to:

- your spouse or partner;
- your parents;
- a colleague of the same sex; or.
- a member of the general public if reported as a “bad news” story in the local newspaper?

At work, would your actions or behaviour be acceptable if they were witnessed by:

- your own or another manager;
- your trade union representative;
- HR Section

Appendix 4

Support Available

Who can help You

If you feel that you are being subjected to any form of unacceptable behaviour, there are a number of support and advisory services available to you. These services are also available to members of staff accused of inappropriate behaviour.

Line Managers

NLB would encourage staff to speak to their line manager about any aspect of Dignity at Work. However if it is inappropriate for you to do so then the following alternative options are available;

HR Adviser

- provide support if you are suffering from harassment, victimisation, discrimination and/or bullying;
- give advice on procedures and options to both complainants and those accused of inappropriate behaviour;
- make initial contact with your line manager on your behalf, if you request this; and
- provide advice on how to make an informal or formal complaint.

Employee Assistance Programme - ICAS

If you particularly do not wish to speak to anyone within NLB, the Employee Assistance Programme (EAP) may be able to provide assistance. EAP gives you, and your immediate family, free and confidential access to specialist information and counsellors who can offer you assistance 24 hours a day. They can be contacted on 0800 072 7 072.

Trade Union

If you are a trade union member, your trade union representative may be able to offer advice and assistance.

Appendix 5

GUIDANCE NOTES ON APPLICATION OF NLB DIGNITY AT WORK POLICY FOR EMPLOYEES AND LINE MANAGERS

1. The informal procedure

<p>What should I do if am being subjected to unwanted behaviour?</p>	<p>When harassment, victimisation, discrimination or bullying occurs, you will want it to stop immediately and with the minimum amount of distress.</p> <p>Wherever possible:</p> <ul style="list-style-type: none"> • do not suffer in silence - seek support from others. (see Appendix 4). <p>If you feel able:</p> <ul style="list-style-type: none"> • approach the offender and indicate to them what conduct you find upsetting or offensive (individuals may not be aware of the effect their behaviour is having); • ask them to stop this behaviour. <p>If you do not want to do this alone:</p> <ul style="list-style-type: none"> • ask a colleague to accompany you; or • write to the person, keeping a copy of your letter and any reply received. <p>Informal action, as set out above, is often the most effective way of resolving the problem, especially when it is due to a lack of sensitivity rather than a deliberate attempt to offend or discriminate.</p> <p>If you do not want to speak to the person directly, or if, having done so, the behaviour continues:</p> <ul style="list-style-type: none"> • speak to your immediate line manager or, if he/she is the perpetrator, speak to their line manager or other senior manager. Again, if you wish, ask a colleague/ trade union representative to accompany you.
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<p>I want to make a complaint to my line manager but I'm afraid that they will say that it should be dealt with formally. Can I request that it is kept informal?</p>	<p>Your line manager will wherever possible try to ensure that your wishes are taken into account. However, if they believe that the complaint is of a serious enough nature to merit application of the formal process then the reasons for this will be explained to you. Remember the line manager has a duty to ensure that other staff are not put at risk and if the information you provide merits this, then they will be able to make the final decision upon which procedure should be followed.</p>
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I am a line manager and have been approached to deal with an informal complaint, what should I do?

If you have been approached to take informal action to deal with harassment, victimisation, discrimination or bullying you should:

- find out all of the facts relating to the complaint, including details and examples of alleged unacceptable behaviour;
- advise both parties of the support mechanisms available; (refer to appendix 4)
- consider whether informal action is appropriate (you may wish to consult HR if unsure);
- discuss with the alleged offender(s), without bias, the nature of the allegation;
- allow the alleged offender(s) to respond fully to the complaint and listen to the response;
- assess the effect the behaviour has had on the person involved;
- if appropriate, remind the alleged offender(s) of the NLB's policy on dignity at work;
- decide what action should be taken next;
- record the incident, and your actions, in a minute (for information) to HR, including the circumstances of the complaint, whether it was found to be substantiated or not, and the action taken to resolve it.
- if the individual admits the unacceptable behaviour, or you have a genuine belief, based on the evidence, that the alleged offender has behaved unacceptably, you need to warn him/her that, if the behaviour continues, it will be treated as a disciplinary offence.
- if in any doubt about how to proceed at any stage you should seek assistance from HR.
- You should monitor the situation, advising the individuals that you will be doing so, to ensure that there is no further harassment or victimisation as a result of the complaint and that the complainant is not deliberately excluded or subjected to any other detriment.

You must:

- ascertain the circumstances that have created the offence or distress;
- take prompt action to address the situation; and
- ensure staff have information about all the options available to them.

You must not:

- ignore unacceptable behaviour; or
- substitute your own view of what is unacceptable behaviour or assume that the complainant is being over sensitive.

What is mediation?	Mediation is a process of voluntary discussions between conflicting parties which is facilitated by a trained independent facilitator. Its purpose is to allow both parties the opportunity to give their side of the story and to facilitate their discussion in order to help them find a joint solution that they will find acceptable.
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What if I don't feel that an informal route is appropriate?	If you do not believe an informal route is appropriate then you should speak to your line manager or a member of the HR team who will be able to advise you further on the formal route.
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2. Formal Procedure

I have been subjected to unacceptable behaviour and I believe it should be dealt with using the formal route – what do I need to do?	If you believe that the behaviour you have been subjected to should be dealt with using the formal route, then you must put your complaint in writing and bring this to the attention of your line manager, or their line manager if they are the perpetrator. The manager will then speak with a member of the HR team, who will advise on the procedure to follow.
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3. General Guidance

I am a line manager what are my general responsibilities with this policy?	<p>As a line manager you must:</p> <ul style="list-style-type: none"> • proactively endeavour to ensure that your staff work in an environment which is free from harassment, victimisation, discrimination and/or bullying; • encourage an atmosphere of tolerance and respect; • lead by example through a fair and open management style; • ensure that all staff for whom you have responsibility are aware of, and understand the dignity at work, diversity and equal opportunities policies (including new staff as part of their induction to the NLB); and • act upon inappropriate behaviour. It is not acceptable for you to do nothing as you may later be held accountable for your lack of action under the NLB's performance appraisal or disciplinary procedures, or, in more serious cases, through the legal process.
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<p>I have been accused of unacceptable behaviour what should I do?</p>	<p>If you are accused of unacceptable behaviour, you:</p> <ul style="list-style-type: none"> • should try not get defensive; • listen carefully to any information and advice you are given; • try to understand why your behaviour may be perceived as offensive; • work constructively to achieve a satisfactory outcome; or • if you are unable to reach agreement with the complainant, agree to take the matter to a line manager. <p>You should also:</p> <ul style="list-style-type: none"> • seek the support of your trade union representative (if you are a member) or a colleague, to help you answer a complaint; • be aware that you are entitled to be accompanied by a fellow employee or trade union representative at any formal meetings convened under these procedures. Your companion can speak on your behalf and confer with you, but cannot answer questions that are specifically addressed to you. • you will be given full details and a copy of the complaint as soon as the decision is taken to conduct a formal investigation. As the investigation progresses, you will be given copies of witness statements.
<p>I have witnessed unacceptable behaviour what should I do?</p>	<p>If you are aware of any form of unacceptable behaviour taking place, it is important that you report this to your line manager, or, if he/she is the perpetrator, either their line manager or a member of the HR team. You have a responsibility to do this and will not suffer any detriment by doing so. As an employer, we have a duty of care to all of our employees, including those alleged to have demonstrated unacceptable behaviour. Because of this, we cannot guarantee that any information you give will be held in confidence.</p> <p>If you are asked to provide a statement for an investigation you must provide a full and accurate account of behaviour you have witnessed to the investigator;</p> <ul style="list-style-type: none"> • be aware that your statement may be passed to all parties involved in the investigation; • not discuss with any other member of staff the content of your statement.

I am a line manager and am worried that by telling people what to do they might be able to claim that I am bullying them.

Managers have to be able to manage their staff and at times this will involve:

- issuing reasonable instructions and expecting them to be carried out;
- setting expected standards of performance supported by the appraisal framework;
- giving appropriate performance markings in accordance with the performance appraisal system; or
- giving legitimate, constructive and fair criticism of performance or behaviour at work.

Carrying out these duties in a fair, reasonable and consistent manner does not constitute an act of harassment, victimisation, discrimination or bullying. Managers should ensure that they perform these duties whilst upholding the principles of this policy and respecting the dignity of staff.