

SCOTTISH POLICE
AUTHORITY



POLICE
SCOTLAND

**Equality, Diversity and Dignity
(Police Officers and Authority/Police Staff)**

Standard Operating Procedure

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1. Purpose

- 1.1 The purpose of this Standard Operating Procedure (SOP) is to proactively work towards the Scottish Police Authority (SPA)/Police Service of Scotland (Police Scotland) ensuring that it meets the criteria set out in the Equality Act 2010 and General Equality duties to have 'due regard' to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
 - advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
 - foster good relations between people who share a protected characteristic and those who do not.
- 1.2 The organisation is committed to applying the principles of the European Convention on Human Rights and the (UK) Human Rights Act 1998. This SOP seeks to ensure that all to whom this SOP applies respect the human rights of all individuals and act in a way compatible with these rights.
- 1.3 In aiming to achieve its purpose the SOP outlines the responsibilities of individuals within the SPA / Police Scotland towards colleagues and the public in regards to their actions and behaviour to ensure that people are treated with dignity and respect.

2. Application

- 2.1 This SOP applies to all police officers, authority/police staff (including temporary staff), special constables, contractors, agency workers throughout their employment cycle with the SPA / Police Scotland. The collective term used for those outlined above will be individuals from this point forward.
- 2.2 It also applies to engagement between any member of the SPA / Police Scotland with applicants to the SPA / Police Scotland, stakeholder, partner agencies and members of the public.

3. Definitions and Principles

- 3.1 All members of the SPA / Police Scotland have the right to:
- dignity and respect at work;
 - human rights;
 - work in an environment free from discrimination, victimisation, bullying or harassment;
 - report, without fear of victimisation, any act of negligence or omission relating to equality of opportunity;
 - expect management to deal with any issues raised in a manner that is both professional and appropriate; and

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- have equal access to continuing employment, training, career development, promotion opportunities and equal pay.

3.2 All members of the public have the right to be provided with a service which is free from discrimination, victimisation and harassment and to be treated with dignity and respect and in line with their fundamental right to Human Rights.

3.3 Protected Characteristics

3.3.1 The Equality Act 2010 protects people from discrimination based on certain characteristics. These are known as 'protected characteristics' and are as follows:

- Age;
- Disability;
- Gender reassignment;
- Marriage or civil partnership;
- Pregnancy and maternity;
- Race (including colour, nationality (including citizenship) ethnic or national origins);
- Religion or belief (including a philosophical or no belief);
- Sex; and
- Sexual orientation.

3.4 Dignity and Respect

3.4.1 Dignity and respect extends beyond the protected characteristics listed above and can include other characteristics e.g. family relations, impairments, physical ability, working status, or socio-economic status and/or staff association/trade union association/non-association involvement/non involvement.

3.4.2 In ensuring dignity and respect to all is achieved the SPA / Police Scotland is committed to equality and diversity. The organisation does not tolerate against any member of the SPA / Police Scotland or any member of the public any form of discrimination, victimisation, bullying or harassment or impingement on an individual's fundamental right to Human Rights. Further information on Human Rights is available in Appendix 'D'.

3.4.3 Victimising a member of the SPA / Police Scotland for making allegations of bullying or harassment in good faith or for providing support for a member of the SPA / Police Scotland making such a complaint in relation to any of the protected characteristics, or whistleblowing for another reason will not be tolerated.

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- 3.4.4 Everyone has the right to be treated with dignity and respect and to be provided with equality of opportunity from the initial point of contact with the SPA / Police Scotland either as member of the public or during recruitment and throughout their employment which includes promotion, training or any other benefit that will be based on aptitude and ability to the point that they leave the organisation.
- 3.4.5 All members of the SPA / Police Scotland will be helped and encouraged to develop their full potential. Their talents and resources will be fully utilised to maximise the efficiency of the organisation.
- 3.4.6 A violation of an individual's dignity and respect that takes place during social and out of hours occasions connected with work may still be considered as being in the course of employment.
- 3.4.7 The Grievance SOP, Disciplinary SOP (Authority / Police Staff) and Police Service of Scotland (Conduct) Regulations 2014 are in place to ensure that issues in relation to any breach of this SOP can be reported, investigated and appropriately dealt with, where there is inappropriate behaviour/conduct.
- 3.4.8 Fairness and dignity and respect will also apply in situations such as giving consideration to disciplinary procedures or dismissal procedures which may lead to dismissal.

4. Discrimination

4.1 Direct Discrimination

- 4.1.1 Direct discrimination occurs when a person is treated, or would treat another person, less favourably than others because of a protected characteristic(s) (see section 3.3).
- 4.1.2 This includes when a person is discriminated against because there is an assumption that the individual has a protected characteristic, regardless of whether or not they do. This is known as 'discrimination by perception'.
- 4.1.3 Direct discrimination can also exist where an individual is discriminated against because they are associated with another person, for example people who have received less favourable treatment because of helping someone with a protected characteristic or acting in a way that would disadvantage a person or people who have (or are assumed to have) the protected characteristic. This is known as 'discrimination by association'.
- 4.1.4 Individuals who have caring responsibilities (e.g. care of an adult, spouse, partner, civil partner, relative or alternatively any adult living with you at your address) are protected from direct discrimination and harassment at work under the Equality Act 2010. See also Para 4.1.3 above.

4.1.5 Discrimination by perception and by association does not apply to marriage or civil partnership or maternity and pregnancy. However in such cases this may amount to discrimination on the grounds of sexual orientation or sex respectively and/or impact on an individual's dignity and respect and Human Rights. Such instances will be fully considered by the SPA / Police Scotland.

4.2 Indirect Discrimination

4.2.1 Indirect discrimination occurs when an apparently neutral practice, condition or requirement exists (whether intentionally or not) which adversely affects either an individual (or a considerably larger proportion of people) with a protected characteristic and cannot be justified. For example, 'a post is created/advertised with a requirement that applicants must hold a driving licence. This could negatively impact on people with a disability who are unable to drive. Unless the requirement to hold a driving licence can be objectively justified this would be indirect discrimination.

4.3 Duty to Make Reasonable Adjustments

4.3.1 Discrimination against a disabled person can also occur where the SPA / Police Scotland fails to comply with a duty to make required reasonable adjustments in relation to that disabled person. This is covered in detail within the Disability in Employment SOP.

4.4 Discrimination Arising from Disability

4.4.1 Discrimination arising from disability can occur when a disabled person is treated less favourably because of something arising from and in consequence of their disability.

4.5 Victimisation

4.5.1 Victimisation occurs if a person suffers a detriment because it is suspected, or known, that they:

- have brought (or may bring) a discrimination complaint internally, or externally;
- given evidence or information relating to such proceedings; or
- alleged that discrimination has occurred, whether on their own or another's behalf.

4.5.2 The above list is by no means exhaustive.

4.6 Bullying

4.6.1 There is no specific legislation covering the definition of bullying however legislation outlined in the Health and Safety SOP outlines that there is a requirement to ensure the health, safety and welfare of members of the SPA / Police Scotland.

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- 4.6.2 Under the Protection from Harassment Act 1997, bullying behaviour can be dealt with as a criminal offence or as a hate crime under the Offences (Aggravations by Prejudice) (Scotland) Act 2009.
- 4.6.3 Bullying, although not defined legally is described by Advisory, Conciliation and Arbitration Service (ACAS) as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'.
- 4.6.4 Use of offensive, intimidating, malicious or insulting behaviour, abuse of power or unfair use of sanctions towards a person on any grounds will not be tolerated.
- 4.6.5 Bullying can take many forms and may not be easy to recognise and can result in an individual feeling intimidated, embarrassed, humiliated, undermined or vulnerable which can take the form of face to face or written communication (eg email, letter, text etc) or via social media (e.g. Facebook, Twitter).
- 4.6.6 Examples of bullying could be:
- explicit verbal abuse, being vindictive, cruel or malicious;
 - the tone or perceived tone of face to face or written communication;
 - repeated derogatory remarks which cause the person to feel threatened, distressed or humiliated;
 - remarks which are maliciously used to undermine the person's confidence, job security or create a threatening or intimidating working environment;
 - unfair allocation of work or unreasonable pressure on an individual about the speed or quality of their work;
 - isolation or non co-operation at work or exclusion from social activities; and
 - victimisation or intimidation.
- 4.6.7 The above list is by no means exhaustive.
- 4.6.8 A member of the SPA / Police Scotland can complain of behaviour that they find offensive even if it is not directed at them.

4.7 Harassment

- 4.7.1 The Equality Act 2010 defines harassment as 'any form of unwanted conduct, including that of a sexual nature, which has the purpose or effect of violating a person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for the person' on the grounds of any of the protected characteristics, with the exception of marriage or civil partnership and pregnancy and maternity. Although not covered by the Act the SPA / Police Scotland will fully consider any such instances.

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- 4.7.2 The Act prohibits three types of harassment. These are:
- harassment related to a 'relevant protected characteristic';
 - sexual harassment; and
 - less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.
- 4.7.3 An individual is protected from harassment due to having or perceived to have a particular protected characteristic.
- 4.7.4 Actions may be deemed as harassment even though the harasser may not have intended to harass.
- 4.7.5 This means that a member of the SPA / Police Scotland may not directly have one of these characteristics but is associated with an individual who does, e.g. a parent with a child who has disabilities.
- 4.7.6 A member of the SPA / Police Scotland can complain of behaviour that they find offensive even if it is not directed at them.
- 4.7.7 It is important to note that a member of the SPA / Police Scotland' perception must be considered when deciding whether a behaviour or action constitutes harassment and not solely the intentions of the person responsible for the behaviour. The standard of proof is on the balance of probabilities and corroboration is not required. What may be perceived as inoffensive to one individual may be offensive to another. Everyone is entitled to make clear what is unacceptable to them and to highlight that to a person having behaved in that way.
- 4.7.8 Although not covered by this section violating a member of the SPA / Police Scotland's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for a member of the SPA / Police Scotland on the grounds of marriage or civil partnership and pregnancy and maternity may amount to harassment on the grounds of sexual orientation and sex respectively.
- 4.7.9 Harassment can take many forms. Examples of behaviour associated with harassment are:
- offensive songs, remarks, jokes, e-mails or gestures;
 - display of offensive posters, publications and graffiti;
 - unwanted physical contact or advances;
 - offensive remarks about a person's dress or appearance;
 - offensive remarks about a person's age, disability, sex, gender identity, pregnancy or maternity, marriage or civil partnership, race, religion or belief or sexual orientation;
 - shouting, abusive or intimidating language; and
 - spreading malicious rumours, allegations or gossip.

4.7.10 The above list is by no means exhaustive. For further guidance in relation to Harassment please refer to Appendix 'E' and discuss with People and Development where advice is required.

4.8 Third Party Harassment

4.8.1 The SPA / Police Scotland also has third party liability in relation to actions taken by any third party.

4.8.2 Employers may be liable for harassment of individuals appointed to the SPA / Police Scotland and job applicants by third parties e.g. people who are not members of the SPA / Police Scotland, such as members of the public, where:

- a member of the SPA / Police Scotland or job applicant has been harassed on at least two occasions (whether by the same person or different people); and
- the employer is aware harassment has taken place but fails to take reasonable practicable steps to prevent it happening again.

4.9 Difference between Bullying and Management

4.9.1 Bullying, discrimination, victimisation and harassment should not be confused with the legitimate exercise of managerial responsibility. For further information in relation to steps for improving performance refer to the Capability (Attendance and Performance) (Authority/Police Staff) SOP.

4.9.2 The use of management techniques, performance management, misconduct and disciplinary procedures by supervisors to manage underperformance and misconduct or capability issues within the workplace is entirely appropriate. However, should managerial action be unwarranted or become aggressive or intimidating, the manager will be acting in breach of this SOP. In addition, where managerial action occurs as a result of a protected characteristic (see section 3.3) this could also be considered to be bullying.

4.9.3 Action taken fairly and reasonably in support of organisational policies and procedures will not constitute harassment.

4.9.4 Further guidance in relation to the differences between bullying and management are outlined in the guidance document 'Understanding the difference between managing and bullying' available on the Intranet.

4.10 Confidentiality

4.10.1 Claims of discrimination, victimisation, bullying or harassment will always be treated seriously and be dealt with in highest possible level of confidence.

4.10.2 The term 'outing' (as defined by ACAS) is when, against their wishes, a person's sexual orientation or transgender identity is revealed by another person. This includes where someone, acting without the knowledge or agreement of someone who is transgender, gay, lesbian or bisexual, informs someone else of that person's sexual orientation or transgender identity. For example:

- a colleague tells others they think that someone within the organisation is gay;
- a manager, attempting to resolve a homophobic bullying scenario, informs another manager at that station, and in doing so 'outs' the person; or
- a colleague informs others that someone has registered their civil partnership.

4.10.3 The Gender Recognition Act 2004 defines any information relating to a transsexual person's gender recognition application as 'protected information'. For further information refer to the Transgender People in Employment SOP. It is a criminal offence for anyone acquiring this protected information in an 'official capacity' to disclose it to a third party without the transsexual person's consent. There are only a very few exceptions, for example if the information is required by the police for the prevention or investigation of a crime or as an employer, or prospective employer.

4.10.4 Each case will be considered individually and the deliberate and/or malicious outing of an individual may be harassment which is unlawful and will be dealt with as such.

4.10.5 Any breaches of confidentiality will be treated seriously and may result in disciplinary action via the Disciplinary (Authority / Police Staff) SOP / Police Service of Scotland (Conduct) Regulations 2014.

5. Ensuring Application of Principles

5.1 The SPA/Police Scotland will ensure this SOP's principles are applied to all employment and service delivery related SOPs.

5.2 The SPA/Police Scotland will work to ensure that no unfair or unlawful Policies/SOPs and practices exist through regular review, consultation and completion of Equality Impact Assessments (EIA). For further information in relation to EIAs please refer to the Equality Impact Assessment SOP.

6. Managing Allegations

6.1 Raising a Concern to the SPA/Police Scotland

- 6.1.1 All members of the SPA / Police Scotland are encouraged to identify concerns if they believe that they are being discriminated against, victimised, bullied or harassed.
- 6.1.2 Dependent on the circumstances the individual may consider dealing with any issues in the following way:
- Personal intervention; or
 - Informal Resolution or raising a grievance.

6.2 Personal Intervention

- 6.2.1 In the majority of incidences where there has been remarks or behaviours impacting upon someone's dignity and respect and/or human rights, the recipient may feel that the situation can be resolved by indicating to the perpetrator that they feel that their actions, behaviour or remarks are unacceptable.
- 6.2.2 A member of the SPA / Police Scotland may feel able to take action on their own or with the help of a colleague. It may be possible to let the person causing the offence know what is unacceptable about their behaviour and request them to adapt their behaviour accordingly.

6.3 Informal Resolution or raising a Grievance

- 6.3.1 Personal intervention may not be appropriate in cases more serious in nature or where approaching the perpetrator may be difficult, if not impossible. In such cases it may be appropriate to raise this concern with a supervisor/line manager. Alternatively advice or support can be sought from People and Development, trade union representatives, staff associations and/or the Employee Assistance Programme. For further information with regards to information resolution and progression to raising a formal grievance refer to the Grievance SOP.
- 6.3.2 Additional guidance regarding the options available is available in the guidance document 'A guide to dealing with Equality, Diversity or Dignity issues in the workplace' provided on the intranet.

6.4 Consideration of Disciplinary/Misconduct Procedures

- 6.4.1 Any member of the SPA / Police Scotland who is identified as exhibiting unacceptable behaviour could face disciplinary action or misconduct proceedings, which may lead to dismissal, depending upon the nature and seriousness of the behaviour.

6.4.2 For further information refer the Disciplinary (Authority and Police Staff) SOP / Police Service of Scotland (Conduct) Regulations 2014.

6.5 Handling of Vexatious or Malicious Complaints

6.5.1 It is assumed that any complaint made against another member of the SPA / Police Scotland or against the organisation is made because of a genuine grievance and as such, all investigations will be based upon this premise. However, should an investigation reveal that a complaint has been made with the aim of undermining the integrity or dignity of another member of the SPA / Police Scotland, and is therefore vexatious, disciplinary action will be taken against the complainant.

6.5.2 For further information please refer to the Grievance SOP.

7. Advice and Support

7.1 Support and advice is afforded to both the complainant and the alleged perpetrator of discrimination, victimisation, bullying or harassment who must be afforded a reasonable level of support and advice.

7.2 It is recognised that individuals who are the victims of discrimination, victimisation, bullying or harassment at work may suffer emotional or psychological reactions to their experiences. It is essential therefore that these situations are responded to sensitively and appropriate support is offered, which may include involvement of Occupational Health and Welfare and / or the Employment Assistance Programme.

7.3 Support will also be provided to anyone accused of breaching this SOP with separate arrangements being made for both parties to prevent any conflict of interest arising.

7.4 A number of options are open to support anyone who is subject to discrimination, victimisation, bullying or harassment or treatment that adversely affects their dignity at work. A member of the SPA / Police Scotland may choose to discuss the matter with and seek assistance from:

- Association of Scottish Police Superintendents or the Scottish Police Federation;
- Diversity Staff Group;
- Trade Union representative;
- the person considered to be the cause of the bullying or harassment;
- a line manager;
- Head of Department;
- a member of the P&D Department;
- Occupational Health & Wellbeing;
- Workplace Contacts;

- Integrity Matters; or
- Employee Assistance Programme.

8. Monitoring

- 8.1 The SPA / Police Scotland is committed to equality of opportunity both as an employer and as a service provider and recognises the value that a diverse workforce and community can bring. To assist with ensuring that the policies and practices are being developed and applied effectively and efficiently for members of the SPA / Police Scotland and members of the public, EO data is gathered and monitored in respect of organisational performance.

9. Failure to Comply with Principles of SOP

- 9.1 Individuals or managers found not to be adhering to the principles, legislation and values of this SOP and SPA / Police Scotland in relation to equality and diversity may lead to claims of discrimination, victimisation and harassment through channels such as an Employment Tribunal.

10. Training

- 10.1 Diversity Training will be provided to all probationary police officers as part of their initial training at the Scottish Police College. All new members of staff and special constables will receive diversity training, normally within their first six months of service. In addition, equality and diversity will be integrated to all relevant training.
- 10.2 Managers will be provided with support and training in respect of first line management of members of the SPA / Police Scotland.

11. Roles and Responsibilities

11.1 All Members of the SPA / Police Scotland

- 11.1.1 All members of the SPA / Police Scotland have personal responsibility on a day to day basis to promote a culture of equality and to treat everyone with dignity and respect by:
- making sure that they understand the values and benefits of equality and diversity and Human Rights;
 - demonstrating consideration, respect and understanding to all colleagues, partners and customers;
 - challenging or reporting, as appropriate, any suspected discriminatory acts or practices, including literature, language or behaviour that contravene the standards required;

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- bringing to the attention of their line manager any instances of apparent discrimination and any perceived problem in relation to employment or in the provision of services;
- taking actions and making decisions fairly and without bias;
- by completing the relevant mandatory equality and diversity and Human Rights training; and
- co-operating and supporting all measures introduced to develop equality.

11.1.2 All members of the SPA / Police Scotland should be conscious of the impact on others of their own behaviour and ensure that it is not construed as being of a harassing or bullying nature. There should be no collusion in such behaviour.

11.1.3 Supporting colleagues who are subject to such behaviour may be helpful, as supporting someone who is subject to such an allegation. This should be done in an impartial and objective way in order to ensure that such behaviour is not misconstrued as taking the side of one party or the other.

11.2 Line Managers and Supervisors

11.2.1 Supervisors and line managers have particular responsibility to maintain a standard of behaviour from all members of the SPA / Police Scotland under their direction and are accountable for taking action to prevent and to stop any form of discrimination, victimisation, bullying or harassment which they may become aware, examples are detailed below:

- Ensuring that they and members of the SPA / Police Scotland under their management are fully aware of the content of this document.
- Demonstrating their commitment to and support of this document through their attitudes, behaviours and actions.
- Ensuring that they and members of the SPA / Police Scotland under their management adhere to the standards of behaviour expected by the SOP and governed by legislation; and
- Promotion of a workplace which respects individual differences and is free from discriminatory or offensive behaviour to establish a productive and supportive working environment that enables members of the SPA/Police Scotland to work to the best of their ability.

11.2.2 Line Managers and supervisors have a responsibility to deal with issues raised by members of the SPA / Police Scotland promptly, fairly and sensitively or when unacceptable behaviour or offensive behaviour is witnessed or reported to them.

11.2.3 If members of the SPA / Police Scotland are aware that discrimination, victimisation, bullying or harassment are not to be tolerated by their supervisor or line manager then they should be more confident in reporting such behaviour.

11.3 Senior Managers

11.3.1 Senior Managers, in addition to responsibilities they have as a member of the SPA / Police Scotland and line manager, are responsible for:

- providing advice, guidance and support to line managers and members of the SPA / Police Scotland on all aspects of this SOP; and
- challenging and changing practices and procedures which discriminate directly or indirectly.

11.4 People and Development (P&D)

11.4.1 P&D is responsible for:

- the operation, monitoring and review of this SOP in terms of effectiveness in relation to employment;
- providing advice and support to members of the SPA / Police Scotland on all employment matters relating to this SOP and equality legislation;
- monitoring grievances and recommending action where specific trends are identified;
- ensuring all HR SOPs and procedures are equality impact assessed to promote equality of opportunity, foster good relations and eliminate unfair or unlawful discrimination; and
- The provision of training in relation to all areas of diversity to ensure that all members of the SPA / Police Scotland are aware of their obligations within the terms of this SOP.

11.5 Chief Constable

11.5.1 The SPA / Police Scotland has a duty of care towards its members and will not tolerate or ignore any form of discrimination, victimisation, bullying or harassment or other unacceptable behaviour shown to violate an individual's dignity at work and human rights. Any allegations of such will be taken seriously. Any member of the SPA / Police Scotland who reports any such treatment will be treated with understanding and support in line with published procedures.

11.5.2 The Chief Constable has corporate responsibility for ensuring this SOP is implemented and underpins all aspects of work including developing an organisational culture in which this SOP can operate effectively.

11.6 The Scottish Police Authority (SPA)

11.6.1 The SPA is responsible for scrutinising SPA / Police Scotland performance in relation to equality, diversity and dignity in employment.

List of Associated Legislation

All relevant legislation relating to this Standard Operating Procedure may be found at www.legislation.gov.uk but not limited to:

- Equality Act 2010
- Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012
- Equality Act 2010 (Specific Duties) (Scotland) Amendment Regulations 2015
- Equal Pay Statement 2013
- Gender Recognition Act 2004
- Human Rights Act 1998
- Offences (Aggravation by prejudice) (Scotland) Act 2009
- Police Service of Scotland (Conduct) Regulations 2014
- Protection from Harassment Act 1997
- The Health and Safety At Work Act 1974

List of Associated Reference Documents,

Standard Operating Procedures

- Capability (Attendance and Performance) SOP (Authority and Police Staff)
- Disability in Employment SOP
- Disciplinary SOP (Authority and Police Staff)
- Equality Impact Assessment SOP
- Grievance SOP
- Health and Safety SOP
- Transgender People in Employment SOP

Guidance:

- Understanding the difference between managing and bullying
- A guide to dealing with Equality issues in the workplace Version 1.00.
- ACAS Guidance for Employees – Bullying and Harassment At Work
- ACAS Guidance – Challenging conversations and how to manage them
- ACAS - Guide on Social Networking and Bullying
- Work-related stress – Health and Safety in the Workplace - HSE

List of Associated Forms

- Equality and Diversity Employment Monitoring Form (120-005)

Human Rights

Human Rights legislation came into force in the United Kingdom in October 2000.

The legislation sets out the fundamental rights and freedoms that individuals in the UK have access to. They include:

- Right to life;
- Freedom from torture and inhuman or degrading treatment;
- Right to liberty and security;
- Freedom from slavery and forced labour;
- Right to a fair trial;
- No punishment without law;
- Respect for your private and family life, home and correspondence;
- Freedom of thought, belief and religion;
- Freedom of expression;
- Freedom of assembly and association;
- Right to marry and start a family;
- Protection from discrimination in respect of these rights and freedoms;
- Right to peaceful enjoyment of your property;
- Right to education; and
- Right to participate in free elections.

Further information is available from the Equality and Human Rights Commission.

Forms of Harassment

Sexual Harassment

Sexual harassment is defined as being any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating a person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for the person.

Legislation also protects against less favourable treatment for rejecting or submitting to the above type of conduct.

This applies to both female and male members of the SPA/Police Scotland.

Sexual harassment involves the abuse of power or unwanted behaviour rather than personal relationships freely entered into and acceptable to those involved.

Sexual harassment that takes place during social and out of hours occasions connected with work may be considered as sexual harassment at work.

Examples of such behaviour may include:

- Physical conduct of a sexual nature, unwanted physical contact, including unnecessary touching, patting, pinching or brushing against another member of the SPA/Police Scotland, assault or coercing sexual activity.
- Verbal conduct of a sexual nature, unwelcome sexual advances, and propositions for sexual activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, obscene language, suggestive remarks, innuendoes or lewd comments.
- Non-verbal conduct of a sexual nature including the display of pornographic or sexually suggestive pictures, objects or written materials, sending emails with material of a sexual nature, leering, whistling or making sexually suggestive gestures.

Harassment Based on Sexual Orientation

Furthermore, sexual harassment can include inappropriate references to or behaviour attacking an individual's actual or perceived sexual orientation. Also included within this definition of harassment are remarks or behaviour that implies that an individual is of a certain sexual orientation. This is whether or not the perception has truth to it, is disclosed intentionally or unintentionally, whether maliciously or with the best of intentions, but as a result 'outs' someone.

Racial Harassment

Racial harassment is defined as unwanted behaviour of a racial nature, including inappropriate reference to or behaviour attacking an individual's ethnic and/or

national origin, race, colour or nationality. Also covered under this definition are cultural differences that may arise between individuals and/or groups that, though acceptable in one cultural setting, may be completely unacceptable and offensive to members of a different cultural setting.

Harassment Regarding Disability

Harassment on the grounds of disability includes inappropriate reference to or behaviour attacking an individual's physical, sensory, visual, hearing or cognitive impairment(s). Also covered under this definition are unwanted or patronising comments that draw attention to an impairment. Examples of harassment could include, for example, referring to a person with mental health problems as a 'psycho' or 'nutter'.

Harassment Regarding Religion or Beliefs

Harassment on the grounds of an individual's actual or perceived religion, faith or beliefs or lack of beliefs includes inappropriate reference to or behaviour attacking an individual's religion or beliefs. An example of this kind of harassment would be where a member of the SPA/Police Scotland is devout in their belief and refers to their colleagues as "heathens" due to their lack or difference of beliefs. Also included in this definition of harassment are remarks or behaviours that imply that an individual believes in a certain religion, faith or belief whether or not the implication has truth to it.

Sectarian Harassment

The Lord Advocate has provided a definition of harassment of a sectarian nature which includes inappropriate reference to or behaviour attacking an individual because of a hatred towards their religious, cultural, or social grounds, sexual orientation, transgender identity or disability. Therefore not only the commonly associated example of the differences between Protestant and Catholic groups.

Harassment Regarding Age

Harassment on the grounds of age includes inappropriate reference to or behaviour attacking an individual's age. This does not only apply to persons of an older age but younger people too. Inappropriate comments could include, for example, suggesting someone is too old ('over the hill') or too young ('wet behind the ears').

Harassment on Any Other Grounds

Harassment need not make any direct connection to any of the above forms of discrimination. The aforementioned list is by no means exhaustive. It may also be of an indirect and/or generalised nature in which there is no obvious form of harassment but distinction is made in relation to a protected characteristic. For example, a member of the SPA/Police Scotland shouts only at female members of the SPA/Police Scotland; this could amount to harassment on the grounds of sex.

Harassment or bullying based upon the working status (e.g. part-time employment)

of an individual is also deemed unacceptable under this SOP.

Effects of Harassment

Harassment can have a detrimental effect on the mental health of the recipient with the capacity to cause a loss in confidence or morale leading to anxiety, stress, depression, or in extreme and prolonged cases, mental breakdown. As well as psychological damage, harassment can cause:

- Physiological damage - e.g. headaches/migraine, sweating/shaking, feeling/being sick, irritable bowel, raised blood pressure, insomnia or a loss of appetite; and
- Behavioural changes – e.g. becoming irritable, withdrawn or aggressive, consuming more tobacco/alcohol or obsessing over retribution against the bully.

The resultant effects upon the individual's work can be a loss of efficiency, absenteeism or resignation.

If an individual is exposed to intolerable pressures and no action is taken to alleviate the stress they are suffering as a result of discrimination, harassment, bullying or victimisation, the long-term effects on their health can be serious, with the worst outcomes including nervous breakdown, heart attack or even suicide.

Harassment can also have an adverse impact upon those indirectly affected (e.g. work colleagues) due to the creation of an unpleasant, intimidating or hostile working environment.

By allowing harassment or bullying to occur, the workplace would become hostile to everyone and not just the recipient of the actions, behaviour or remarks.