

**'View from the Chair' article published in the Business Newsletter, 16 Aug 2016  
by Dr Michael Wardlow, Chief Commissioner, Equality Commission NI**

**Helping employers to stay on the right side of the law**

What would you do if someone in your organisation came into your office and told you that she was experiencing sexual harassment from male members of staff and that her manager did not take her complaint seriously? Or if a foreign worker said his colleagues were harassing him and damaging his property and no one would listen to him? On the evidence of the complaints we receive in the Equality Commission, some employers either do not know what to do or believe that if they do nothing, it will go away.

The Equality Commission advises potential complainants in such situations – but we also provide advice and training to employers to help ensure that these situations don't arise in the first place. The Commission's new Employer Training Programme runs from September offering free, expert sessions where you can get your questions answered and come up with solutions that will work for your business.

Well over three-quarters of all complaints of discrimination made to the Commission every year are to do with discrimination in the workplace, sometimes by the employers themselves, and sometimes by their staff.

As an employer, you are responsible for any breaches of equality law by people who work for you. This can be so even if you do not know about it or approve of it.

You can reduce the risk that you will be held legally responsible for the behaviour of your employees if you can show that you took all the steps you reasonably could to ensure staff know how to behave so as to remain within the law.

In doing this, you will rely a good deal on your management team.

Line managers have an important role in setting the tone in the workplace. They will also have the initial responsibility for dealing with any complaints of discrimination that arise. It's important that managers know both the employment protections workers have under the equality laws and the policies and procedures that the company has in place for investigating complaints of discrimination.

We offer specialist training sessions for line managers so that they know their responsibilities if discrimination occurs at work. We also offer training on the 'Reasonable Steps' defence against claims of unlawful discrimination.

While the training focuses on the promotion of equality of opportunity in the workplace, and provides employers with clear guidance on how this can be achieved in practice, we also examine the concept of vicarious liability, look at relevant case law and draw out key learning for employers, including good practice recommendations.

This year we are concentrating on the subjects that are most often requested and that previous participants have said they found most useful. These include recruiting fairly, managing incidents of bullying and harassment at work, and the basics of what the Disability Discrimination Act means for employers.

Our training is free, or there is help available online at [www.equalityni.org/training](http://www.equalityni.org/training). You can email [edenquiries@equalityni.org](mailto:edenquiries@equalityni.org) or ring the employer advice line 028 90 890 888 for free and confidential advice tailored to your particular circumstances. Take some simple steps to strengthen and protect your business.