

***View from the Chair; Business Newsletter; Tuesday 14 May 2019
by Dr Michael Wardlow, Chief Commissioner, Equality Commission NI***

‘They’re not racist, they’re just brought up different’

A ‘growth in volume and acceptability of xenophobic discourses on migration, and on foreign nationals including refugees in social and print media’. That’s the initial comment of the UN Rapporteur reporting last year on racism in the UK following the Brexit vote. Her report will be out in full in June 2019.

What is prevalent in society spills over into the workplace and this has implications for employers.

An Eastern European woman who has lived and worked in Northern Ireland for ten years came to us for advice about her difficulties in the culture of overt and casual racism in her workplace. We supported her case and her employer ended up settling it at a cost of £8,500.

She worked in a small manufacturing business, and says that in the run-up to the EU Referendum, she became the target for offensive racist comments from her male co-workers. She said that any mention of Brexit on radio news was followed by verbal abuse aimed at her, and any mention in a crime story reported on the radio involving a person from Eastern Europe caused comments about benefits scroungers and immigrants taking up places in schools.

After she reported the racial harassment to the managing director, there was a period of around two weeks when it stopped, and then it started again.

The woman asked to be moved to a different area of the factory, which was refused; she submitted a grievance and the way it was dealt with meant that the employer lost a skilled employee and had to pay out compensation.

What did her employer do, and what should he have done?

She says the managing director told her in response to her grievance that the abuse was a joke and everyone was laughing, and that he told her: ‘they’re not racist, they’re just brought up different’. She says that he asked her repeatedly to reconsider leaving her job, without at any time addressing how or when he was going to resolve her grievance.

Trivialising or ignoring a problem is likely to make matters worse. It’s your responsibility under anti-discrimination law to protect staff from improper conduct by other employees that amounts to harassment. If you fail to do this you will be held responsible for that conduct. Simply telling the perpetrators to ‘cut it out’ is not enough. You need to ensure that all employees know what is acceptable and not acceptable in the workplace and infractions should be dealt with properly and

promptly and the perpetrators disciplined.

An employer who can demonstrate that he or she has effectively implemented a harassment policy will have a considerable advantage when it comes to defending a complaint. It is, therefore, important that you take reasonably practicable steps to fulfil the commitments set out in your policy and procedures.

We have an online guide for employers '[Harassment and Bullying in the Workplace](#)' which can help. Our Advice and Compliance team is available to answer your questions about this and any other workplace equality issues. If you have a specific query that isn't answered on our website, phone 028 90 500 600 or email edenquiries@equalityni.org