

## **View from the Chair; Business Newsletter; 1 August 2023 Geraldine McGahey, Chief Commissioner, Equality Commission NI**

### **The danger of a toxic workplace culture**

This Spring and Summer we've seen things we thought were impossible. In April, the Confederation for British Industry, the UK's largest business group, admitted it had hired 'culturally toxic' staff and failed to properly deal with others who had sexually harassed other staff. This led to temporary closure, an investigative report, a police investigation, members leaving, and a total revamp of the organisation.

Then just a couple of weeks ago, a BBC investigation into working conditions at the fast food giant McDonalds uncovered multiple claims not just of sexual harassment but sexual assault, racism, and homophobia. In Northern Ireland, McDonalds employs more than 3,200 staff at 33 restaurants, operated by seven local franchisees.

If you are a regular View from the Chair reader, or you've read any of the reports of our resolved discrimination cases, you'll be aware that our constant advice to employers is to make sure you have employment equality policies, that these are known and understood by all staff and implemented rigorously by management. That is the key to avoiding meltdowns such as the instances above.

Consider the case we published of a woman here in Northern Ireland which resulted in a local employer paying a settlement of £90,000. The woman was at a work meeting when she was told to stand up and turn round and was then slapped on the bottom with a ruler by one male manager in front of another male manager. Both the men treated it as a joke, and they also told other employees who then arrived at the meeting what had happened.

Humiliated and embarrassed, the woman reported it to the HR department and a more senior manager. She told her employer she would not return to work until the matter was addressed. She was offered a meeting in a coffee shop to resolve the issue, with the manager who had slapped her and the more senior manager. She turned this down as inappropriate. The manager involved subsequently resigned and did not work out his full notice.

She raised a grievance, which her employer did not acknowledge for ten days. The result of the investigation into her grievance took five weeks to come and, while it upheld her grievance, she says it also contained untrue and disparaging comments

about her.

The woman appealed against the content of the grievance outcome letter, and then resigned, as she felt she could never return to work with the employer. When the result of her appeal came through, her employer alleged that she had dressed and behaved provocatively at work, which she vehemently denies.

The woman was shocked and extremely aggrieved by what she believed were further attacks on her character. She felt that this was further harassment and that the company was blaming her for what had happened. She came to us, and we supported her case.

At the time, I said: "To me this is a shocking story. There is something badly wrong with a workplace where this sort of behaviour is acceptable. This case demonstrates a toxic laddish culture that shows scant respect for female colleagues.

"The lesson here for employers is that they should take preventative action to ensure that everyone knows that sexual harassment at work is completely unacceptable.

"It is vital that women who seek help from their employer are not blamed for what happened to them. It is essential that concerns raised by any woman are treated seriously, to address the culture where this can happen, focus on how it was allowed to happen and make a practical and helpful response after the incident. Failure to protect women at work means an employer is letting women down."

This is why many employers set policies about how their employees should behave towards each other at work, for example, rules that require employees to treat each other with dignity and respect. This sets the tone for your workplace's culture. It is in most circumstances reasonable and lawful for employers to do this, to create shared spaces that are welcoming to all and where no one is subjected to unlawful discrimination or harassment. It goes without saying that such rules must be fair, proportionate, applied consistently to everyone and non-discriminatory.

The best foundation for your working policies is made up of corporate equal opportunities and anti-harassment policies, together with a Joint Declaration of Protection signed by management and trade union representatives. Our Advice and Compliance staff can help you with this, our advice and help is free, expert, and confidential.

It's also important that each individual employee knows about and understands these policies and accepts that they have a personal responsibility for making them a reality. And if an employee makes a complaint of discrimination or harassment, it must be dealt with seriously, thoroughly and promptly.

For any company of any size, an employer must take all reasonable steps to ensure that those who work in the organisation or come into contact with it are aware of its

workplace policies, to ensure that inclusion is a reality and that there are no grounds for harassment. So make sure your workplace is a good one, fair to everyone and treating everyone with dignity and respect.