

Agenda Item	12.
Report No	RES/48/23

The Highland Council

Committee: Highland Council

Date: 7 December 2023

Report Title: Equally Safe at Work (ESAW) employer accreditation

Report By: Head of People

1. Purpose/Executive Summary

- 1.1 This report outlines Close the Gap's Equally Safe at Work employer accreditation programme and, summarises the work completed to date. This includes development of a draft Gender Based Violence Policy (Appendix 1).
- 1.2 Further related work activity is also outlined, including a Council-wide awareness raising campaign and staff and Elected Member training.

2. Recommendations

- 2.1 Members are asked to:
 - i. **Note** the work activity to date and planned activity going forward; and
 - ii. **Approve** the Gender Based Violence Policy at **Appendix 1**

3. Implications

- 3.1 **Resource** – Work to date has been resourced within HR via an Equalities lead, and by a dedicated Graduate Intern post for 9 months post from July 22 to March 23. Increasing levels of awareness and engagement surrounding Equalities will require ongoing resource to ensure compliance with legislation and delivery of the People Strategy.
- 3.2 **Legal** – The Equality Act 2010 requires the Council to meet the duties of the Public Sector Duty - to remove/reduce disadvantage suffered by people because of a protected characteristic; meet the needs of people with protected characteristics; and encourage people with protected characteristics to participate in public life and other activities.
- 3.3 **Community (Equality, Poverty, Rural and Island)** - Working with Close the Gap to achieve employer accreditation reinforces the Council's commitment to Equality, Diversity and Inclusion. There are no poverty, rural or island implications.

3.4 **Climate Change / Carbon Clever** – no implications

3.5 **Risk** – The continuation of ESAW related activity mitigates financial risk relating to potential Employment Tribunal claims as well as reputational risk where there is a lack of awareness and supporting policy in relation to gender based violence.

3.6 **Health and Safety (risks arising from changes to plant, equipment, process, or people)** - avoidance or potential reduction of gender based violence related absence and increased level of staff wellbeing.

3.7 **Gaelic** – no implications

4. **Equally Safe at Work (ESAW)**

4.1 [Equally Safe at Work](#) is an employer accreditation programme, developed by [Close the Gap](#) to support Scottish local authorities to progress gender equality in the workplace and, prevent violence against women. The programme aims to support employers to improve their employment practices to advance gender equality at work and prevent violence against women.

4.2 The programme has six standards which align with women's workplace equality:



4.3 The Council commenced the programme in June 22. A cross service working group was set up to achieve the actions set out to evidence specific criteria against the 6 standards and we were awarded Development level certification late October. Work is ongoing to build sustainability into practice in progressing gender equality, working towards Bronze level accreditation from April 24.

5. **Work activity to date**

5.1 In summary, the key work activities in each standard have been as follows:

5.1.1 **Leadership**

- Development of an ESAW working group and action plan.
- Initial engagement with local multi-agency Violence Against Women (VAW) Partnership.
- Corporate communications outlining the aims of ESAW employer accreditation and encouraging staff to complete Close the Gap's baseline survey.

5.1.2 **Data**

- Set up of a staff focus group to enable gathering of views and experiences of working in the Council.
- Collection of gender-disaggregated data on composition of the workforce.
- Publishing of Gender Pay Gap.

5.1.3 **Flexible Working**

- Revision of Council job advertisements and application guidance to include a Flexible Working statement.
- Inclusion of Close the Gap's Flexible Working e-learning module as part of Management Induction.
- Provision of the Flexible Working training to a sample group.

5.1.4 **Occupational Segregation**

- Publishing of the Council's Equal Pay Statement, including information on horizontal and vertical occupational segregation.
- Review and revision of Recruitment practice to ensure this is free from gender bias.
- Review of development opportunities to ensure gender sensitivity.
- Establishment of a new Mentoring scheme tailored specifically to support female staff. The initial programme is being offered to women working in clerical/administrative roles (HC2 – HC4).

5.1.5 **Workplace Culture**

- Review of Equality & Diversity policy.
- Review of Employee Code of Conduct.
- Creation of new Equalities (mandatory) staff training.

5.1.6 **Violence Against Women**

- Development of the attached Gender Based Violence Policy, including information on VAW.
- Development of a standalone Sexual Harassment policy.
- Provision of VAW training to a sample group.

6. ESAW Baseline data survey

6.1 All staff were encouraged to complete an initial Close the Gap survey during August 22. This was to determine a baseline in terms of employee experiences in Highland Council and provide recommendations for moving forward with Equally Safe at Work activity.

6.2 Key findings of the report included:

- There are varying levels of understanding among employees about the causes of the gender pay gap.
- Some employees felt undervalued and excluded in the workplace, this was more prevalent with female participants.
- Line managers play a significant role in employees' experiences at work, including the extent to which employees can access flexible working, and learning and development opportunities.
- Some participants perceived a lack of clarity and transparency in how to progress within their roles. This was more prevalent for female staff working in lower-paid roles.

- Experiences of VAW in Highland Council impacted women's mental health; made them feel unsafe; and made them feel uncomfortable in certain situations at work.

6.3 Recommendations were as follows:

- improve understanding and awareness of aspects of gender inequality in the workplace, including the causes of the gender pay gap;
- improve understanding of gender inequality through awareness-raising activities; and
- develop targeted communications and initiatives directed at engaging with hard-to-reach groups i.e., non-office-based or manual staff.

7. **Planned work activity**

7.1 A Council-wide awareness raising campaign was launched late November, in line with the National campaign - [16 Days of Activism against gender violence](#) (25 Nov – 10 Dec), reinforcing the Council's commitment to gender equality and zero tolerance approach to gender based violence.

7.2 This has included:

- Corporate staff communications including a poster campaign and, information on the support available to staff who are experiencing/have experienced gender based violence.
- Staff and Manager training and support available.

7.3 Member training is also planned as part of the Member Development Programme.

Designation: Head of People

Date: 24 November 2023

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Appendices: Appendix 1 - Gender Based Violence Policy

Human Resources
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Gender Based Violence Policy

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Document Control

A: Version History

Version	Date	Author	Change
1.1			
1.0	27/09/2023	Isabel McLellan	

B: Document Approval

Name	Title	Role
Elaine Barrie	Head of HR	Owner
Louise McGunnigle	HR Manager	Final Reviewer
Isabel McLellan	HR BP	Author



Introduction

The Highland Council recognises that gender-based violence can affect all aspects of employees' lives, including employment. The health and wellbeing of employees can significantly impact work attendance, performance and productivity. The Council is committed to supporting affected employees to stay in work, feel safe and supported, and have access to the support services they require.

The Highland Council has a zero-tolerance approach to gender-based violence in all its forms. This is evidenced through policy development, guidance, training, communication, by having an effective reporting mechanism and dealing appropriately with any employees found to be perpetrating gender-based violence.

Policy Purpose

This policy aims to support Council employees who experience, or have experienced gender-based violence, and their line managers, to:

- Raise awareness of gender-based violence as a serious issue which can impact on the workplace and on the health and wellbeing of employees
- Assure employees affected by gender-based violence that they will be listened to, taken seriously and supported
- Reinforce that it is unacceptable for employees to perpetrate abuse, whether within or outwith the workplace

Whilst recognising that gender-based violence is overwhelmingly experienced by women and perpetrated by men, people of any gender or gender identity can be affected and this policy applies to all staff.

For Agenda for Change Staff, the Once for Scotland NHS Workforce policy applies:
[Gender-based violence: NHSScotland PIN policy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/once-for-scotland-nhs-workforce-policy/pages/10-to-14.aspx)



Guidance

For further guidance, please refer to the related Guidance document linked at the bottom of this Policy or on the HR Microsite.

Definition

[Public Health Scotland](#) defines Gender based violence (GBV) as a “major public health, equality and human rights issue. It covers a spectrum of violence and abuse, committed primarily but not exclusively against women by men. This includes, but is not limited to:


- domestic abuse
- rape and sexual assault
- childhood sexual abuse
- stalking and harassment
- commercial sexual exploitation
- harmful practices - such as female genital mutilation, forced marriage and so-called ‘honour’ based violence.”

Gender based violence can be carried out by anyone of the same sex, a different sex or anyone of any gender identity.

(Source: acas.org.uk)

Violence against Women

Scotland’s Strategy for Preventing and Eradicating Violence Against Women and Girls, Equally Safe, was launched in 2014 and revised in 2016. The strategy sets out the Scottish Government and COSLA’s joint vision for a strong and flourishing Scotland where all individuals are equally safe and respected and where women and girls live free from all forms of violence and abuse – and the attitudes that help perpetuate it.



Violence Against Women and Girls encompasses (but is not limited to):

- Physical, sexual and psychological violence including domestic abuse, rape and incest
- Sexual harassment, bullying and intimidation in any public or private space, including work
- Commercial sexual exploitation, including prostitution, pornography and trafficking
- Child sexual abuse, including familial abuse, child exploitation and online abuse
- So called 'honour-based' violence, including dowry-related violence, female genital mutilation, forced and child marriages and 'honour' crimes.

Women's experiences of Violence Against Women vary according to age, disability, ethnicity, sexual orientation, gender and identity. Pregnancy can be a trigger for domestic abuse and existing abuse may get worse during pregnancy and/or after giving birth.

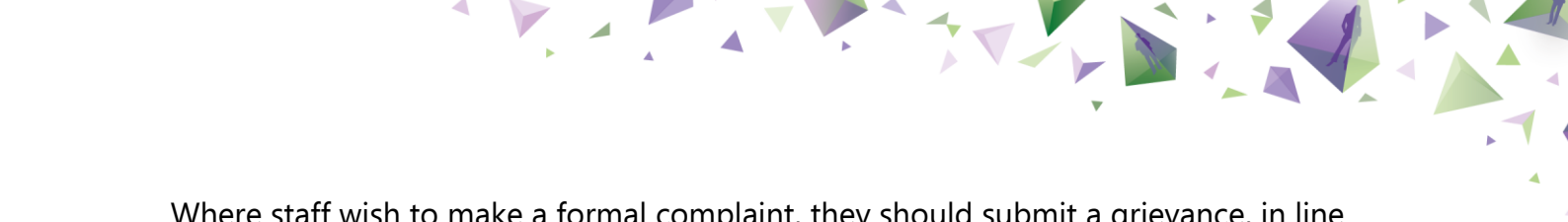
The Highland Council recognises that Violence Against Women is a cause and consequence of gender inequality including gender inequality in the workplace. Financial dependence and poverty are both primary risk factors that diminish women's resilience and options in the face of violence. Addressing workplace inequality is a necessary step in ending Violence Against Women.

Violence Against Women impacts on women's day to day lives. It occurs in and outside of the workplace, significantly affecting the labour market and women's experience at work. Women report sexual harassment, stalking, domestic abuse and 'honour' based' violence as having a negative impact on their mental health. This makes them less confident at work, inducing them to avoid certain work situations, sometimes to avoid a perpetrator. These effects and responses are likely to diminish their performance at work and their propensity to apply and be appointed to promoted posts.

Disclosing Gender-Based Violence

Employees who feel they are affected by gender-based violence should seek support and advice.

Employees may wish to seek informal advice from their Line Manager, [HR](#), a Bullying and Harassment Contact or Trade Union Representative.



Where staff wish to make a formal complaint, they should submit a grievance, in line with the Grievance policy in relation to bullying & harassment, for consideration by a Nominated Bullying & Harassment Senior Officer.

Where an employee has experienced gender-based violence perpetrated by a third party i.e., a customer or client in the course of their work, they should seek support from their line manager and, the incident should be reported via the dedicated phone line **01349 886622**. Calls are answered by trained Customer Services staff and incidents will be investigated by the line manager.

Appeals

Where an employee has raised a formal complaint through the Grievance Policy and is not content with the outcome, they will have the opportunity to appeal in accordance with that policy.

Supporting Employees

The Council will endeavour to make any reasonable adjustments required for staff experiencing gender-based violence as soon as possible after being notified of the situation.

Where appropriate, Safe Leave of up to 5 days will be provided in line with the [Special Leave Policy](#).


Responsibilities

Line Managers

Line managers have a duty of care for the health, safety and wellbeing of their staff and are responsible for supporting employees experiencing gender-based violence.

They are also responsible for supporting colleagues who may be affected.

All Managers should complete the (Close the Gap) Sexual Harassment training and familiarise themselves with the related management guidance – see Quick Links below.



Where a concern is raised directly with a manager, advice and support should be provided promptly and, the relevant Service HR Business Partner informed.

Managers must also ensure confidentiality and that all employees are aware of their responsibility in relation to not disclosing information.

HR

HR are responsible for ensuring that this and related policies are reviewed and updated and that employees and their managers are advised in line with these.

HR will provide relevant advice and training where required

HR will liaise with managers/nominated B&H Senior Officers to ensure any grievances are dealt with appropriately and in line with policy.

All Employees

All employees are responsible for challenging any discriminatory behaviour in the workplace and that which contradicts this policy where it is safe to do so.

Where an employee witnesses gender-based violence, they are encouraged to tell their line manager. Staff may wish to speak to a Bullying & Harassment contact in the first instance.

Legislation

The development and application of this policy is guided by:

- Equality Act 2010
- Health & Safety at Work Act 1974
- Human Rights Act 1998
- Human Trafficking
- Forced Marriage
- Protection from Harassment

Monitoring

The application of this policy will be monitored through employee feedback and through the Highland Council Partnership Framework.



Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	Click Here
Abused Men in Scotland Helpline (AMIS)	Click Here
ACAS – Sexual Harassment	Click Here
Bullying and Harassment Contacts	Click Here
Bullying and Harassment Policy	Click Here
Domestic Abuse Awareness Raising Tool (DAART)	Click Here
Domestic Abuse Helpline	Click Here
Domestic Abuse – Housing Options	Click Here

Employee Assistance Programme	Click Here
Equality and Human Rights Commission - Sexual Harassment and Harassment at Work: Technical Guidance	Click Here
Equally Safe at Work – Line Managers Guidance on Sexual Harassment	Click Here
Equalities in Employment	Click Here
Gender Based Violence Policy guidance	Click Here
Grievance Policy	Click Here
LGBT Helpline Scotland	Click Here
Once for Scotland NHS Workplace policy – Gender based violence	Click Here
PAM – Occupational Health	Click Here
PIN Policies / NHS Scotland Workforce Policies	Click Here
Rape Crisis Scotland Helpline	Click Here
Reporting Domestic Abuse to the Police – Your Rights	Click Here
Services for Children & Families	Click Here
Sexual Harassment Policy	Click Here
Survivors UK Online Help (for men, boys & non-binary people)	Click Here
Traneasy>Equality & Diversity> Sexual Harassment training	Click Here
Traneasy>Equality & Diversity> Violence against Women	Click Here
Turas Learn - Gender based violence	Click Here
Welfare Support – Money advice	Click Here

