

Toolbox Talk Details

Title	A08 - Fairness, inclusion and respect
Reason	Employers and employees need to be aware of their rights and responsibilities. Workplaces are more productive and healthy in an environment free from bullying and harassment.
Outline	This talk covers legal and contractual rights and responsibilities regarding dignity in the workplace, and will raise awareness of the issues that can affect good working relationships.

What the law says

1. Everyone in the construction industry has legal duties under the Equality Act.
2. Companies will have rules of behaviour within their own terms and conditions, some of which may extend beyond the protection afforded within the Equality Act.
3. Everyone in the construction industry is protected by the Act and their company rules of behaviour.
4. The Act supports and protects any worker to challenge behaviours, even when not directed at them.
5. The Act puts responsibilities on managers to act swiftly to challenge behaviours.
6. The Act gives you the right not to be harassed by third parties and makes the employer potentially liable for harassment of their employees by people such as customers or clients.

Provisions of the Act concerning harassment

1. Under the Act your employer has a legal duty to provide a workplace free from bullying and harassing behaviour. They should:
 - make it clear in their terms and conditions, training, and policies and procedures that such behaviour will not be tolerated
 - take any complaint seriously
 - challenge your behaviour to safeguard others who may be affected by your actions and behaviours
 - ensure breaches in behaviour are investigated and treated in line with disciplinary procedures (or dignity at work procedures).
2. Under the Act you, as an employee, have a legal duty to ensure you treat co-workers, clients and the public with dignity and respect.

Other provisions

1. **Unfair dismissal.** Employers have a duty of care for all their employees. If the mutual trust and confidence between employer and employee is broken (for example, through bullying and harassment at work) then an employee can resign and claim constructive dismissal on the grounds of breach of contract. Employers are usually responsible in law for the acts of their workers.
2. **Health and safety breach of contract.** Under the Health and Safety at Work etc. Act 1974, employers are responsible for the health, safety and welfare at work of all employees.

What else can you do?

Unfortunately, there may be times when not all employers or managers follow the correct procedures. If so, there are organisations you can contact for support, advice or guidance.

Advisory, Conciliation and Arbitration Service (ACAS) – Helpline 0300 1231100

ACAS is an independent body with statutory duties. It provides information, advice and training, and works with employers and employees to solve problems and improve performance in the workplace.

Revision Date	Assessed By	Signature
January 2021	Michael Reddan	