

The Scottish Government Guide to standards of behaviour

Section 1 Our commitment

1. Our commitment as an employer

1.1 The Scottish Government (SG) is an equal opportunities employer, committed to treating every employee with dignity and respect. It is our policy to ensure, as far as reasonably practicable, that all staff have equality of opportunity in their terms and conditions of employment and are able to work, and undertake work-related activities, in an environment free from harassment, victimisation, discrimination and/or bullying.

1.2 We believe that **all** of our employees should be treated with respect, regardless of sex, marital/civil partnership status, age, race, ethnic origin, sexual orientation, gender identity, disability, religion or any other irrelevant difference, e.g. social background, working pattern or trade union activity. This can only happen if every member of staff is aware of the standards of behaviour that we expect from them and behaves accordingly.

1.3 This policy statement is endorsed by the Permanent Secretary and applies to all staff including members of the Senior Civil Service and those in the agencies and associated Departments of the SG's Main Bargaining Unit. We also expect Scottish Ministers to behave acceptably and to act in the spirit of this policy statement.

1.4 The Council of Scottish Government Unions (CSGU) has been fully involved in the creation of this policy statement and the standards it sets out.

2. The purpose of this policy statement

2.1 The purpose of this policy statement is to make clear that the SG, as an employer, observes a policy of zero tolerance in respect of incidents of behaviour that are found to be unacceptable.

2.2 It also sets out the standards of behaviour that we expect of our staff, managers and others, both in the workplace and when undertaking work-related activities, to ensure that the SG is free from harassment, victimisation, discrimination and bullying.

Section 2 Our expectations

1. What you can expect from us as an employer

1.1 As an employer, we have a responsibility to take all reasonably practicable steps to ensure that staff are able to work in a safe and non-threatening working environment. This includes contact with Ministers, external stakeholders and other third parties.

1.2 We:

- will ensure that all line managers and other staff dealing directly with allegations of harassment, victimisation, discrimination and bullying in the workplace are equipped to identify and deal with these issues.
- give our commitment that all complaints will be dealt with sensitively, professionally, effectively and as quickly as practicable.
- will monitor incidents of alleged unacceptable behaviour as defined by this policy and address any issues arising from our monitoring quickly and appropriately.
- review this policy regularly, taking into account changes in best practice and legislation.

2. What we expect from members of staff

2.1 As a member of Scottish Government staff, you:

- have a responsibility to respect the dignity of others.
- must avoid behaving in a way that may cause offence or distress to your colleagues or others with whom you have contact as part of your duties, including service users and external contacts. (see [Appendix 1](#))

It does not matter whether the perceived harassment, victimisation, discrimination or bullying is unintentional.

- should be aware of, and adhere, to the Scottish Government’s policies on [equal opportunities and diversity](#).
- should also support any colleague who feels that they have been harassed, victimised, discriminated against or bullied and encourage them to seek help from an appropriate source.
- behave appropriately at all times towards the people you work with.
- remember that inappropriate behaviour is behaviour which is “viewed as demeaning and unacceptable to the recipient”.
- make sure you are familiar with the SG’s policy on Fairness at Work and undertake training as necessary.
- should raise issues informally in the first instance if you feel that you have been treated unacceptably, or report the matter in writing to [HR.Help](#) if you do not feel able or if this does not work.

- should try to support anyone that you feel is being treated unacceptably and encourage them to seek help. If they do not feel able to report the behaviour themselves, **you** should:
- alert your line manager, or, alternatively, [HR.Help](#).

Remember - unless you tell us about alleged unacceptable behaviour we may not be aware of it and will not be in a position to take steps to address it.

3. What we expect from our managers

3.1 As a line manager, you:

- have a responsibility to ensure that your staff work in an environment which is free from unacceptable behaviour and to encourage an atmosphere of tolerance and respect.
- should make sure that you have undertaken the appropriate level of training to carry out your duties effectively and try to lead by example through a fair and open management style.
- should make sure that all of your staff are aware of, and understand, the SG's Fairness at Work, diversity and equal opportunities policies, including the support options available to them. Ideally, this should be done as part of the induction process.
- must act if you are made aware of alleged inappropriate behaviour. It is not acceptable for you to do nothing as you may later be held accountable for your lack of action under the SG's performance appraisal or disciplinary procedures, or, in more serious cases, through the legal process.
- should apply this, and other policies, in a fair and consistent manner and staff should know who to contact if you are not available. This will normally be a more senior officer in the line management chain.

3.2 If any of your staff raise concerns about unacceptable behaviour, you:

- must take this seriously and act on their concerns quickly. In particular, you should make sure all of your staff are aware of their responsibilities and what action they should take if they become aware of unacceptable behaviour.

3.3 If approached informally, you should:

- investigate the circumstances of the complaint and take any action you feel is appropriate.
- keep a record of the incident and any action taken.

3.4 If the complaint is more serious, you should:

- assist the individual in making a formal complaint to HR.Help, or should do so yourself.
- make sure all parties to the complaint are aware of the support available to them.

4. What we expect from our countersigning officers

4.1 If any of your staff raise concerns about unacceptable behaviour, you must:

- take this seriously and act on their concerns quickly.

4.2 In particular, you should:

- take the actions outlined in “What we expect from our managers”.
- make sure all of your line managers are appropriately trained and that all staff are aware of what is expected of them.
- act as a role model in and ensure that your work area is free from all types of unacceptable behaviour.
- carry out these duties in a fair, reasonable and consistent manner.

4.3 If you do so, your actions and behaviour **cannot be viewed as unreasonable**. However, you must also ensure that you perform these duties whilst upholding the principles of this policy statement, treating all staff fairly and respecting their dignity.

5. What we expect if you are accused of unacceptable behaviour

You:

- should try not to get defensive and listen to any advice and information you are given.
- should work with colleagues to try and reach satisfactory outcome to any complaint and seek support if you need it.
- must implement any recommendations made to you as a result of the complaint.

6. What we expect if you are a witness to unacceptable behaviour

6.1 You should:

- take any appropriate action to try to end such behaviour.

- participate fully with any action that is required of you during any investigation or resolution process.

7. What you can expect from Human Resources (the HRSSC and HR Professional Advisers)

7.1 Human Resources will:

- ensure that you are provided with advice if you feel that you have been the subject of unacceptable behaviour.
- take action if you make a formal complaint under the *Fairness at Work* procedures and ensure each complaint is fully and properly investigated as quickly as possible.
- take forward any recommendations resulting from any complaint of unacceptable behaviour, including disciplinary action.

8. Support and Advice

Please remember that apart from your manager and HR, the advice and support of the Welfare Officer and Employee Assistance Programme is available to you. Also, if you are a member, you may wish to contact your trades union.

Section 3 Our standards of behaviour

1. Unacceptable behaviour

1.1 There is no single definition of what constitutes unacceptable behaviour. The Advisory, Conciliation and Arbitration Service (ACAS) refers to “unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. **The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient**”. Other irrelevant characteristics covered by the Scottish Government equal opportunities policy statement include sexual orientation, marital/civil partnership status, gender identity, caring responsibilities, working pattern or trades union membership.

1.2. What is acceptable behaviour to one member of staff may not be acceptable to another and we should all be aware of the effect that our behaviour or language may have on others.

1.3. Unacceptable behaviours have a detrimental effect on both individuals and the organisation as a whole. They can significantly lower staff morale and motivation, cause increased absenteeism and turnover of staff and, in some cases, end in legal proceedings.

1.4 A list that illustrates examples of behaviours which *may* be considered unacceptable and which *may* amount to misconduct and, in some cases, serious misconduct, can be found in Appendix 1. This list is not exhaustive and conduct needs to be viewed in context.

Examples of unacceptable behaviour

General

- Refusing to work with, ignoring or deliberately isolating or excluding colleagues, including from social events.
- Displaying or circulating offensive materials, including sectarian materials, homophobic or anti-gay or pornographic pictures/pin-ups.
- Discouraging someone from taking advantage of relevant and suitable training on grounds of irrelevant difference.
- Taking credit for others' work.
- Not taking the blame when things go wrong.
- Excessive, or inappropriate, detailed supervision.
- Lack of supervision which leaves the individual feeling unsupported or demoralised.
- Undermining an individual's authority.
- Reducing a job to tasks inconsistent with a person's grade, skills and abilities.
- Unjustifiably blocking promotion or training opportunities.
- Withholding information, ostracising, marginalising, spreading rumours etc.
- Unfair work allocation.
- Displaying tattoos that may be offensive in terms of fairness at work, equal opportunities or diversity.

Verbal

- Deriding an individual's religious or other beliefs or other personal circumstances, e.g. their trade union involvement.
- Unwelcome comments or jokes.
- Use of offensive language, name calling, taunts, jokes, mockery.
- Unwanted or derogatory comments about dress or appearance.
- Leering and suggestive gestures, comments or innuendo.

- Jokes, banter, insinuations, insults and taunts based on any irrelevant difference, including being Scottish, English or another UK nationality.
- Inappropriate questions about someone's personal life or questions about someone's sex-life.
- Aggression, bawling out, threats, shouting, swearing, abuse, physical or verbal intimidation.
- Humiliating, ridiculing or belittling efforts in front of others or in private.
- Gossip and speculation about an individual's personal life, e.g. their sexual orientation.

Physical

- Inappropriate physical contact, advances or propositions.
- Physical or verbal attacks, abuse or intimidation.

Making assumptions

- About an individual's personal or social life.
- About their physical or mental capability.
- About the existence of a non-visible impairment.
- Assuming that everyone is heterosexual.
- Assuming that all gay men are HIV positive.
- About age-related retirement.
- About ability or competence.