

Discrimination and harassment

Results of a survey of ABDO members

August 2020



SUMMARY

This report highlights the findings of a survey of ABDO members about discrimination and harassment on the basis of protected characteristics as listed in the Equality Act: age, disability, gender identity, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

The survey demonstrates that harassment and discrimination is present to an unacceptable level within the industry. Key concerns include:

- 21 per cent of respondents did not know whether their company had discrimination or harassment policies and 12 per cent reported that their companies do not have such policies.
- 47 per cent of women who responded reported prejudice on grounds of gender sometimes, a lot of the time or almost all of the time.
- 32 per cent of respondents reported prejudice on grounds of age sometimes, a lot of the time or almost all of the time.
- 24 per cent of respondents reported prejudice on grounds of race sometimes, a lot of the time or almost all of the time.

Looking at individual comments, it is also clear that the majority who has experienced discrimination or harassment were not confident to raise concerns, either because of lack of belief that the process would improve things, or because they would have had to raise concerns with the person causing the problem.

As part of its duty to take care of members and in response to this survey, ABDO is taking action to educate employers about their responsibilities, and employees about their rights. Furthermore, ABDO provides practical assistance to help employers improve their policies and follow up with appropriate action, and to employees who experience prejudiced behaviour through its legal helpline.

Proposed actions

Actions in response to this survey fall into the following categories, requiring action across various departments within ABDO including Policy, Membership, Business, CPD and the HR service.

1. **Help for employees**
 - a. Policies
 - b. Issue with manager or colleague
 - i. Speak to manager
 - ii. Speak to HR
 - iii. Speak to union/ACAS
 - iv. Tribunal
 - c. Issue with private patient
 - i. Escalation process
 - ii. Policies
 - d. Issue with NHS patient
 - i. LOC/NHS policies
 - ii. Escalation process?
2. **Help for employers**
 - a. Responsibilities
 - b. Policies
3. **ABDO Legal Advice line**
4. **ABDO HR Support**
5. **ABDO Business Support Hub**

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Results of a survey of ABDO members (CONTINUED)

INTRODUCTION

This survey came about as a result of raised awareness of discrimination globally in June 2020. It was decided to do a survey to establish what problems ABDO members face in the realm of harassment and discrimination across all protected characteristics.

Harassment is any form of unwanted and unwelcome behaviour which may range from mildly unpleasant remarks to physical violence.

Discrimination is when you are treated differently (e.g. less favourably) because of your gender, race or disability.

Method

The survey was devised in collaboration with a group of board members and staff, taking into account other surveys on similar topics and advice from the Equality and Human Rights Commission.

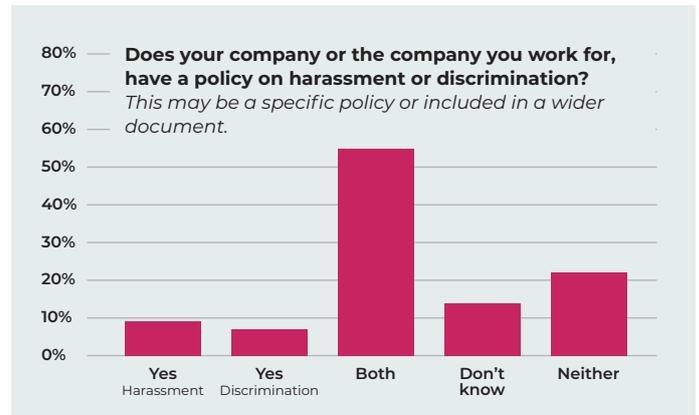
It was sent to all ABDO members who receive eNews on two occasions in August 2020.

See Appendix for full survey questions and analysis of respondents' characteristics.

Results

These results are based on 388 respondents. This allows for results to be presented on each question, but does not allow for results to be broken into further segments by respondent characteristic.

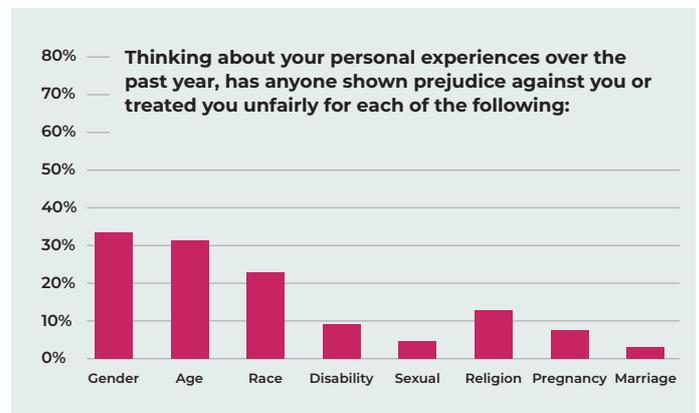
QUESTION 1 – company policy on harassment and / or discrimination



67 per cent of respondents report that their company or employer has a policy on discrimination, harassment or both. Worryingly, 21 per cent of respondents did not know whether their company had any such policies and 12 per cent reported that their companies do not have a policy on discrimination or harassment.

QUESTION 2 – respondents' experiences of discrimination and/or harassment

(The graph shows people who have sometimes, a lot of the time or almost always experienced discrimination.)

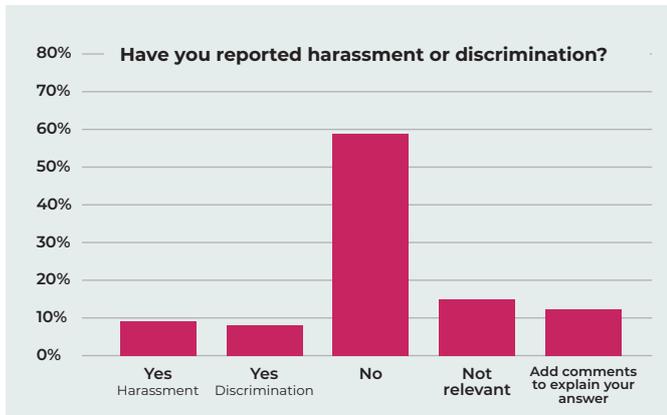


Prejudice on the grounds of gender and age were the most frequently reported experiences, closely followed by race or ethnicity, religious beliefs and disability. Over a third, 35 per cent, of those who responded reported prejudice on grounds of gender sometimes, a lot of the time or almost all of the time: this compares to 32 per cent for age and 24 per cent for race. Looking at prejudice on the grounds of gender more closely, it is clear that this is something affects women rather than men, with 47 per cent of women experiencing this, compared to 14 per cent of men.

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Results of a survey of ABDO members (CONTINUED)

QUESTION 3 – reporting harassment or discrimination



In this section, respondents were questioned about their own experiences of harassment or discrimination. The survey found eight per cent of responses report harassment and eight per cent have reported discrimination. We were particularly concerned to read 89 individual comments expanding on respondents' experiences, many of which explain that they have not reported harassment or discrimination because they fear at best lack of action or at worst further prejudice from senior staff.

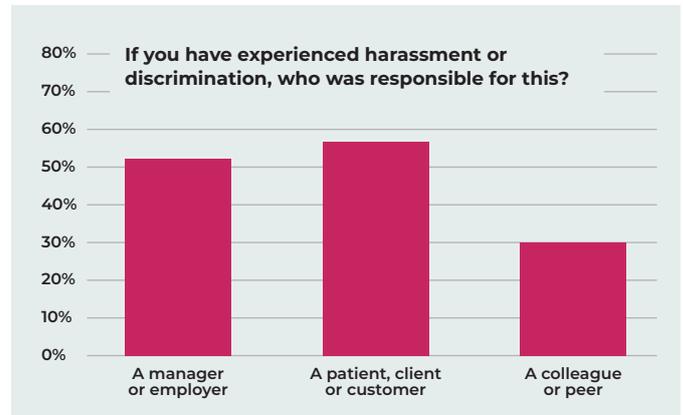
Comments such as the following were common and demonstrate that it is likely there is significant under reporting of harassment and discrimination:

"No point, nothing will get done."

"I'm not sure reporting it would have any effect. I'd be reporting it to the perpetrator."

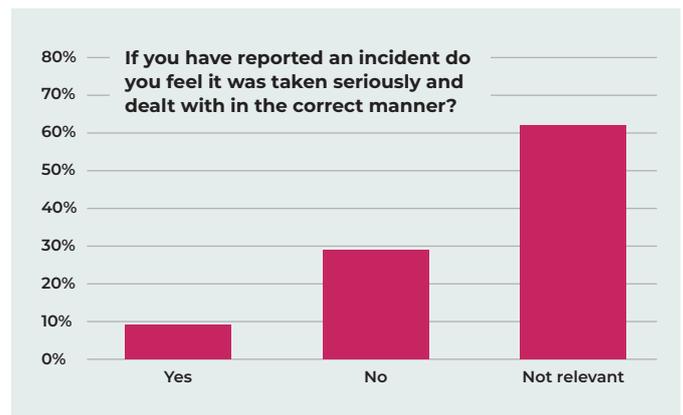
"I have been racially abused by customers few times but they still been served, as my employer has no policy against racism or if they do they do not act on it, these incidents made me so upset and angry. Even in the 21st century I have no right as a human being, it is very sad."

QUESTION 4 – source of harassment or discrimination



The responses to this question straightforwardly demonstrate that harassment and discrimination can come from employers or managers, patients (clients/customers) and, to a lesser extent, colleagues.

QUESTION 5 – action on reported incident



Although 9 per cent of respondents felt that the correct action was taken, 28 per cent felt that the issue was not dealt with correctly.

Comments include:

"The director doesn't like it and openly makes fun of my disability."

"[My complaint was] dismissed as we have an NHS contract, so cannot decline seeing people."

"It was reported to police, an incident number given and a statement taken but it was never followed up."

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Results of a survey of ABDO members (CONTINUED)

CONCLUSIONS

For those living with discrimination or harassment, we need to remember the negative effect of being on the receiving end of prejudiced behaviour throughout your working life. Although those who have experienced discrimination or harassment might be considered more likely to respond to this sort of survey, it is still shocking to see that over a third – 35 per cent - of respondents reported prejudice on grounds of gender, with a corresponding 32 per cent reporting age prejudice and 24 per cent race prejudice. Given that this past year has included an unprecedented degree of disruption, with many members being furloughed for months, this report may also underrepresent the degree of harassment or discrimination experienced in a typical year.

The findings also suggest that there is a lack of awareness among some managers and business owners about what constitutes discrimination and harassment, the detrimental impact this can have on staff, and how to handle it when a member of staff first flags a concern.

Harassment at work is obviously a serious issue that could have legal ramifications, so throughout any work on this issue we need to advise individual members, both employers and employees, to contact the ABDO legal helpline as they provide legal guidance and covers costs of any legal action required if the case is logged with them. Beyond this, if the person demonstrating prejudice is a registrant, it could also be a professional conduct issue. In the GOC's standards of practice and business standards, standard 13 of the standards of practice is "Show respect and fairness to others and do not discriminate."

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Results of a survey of ABDO members (CONTINUED)

Actions in response to this survey fall into the following categories, requiring action across various departments within ABDO including Policy, Membership, Business, Communications, CPD and the HR service.

Help for employees

- a. Raise awareness of policies
- b. If there is an issue with a manager or colleague
 - i. Speak to manager
 - ii. Speak to HR
 - iii. Consider whistleblowing
 - iv. Speak to union/ACAS
 - v. Tribunal
- c. Issue with private patient
 - i. Escalation process
 - ii. Policies
- d. Issue with NHS patient
 - i. LOC/NHS policies
 - ii. Escalation process

Staff need to know and understand their rights.

ABDO could share information with members about employment rights, discrimination and harassment through DO magazine and online features.

If a member feels that they can't complain to their manager because they are the person responsible for the harassment/discrimination or if the manager fails to act on a complaint, then it might be necessary to take a different approach. Employers might have policies on whistleblowing/raising concerns and could also refer to the GOC's guidance.

Members should be helped and encouraged to report discrimination and harassment. This could come through individual support to members via membership services, as well as encouragement with members sharing their experiences of reporting prejudice at work as a case study in DO and via ABDO social media.

Help for employers

- a. Responsibilities
- b. Policies

Employers need to know and understand their responsibilities. ABDO already offers some guidance for HR:

www.abdo.org.uk/dashboard/business-hub/expertise-additional-support/abdo-hr-service/equal-opportunities/

but this could be extended into a template policy such as this one:

www.acas.org.uk/equality-policy-template

ABDO Legal Advice line

ABDO Communications and Membership departments can promote the legal advice line services

ABDO HR Support

ABDO HR support can review and expand our template policies which can then be promoted to members

ABDO Business Support Hub

ABDO BSH can develop more content to highlight support available for business owners and employees beyond and within ABDO

ABDO Policy

Discrimination and harassment comes from employers, colleagues and the public. This demonstrates the need for education about prejudice across the board. While ABDO cannot educate everyone, it can inform members who are staff and employers about the best action to take if a patient harasses staff. It can also clarify the issues when providing care for NHS patients.

Discrimination and harassment

Appendix 1: Resources to support action

What employees should do if they're bullied or harassed:

Employees should see if they can sort out the problem informally first. If they cannot, they should talk to their:

- manager
- human resources (HR) department
- trade union representative.

If this does not work, they can make a formal complaint using their employer's grievance procedure. Employers may also have a whistleblowing procedure. If this does not work and they're still being harassed, they can take legal action at an employment tribunal.

They could also call the Acas (Advisory, Conciliation and Arbitration Service) helpline for advice:

Telephone: 0300 123 1100
Monday to Friday, 8am to 6pm.

NHS obligations

When practices have an NHS contract, this comes with the duty to accept NHS patients. However it is still possible to refuse NHS services to a patient who is abusive and/or harasses staff.

For example, Section 9 of the GOS contract for England states as follows:

40.If the Contractor refuses to provide services under the Contract on any ground other than that it is not satisfied that —

40.1. the person to whom it has refused to provide services is an eligible person; or

40.2. the testing of sight is necessary,

it shall keep a record of that refusal, specifying in that record its grounds for doing so and shall make this record available to the Board on request.

Staff and managers should be aware that they are able to refuse to see NHS patients on this basis, but must, as specified about, detail the reason for refusal.

Policy and campaigning

It is clear that wider action is needed to develop a culture where people can be confident in both reporting discrimination and harassment, and in believing the appropriate investigation will occur and action will be taken. This could be a wider issue for campaigning.

Further information

www.citizensadvice.org.uk/work/discrimination-at-work/checking-if-its-discrimination/if-youre-being-harassed-or-bullied-at-work/

www.gov.uk/workplace-bullying-and-harassment

www.gov.uk/employment-tribunals

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Appendix 2: Analysis of respondents

Respondants' ethnicity is reported as follows:

| | |
|--|--------|
| Asian: Asian British, Asian English, Asian Scottish, Asian Welsh, Asian Irish, Indian, Pakistani, Bangladeshi, Other Asian Background | 15.54% |
| Black: Black British, Black English, Black Scottish, Black Welsh, Black Irish, Caribbean, African, Other Black Background | 3.37% |
| Chinese: Chinese British, Chinese English, Chinese Scottish, Chinese Welsh, Chinese Irish, Chinese, Other Chinese Background | 0.78% |
| Chinese: Chinese British, Chinese English, Chinese Scottish, Chinese Welsh, Chinese Irish, Chinese, Other Chinese Background | 0.78% |
| Mixed: White & Black African, White & Black Caribbean, White & Asian, Other Mixed Background | 2.59% |
| Prefer not to say | 4.15% |
| White: White English, White Welsh, White British, White Non-European, White Scottish, White Irish, White European, Other White background | 73.06% |
| Other: Please specify | 0.52% |

Respondents' age is as follows:

| | |
|----------|--------|
| Under 18 | 0.00% |
| 18-24 | 5.67% |
| 25-34 | 20.88% |
| 35-44 | 23.20% |
| 45-54 | 21.65% |
| 55-64 | 22.94% |
| 65+ | 5.67% |

Respondents' gender is as follows:

| | |
|------------------------|--------|
| Male | 31.96% |
| Female | 64.43% |
| Prefer not to say | 3.35% |
| Other (please specify) | 0.26% |

Respondents gender identity is as follows:

| | |
|------------------------|--------|
| Yes - transgender | 0.78% |
| Not transgender | 96.64% |
| Prefer not to say | 2.33% |
| Other (please specify) | 0.26% |

Respondents sexuality is as follows:

| | |
|-----------------------------|--------|
| Bi-sexual | 2.07% |
| Heterosexual | 86.56% |
| Gay man | 0.78% |
| Gay woman | 2.33% |
| Prefer not to say | 7.75% |
| Other (specify if you wish) | 0.52% |

Respondents' religious beliefs are as follows:

| | |
|------------------------|--------|
| Christianity | 39.02% |
| Judaism | 1.03% |
| Buddhism | 0.78% |
| Islam | 7.24% |
| Hinduism | 2.58% |
| Sikhism | 1.03% |
| No religion | 17.83% |
| Hindu | 2.84% |
| Atheist or agnostic | 9.30% |
| Nothing in particular | 9.82% |
| Prefer not to say | 5.17% |
| Other (please specify) | 3.36% |

Incidence of disability amongst respondents is as follows:

| | |
|------------------------|--------|
| Yes | 5.93% |
| No | 87.89% |
| Prefer not to say | 4.12% |
| Other (please specify) | 2.06% |

Discrimination and harassment

Appendix 3: Survey

Harassment, discrimination and prejudice questionnaire

1. Does your employer/your company/or the companies you work for as a locum, have a policy on harassment? [Harassment is any form of unwanted and unwelcome behaviour which may range from mildly unpleasant remarks to physical violence.]

Yes No Don't know

2. Does your employer/your company/or the companies you work for as a locum, have a policy on discrimination? [Discrimination is when you are treated differently (e.g. less favourably) because of your gender, race or disability.]

Yes No Don't know

3. Thinking about your personal experiences over the past year, how often has anyone shown prejudice against you or treated you unfairly for each of the following:

| Because of your: | Almost all of the time | A lot of the time | Sometimes | Rarely | Never | Does not apply |
|---|------------------------|-------------------|-----------|--------|-------|----------------|
| Gender | | | | | | |
| Age | | | | | | |
| Race or ethnic background | | | | | | |
| Any disability you may have | | | | | | |
| Sexual orientation (being gay, lesbian, or heterosexual, straight) | | | | | | |
| Religion or religious beliefs | | | | | | |

4. Have you reported harassment?

Yes No Not relevant

Comment box: please add comments to explain your answer if you would like

5. Have you reported discrimination?

Yes No Not relevant

Comment box: please add comments to explain your answer if you would like

6. If you have reported an incident do you feel it was taken seriously and dealt with in the correct manner?

Yes No Not relevant

Comment box: please add comments to explain your answer if you would like

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Appendix 3: Survey (CONTINUED)

7. In order to evaluate the results of the questions, we would like to know more about you. This data will remain confidential and is not in any way linked to your ABDO membership.

Do you consider yourself to have a disability according to the terms given in the DDA?

Yes No Prefer not to say

Your ethnic group (These are based on the Census 2001 categories, and are listed alphabetically)

| | |
|--|--------------------------|
| Asian: Asian British, Asian English, Asian Scottish, Asian Welsh, Asian Irish, Indian, Pakistani, Bangladeshi, Other Asian Background | <input type="checkbox"/> |
| Black: Black British, Black English, Black Scottish, Black Welsh, Black Irish, Caribbean, African, Other Black Background | <input type="checkbox"/> |
| Chinese: Chinese British, Chinese English, Chinese Scottish, Chinese Welsh, Chinese Irish, Chinese, Other Chinese Background | <input type="checkbox"/> |
| Chinese: Chinese British, Chinese English, Chinese Scottish, Chinese Welsh, Chinese Irish, Chinese, Other Chinese Background | <input type="checkbox"/> |
| Mixed: White & Black African, White & Black Caribbean, White & Asian, Other Mixed Background | <input type="checkbox"/> |
| Prefer not to say | <input type="checkbox"/> |
| White: White English, White Welsh, White British, White Non-European, White Scottish, White Irish, White European, Other White background | <input type="checkbox"/> |
| Other: Please specify | <input type="checkbox"/> |

Your gender

Male Female Prefer not to say

Do you identify as transgender? For the purpose of this question 'transgender' is defined as an individual who lives, or wants to live, in the gender opposite to that they were assigned at birth.

Yes No Prefer not to say

Your religion or belief

| | |
|------------------------|--------------------------|
| Buddhism | <input type="checkbox"/> |
| Judaism | <input type="checkbox"/> |
| Christianity | <input type="checkbox"/> |
| Islam | <input type="checkbox"/> |
| Hinduism | <input type="checkbox"/> |
| Sikhism | <input type="checkbox"/> |
| Other (please specify) | <input type="checkbox"/> |
| Prefer not to say | <input type="checkbox"/> |
| No religion | <input type="checkbox"/> |

Your sexual orientation

| | |
|-----------------------------|--------------------------|
| Bi-sexual | <input type="checkbox"/> |
| Heterosexual/straight | <input type="checkbox"/> |
| Gay man | <input type="checkbox"/> |
| Gay woman | <input type="checkbox"/> |
| Other (specify if you wish) | <input type="checkbox"/> |
| Prefer not to say | <input type="checkbox"/> |

Your age

| | |
|---------|--------------------------|
| Under25 | <input type="checkbox"/> |
| 25-34 | <input type="checkbox"/> |
| 35-44 | <input type="checkbox"/> |
| 45-54 | <input type="checkbox"/> |
| 55-64 | <input type="checkbox"/> |
| 65+ | <input type="checkbox"/> |