

Regional Partnership (WMLGA/WMRA/WMiE)

Dignity at Work (Revised April 2008)

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1.0 Purpose and Scope

- 1.1. This procedure applies to all employees and associated partners of the organisation. The procedure sets out the expectation of the organisation outlined in its value statement below concerning how employees should conduct themselves at work, both in relation to customers and service users as well as other employees.
- 1.2 The Dignity at Work procedure is also designed to define behaviour that is deemed unacceptable by the organisation and highlight associated corrective actions. A key aim of this procedure is to prevent discrimination, bullying and harassment from entering the work-place, providing guidance to address such matters, and above all prevent recurrence.
- 1.3 As noted in the values statement, all employees have the right to work in a non-threatening work-place where people are not discriminated against because of their religious beliefs, political opinion, sex, sexual orientation, marital status, age, disability or race.

2.0 References

2.1 This procedure is written in accordance with the following acts:

- Health and Safety at Work Act, 1974
- Sex Discrimination Act, 1975
- Race Relations Act, 1976
- Trade Union and Labour Relations (Consolidation) Act 1992
- Disability Discrimination Act, 2005
- Criminal Justice and Public Disorder Act, 1995
- Employment Rights Act, 1996
- Protection from Harassment Act, 1997
- Crime and Disorder Act, 1998
- Race relations (Amendment) Bill 2000
- Employment Act 2002
- Employment Equality (Sexual Orientation) Regs. 2003
- Employment Equality (Religion or Belief) Regs. 2003
- Employment Equality (Age) Regs. 2006

3.0 Values and expected standards of behaviour

3.1 The organisation has agreed that the following values are integral to its culture:

- **Ambition** – we are a ‘can do’ organisation that will be judged on innovation, fairness, relevance, efficiency and effectiveness.

- **Excellence & Quality** – we are committed to the pursuit of excellence in all aspects of our work. We take pride in delivering quality services and value for money.
- **Accountability** – we are accountable for our actions to local government, our partners, stakeholders and funders. We are prepared to submit ourselves to scrutiny that provides measurable and meaningful outcomes and adds value.
- **Equality**- we will actively promote equality, we will not accept prejudice and intolerance in the shaping of our policy, our conduct or in our communications and relationships with individuals and organisations. We will ensure that our policies, practices and core business activities do not discriminate unfairly or lead to other forms of unfair treatment.
- **Inclusiveness** – we will encourage and foster a diversity of perspectives and the building of trust and consensus through our partnership work.
- **Integrity** – we are committed to integrity, transparency, honesty and consistently high standards in all our dealings, both internally and externally.
- **Dignity** – we are fully committed to promoting a good and harmonious working environment where employees, service users and customers are treated with respect and dignity.
- **Learning** – we are a learning organisation, we learn from excellence and mistakes and move on. We do not promote a blame culture.
- **Environment**- we seek to minimise environmental impact as far as possible in our activities.
- **Respect** – we will respect the views of others. We will always work to be collaborative and constructive with others, whether individuals or organisations and to value the contributions made.

3.2 It is important to emphasise that maintaining the values of the organisation involves co-operation from managers and employees alike and mutual respect for one another is expected at all times.

3.3 It is also pertinent to stress that any breach of the values that could be construed as discrimination, victimisation, bullying or harassment will be treated very seriously by the organisation.

4.0 Definition of discrimination, victimisation, bullying and harassment

4.1 Discrimination can be found in various forms. It can be either direct or indirect discrimination, victimisation, bullying or harassment. Bullying for reference is a recognised form of harassment but is defined separately to illustrate some unique differences.

- 4.2 Direct discrimination occurs when due to age, gender, race, disability, religion or belief or sexual orientation a person or group of people have been or would be treated less favourably than others.
- 4.3 Indirect discrimination is where a provision, criterion or practice is applied (or would be applied) equally to all, but when compared to other groups e.g. sex, race etc...it can not be shown to be a proportionate means of achieving an aim.
- 4.4 Victimisation is treating someone less favourably because they have carried out a 'protected act'. Examples of a protected act include making a complaint, bringing proceedings or otherwise asserting rights under discrimination legislation. It is also victimisation if a person is treated less favourably because they have supported someone else taking action, for example, by acting as a witness in a sex discrimination case.
- 4.5 Examples of victimisation behaviour include refusal to employ or promote an individual or group of individuals, denial of access to training, segregating an employee or group of employees, removal of benefits or expected benefits previously enjoyed such as overtime, unfair disciplinary action or dismissal, further harassment or abuse or any form of general hostility.
- 4.6 Bullying can be defined as behaviour that is deemed by the person affected to be offensive, intimidating, malicious or insulting. It can be both overt and covert. Examples of overt behaviour include name calling, mocking or threatening another employee. Covert behaviour includes abuse, misuse of power or displaying aggressive behaviour or language that is intended to humiliate, undermine, or injure the recipient. It may not be obvious to an onlooker as it often takes place when there are no witnesses, but it can be very damaging to the employee affected.
- 4.7 Harassment can be defined as unwanted conduct affecting the dignity of an individual or group of individuals. Its subject matter could be related to age, sex, race, disability, religion, sexual orientation, nationality or even a personal characteristic the individual may have.
- 4.8 Examples of harassment include
- Humiliation of an individual
 - personal remarks, jokes, or racist remarks,
 - offensive language, gossip, slander or threats,
 - letters, displays or posters, improper use of media, graffiti, obscene gestures, emblems or any other offensive material,
 - isolation or non-cooperation at work, exclusion from social activities;

- coercion , including pressure for sexual favours, pressure to participate in political/religious groups, pressure to join or not join a trade union, intrusion by pestering , spying, following etc.....

The list of examples provided for all of the definitions above is not exhaustive.

- 4.9 Discrimination, victimisation, bullying or harassment can be carried out by an individual or a group of people. It can be face to face or through other measures available to an employee such as telephone, text message, e-mail, memo or letter etc...
- 4.10 It can occur either as an isolated incident (i.e. a one off) or a series of incidents i.e. a persistent pattern of behaviour resulting in the 'last straw' whereby a person can no longer tolerate the behaviour, neither of which will be tolerated. Key to this procedure is the notion that it is not for the person who carries out the behaviour who determines what is acceptable. A decision as to whether discrimination, bullying, harassment or victimisation has occurred is determined by how the individual receiving the treatment perceives the behaviour as well as whether the behaviour is acceptable or not by reasonable standards.
- 4.11 Employees therefore should note that what they feel is harmless banter or fun could be deemed as offensive by someone else, even if it is not deemed offensive by the person who the behaviour is aimed at. Ignorance of other people's feelings is not a reasonable defence.
- 4.12 It is important to stress however, that examples of discrimination, bullying or harassment are unlikely to be represented by occasional heated discussions, debates or arguments. Discrimination, bullying or harassment are serious allegations to make, so employees should allow themselves time to reflect in order to ensure that hasty conclusions are not drawn in the heat of the moment.

5.0 The effect on the organisation

- 5.1 Allowing discrimination, bullying or harassment in the workplace could potentially have a series of consequences for the organisation. In essence their presence detracts from a productive working environment
- 5.2 Specifically, employees may suffer from stress or anxiety; it has the potential to affect an individual's family or social life as well as their working/professional life.
- 5.3 Discrimination, bullying and harassment can also lead to an increase in accidents, absenteeism and induce under performance.
- 5.4 Finally in serious cases the reputation and public image of the organisation can be affected which can impact upon its overall performance. Discrimination, bullying and harassment thrive in an organisation where it is not addressed, and

a lack of complaints does not necessarily mean a lack of issues. It is therefore imperative that the organisation's culture does not support or allow such behaviour to spread or continue if identified.

6.0 **Employee Responsibilities**

- 6.1 It is the responsibility of all employees to familiarise themselves with their conditions of employment and the associated acceptable standards of conduct.
- 6.2 All employees have a responsibility to ensure that they respect the dignity of other employees in their working environment. Line Managers or the HR Advisor will be happy to clarify any point that is not clear.
- 6.3 Full compliance to the procedure is expected and all employees should discourage discrimination, victimisation, bullying or harassment behaviour by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint.
- 6.4 If an employee witnesses another employee being discriminated, victimised, bullied or harassed they should alert their Line Manager to enable the organisation to deal with the matter appropriately.
- 6.5 Employees should also observe office etiquette e.g. to keep noise to a minimum and ensure personal (not business) mobile phones are turned on silent at all times to avoid frustrating other employees.

7.0 **Line Management Responsibilities**

- 7.1 Managers are responsible for any incidents of discrimination, victimisation, bullying and harassment within their teams for which they either are, or should be aware of even if they have not been directly informed by the employee affected by the behaviour. Managers have a duty of care to effectively deal with the situation as soon as they are aware in accordance with the procedure.
- 7.2 Managers are responsible for ensuring that their staff are conversant with the organisation's policies and take steps to promote awareness of the procedure for dealing with complaints. Managers should ensure they adopt the processes themselves thus example setting.
- 7.3 Managers should be responsive and supportive to any employee or member of the public that makes an allegation of discrimination, victimisation, bullying or harassment, providing clear advice on the procedure to be adopted, maintaining confidentiality and seeking to ensure that there are no further problems once the situation is resolved.

7.4 Managers should ensure all partners are familiar with this policy and agree to adhere to its terms.

8.0 HR Responsibilities

8.1 HR are responsible for raising awareness of the procedures including advising managers as well as staff on relevant protocol; logging incidences of discrimination victimisation, bullying and harassment and ensuring associated actions are carried out, and reviewing and amending the policy as necessary.

9.0 Dealing with bullying and harassment

9.1 An employee who is experiencing discrimination, victimisation, harassment or bullying from a colleague has a number of options concerning steps they can take to stop it.

9.2 The employee may choose any or all of these options:

- They may deal directly with the perpetrator, on an individual basis, or they may seek support and assistance in resolving the problems; or
- They may choose an informal way of stopping the behaviour;
- Or they may raise the issue under the grievance procedure

9.3 The employer will not condone any form of retaliation; however justified the affected employee may feel it is.

9.4 The choice of the option is entirely at the judgement and discretion of the employee concerned. Informal procedures should always be considered in the first instance. However if informal processes are not feasible or have been exhausted formal stages should be pursued. This is to ensure that resolution is achieved as speedily as possible and at the most appropriate level of severity. It is important to note that an employee may not feel able to pursue informal stages dependent upon their level within the organisation or the nature of the working relationship between the parties (e.g.) the alleged harasser is a Line Manager.

9.5 The option chosen will also depend upon the nature of the incident complained of. More serious incidents will necessitate more formal action even in the first instance.

9.6 Under no circumstances should an employee put themselves in danger or jeopardy through confronting a bully or harasser.

9.7 The procedure is not primarily a means of imposing sanctions and minor misconduct may necessitate informal counselling by the Line Manager.

Employees however should be aware that bullying, harassment and victimisation is a disciplinary offence and where allegations are founded can lead to a sanction under the disciplinary procedure up to and including summary dismissal.

9.8 Disciplinary action can also ensue if an allegation has been made in bad faith or maliciously.

10.0 Informal Approaches

10.1 Informal approaches could include:

- Informing a Manager who can ensure awareness or unacceptable behaviour issues are raised within the section and standards of acceptable behaviour are adhered to/enforced. This can be done without naming the employees concerned. This can also be the course of action for the manager if the aggrieved employees state that they do not wish to pursue any action.
- Employees can raise their concerns with the individual who is exhibiting unacceptable behaviour towards them. This may be done on a one to one basis in a confidential manner.
- Employees can raise their concerns in writing, by telephone or in person.
- Employees may ask a colleague or representative to accompany them to meet the individual. The meeting should be in a quiet and confidential setting. At this meeting they can raise their concerns in front of a witness e.g. please stop this behaviour.

10.2 Directly raising concerns with the individual responsible for the unwelcome behaviour is likely to be effective if the employee feels sufficiently confident to make the challenge, and if the incident has occurred very recently. It is less likely to be effective when an individual is facing a campaign of harassment. Employees raising their concerns should try to remain as calm as possible to ensure the meeting remains constructive.

10.3 Mediation is another effective tool. If an employee asks for a mediation meeting, management have a responsibility to co-ordinate it and ensure all necessary arrangements are made.

10.4 In order to be effective the mediator should be independent and impartial and trusted by all concerned and preferably from outside the immediate work situation.

10.5 The mediator may meet with both parties, or may meet separately with them. The objective of the process is to reach a positive solution acceptable to both parties,

and to develop an action plan which will set the standards of conduct required for a more harmonious working relationship in the future.

- 10.6 If the issue is resolved through informal means, it may not be necessary to proceed to a disciplinary hearing. However managers must always review and monitor the situation with those involved to ensure there is no repetition of the problems. Even if resolved informally, it may be necessary for the disciplinary procedure to be invoked depending upon the nature of the incident.

11.0 Formal Approaches

- 11.1 Any employee who believes that she/he has suffered any form of discrimination, victimization, bullying or harassment from another member of staff is entitled to raise the matter through the grievance procedure.

- 11.2 If an employee tells a manager they are experiencing harassment, discrimination, or are being bullied or victimised, a responsibility has been placed on the manager: -

- to listen and treat the experiences seriously, without making a judgment, or attempting to place their own interpretation on the experiences, or justifying the behaviour being experienced;
- to ask them to write down the substance of the grievance with supporting examples, dates, and witnesses. This should be done whether or not the employee intends to pursue the grievance formally. The manager may write down the allegation on behalf of the employee and ask for the note to be signed and dated;
- to reassure the employee that she/he is not expected to suffer harassment, discrimination, bullying, or victimisation in the work place, and that managers have a responsibility to take immediate steps to stop such behaviour;
- to offer access to counselling or support if required;
 - to advise her/him of the options on how to proceed;
 - ensure the employee is made aware of her/his rights;
 - to maintain the highest level of confidentiality; and
 - to seek consent from the employee to any action you may take on her/his behalf.

- 11.3 If the Grievance Procedure is invoked, where, for example, the harassment is serious, the person making the complaint prefers this, or the harassment continues after the informal procedures have proven ineffective, managers should deal with this in the normal way by following the procedure.

- 11.4 In addition managers should consider whether it is appropriate (where possible) to reduce or remove contact between the parties concerned by a relocation or redistribution of duties bearing in mind that employees accused of inappropriate behaviour are innocent until any misconduct has been established, so therefore it should not be automatic that the alleged harasser is transferred and any such attempts may cause ill feeling.
- 11.5 In certain cases the allegations may be sufficiently serious to warrant invoking the Disciplinary Procedure, without attempting either informal resolution, or considering the case through the Grievance Procedure. Managers will need to consider whether the allegations constitute gross misconduct, and to consider whether the suspension of the employee on full pay pending an investigation under the Disciplinary Procedure is appropriate. In all such circumstances the advice of HR must be sought prior to consideration of a suspension from duty. Such an action should be a last resort after all other reasonable options have been considered
- 11.6 Any investigation should be conducted by investigating officers that are impartial to the process in accordance with the disciplinary procedure
- 11.7 Managers investigating the allegation and indeed those parties that make the subsequent decision should be mindful that during their investigation should consider the following factors namely, what actually took place and associated evidence, how the individual perceived they were treated as well as whether or not the behaviour that occurred could be deemed reasonable. Managers should therefore view the situation objectively in relation to the reasonableness of the behaviour of the alleged perpetrator(s) and not view the case in relation to how they would personally feel/react to the situation if they were in 'their shoes'. The reason for avoiding this method of analysis is an individual's resilience to situations will vary from person to person.
- 11.8 Employees making complaints are protected by law in the sense that they must not be victimised or bullied as a consequence of making such a complaint, as this is cited as discrimination contrary to the various Discrimination Acts. Any complaint of victimisation or bullying will be dealt with seriously, promptly, and confidentially and could result in disciplinary action being taken against the perpetrator.
- 11.9 If an investigation concludes with no case to answer, the employee should be given full feedback on the justification behind the decision.
- 11.10 It is important to bear in mind throughout the investigative process that both the alleged perpetrator and the alleged victim may both require support both during and after the investigation as it is a difficult time for all parties concerned. For example they may require counselling, training or regular one to one meetings to ensure that they can continue to perform their duties. No conclusions should be

drawn before a full investigation has been completed. The Line Manager in the first instance or HR can advise of the process to be undertaken, how the parties will be kept informed and offer professional support and advice as appropriate.

- 11.11 It is also important to note that treating a bully or harasser with contempt following an outcome could be deemed as victimisation within the work-place and will be dealt with in accordance with the procedure.

12.0 Harassment from a Non-employee

- 12.1 If employees are harassed by a member of the public, contractor, councillor etc, and feel unable to deal with the situation informally (see dealing with harassment section), they should inform their manager immediately who will ensure that this employee is not placed at further risk of harassment from that person.

- 12.2 A full, thorough and fair investigation should be undertaken following the same process as if the alleged harasser were an employee. This may involve HR coordinating a joint approach with the partnership organisation as appropriate. Whilst there may be greater difficulties in eliciting information and obtaining witness statements in situations where a non-employee is involved, managers are under a duty of care to endeavour to obtain full facts and take appropriate action to provide a safe working environment for employees.

- 12.3 If there is alleged harassment from an Elected Member then the matter should be referred to the Chief Executive (or in the absence of the Chief Executive, a Director) who, on satisfying him/herself that harassment has occurred will report the matter to the relevant group leader for appropriate action.

- 12.4 If an employee feels the manager is not taking appropriate steps or taking the complaint seriously they have recourse to the Grievance Procedure.

- 12.5 Any allegations that are deemed to be proven with a contractor may result in a withdrawal of services. Each case will be considered on an individual basis.

13.0 Harassment of a Non-Employee

- 13.1 The Organisation will take action against employees if they are found to have been harassing members of the public, contractors, councillors, or any non-employee in connection with their employment.

- 13.2 On receipt of a complaint an investigation will take place by the employee's manager who will complete the necessary enquires into the complaint.

- 13.3 Following the investigation, the manager will decide on his / her course of action, this could be: -

- Not to uphold the complaint, with reasons for the decision; or
- To uphold the complaint and advise the harasser under the informal procedure; or
- To recommend that the disciplinary procedure be invoked for the employee.

14.0 Managing the Working Relationships Post Complaint

- 14.1 Employees who have been involved in or invoked the dignity at work procedure are likely to require help to overcome their experiences and to restore their level of self confidence irrespective of the outcome.
- 14.2 If the allegations are proven, and the employees responsible receive a disciplinary penalty short of dismissal, they are likely to require training and counselling to raise their level of awareness on issues of equality and respect for others.
- 14.3 All managers are responsible for monitoring the situation in the workplace, to ensure that any problems which occur are resolved swiftly. There may need to be training for the whole team in the workplace to help establish standards and repair loss of confidence. If a case is not found proven, managers are responsible for ensuring that the complainant and / or the accused employee are not victimised or harassed through the raising of a complaint.
- 14.4 It is advisable for management to timetable a date to revisit the issue with the complainant at a point in the future to ensure that the outcome has been satisfactory and all agreed actions have been taken and are successful.