

Policy

Title: **Dignity at Work Policy**



Owner: **HR Services**

Date

Issued: **November 2015**

Unless otherwise stated this policy applies to all employees of Stafford Borough Council and Cannock Chase District Council

INTRODUCTION

The purpose of this policy is to provide a pathway for individuals to raise concerns about bullying, harassment and victimisation and to have these concerns dealt with effectively, sensitively and fairly.

This policy also provides guidance for individuals subject to discriminatory behaviour.

POLICY STATEMENT

The Council is committed to providing a safe and healthy working environment for its employees, which includes an environment that is free from bullying, harassment, victimisation and discrimination where every employee is treated with respect and dignity and in which no employee feels threatened or intimidated for any reason.

It is acknowledged that personality differences will occur from time to time and that from time to time people may find it difficult to get along with each other at an interpersonal level. Such situations do not fall within the scope of this policy but should rather be addressed by managers through normal day to day supervision and performance management of staff.

This policy deals specifically with bullying, harassment, victimisation or discrimination. Council will not tolerate such behaviour between employees or workers; between

customers and employees; employees and partner organisations; or between employees and Members.

Acts of bullying or intimidating behaviour between employees outside of the work context (including on social media) may also be covered by this policy if those behaviours affect employee's ability to effectively carry out their duties under their contract of employment or arise directly as a result of work or working relationships.

This policy should be read in conjunction with the council's policies on Grievance and , Discipline. Anyone who engages in harassment, bullying or discriminatory behaviour or victimisation (or incites any of these actions) will be subject to disciplinary investigation and, potentially, to disciplinary sanction.

ELIGIBILITY

This policy applies to all employees, contractors and agency staff of the Council who will be required to comply with its contents.

Bullying or discriminatory conduct by members of the public against Council staff will not be tolerated. Any such behaviour will be addressed through existing customer relations policies at the Council.

Bullying or harassment by elected members should be reported to an employee's line manager for addressing under the Council's Code of Conduct for Members.

DEFINITIONS

1. Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour. It can also include abuse or misuse of power through means which undermine, humiliate, denigrate or injure the individual or a group of employees. This type of conduct is usually sustained and may seem innocuous to an outsider but nevertheless may have significant impact on the complainant in terms of their confidence and mental health. Examples of bullying include (but are not limited to):

- shouting at or reprimanding an employee or colleague in front of others
- ridiculing someone or deliberately setting them up to fail
- overbearing supervision or other misuse of power or position
- undermining a competent worker by overloading and constant criticism
- deliberately excluding someone from conversations, social activities etc.
- passing on malicious gossip about someone
- abusive comments about work colleagues on social media
- office banter and teasing – whilst a certain amount of office banter can be indicative of good team morale and of colleagues who are comfortable in working together team members should be careful avoiding banter or teasing which may cause distress to others – particularly if it is related to personal attributes (such as weight, disability, hair colour, ethnicity, accent, age etc.). In such circumstances bullying may actually cross the line into harassment, discrimination or victimisation on grounds of a protected characteristic as discussed below.

2. Protected Characteristics

The following are defined as 'protected characteristics' under the Equality Act:

- Age
- Disability
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Gender Reassignment

Under the scope of this policy one or more of these characteristics **must** be present in relation to harassment, discrimination or victimisation as defined below.

Two further protected characteristics are only covered by provisions relating to direct discrimination and victimisation - but not harassment;

- Marriage and Civic Partnership
- Pregnancy and Maternity.

3. Harassment

Harassment is specifically defined within the Equality Act 2010 as follows:

“Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”

Harassment can be a single act or numerous acts which are ongoing, but to meet this definition there must be some element related to a ‘protected characteristic’.

Employees will be able to complain of behaviour that they find offensive related to a protected characteristic even if it is not directed at them, and the complainant need not possess the relevant protected characteristic themselves. Employees are also protected from harassment because of perception or association with people with protected characteristics.

4. Discrimination

Direct discrimination occurs when someone is treated less favourably than another person specifically because of a protected characteristic they have or are thought to have or because they associate with someone who has a protected characteristic.

Indirect discrimination can occur when a condition, rule, policy or even a practice that applies to everyone particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that the employer acted reasonably in managing the business, i.e. that it is ‘a proportionate means of achieving a legitimate aim’.

5. Victimisation

Victimisation occurs when an employee is treated badly (by an organisation or colleagues) because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

6. What is not "Bullying" or "Harassment"?

There is a need for employee performance to be managed in order to bring about the aims of the Council and this policy does not seek to diminish a manager's ability to do this. Legitimate and constructive fair criticism of an employee's performance or behaviour at work is **not** bullying or harassment as defined within this policy

ACCOUNTABILITIES

Employees

- Set a positive example by treating others with dignity and respect including colleagues, Members of the public and Members.
- Be aware of the Council's policy and comply with it at all times.
- Do not accept behaviour that may be offensive when directed against you or others, and take positive action to ensure that it is challenged and/or reported.
- Be supportive of colleagues who may be subject to bullying and/or harassment.

Managers

- Ensure that there are procedures in place within departments for employees to report acts of harassment or discrimination and for these to be addressed.
- Actively promote a working environment that is free from discrimination, harassment, victimisation and bullying.
- Promote good working relationships between employees from different backgrounds, encouraging understanding and tolerance.
- Set a positive example by treating others with dignity and respect.
- Deal promptly and thoroughly with any complaint of discrimination, harassment, victimisation or bullying
- Ensure fairness and equity of treatment in all employment practices
- Take appropriate action against any customer who harasses or acts in a discriminatory way towards other customers or members of staff, as specified in local customer relationship policies and procedures.

HR Services

- Ensure that there are policies and procedures in place that can be used by people experiencing bullying, harassment, discrimination or victimisation in the workplace

- Provide advice and guidance to both managers and employees regarding bullying, harassment, discrimination or victimisation
- Provide appropriate support and assistance to anyone suffering from bullying, harassment, discrimination or victimisation

Other

None

PROCEDURE

1. Introduction

All forms of harassment, discrimination, bullying and victimisation are unacceptable.

All employees have the right to:

- complain about harassment, discrimination, bullying and victimisation at work
- have their complaints taken seriously
- have their complaints dealt with properly and in confidence
- receive support and help from the Council

2. Record Keeping

Employees who feel that they are being subject to bullying, harassment, discrimination or victimisation should keep a record of all incidents including the date and time and a description of the incident. Employees should be aware that such records may subsequently be used as evidence in grievance or disciplinary proceedings.

3. Confidentiality and Anonymity

It is acknowledged that when bullying, harassment, discrimination or victimisation is taking place the person involved may feel powerless and perhaps afraid to come forward. Employees should be aware that they can speak about these issues in confidence to their line manager, HR Services or to their Trade Union Representatives.

A request for confidentiality will be respected wherever possible. However, any person complaining of bullying, harassment, discrimination or victimisation should be aware that in such circumstances, in practical terms, it may very difficult to resolve a situation without the manager/HR Services having the freedom to engage with the

alleged perpetrator about their conduct or to pursue disciplinary matters unless the complainant is willing to step forward and give evidence. Similarly, anonymous complaints will make it very difficult for the specific circumstances to be addressed and severely limit the range of actions that can be taken in support of the complainant.

4. Informal Resolution – Taking Personal Responsibility

Any employee who feels he or she is being subjected to bullying, harassment, discrimination or victimisation, should, in the first instance, make every effort to resolve the problem themselves **if they can** (depending on the seriousness of the acts), as this can prevent a situation from escalating into something much more serious.

Often a certain level of bullying, harassment or discrimination etc. can arise because of factors such as miscommunication, misunderstanding or ignorance rather than necessarily as deliberate and calculated acts. In such circumstances employees are advised to explain to the person, calmly, that there is something in the person's behaviour that is causing upset or distress and to **explain the impact that the behaviour is having**. In many cases, promoting this understanding and awareness of the impact of a person's actions may well be sufficient to stop the behaviour, and may indeed positively improve working relationships in the future. Nevertheless, a note of the date and what was said and done should be kept. This will be useful evidence if the unacceptable behaviour continues.

5. Line Manager/HR Involvement

Where an employee has been unable to resolve an issue through direct discussion with the person involved as described in 4 above, or the bullying, harassment or discrimination is of a more serious nature they should raise the matter with their line manager, giving details of the incident(s).

The manager must:

- Take advice from HR Services
- Take the complainant's concerns seriously and listen sympathetically, respecting confidentiality (where requested)

- Consider whether they can resolve the matter personally or whether the complaint is so serious as to require referral for investigation under the disciplinary procedure (in conjunction with HR)
- Consider whether the use of mediation would help to resolve the situation.
- Consider whether the complainant requires additional support through the Council's Occupational Health Service whilst the situation is going on.
- Consider speaking to the parties involved to fully understand the situation and try to resolve it if they can
- Monitor the situation on an ongoing basis and be prepared to step in if things get out of hand.
- Arranging training and development activities to raise awareness of issues (e.g. greater understanding of diversity, cultural awareness, personal resilience, team building etc.) as appropriate to the circumstances.
- Consider clarifying to team members the proper standards of behaviour and conducted expected by officers of the Council.
- If bullying, harassment or discriminatory behaviour is being or has been perpetrated by a member of the public against a member of staff consider whether the customer should receive some form of communication or sanction from the Council regarding their conduct in accordance with local Customer Relations policies.

The manager should keep accurate records of any actions taken in response to the issues raised as these may subsequently be required in disciplinary, capability or tribunal proceedings

It is accepted that if the bullying, harassment or discrimination is perceived as being perpetrated by the line manager then an approach to the line manager may not be viable. In such circumstances employees should raise their concerns with a more senior manager or directly with HR Services (or indeed their trade union representative).

It is also accepted that some acts of bullying, harassment or discrimination will be of much too serious a nature to try to resolve through informal means. For example this

might include acts that would fall firmly under the scope of the disciplinary policy (or even criminal proceedings) such as sexual assault, physical assault, deliberate and calculated acts of discrimination etc. In such circumstances the complainant may well be justified in making an immediate complaint under the formal procedure as outlined in section 7 below.

6. Mediation

One of the best ways of resolving issues between colleagues or between employees and managers is to use mediation in order to reach a mutual agreement on acceptable behaviour and conduct. This approach is particularly valuable where ignorance, misunderstanding or lack of effective communication are the factors leading to a person feeling bullied (rather than more deliberate and calculated acts). A mediated approach can help to repair damaged working relationships and may give the best chance of a more harmonious (or at least civil) working relationship in the future.

Mediation can be used at any time providing the parties involved are prepared to enter into a mediation process. The process is confidential to the parties involved and works by encouraging the parties to speak to each other and reach a mutually acceptable agreement that will sort out their problems. It gives the parties a chance to talk about the situation, express their concerns to each other and come up with some practical ideas about how things could change for the better. Mediation works best when all of the parties concerned are:

- Genuinely interested in resolving the issue
- Prepared to enter into mediated discussions
- Prepared to try to see things from the other person's point of view

A mediator will be someone who is impartial, ideally be distanced from the work situation and be trained in conflict resolution.

HR Services will arrange for mediation to take place where this is deemed a suitable option to resolve the situation

7. Making a Formal Complaint

Where the employee has tried to resolve the matter informally or has been unable to get it resolved through the intervention of their line manager, or the matter is of a very serious nature matters can be pursued on a more formal footing.

An employee who wishes to make a formal complaint of bullying, harassment, discrimination or victimisation should write to HR Services **setting out the nature of the complaint and outlining what steps have been taken to try to resolve it to date, either by themselves or their line manager.**

The complaint itself will be dealt with under the auspices of the Grievance and/or Disciplinary procedure, Customer relations policies or Codes of Conduct – depending on the circumstances – in order for a formal investigation to be undertaken. **Note: It will be very difficult indeed to pursue such an investigation without the full co-operation of the complainant. In addition and before any formal action is proposed managers should ensure they discuss the case with HR Services**

Wherever possible, the Council will try to ensure that the complainant and the alleged harasser are not required to work together whilst the complaint is under investigation. Where physical separation at work is not possible other considerations will be made. This could include individuals working from home for a short period if the employee's work lends itself to such an arrangement

If the complaint is **not** upheld, HR services will support both parties and management, in making arrangements to continue or resume working together and to help repair working relationships. This may include internal or external mediation, training etc.

If the complaint **is** upheld, and the perpetrator has been found to have bullied or harassed but still remains in the Council's employment, every effort will be made to ensure, where possible, the transfer of either of the parties to a different role within the Council, or make arrangements to help repair working relationships. This may include internal or external mediation.

Note: In very serious cases, a criminal offence may have been committed and the matter may need to be reported to the police. The Human Resource service can

arrange for someone to accompany the complainant to make the complaint should that need arise

8. False or Malicious Allegations

False or malicious allegations of bullying, harassment, discrimination or victimisation which damage the reputation of a fellow employee/Member will not be tolerated and will be dealt with under the scope of the Disciplinary Policy.

9. Counselling Support

Employees experiencing bullying etc. will be able access counselling support from the Council's Occupational Health Services. HR Services will arrange this if required.

OTHER SOURCES OF INFORMATION

1. Related internal policies

- Code of Conduct for employees
- Members Code of Conduct
- Confidential Reporting Policy
- Disciplinary Policy
- Grievance policy
- IT policies

2. Trade Union

There are several trade unions working within Stafford Borough Council and Cannock Chase District Council who can assist with this policy. It is recommended that a trade union representative be contacted at the earliest possible stage so that appropriate advice, guidance and support can be offered to the employee.

3. HR Services

HR Services can provide supplementary information and assist with the application of this policy. It is recommended that a member of HR Services be contacted at the earliest possible stage so that appropriate advice, guidance and support can be offered to all parties involved with the process.

4. External Sources

Further advice regarding harassment and bullying can be found on the following websites:

ACAS:	www.acas.org.uk
DirectGov:	www.gov.uk
Equality and Human Rights Commission:	www.equalityhumanrights.com
The Samaritans	www.samaritans.org
Stonewall (lesbian, gay and bisexual charity)	www.stonewall.org.uk
Age UK	www.ageuk.org.uk
Disability Law Service	www.dls.org.uk

Please note that the Council takes no responsibility or liability for any material produced by or contained in external sites or for any advice or services given by external organisations. It is the responsibility solely of each person to decide whether or not they use any such material, advice or service.

LEGISLATIVE FRAMEWORK

- **Equality Act 2010**
- **Prevention from Harassment Act 1997**
- **Malicious Communications Act 1988**
- **Data Protection Act 1998**
- **The Human Rights Act 1998**
- **The Health & Safety at Work Act 1974**
- **The Criminal Justice & Public Order Act 1974**
- **ACAS Code of Practice – Bullying and Harassment** – whilst not, in themselves, a legislative requirement, these procedures outline good practice in dealing with disciplinary matters in the workplace.

REVIEW STATEMENT

Save as required by law, the Council reserves the right to periodically review this policy. Any amendment to the policy will be subject to consultation with the appropriate unions.

This policy document can be provided in Braille, on audio cassette tape/disk, large print and in the following languages on request to Cannock Chase Council on 01543 462621 and Stafford Borough Council on 01785 619000

Bengali, Gujarati, Chinese, Urdu, Punjabi and Polish.

আপনি অনুরোধ জানালে এই কাগজপত্রগুলোর বাংলা অনুবাদের ব্যবস্থা করা যেতে পারে।

如有要求的話我們可將此文件翻譯成中文

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? = 01543 462621

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