

## **Wiltshire Council Human Resources**

### **Draft - Dignity at work policy and procedure**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

The dignity at work policy and procedure sets out a framework for employees to raise concerns and complaints related to their dignity at work including discrimination, harassment, victimisation and bullying at work.

The policy sets out the Council's expectations that employees will treat each other with dignity and respect and a procedure to ensure the fair and consistent treatment of employees.

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#### **Who does it apply to?**

This policy applies to all Wiltshire Council employees (with the exception of teaching and non-teaching staff employed in locally managed schools).

In matters which involve chief/statutory officers and deputy chief officers (corporate directors and service directors) this policy must be read in conjunction with their JNC terms and conditions of employment and Wiltshire Council's constitution.

Dignity at work complaints relating to job applicants, contractors sub-contractors, consultants, staff seconded from other organisations, agency workers, volunteers and work experience placements will be investigated and action taken to prevent re-occurrence using the general standards set out in this policy and procedure.

### **When does it apply?**

This policy applies during the recruitment process and throughout employment.

This policy and procedure could apply equally to a group of employees, in which case the group can appoint one of their members as a spokesperson, who will then follow the procedures on their behalf and the answers given to them will then be deemed to apply to all members of that group. However, where it becomes evident through investigation that group members have individually experienced differences in terms of severity and impact of unwanted behaviour or language, cases may need to be looked at and resolved on an individual basis.

### **When does it not apply?**

There are no exemptions under this policy and procedure.

### **What are the main points?**

1. The council is committed to creating an environment of positive working relationships and all employees are to be treated with dignity and respect in the work place.
2. All employees are expected to comply with this policy and embrace a culture which provides supportive and positive working relationships and behaviour which underpins the council's vision, values and beliefs. This includes behaviour set out in the following policy and procedures:
  - Behaviours Framework
  - Equality and Diversity
  - Code of Conduct
3. You can seek redress over inappropriate behaviour or language including harassment, discrimination, bullying and victimisation through this policy. Both informal remedies including mediation and formal remedies including disciplinary may be appropriate depending on the seriousness of the allegations under this policy and procedure.
4. Concerns and complaints raised under this procedure will be taken seriously, dealt with promptly and in confidence. If you require support under this policy this is available as set out below.

### **Inappropriate behaviour**

5. Language or behaviour which could contravene this policy can take many forms, occur on a variety of grounds and may be directed at an

individual or a group of individuals. Language or behaviour which one person finds acceptable may not be acceptable to another. It includes unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.

6. Inappropriate language or behaviour which is not in line with the Behaviours Framework could be raised under this policy. This relates to all activities which take place in work and in certain circumstances outside of work (see code of conduct – misconduct).
7. Inappropriate language and behaviour can arise from a single or a combination of factors. Some examples are:
  - using language or behaviour which results in physical, mental or psychological hurt.
  - inappropriate language or behaviour may be direct or indirect. Direct behaviour is aimed at a particular individual whereas indirect could be an overheard comment or discussion. However, it is not only the acts or the words that need to be considered but how the person on the receiving end perceives the behaviour. If it is behaviour that is unjustified, unwarranted, unwanted, uninvited and unreciprocated then it needs to be addressed.
8. Inappropriate behaviour can range from violence to less obvious forms such as ignoring someone or offensive body language. It applies to all forms of communication including; written (including the use of social media, e-mails and internet), pictorial, verbal or non verbal. Whatever the form it will be unwanted behaviour which is unwelcome and unpleasant.
9. Inappropriate behaviour or language may constitute discrimination, harassment, bullying or victimisation. Discrimination including harassment, third party harassment and victimisation are covered by the Equality Act 2010. For further information and examples of these forms of dignity at work concerns including action for managers in relation to third party harassment, please see the [guide to dignity at work and equality and diversity](#).

#### Raising the matter

10. If you believe that the conduct of another employee is in breach of the policy you may choose to:
  - deal with the matter yourself informally.

- involve a third party (e.g. a colleague) to assist in dealing with the matter informally.
  - make use of the [mediation service](#).
  - pursue the matter formally.
11. Every attempt must be made to resolve complaints at the earliest possible stage. Use of the mediation service will be encouraged to achieve this where possible.
12. If you believe that you have been harassed by a third party (non - employees including service users, members or customers) you should report the incident immediately to your manager who will consider a range of appropriate actions as set out in the guide to dignity at work and equality and diversity.
13. In addition to the above any incident at work involving violence with another employee or non-employee must be reported in line with the violence at work policy and the accident and incident policy to your line manager who will also ensure that the correct forms/investigations and notifications take place in accordance with these policies.

#### Informal procedure

14. You can seek to take informal action in the following ways:
- by approaching and explaining to the person considered to have used the inappropriate behaviour or language why it is unacceptable and requesting them to stop and referring them to this policy and to the behaviours framework.
  - if you feel unable to approach the person you can put in writing to them the points that need to be covered.
  - you may ask someone else to approach the person on your behalf or to accompany you.
  - you can make a request for mediation through HR or the Occupational Health/counselling service.
  - records of any approaches made and any letters sent should be kept.
15. In the interests of an informal resolution being reached it is not expected that the individual who has been complained about would be

accompanied or represented at any meetings held under the informal stage.

16. You are strongly encouraged to use the informal procedure including consideration of mediation, to resolve difficulties before moving to the formal stage of the procedure.

#### Formal procedure

17. The formal procedure can be followed if it is not possible or appropriate to resolve issues informally. Formal complaints under this policy should be made in writing to your line manager, or if they are implicated in the complaint, to a more senior manager within the service area.
18. Managers will give priority to dealing with such complaints although timescales are dependent on the details of each case.
19. Managers will give regular progress updates to all parties concerned.
20. The formal procedure is detailed in the council's disciplinary procedure, [HR Online | Employee Conduct - Disciplinary Procedure](#), but in summary the main stages to be followed are:

#### Investigating and establishing the facts:

21. The line manager or another nominated manager will investigate your complaint and collect any evidence which will include interviewing you and the employee against whom the allegation has been made and any relevant witnesses in accordance with the [disciplinary procedure](#) and [guidance for managers on carrying out investigations](#). Additional information is also contained in the [guidelines for managers and investigating officers – dignity at work](#).
22. You and other colleagues who are interviewed will have the [right to be accompanied](#) by a trade union representative or work colleague and an HR case adviser may support the manager. Notes need to be made of these interviews.
23. If you are the employee against whom the allegation has been made, you will be informed as soon as possible and appropriate and given appropriate details of the allegation.
24. Depending on the seriousness of the allegation a brief period of suspension with pay or temporary redeployment may need to be considered. This could apply to either party or both of them.
25. The manager responsible for investigating your complaint will keep you and the employee against whom the allegation has been made

informed in writing, at regular intervals, of the progress of the investigation. Line manager's who are not part of the grievance process or witnesses may also need to be kept informed of progress as appropriate.

26. At the end of the investigation a decision needs to be made on whether there is a case to answer or not. If the decision is that no further action is required the parties will be duly informed. You will have the right of appeal.
27. If, following the investigation it is concluded that there is a case to answer specific details of any further outcomes in relation to the person whom the allegation has been made against will not be shared with you as this will be a confidential process between management and the individual.

#### Formal disciplinary hearing

28. If it is decided that there is a disciplinary case to answer then a disciplinary hearing will be organised. This includes:
  - formal notification of the hearing date to the employee against whom the allegation has been made.
  - providing the relevant documentation.
  - detailing the constitution of the panel members.
  - stating who should attend the hearing.
  - providing the format of the hearing.

#### Decision on appropriate action

29. After the case has been heard the panel will make a decision on whether or not disciplinary action or any other action is justified. The employee whom the allegation has been made against will be informed in writing of the decision within 5 working days. If this timescale is not possible all parties need to be informed of the expected date of decision.
30. The possible decisions of the panel are that:
  - the allegation is not upheld.
  - a written warning is issued.

- a final written warning is issued.
  - action short of dismissal is taken.
  - the employee is dismissed.
31. More specific details on these decisions and the appropriate action to take are contained in the disciplinary procedure [HR Online | Employee Conduct - Disciplinary Procedure](#)

The appeal process

Right of appeal for the employee against whom the allegation has been made:

32. If an employee feels that the disciplinary sanction is wrong or unjust they have the right to appeal against the decision in accordance with the council's [Appeal Policy](#). Once the appeal process has been completed there is no further right of internal appeal against the decision of the appeals panel.

Right of appeal for complainant:

33. After the investigatory stage if it has been concluded that there is no case to answer you will be provided with a summary of the reasons for this decision and will have the right to [appeal](#). You should make the appeal within 10 working days of receiving the written summary.
34. The appeal will be considered by a senior manager who will be advised by a representative from human resources. The manager should not have had prior involvement with the case and preferably be more senior than the initial investigating officer.
35. Information gathered during the investigation will be reviewed during the appeal.
36. You and the investigating officer will be given at least 5 days notice of the meeting. You may be accompanied to this meeting by a work colleague or a trade union representative.
37. Once all the information has been considered one of a range of decisions may be made which are outlined in the [appeals](#) procedure. Where it is decided that the appeal is allowed and that there is a disciplinary case to answer a disciplinary hearing should be called in line with the [disciplinary procedure](#).
38. There is no further right of internal appeal against the decision of the appeals panel.

## Roles and Responsibilities

### Employee responsibilities

39. To treat colleagues, managers, councillors, service users and members of the public with dignity and respect, in accordance with the principles set out in this policy and procedure and in the following policies and procedures:
- equality and diversity
  - behaviours framework policy
  - code of conduct policy
40. To comply with the process outlined in this policy and procedure in a positive and constructive way including to:
- provide your manager/investigating manager with full information to assist them resolve your complaint
  - attend arranged meetings/hearings
  - arrange your representation if you chose to be supported in this way
  - notify your manager if you or your representative require adjustments or cannot attend arranged meetings
  - engage with recommendations to resolve your complaint including mediation
  - maintain a professional approach to colleagues in respect of your working responsibilities while the process is on-going
  - use a discrete and co-operative approach towards any witnesses to ensure that information collected is independent and not unduly influenced by external sources.
41. To comply with the principles set out in this policy and procedure and to:
- provide services in a fair and reasonable way and with consideration and politeness.
  - engage positively in measures designed to support your performance such as induction, appraisal and professional development.
  - participate in procedures where managers are addressing matters of performance, attendance and conduct.
  - not aide or collude in cases where employees, clients or customers are treated in a manner which contravenes the policy and reporting any such instances.



- ensure your colleagues are aware if their conduct or behaviour is a cause of concern.
- provide support to someone who is subject to such conduct or behaviour.

#### Line manager responsibilities

42. To ensure that all employees are managed fairly and consistently in line with this policy and procedure and to manage the process related to dignity at work complaints including timescales, outcomes, support and the flow of information to all parties in the process in line with this policy and procedure and following HR advice.
43. Promote positive working relationships and standards and eradicate inappropriate behaviour or language in accordance with this policy and procedure and the following policies and procedures:
  - equality and diversity
  - behaviours framework policy
  - code of conduct policy
44. In line with this policy and procedure specifically:
  - set appropriate workplace standards by treating people with dignity and respect and managing in a professional and caring manner.
  - foster a work environment which is not threatening or intimidating so that the workplace demonstrates a culture of acceptable behaviour and positive interpersonal relationships.
  - ensure all employees under their control maintain a high standard of conduct between all colleagues and are advised of what is and is not deemed to be acceptable behaviour at work.
  - use their judgement to identify and correct standards of inappropriate language and behaviour with employees and to remind them of the council's policy.
  - take complaints about the contravention of the policy seriously and to take appropriate and prompt action and where possible try to resolve matters informally.
  - investigate complaints about inappropriate behaviour or language and making employees aware that where necessary appropriate action will be taken which could include using the disciplinary

procedure or other action outlined in this policy and guidance in relation to third party harassment.

- make employees aware of the actions they can take, the support available if they feel victimised and the opportunity to discuss matters with HR and, where agreed, for trained mediators to be used.
- monitor sickness absences within their departments to identify if any sick leave is attributable to inappropriate conduct or language.

#### HR responsibilities

45. An HR case adviser will be allocated to support managers where they are informed that a dignity at work complaint has been raised.
46. The role of HR will be to provide:
  - professional advice and guidance to managers to enable them to make an informed management decision.
  - an overview of the case to help ensure timely resolution and progression of the matter and to ensure consistency of approach across the organisation
  - an audit trail (paper trail) and chronology of the case
  - co-ordination of the involvement of any other stakeholders (if necessary) eg mediators, other HR advisors or legal
  - support to managers during meetings under the procedure where appropriate
  - support to managers during investigations under the procedure where appropriate
47. In most cases HR involvement will be at the formal rather than informal stage of the procedure although this will depend on the nature and complexity of the issue. HR case advisers will not be responsible for note taking at any meetings under this policy and procedure.

Employee's responsibilities if you have had a complaint raised against you.

48. These are set out in the guidance for employees who are the subject of a colleague's complaint or witness

#### Support for staff

- where an employee raises a complaint in good faith or they assist in an investigation the council will not tolerate any action of intimidation, victimisation, retaliation or discrimination against them. This also covers witnesses and the person against whom the

complaint is being made and applies whether the complaint is upheld or not.

- if the allegations are sustained in whole or in part any subsequent action will not be detrimental to the person making the complaint or the report unless the investigation or hearing identifies matters which need to be investigated separately. If so the appropriate procedures will be followed.
- malicious complaints will not be tolerated and will be pursued in order to determine whether action could be taken for a disciplinary offence.
- employees may elect to take advice from a trade union representative. HR case advisers can be consulted for procedural advice.
- confidential counselling can be made available through the Occupational Health advisors. Individuals are requested to contact the employee well-being helpline on 01225 713147 or send an email to [occhealth@wiltshire.gov.uk](mailto:occhealth@wiltshire.gov.uk)
- in appropriate circumstances and with the agreement of both parties a referral to formal mediation can be made in an attempt to establish positive working relationships. The relevant service area will pay for such mediation.

#### Frequently asked questions

**49. What action can be taken against managers or staff who fail to comply with the policy?**

If possible matters should be resolved informally and mediation is another possibility that needs to be considered. However, if neither of these options are successful or suitable then action may need to be taken under the formal part of the procedure.

**50. What action can be taken against contractors who fail to comply with the policy?**

Complaints relating to job applicants, contractors, sub-contractors, consultants, staff seconded from other organisations, agency workers, volunteers and work experience placements will be investigated and action taken to prevent re-occurrence using the general standards set out in this policy and procedure. Consideration can be given to terminating the contractual arrangements.

**51. What examples of good management can help to support a positive working environment and good working relationships?**

Examples of good management include:

- setting achievable time limits and standards of work.
- positively supporting the performance of individual workers e.g. through induction, professional development, appraisal and one to one supervisions.
- addressing matters of performance, attendance and conduct through the appropriate procedure on the occasions where employees fall short of acceptable standards in a prompt and professional manner
- applying the relevant procedures e.g. absence, improving work performance and disciplinary fairly and consistently.
- firm but fair management is not to be confused with behaviour that contravenes this policy.

**52. What is expected from employees in helping to provide a positive working environment and culture?**

Employees are expected to comply with the requirements of the dignity at work policy and procedure and to the behaviours framework to co-operate and support managers in addressing and taking appropriate action to improve areas of concern. If they have concerns about their line manager they should raise it with a more senior manager in the service area.

**53. If I witness offensive behaviour or language against another employee but this employee does not report it, am I expected to do anything?**

You can speak to the person who has been the target of the abuse and advise them to report it under the dignity at work policy. If they don't want to take the matter any further you should report the incident to an appropriate manager for them to follow up. Where you are involved in reporting this type of incident you can seek support as outlined above.

**54. What effects can language or behaviour have in undermining dignity and respect?**

The effects of language or behaviour which contravenes this policy can be extremely damaging to the individual and everyone else involved.

The subject of such behaviour may suffer from physical or emotional symptoms such as disturbed sleep and loss of confidence. Individuals may be personally affected and their performance may deteriorate which will impact on service delivery. This may also impact upon an individual's self esteem and family relationships.

### **Equal Opportunities**

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

### **Legislation**

The policy is underpinned and supported by a host of employment legislation which includes:

Equality Act 2010

Health and Safety Act 1974

Protection from Harassment Act 1997

Management of Health and Safety at work Regulations 1999 (SI 1999/3242)

### **Advice and guidance**

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

### **Further information**

There are a number of related policies and procedures that you should be aware of including:

- [Code of conduct](#)
- [Disciplinary](#)
- [Equality and diversity](#)
- [Behaviour framework](#)

There is also a toolkit including manager guidance and supporting documents to use when following this policy and procedure.

Toolkit

[Guidelines for staff](#)

[Guidelines for managers and investigating officers](#)

Guidance for staff who are the subject of a colleagues complaint

[The mediation scheme](#)

[The behaviours framework](#)

Guidance for managers – equal opportunities in dignity at work matters

For further information please speak to your supervisor, manager, service director or contact your [HR case adviser](#).

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