

## **Wiltshire Council Human Resources**

### **Dignity At Work Policy & Procedure**

This policy can be made available in other languages and formats such as large print and audio. Contact the Human Resources Policy team for further information.

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

Wiltshire Council's Dignity at Work Policy details that:

- 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
- every employee needs to comply with the policy and embrace a culture which provides supportive and positive working relationships and behaviour which underpins the council's vision, values and beliefs
- redress over inappropriate behaviour or language can be sought through the policy which could include mediation. Such contraventions may be treated as a disciplinary offence in line with the Code of Conduct.

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

The policy applies to all workers which includes employees, managers and contractors. There is also a specific schools version.

#### **Main Points**

##### **Inappropriate Behaviour**

1. 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.
2. Inappropriate language and behaviour can arise from a single or a combination of factors. Some examples are:

- using language or behaviour that is intended to result in physical, mental or psychological hurt.
  - inappropriate behaviour may be direct or indirect but 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
3. Inappropriate behaviour can range from violence to less obvious forms such as ignoring someone. Whatever the form it will be unwanted behaviour which is unwelcome and unpleasant.

#### Raising the Matter

4. An employee who believes the conduct of another employee is in breach of the policy may choose to:
- deal with the matter themselves 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
5. Every attempt must be made to resolve complaints at the lowest possible level and at the earliest possible stage. Use of the mediation service will be encouraged to achieve this where possible.

#### Informal Procedure

6. Informal action can be taken 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
  - if the complainant feels unable to approach the person a letter to them covering the same points could be considered.
  - the complainant may ask someone else to approach the person on their behalf or to accompany them.

- through HR or the Occupational Health/Counselling Service a request for mediation can be made.
- records of any approaches made and any letters sent should be kept.
- 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

### Formal Procedure

7. 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 the complainant's line manager, or if they are implicated in the complaint, to a more senior manager within the service area.
8. Managers will give priority to dealing with such complaints although timescales are dependent on the details of each case
9. Managers will give regular updates on progress to all parties concerned.
10. The formal procedure is detailed in the Council's [disciplinary procedure](#) but in summary the main stages to be followed are:

### Investigating and establishing the facts:

11. The line manager or another nominated officer will investigate the complaint and collect any evidence which will include interviewing the employee making the allegation and the employee against whom the allegation has been made and any relevant witnesses. The employees have the right to be accompanied by a union representative or work colleague and an HR Officer may support the Manager. Notes need to be made of these interviews.
12. Depending on the seriousness of the allegation a brief period of suspension with pay or temporary redeployment may need to be considered.
13. At the end of the investigation a decision needs to be made on whether there is a case or not to be answered. If the decision is that no further action is required the parties will be duly informed. The employee making the complaint has a right of appeal.

14. If, following the investigation it is concluded that there is a case to answer specific details of any further outcomes in relations to the alleged perpetrator will not be shared with the complainant as this will be a confidential process between management and the individual.

#### Formal disciplinary hearing

15. 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

16. 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 will be informed in writing of the decision within 2 working days. If this timescale is not possible all parties need to be informed of the expected date of decision.
17. The possible decisions of the panel are that:
- the allegation is not upheld
  - a written warning is issued
  - a final written warning is issued
  - the employee is dismissed.
18. More specific details on these decisions and the appropriate action to take are contained in the [disciplinary procedure](#).

## The appeal process

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

19. If an employee feels that the disciplinary sanction is wrong or unjust they have the right to appeal against the decision by following the [Appeal Process](#) outlined in the disciplinary procedure. 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:

20. After the investigatory stage if it has been concluded that there is no case to answer the complainant will be provided with a summary of the reasons for this decision and will have the right to appeal.
21. 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.
22. Information gathered during the investigation will be reviewed.
23. If it is felt that it is necessary to hear from both parties, the complainant and the investigating officer will be given at least days 5 notice of the meeting. The complainant may be accompanied to this meeting by a work colleague or a trade union representative.
24. Once all the information has been considered one of a range of decisions may be made which are outlined in the [disciplinary procedure](#).
25. There is no further right of internal appeal against the decision of the Appeals Panel

## **What is my responsibility?**

26. To treat colleagues, managers or members of the public to whom you provide a service with dignity and respect by:
  - providing these services in a fair and reasonable way and with consideration and politeness.
  - engaging positively in measures designed to support your performance such as induction, appraisal and professional development.

- participating in procedures where managers are addressing matters of performance, attendance and conduct.
- not aiding or colluding in cases where employees, clients or customers are treated in a manner which contravenes the policy and reporting any such instances.
- ensuring your colleagues are aware if their conduct or behaviour is a cause of concern to themselves or others and providing support to someone who is subject to such conduct or behaviour.

### **Line manager responsibilities**

27. Managers are expected to promote positive working relationships and standards and eradicate inappropriate behaviour or language by:
- setting appropriate workplace standards by treating people with dignity and respect and managing in a professional and caring manner.
  - fostering a work environment which is not threatening or intimidating so that the workplace demonstrates a culture of acceptable behaviour and positive interpersonal relationships.
  - ensuring 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.
  - using their judgement to identify and correct standards of inappropriate language and behaviour with staff and to remind them of the Council's policy.
  - taking complaints about the contravention of the policy seriously and to take appropriate and prompt action and where possible try to resolve matters informally.
  - investigating complaints about inappropriate behaviour or language and making staff aware that where necessary appropriate action will be taken which could include using the disciplinary procedure.
  - making staff 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.
  - monitoring sickness absences within their departments to identify if any sick leave is attributable to inappropriate conduct or language.

## More Information

### 28. 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 applies whether the complaint is upheld or not and also applies to any witnesses involved.
- 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.
- staff may elect to take advice from a Trade union representative. HR Advisors 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.
- 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 department will pay for such mediation.

### Related Policies

You should be aware of the following policies in relation to the Dignity at Work policy and procedure:

- Code of Conduct
- Disciplinary Procedure

## Frequently asked questions

- **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 disciplinary procedure.

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

Consideration can be given to terminating the contractual arrangements.

- **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, capability and disciplinary fairly and consistently.
- firm but fair management is not to be confused with behaviour that contravenes this policy.

- **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 co-operate and support managers in addressing and taking appropriate action to improve areas of concern.

- **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 will be Equality Impact Assessed on 3 August 2010 ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

## **Legislation**

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

Health and Safety Act 1974  
Sex Discrimination Act 1975  
Race Relations Act 1976  
Disability Discrimination Act 1995  
Employment Rights Act 1996  
Protection from Harassment Act 1997  
Human Rights Act 1998  
Employment Relations Act 1999  
The Employment Equality (Religion or Belief) regulations 2003  
The Employment Equality (Sexual Orientation) Regulations 2003  
Employment Act 2002 (Dispute Resolutions) Regulations 2004  
The Employment Equality (Age) Regulations 2006  
Membership/Activity of Union

From 1/10/2010 the Equalities Act will consolidate much of the current discrimination law into a single act although final clarification on the timetable of certain provisions is still to be confirmed by the coalition government.

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

## **For further advice**

For further information please speak to your manager, corporate director or contact a member of your [human resources advisory team](#).

A toolkit will be added which will include:

Guidelines for managers and investigating officers

Guidelines for staff

Guidelines for staff accused of inappropriate language or behaviour

The mediation scheme

Policy author	HR Policy and Reward Team – MR
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