

REPORT TO CABINET

Councillor Mrs Warrander Cabinet Member for Resources

Dignity at Work Policy



SALISBURY
District Council

Dignity at Work Policy

1. Aim

- 1.1 To provide all employees with a working environment that ensures everyone is treated fairly and with respect regardless of their background or ability. The Council is committed to valuing all people as individuals and recognising their personal abilities and strengths in order to gain from the diversity of its employees.

2. Purpose

- 2.1 The Council recognises that not only is it in the interests of individuals but it makes good business sense to ensure all employees are treated with dignity and respect in order that they may feel comfortable and confident in their working environment.
- 2.2 This policy is designed to ensure that no employee or prospective employee will receive less favourable treatment on grounds of gender (or gender reassignment), race, colour, nationality, age, marital status, ethnic origin, Trade Union membership, disability or sexual orientation, political or religious beliefs or spent convictions.
- 2.3 The purpose of this policy is also to ensure a positive attitude is adopted towards all employees. Everyone has the right to work in an environment free from harassment, bullying and intimidation, and the associated stresses that they cause. In consequence, the Council requires that employees take care that the expression of beliefs whilst at work or in connection with Council business is respectful of the fact that the beliefs of others may differ from their own and is not contrary to the principles of this policy and the Council's Equalities and Diversity in Employment policy. (Link to Diversity and Equalities Policy).

3. Commitment from Senior Management

3.1 Message from the Chief Executive:

It is essential both to creating a healthy working environment and achieving our standards of service that all of our employees feel comfortable and respected in the workplace. This policy is designed to ensure that everyone understands the types of behaviour expected of all employees, and those forms of behaviour, which the Council finds unacceptable. Because each employee is an individual it is understandable that what one person may find acceptable another may feel very uncomfortable about. So the purpose of this policy is to ensure that all employees understand what is expected of them and that they have a right to challenge behaviour that they find unacceptable.

Because in most cases unacceptable behaviour occurs unintentionally, the main focus of the policy is to ensure that problems are tackled early and informally directly between the individuals involved and are not escalated to more formal procedures unless necessary. It is important to remember that except in the most serious cases those involved will be expected to continue to work together so it is important that issues are tackled in a way that will ensure that difficulties are resolved effectively without causing more conflict. However, it is also accepted that on some occasions it is necessary to have a more formal approach to deal with serious allegations in a fair and objective way.

All members of the Senior management team are aware of the contents of this policy and are committed to listening to and taking seriously all complaints made. It is important to make clear that if an employee feels it necessary to make a complaint against a member of the management team, the Chief executive or a Council member then their complaint will be dealt with fairly and objectively.

4. Scope

- 4.1 This policy covers all employees at all levels within the Council. It also applies in circumstances where employees may feel that they have cause for complaint against elected Council members although certain adjustments may have to be made to comply with the Members' code of Conduct if a formal complaint is made against a Councillor. Councillors have a duty to treat all employees with respect and dignity at all times. (See Member's Code of Conduct Section 2, a, b& c).
- 4.2 It does not cover members of the Public or other third parties or suppliers with whom the Council works in conjunction but who are not employed by the Council. However there are other policies that cover these aspects. (Link with Access to Council Services Policy).

- 4.3 All employees have a duty to treat all third party operatives and suppliers with dignity and respect at all times.
- 4.4 If an employee is subject to bullying or harassment by a third party not employed by the Council, they can still raise a complaint about the situation as the Council has a duty of care to protect its employees, where possible, from this type of behaviour. Where a complaint is raised, the relevant Service Unit Head or the senior officer managing the contract on behalf of the Council, will discuss the matter with those responsible for managing that third party in order to determine what action is appropriate.

5. Responsibilities

- 5.1 The Council will take all necessary steps to remove unreasonable behaviour from the workplace, however, individuals also have a responsibility to all their colleagues to treat them fairly and with respect. All employees must ensure they abide by both the letter and spirit of the standards laid out in this policy. Whilst it is the responsibility of management to set and uphold standards, all employees must play their part. This means not allowing incidents of bullying or harassment to go unchallenged even if they are not the actual victim.
- 5.2 The Personnel department has responsibility to support managers and employees in maintaining a harassment free workplace by providing support and guidance on the policy and procedures and providing practical help to resolve issues at the lowest level possible.
- 5.3 Management and the Personnel Department also have the responsibility for maintaining awareness in the workplace of the required standards through periodic training and briefing. From time to time the Personnel Department will review the policy to make sure it is up to date with current legislation and best practice.

6. Core Standards

- 6.1 Employees must ensure by their attitude and behaviour to their colleagues and to everyone with whom the Council works that they are without prejudice of any kind and that they promote fair treatment and acceptable behaviour. Employees who unfairly discriminate against others will be in breach of their contract of employment and liable to be subjected to the disciplinary procedure, which may lead to their dismissal. Equal treatment and an atmosphere of mutual respect will maintain good morale and a harmonious working environment.

These basic principles fit with the Council's core values of:

- ❑ Being fair and equitable
- ❑ Being a progressive employer
- ❑ Wanting to be an open, learning Council
- ❑ Providing an excellent service
- ❑ Supporting the disadvantaged

6.2 There is legislation in place to prevent discrimination in relation to :

Sex
Race
Nationality
Disability
Religion
Sexual orientation
Marital status
Trade Union Membership
Status as ex – offenders

However, the Council wishes to extend good practice to include a number of other situations. In particular in relation to:

- Age
- Family circumstances (i.e. single parents or those with caring responsibilities).

6.3 There is also legislation to protect women from any kind of unfair treatment arising as a result of pregnancy and childbirth. (Link to Diversity and Equalities in Employment Policy).

7. The Legal Obligations

7.1 There are a number of laws covering all aspects of Equal Opportunities, which include,

The Sex Discrimination Acts 1975 and 1986
The Race Relations Act 1976
The Employment Act 1990
The Disability Discrimination Act 1995

They cover:

- Direct discrimination (less favourable treatment because of a person's sex, race, disability or marital status).
- Indirect discrimination (when an irrelevant requirement is imposed which will exclude specific groups of people from a benefit or opportunity).

- Victimisation (treating someone less favourably than others on the grounds that they have been or intend to be involved in proceedings under legislation, or because they belong to or participate in Trade Union activities).

8. Harassment and Bullying

- 8.1 All employees have a right to a working environment free from harassment and bullying. The Council is opposed to harassment and bullying in any form and is committed to providing an environment in which the dignity of all individuals is respected. The Council is aware that harassment and bullying can occur in the workplace and during work based activities and can take many forms.
- 8.1.1 Harassment can range from extreme cases like violence to less obvious actions like deliberately ignoring a colleague. Whatever the form of harassment, if the recipient finds the behaviour offensive, unpleasant, unreasonable or just unwelcome then it is unacceptable for the perpetrator/s to continue with it.

Harassment can occur for a wide variety of reasons. It may be due to someone's sex, race, sexuality or disability. A person harassed may not know the precise reason. But this makes no difference to the fact that they are being harassed. Being 'different' can sometimes be enough to trigger harassment.

- 8.1.2 Examples of harassment are:

- Physical contact ranging from touching to serious assault.
- Verbal and written harassment (including Email) through jokes, offensive language, gossip, sectarian songs, etc.
- Visual display of posters, graffiti, obscene gestures, flags, bunting, emblems and screen savers, etc.
- Isolation and non co-operation at work, exclusion from social activities etc.
- Coercion, intimidation and threatening behaviour, ranging from pressure for sexual favours to pressure to participate in political/religious groups.
- Intrusion by pestering, spying, following, telephoning, etc.
- Shouting at an individual to get things done.
- Conduct that denigrates ridicules or humiliates an individual, especially in front of their colleagues.

- 8.1.3 The need to tackle harassment should not stop welcome banter and friendly gestures between colleagues. But where such behaviour becomes unwanted or offensive it becomes unacceptable and must be stopped.

- 8.1.4 Where a manager or other employee is carrying out their job properly, fairly and robustly within Corporate Policies, this does not constitute harassment.
- 8.2 Bullying includes unjustifiably singling out a person for special adverse treatment (usually sustained) ie being 'picked on'. Bullying can take place upwards or downwards through the hierarchy. It may emanate from a misuse of power or position to criticise and condemn, unreasonably or unjustifiably, to humiliate, frighten, denigrate or injure the recipient of that behaviour. The following are examples, but not an exhaustive list, of inappropriate behaviour that may be perceived as bullying:
- Shouting at an individual
 - Humiliating an individual in front of others
 - Picking on one person when a common problem exists
 - Conduct that denigrates, ridicules or humiliates an individual
 - Victimisation where a person is unjustifiably treated less favourably.
 - Consistently undermining someone in an unacceptable and unjustifiable manner
 - Unjustifiable complaints made against a colleague
 - Persistently attacking an individual in terms of their professional or personal standing

9. Disciplinary Procedure

- 9.1 The Council has a legal and moral obligation to ensure that employees are treated fairly, and it expects its employees at all levels to be totally committed to eliminating any form of harassment from the workplace and associated work activities. Disciplinary action, up to and including dismissal may be taken against any employees, regardless of position, found to be responsible for inciting or perpetrating harassment, bullying or victimisation.

Please refer to the Disciplinary Rules and Procedures, which are in the Staff Handbook.

Where appropriate, harassment complaints can be pursued through the disciplinary procedure or the capability procedure, whichever is most applicable to the individual case.

10. Complaints

- 10.1 Employees who feel they have been harassed or victimised should seek confidential advice either from a harassment advisor (once identified and trained, an up-to-date list of advisors will be appended to this policy), from the Personnel Department and/or from their trade union representative.

- 10.2 If they feel it necessary they can make a complaint using the Harassment and Bullying complaints procedure. Because of the sensitive nature of a harassment complaint it is recommended that they are raised through the Harassment and Bullying complaints procedure rather than through the normal grievance procedure. This procedure is specially designed to resolve harassment and bullying issues as effectively as possible without the formality of the grievance procedure but allowing for quick escalation to the disciplinary procedure where appropriate. In rare circumstances an issue may be referred through the harassment complaints procedure from the Whistleblowing Policy.

11. Monitoring

- 11.1 Monitoring will be the responsibility of the Personnel Department who will work in conjunction with the Joint Consultative Forum to assess the impact of the policy. A variety of measures to assess trends will be used, which could include conducting audits from time to time and accessing information that might be available from an Employee Assistance Provider or records of complaints raised.

Harassment and Bullying Complaints Procedure

1. Introduction

- 1.1 No employee need put up with bullying or harassment. It is recognised that making a complaint may be a distressing experience, but all complaints will be taken seriously and dealt with in a confidential, sympathetic and sensitive manner.

2. Informal Complaints

- 2.1 Ideally, if an employee feels that they are being harassed, they should attempt to speak plainly to the individual concerned to make it clear that they do not like the behaviour and ask him/her to stop behaving in that way. For example they could say: *"I'm afraid I find ...(state exact behaviour which is causing offence) unacceptable, it makes me feel uncomfortable and I want you to stop doing it from now on."* If it is too difficult for an employee to speak directly to the individual but s/he feels able to put this idea across using a similar tone but in writing, this could also be acceptable.
- 2.2 If the employee feels unable to speak or write themselves to the individual who is the cause of their concern, they should seek advice from one of the employee Harassment advisors (once these have been trained and formally appointed), whose role is to listen and offer support and to guide the employee through the agreed procedure, from the Personnel Department and/or from a trade union representative. All individuals within these roles will help the employee to review the options available to him/her. These could include supporting the victim in a number of ways, for example, writing a letter to the harasser specifying the behaviour considered to be offensive and asking them to stop. It is always up to the person making the complaint to decide if they want to take their complaint further. There will be no pressure on

them to do this and they do not automatically raise a complaint by speaking to an advisor or Counsellor. If appropriate the Personnel Department can put them in touch with an external Harassment Counsellor.

The Harassment advisors and counsellors (once identified and trained) will be listed at the end of this document.

- 2.3 Trades Union members may, either instead of or in addition to the above, refer any issues they have to their trade union representative.
- 2.4 If an employee feels they are being harassed they should keep a written record of the incident/s and note any witnesses who may have seen or heard the behaviour to help substantiate a formal complaint if this becomes necessary.
- 2.5 In most instances, particularly if the harasser was unaware that their behaviour was causing offence, simply making it known to them that the behaviour is unwanted will be enough to resolve the problem. It is always recommended that in the interests of maintaining good working relationships, wherever possible complaints should be dealt with informally in the first instance. However the Council does recognise that where the situation cannot be resolved informally, or where an employee feels that it is necessary, there is a need for a formal complaints procedure.

3. Formal Complaints

- 3.1 Formal complaints should be made to the Personnel Department in writing. In fairness to all parties, as much information as possible should be contained in the original submission so that there is clarity from the beginning in regard to the nature and extent of the complaint.
- 3.2 The Personnel Department will treat all complaints seriously and deal with them sensitively and in confidence. They will help the complainant to decide which course of action they would like to take to resolve the situation.
- 3.3 The complainant may be accompanied to any meetings arising from the complaint by a trade union representative or work place colleague on the understanding that the issues discussed must be kept confidential as far as it is reasonably possible to do so.
- 3.4 In the interests of natural justice, where an employee decides to make a formal complaint, this should be made as close as possible to the date that the incident occurred.
- 3.5 If the formal complaint relates to a series of incidents where, in the view of the complainant, it was the accumulation of a series of actions which merited a formal complaint being made rather than a single issue, the

formal complaint should be made as close as possible to the date that the 'final straw' incident is deemed by the complainant to have taken place. Under these circumstances, only incidents which took place in the year preceding the 'final straw' incident will normally be taken into account by the investigation unless there are very exceptional reasons for doing otherwise. Where the complainant contends that there are such reasons, these should be recorded in the original submission of the complaint in order that the Head of Personnel and Training may consider whether or not to accept this request.

- 3.6 No complaint that relates either to a single or a 'final straw' incident that took place more than three months before the formal complaint was received will be accepted. The only very rare exception to this may be where actions arising from the informal part of this procedure are still in train and it is deemed to be in the interests of all parties that these are carried to a conclusion prior to any definite decision being required from the complainant on whether or not to take his/her complaint to the formal stage. In this event, the complainant should write to the Head of Personnel and Training, stating the reasons why a request to extend the deadline for a formal complaint to be made is, in his/her view reasonable. The Head of Personnel and Training will then make a decision on this matter and notify the complainant accordingly. Where the decision is to allow the deadline to be extended, the period of time of the extension will be stated. This is unlikely to be in excess of one month. Where such an extension is granted, the employee against whom a formal complaint may be made will be informed of the situation.
- 3.7 Once this Dignity at Work Procedure is invoked neither employee(s) using it nor employees who are the subject of the complaint can use the Grievance procedure in relation to the complaint or its outcomes.
- 3.8 At this point, options available to resolve the matter include:
- ❑ Facilitating a meeting with the subject of the complaint (both parties would be entitled to be accompanied by a work colleague or Trade Union representative).
 - ❑ Appointing an acceptable person to speak to the subject of the complaint on the victim's behalf.
 - ❑ Helping the victim to write a letter to the subject of the complaint asking for the behaviour to stop.
 - ❑ Having some professional external counselling.
 - ❑ Monitoring the situation with support from Personnel.
 - ❑ Using an external mediator to re-establish a working relationship
 - ❑ Other actions that may be appropriate and realistic for each individual situation. This will include considering whether or not either the complainant or the individual complained about should be removed from the environment pending/during the implementation of actions identified. Any decision to do so would not be and should not be considered to be disciplinary action but would be designed to

prevent any further cause for complaint from arising.

- 3.9 If the complaint is not resolved once the chosen actions are completed, the Personnel Department will arrange for an appropriately skilled manager, not within the Service Unit of the subject of the complaint, to conduct an investigation to ascertain whether bullying or harassment may have occurred. Every effort will be made to conclude the investigation and compile the report speedily but given the sensitivity and complexity involved in such complaints, it is difficult to be prescriptive in relation to time-scales. If it becomes clear that the investigation will take longer than a calendar month to conclude, the complainant and subject of the complaint will be notified at the earliest possible moment.
- 3.10 The report will be referred to a Service Unit Head or Policy Director nominated by the Personnel Unit for consideration. Copies of the report will also be provided to the complainant and the subject of the complaint.
- 3.11 The Service Unit Head or Policy Director will confirm outcomes based on (but not necessarily the same as) the findings and recommendations of the report within ten calendar days of its receipt and after discussion with the Head of Personnel & Training Services.
- 3.12 Outcomes will include a view on whether or not harassment or bullying has occurred and whether or not a disciplinary hearing will be held. Where appropriate, the Service Unit Head may choose to make other recommendations arising from the facts established by the report or any recommendations which it contained.
- 3.13 If a disciplinary hearing is to be held, the investigation, report and any additional recommendations made by the Service Unit Head arising from the complaint will form the investigation stage under the Council's Disciplinary and Appeals procedure.
- 3.14 The complainant and the subject of the complaint will be informed, in writing by Personnel & Training Services of the outcome. Normally, this will be via a covering letter with the report and associated annexes attached. There may, however, be exceptional circumstances which require a different approach to be taken to the communication of outcomes. Where this is considered to be the case, reasons will be provided to the complainant and to the subject of the complaint why the report and/or all or some of the annexes have been with-held.
- 3.15 If the complainant is unhappy with the decision, s/he may lodge an appeal within ten calendar days of the receipt of the outcome letter.
- 3.16 If a disciplinary hearing was an outcome and no appeal is received from the complainant, action to convene a hearing will be initiated after these

ten days.

- 3.17 If an appeal is lodged by the complainant, and disciplinary action was an outcome from the complaint, disciplinary action will not start until the appeal has been heard. The appeal will be considered by a different Service Unit Head or Policy Director and should normally take place within 10 working days of notification of an appeal. As far as is possible, matters relating to the appeal will be kept confidential.
- 3.18 The appeal will take the form of a written statement to the Appeal Officer by the complainant and can, if the complainant wishes, also have as an attachment a submission from the Trade Union representative or work colleague who accompanied the employee to the first hearing. It is not appropriate to introduce any new evidence or statements at this point as all available information relating to the case should have been presented at the original hearing. The subject of the complaint will also have the right to submit a statement to the Service Unit Head or Policy Director hearing the appeal and may also append a statement from the Trade Union Representative or work colleague who accompanied the individual to the original hearing. Personnel & Training Services will act as an adviser to the officer considering the appeal.
- 3.19 The Service Unit Head or Policy Director will be provided with all written information concerning the case and may choose to see relevant parties in person if s/he feels this to be necessary to clarify any points.
- 3.20 Where an appeal is made, the Service Unit Head or Policy Director considering the appeal will reach a decision on whether to support or not the original Service Unit Head's/Policy Director's assessment including: whether harassment or bullying has in his or her view, occurred and (where harassment has occurred), whether a disciplinary hearing will take place. Details of any variations from the original Service Unit Head's or Policy Director's decision will be fully recorded together with any other recommendation.
- 3.21 Where a disciplinary hearing arises from this process, full details of the findings will be referred to the Head of Service who will take the disciplinary action. In the event of disciplinary action against a Head of Service, the information will be referred to a Policy Director.
- 3.22 Any disciplinary hearing should be convened as soon as possible after the outcome of the complainant's appeal hearing is known. The disciplinary procedure would then be followed in the normal way. If the situation merits it the alleged harasser may be suspended on full pay until this process is completed.
- 3.23 Given the sensitive nature of any hearing arising from a complaint under this procedure, every attempt will be made to ensure that all parties are treated as sensitively as possible in terms of how the hearing is conducted. In determining these needs, however, due care will need to

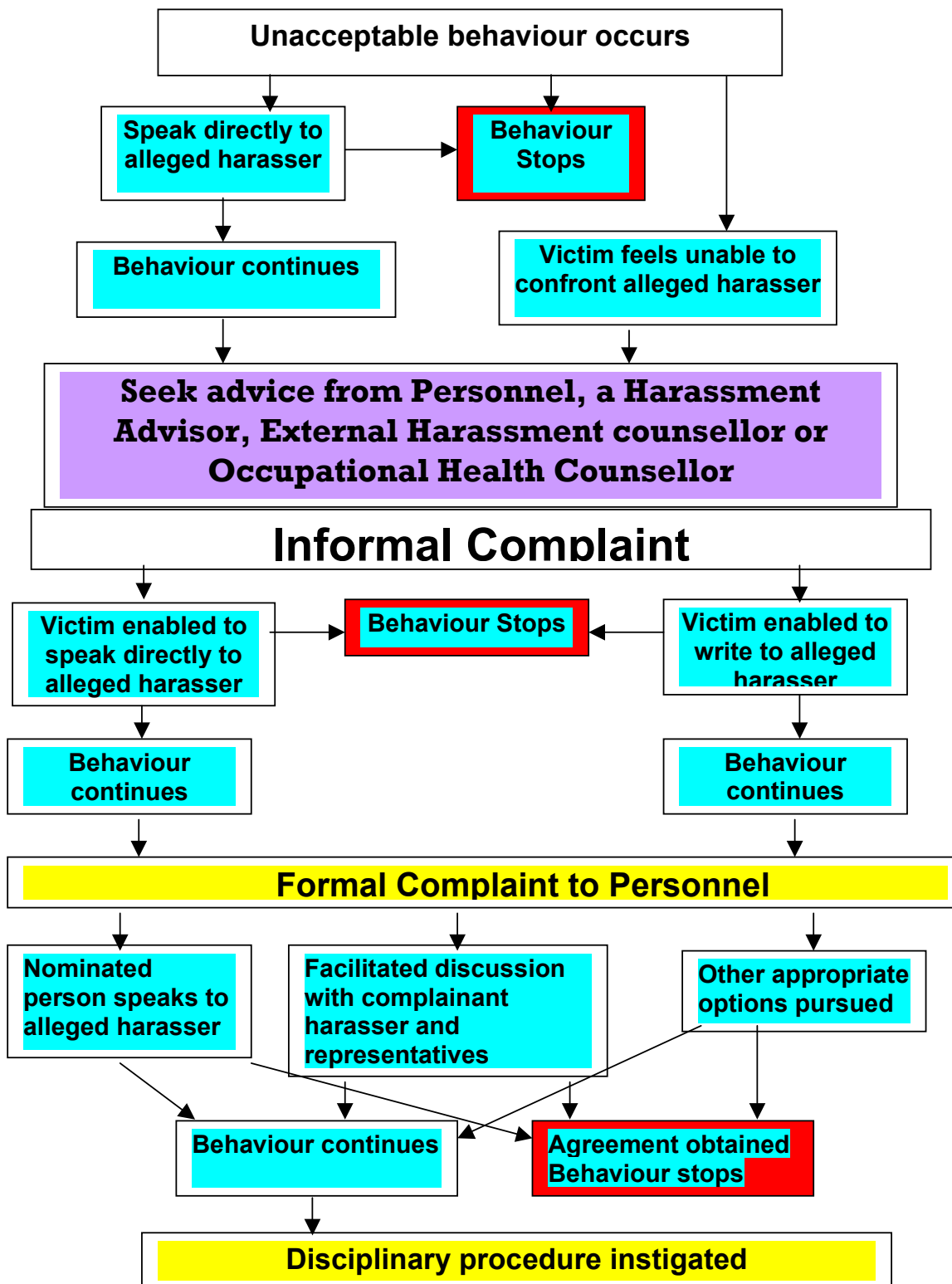
be taken to ensure that the individual who is the subject of the hearing must be treated fairly and be able to have a clear view of the case against him/her.

- 3.24 An employee who raises or supports a complaint in this way will not be subjected to victimisation or less favourable treatment as a result of doing so. However, where an allegation of harassment is formally investigated and disproved, to protect the alleged harasser, all documentation will be held on file for 6 months.
- 3.25 This procedure is designed to protect individuals who raise their concerns. Whilst it is accepted that some allegations may arise from genuine misunderstandings, individuals who knowingly make malicious or vexatious allegations will be subject to the Council's disciplinary procedures.

A flow chart to illustrate the Harassment Complaints Procedure will be appended to this policy once it has been finalised.

Harassment Complaints Procedure

NB Flow chart to be amended once procedure has been implemented but retained here for easier amendment later



The purpose of this flow chart is to show how a complaint can be dealt with through both informal and formal channels. However, serious complaints could be subject to immediate disciplinary investigation without the other processes being followed.

Harassment Advisors and Counsellors Roles and Responsibilities

Harassment Advisors

Harassment advisors are volunteers who are asked to carry out the role by the Personnel Department.

They would normally be selected for their ability to listen and maintain confidentiality and because they are generally respected within the organisation and regarded as approachable and trustworthy.

They have an obligation to maintain confidentiality at all times. They will have received a basic training in how to assist employees and use the harassment complaints procedure, but they are not qualified counsellors.

When approached by an employee with a problem the advisor will listen and when asked, give advice on how to approach the problem. The advisor's role is to enable the employee to try and resolve the difficulty themselves, or on how to use the complaints procedure. The advisor will not take over the problem or interfere in any way. The issue belongs to the employee and at all times they decide what, if any, action they want to take in relation to it.

This type of support is useful when an employee would like objective help from a colleague who understands what it is like to work for the Council and who may be able to offer some practical support.

Harassment Advisors (employees):

Trades Unions Stewards

Some trade unions stewards are trained to assist and advise union members who are encountering bullying or harassment at work. Union members are advised to contact their trade union for details.

Occupational Health Counsellor

Occupational Health Counsellors are fully qualified counsellors who are paid for by the Council. They are external to the organisation and will not be able to advise on the Council's complaints policy etc. but they will provide an expert counselling service that is entirely confidential.

This type of support is useful when an employee is feeling emotionally overwhelmed and needs some professional help to deal with their emotions in order for them to cope with the situation they are in.

Harassment Counsellors

This service is external to the Council and will be provided by an external Personnel Services provider. They are expert in this subject area and fully understand the Council's policy and complaints procedure. They provide a completely confidential service and are able to both listen and advise.

This type of support is useful when the employee believes they need to speak to someone outside of the Council, if for example they feel the situation is particularly sensitive or serious.

Harassment Counsellors (external):