

Staffing Policy Committee

29 January 2025

Dignity at Work policy

Purpose

1. The purpose of this report is to update SPC on revisions to the Dignity at Work policy in response to the changes implemented by the Worker Protection (Amendment of Equality Act 2010) Act 2023.

Background

2. A well-established Dignity at Work (hereafter, DAW) policy, with supplementary guidance for employees and managers, is currently in place. The Dignity at Work policy outlines a framework for employees to raise concerns relating to inappropriate behaviour and a process for managers to respond to complaints relating to harassment, bullying, discrimination and victimisation.
3. On 26 October 2024, the Worker Protection (Amendment of Equality Act 2010) Act 2023 came into force. This introduced a new legal duty on employers to take reasonable steps to prevent sexual harassment of employees, including by third parties, such as contractors and customers.
4. The Equality and Human Rights Commission (EHRC) has published technical guidance to support the Act's introduction and considerations for employers in respect of meeting the legal duty. The EHRC's guidance has been taken into account in respect of the updates to the DAW policy.

Main considerations

5. The DAW policy has been reviewed in consideration of the new legal duty and EHRC guidance. Given the Council's inclusive culture and one council approach, it is also important that HR policies are fully aligned with these and the Our Identity framework.
6. The framework for employees to raise concerns relating to inappropriate behaviour and the process for managers to respond to complaints, remains unchanged. The Council's expectations regarding inappropriate behaviour are also clearly established and are broadly unchanged, however there is now added explicit emphasis that sexual harassment will not be tolerated.

Reason for the policy/ changes to the policy

7. The DAW policy has been updated to clearly outline the preventative legal duty introduced under the Worker Protection Act and to strengthen existing messaging and responsibilities. This includes clear emphasis of the responsibilities all employees have to apply, promote and uphold the principles of the policy and the council's commitment to providing a safe and respectful workplace and promoting a working environment that is based on dignity and trust. Outdated commitment statements have been removed and replaced with statements that align with the council's inclusion strategy.

8. Language has also been strengthened to reflect the robust approach the council will take in dealing with instances of bullying and harassment (including sexual harassment) and that in cases where employees have been found to have committed, authorised or condoned an act of harassment, appropriate actions will be taken. There have also been updates made to policy layout to support consistency with the wider suite of HR policies and amalgamation of separate responsibilities to create a stronger, more robust set of generic responsibilities that apply to all. Where managers have additional responsibilities under the policies, these are clearly identified.
9. Sexual harassment (alongside other types of unwanted behaviour) has been defined within the DAW policy with clear examples, relevant to the working environment of the council.
10. Within the DAW policy, an overview of the formal remedies, including disciplinary action are outlined. In line with the EHRC's guidance, further clarification has been made that harassment or victimisation may lead to dismissal.
11. The policy and supporting guidance already contain provisions relating to DAW matters involving third parties (e.g. customers, service users). As the preventive legal duty extends to third parties, further updates have been made to directly align the DAW policy to the Unwanted Behaviour towards Employees policy. This latter policy describes the arrangements to deter, mitigate, report and respond to unwanted behaviours by members of the public toward employees carrying out their work duties. The policy includes a reporting mechanism, and all health and safety incidents are reportable via the established online incident reporting framework. Under the policy, all work activities that involve contact with members of the public and for which it is foreseeable that unwanted behaviour could occur, should be subject to a risk assessment to establish control measures to be applied in order to minimise risks as far as practicable. This ensures managers are aware of responsibilities in respect of risk assessing interactions between employees and customers and is compliant with the EHRC's guidance. Incident reporting data is reviewed by the Health and Safety team and through the Personal Safety Steering Group to explore risk reduction strategies.
12. The Unwanted Behaviours policy will also be updated to reflect the council's legal preventative responsibilities in respect of sexual harassment and that managers should ensure they give due regard to this when following and applying the policy, including when completing risk assessments involving customer interactions.
13. The positive impact of these policy updates highlights the personal responsibilities of all employees to observe, uphold, promote and apply the policy to support an inclusive and respectful work environment and culture.

Engagement and training of staff

14. The Equalities and Inclusion team were consulted with as part of the policy review. In line with the EHRC's guidance, employee engagement measures are already in place. Alongside regular 1:1s between managers and staff, the employee experience survey and exit surveys provide measuring tools to assess employees' experience of

any inappropriate behaviour. This allows relevant HR & OD teams to monitor trends and where appropriate, take necessary action.

15. Furthermore, equality, diversity and inclusion training forms part of mandatory training which is required to be undertaken by all new employees and subsequently by all existing employees on an annual basis. The contents of the training, which refers to sexual harassment, has been updated to reflect the preventive duty and signpost employees to the Dignity at Work policy and supporting guidance documents, available on HR Direct. The council's OD offering also includes related courses including training specifically on sexual harassment and is available to all staff.
16. Managers are supported with managing complaints made under the DAW policy by the HR Advisory team. Case data is recorded and is reported through the council's data and performance groups. This also allows for data analysis and insight and for any intervention needs to be identified where appropriate.
17. The HR Advisory team provide training to managers on a range of HR procedures. This training will include relevant updates in respect of the preventative duty and manager responsibilities.
18. Council job adverts have also been updated to include a commitment statement that aligns with the inclusion strategy and which states "*The council is committed to creating an environment of positive working relationships where everyone feels engaged, supported and able to thrive. Our Identity is a framework which sets out how we are all expected to lead, work and act to deliver our services. We will not tolerate discrimination, bullying or harassment of any kind. Everyone is expected to promote a culture of inclusion, dignity, trust and respect which is underpinned by our vision and Our Identity framework.*"
19. The addition of a directory of support services, within the DAW policy, promotes equal access to professional support if employees wish to explore these. In addition, direct references to the Council's equality, diversity and inclusion online learning hub have been made to signpost employees to harassment training.

Environmental impact of the proposal

20. N/A.

Equalities impact of the proposal

21. The amended policy has been Equality Impacted Assessed and all comments from this have been taken into account.

Risk Assessment

22. The proposed updates to the DAW policy enhance the existing framework for the raising and management of complaints relating to unwanted behaviour, including matters relating to third parties.
23. The review of the DAW policy, as well as the reporting and support mechanisms in place, supports the Council in complying with the legal duty to take reasonable steps to prevent sexual harassment of employees.

Financial Implications of the proposal

24. N/A.

Recommendations

25. It is recommended that SPC support the updates to the Dignity at Work policy in line with Worker Protection (Amendment of Equality Act 2010) Act 2023.

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