

Wiltshire Council Human Resources

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. Inappropriate behaviour in relation to dignity at work can take many forms and may include discrimination, harassment, sexual 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.

Both informal remedies (including mediated resolution) and formal remedies (including disciplinary action up to and including dismissal) may be appropriate depending on the seriousness of the allegations. This policy sets out details of the informal procedure including mediation and refers employees to the formal stage of the grievance procedure if they wish to raise the matter formally.

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Who does it apply to?

This policy applies to all Wiltshire Council employees, unless a separate contractual policy applies to a transferred employee to whom separate TUPE terms and conditions of employment apply. This policy does not apply to teaching and non-teaching staff employed in maintained schools or academies.

In matters which involve chief/statutory officers and deputy chief officers (executive directors and 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 third-parties, **including customers or service users**, job candidates, contractors, sub- contractors, consultants, staff seconded from other organisations, agency workers, apprentices, 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 the grievance policy and procedure.

When does it apply?

This policy applies during the recruitment process and throughout employment, **including in digital and remote spaces, such as video calls and messaging platforms.**

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.

Our commitment

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 workplace.
2. All employees are expected to 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:
 - [Our Identity](#)
 - [Equality and Diversity](#)

3. The Council recognises the significant impact and serious consequences that inappropriate behaviour, including bullying and harassment and behaviour associated with this, can have on individuals. It is recognised that such behaviours and actions are harmful to the wellbeing of employees as well as to the wider organisation. This policy sets out the council's expectations regarding behaviour and the steps that will be taken to respond to and deal with complaints of bullying, harassment or discrimination.
4. The Council does not tolerate discrimination (including harassment, sexual harassment and victimisation), bullying or inappropriate behaviour by employees or third parties. The Council is committed to providing a safe and respectful workplace and promoting a working environment based on dignity and trust and one that is free from discrimination, harassment, bullying or victimisation.
5. Under the Worker Protection (Amendment of Equality Act 2010) Act 2023, the Council has a legal duty to take reasonable steps to prevent sexual harassment of employees in the course of their employment and by third parties. Examples of sexual harassment are included within this policy and within the accompanying [guide to dignity at work](#).
6. Harassment includes unwanted inappropriate behaviour in relation to the protected characteristics which include; sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age.
7. All dignity at work allegations will be investigated and, if appropriate, disciplinary action (up to and including dismissal) will be taken. The Council will also not tolerate victimisation of a person for making a dignity at work allegation in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.
8. Concerns and complaints raised under this procedure will be taken seriously, dealt with promptly and in confidence. All employees are expected to take personal responsibility for observing, upholding, promoting and applying this policy when interacting with colleagues and third parties.

Inappropriate behaviour

9. Behaviour (conduct including physical, verbal, and non-verbal 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. 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.
10. Inappropriate behaviour which is not in line with the Code of Conduct could be raised under the grievance policy. This relates to all activities which take place in work and in certain circumstances outside of work.

11. Inappropriate behaviour can arise from a single or a combination of factors. Some examples are:
 - using behaviour which results in physical, mental, or psychological hurt.
 - using types of behaviour which 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. Further examples are set out in the guidance to dignity at work – inappropriate behaviour including bullying, discrimination, harassment, and victimisation.
12. Inappropriate 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.
13. Inappropriate behaviour may constitute bullying, discrimination, harassment, sexual harassment or victimisation. Discrimination including harassment, and victimisation are covered by the Equality Act 2010. Employees found guilty of discrimination, harassment or bullying may face disciplinary penalties, up to and including dismissal. Employees found guilty of harassment (including sexual harassment) and bullying could be personally liable to pay compensation in legal claims. Serious harassment may be a criminal offence.
14. Examples of harassment by protected characteristic can be found at the **end of this policy and within the [guide to dignity at work](#)**.

Raising the matter

15. 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., your manager, HR, or a colleague) to assist in dealing with the matter informally.
 - make use of [mediated resolution](#).
 - pursue the matter formally.

16. Every attempt must be made to resolve complaints at the earliest possible stage. Use of mediated resolution will be encouraged to achieve this where possible.
17. If you believe that you have been harassed (**including being subject to sexual harassment**) 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 within this policy and supporting guidance. Where employees are subject to inappropriate behaviour from members of the public, managers must refer to the [Unwanted Behaviour toward Employees Policy](#) which sets out the arrangements the council will take to deter, mitigate, report and respond to unwanted behaviour by members of the public toward employees carrying out their work duties.**
18. 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 and aggression policy](#) to your line manager.**
19. If you are unsure about the steps to take or you wish to discuss the matter with someone prior to seeking redress under this procedure, you may wish to discuss the matter **further with one of the following sources of support including: your line manager, a HR Case Advisor, your union representative, or a member of one of the relevant staff forums.**

Mediated Resolution

20. [Mediated Resolution](#) may be available at any stage of the policy. The council supports this intervention as an effective way of resolving workplace conflict issues. Employee(s) will be asked to consider this step to resolve your complaint.
21. If it is felt appropriate your manager may discuss mediated resolution with you and any other individuals who are involved in the matter. If all the parties agree to use mediated resolution, then this procedure or the grievance procedure (depending on the stage you have reached) will be temporarily suspended. A decision about whether to continue with the relevant procedure will be made by all parties once mediation has taken place.

Informal procedure

22. You can seek to take informal action under this procedure by choosing to:
 - deal with the matter yourself informally.
 - involve a third party (e.g., your manager or a colleague) to assist in dealing with the matter informally.
23. Informal actions 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 and to the code of conduct.
 - 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.
24. If you involve your manager in the informal stage of the procedure, they will confirm their involvement in writing including any outcomes and timescales.
25. 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.
26. 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

27. The formal procedure can be followed if it is not possible or appropriate to resolve issues informally. The formal procedure is the council's formal grievance procedure.
28. In line with the grievance procedure, in order to start the formal stage of the grievance procedure, you must submit your grievance in writing to your manager on the [grievance notification form](#) (GN1) provided for this purpose. If the grievance is against your manager, then you can raise the grievance with your manager's manager.
29. The formal procedure is detailed in the council's [grievance procedure](#) and you should refer to this policy for further details. The formal grievance procedure includes:
- A formal investigation (where appropriate)
 - A formal grievance meeting followed by a formal outcome letter letting you know whether your complaint is upheld or not with recommendations for further action where appropriate.
 - An appeal stage
30. In certain circumstances the grievance policy may not apply (for example where a different policy or procedure is more appropriate) and your manager will inform you if

this is the case. Please refer to the grievance procedure for further details of when the policy may not apply.

31. If you are an employee who has had an allegation raised against you, you will be informed of this as soon as it is possible and appropriate in line with the grievance procedure. You should refer to the grievance policy and [guidance for employees who are the subject of a colleague's complaint](#)
32. 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 or both parties.
33. If you have raised a grievance, you will be informed as to whether your grievance has been upheld or not in accordance with the grievance procedure. However, you will not be informed of any specific outcomes relating to another individual as this will be confidential information and, in these circumstances, cannot be shared with you.
34. More specific details on potential sanctions and decisions relating to disciplinary action are contained in the [disciplinary procedure](#).

Support

35. Details of the support available to staff who raise a dignity at work/grievance complaint or have a complaint raised against them are set out in the:
 - [Employee guide – employees who are the subject of a colleague's grievance](#)
 - [Dignity at work – guidance for employees](#)
36. Support is available to all staff via a confidential Employee wellbeing helpline (01225 713147). Calls are screened and assessed by an Occupational Health Adviser. Callers may be signposted to relevant external providers or specialist counselling services, where appropriate. Wellbeing resources, including links to external sources of support, are available via the council's [Flourish site](#).
37. Further guidance is available in the [Guide to dignity at work and equality and diversity including discrimination, harassment and victimisation](#).

Responsibilities

38. All employees are expected to take personal responsibility for observing, upholding, promoting and applying this policy, to include (but not restricted to):
 - Treating colleagues, managers, councillors, customers and members of the public with dignity and respect;

- Ensure that any dealings, communications and actions with colleagues and third parties including customers, suppliers, contractors, agency staff and consultants, are free from discrimination, harassment, victimisation or bullying;
- To remain punctual with training course requirements, including the mandatory equality, diversity and inclusion training available via Oracle.
- Provide services and communicate in a fair and reasonable way and with consideration and politeness;
- Not aide or collude in cases where employees or customers are treated in a manner which contravenes the policy and ensuring that any such instances are reported;
- Ensure colleagues are aware if their conduct or behaviour is a cause for concern;
- Report any concerns regarding behaviour promptly and in line with the process detailed within this policy;
- If raising a concern under this policy, to comply with and fully engage in the process including any investigation or resolution procedures (including attending meetings, remaining professional and engaging with recommendations to resolve any complaint, including mediation).

39. Managers should deal with any concerns raised promptly, robustly and with sensitivity and appropriately manage procedural timescales, outcomes and support. To take appropriate action and where possible, try to resolve matters informally. To give recognition to the fact that some staff may be going through difficult circumstances and may require additional supportive behaviours and understanding.

40. Managers should investigate complaints and make employees aware that where necessary appropriate action will be taken which could including using the disciplinary procedure or other action outlined in this policy and guidance in relation to third party harassment.

41. Managers should promote positive working relationships and standards and eradicate inappropriate behaviour or language in accordance with this policy and associated policies and guidance including the Unwanted Behaviour Toward Employees policy, Equality and Diversity policy, Our Identity and Code of Conduct policy.

42. Managers should encourage their teams to undertake relevant and mandatory training. A full suite of course available for staff can be found via the [Equality, diversity and inclusion Learning Hub](#).

43. Managers should set appropriate workplace standards and foster a work environment which demonstrates a culture of acceptable behaviour and positive interpersonal relationships. This includes ensuring those they have management responsibility for (including any relevant third parties) maintain a high standard of conduct and are advised of what is and is not deemed to be acceptable behaviour at work.

Advice and guidance

If you require help in accessing or understanding this policy, please contact your line manager or raise a service request via the Oracle Helpdesk.

The full suite of equality and diversity training can be located via the [Equality, diversity and inclusion Learning Hub](#).

Appendix 1: Definitions

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end e.g. picking on someone, ridiculing or setting someone up to fail, making threats or comments about someone's job security without good reason.

It is a key role of managers to set and monitor performance objectives and standards of behaviour of staff they manage and take steps to improve these where necessary. Objective feedback and action aimed at improving performance is different to unjustified bullying.

Harassment is unwanted conduct related to a protected characteristic, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief, marriage/civil partnership, maternity and age, and has the purpose of violating a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. Conduct that one of these effects can be harassment even if the effect was not intended..

Sexual harassment is conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Victimisation occurs when an employee is treated less favourably than someone else because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An example of victimisation might be where opportunities for training or progression have been blocked because an employee has previously made a complaint.

Appendix 2: Examples of some forms of harassment by protected characteristic

(this is a non-exhaustive list):

Race	Racial abuse; racially explicit derogatory statements; offensive jokes; racist graffiti; display of offensive material; an offensive or dismissive manner; insulting someone on the grounds of their race; refusing to work with someone or deliberately isolating them because of their race, nationality, or ethnic origin; unfair work allocation
Disability	Derogatory remarks; mimicking; invasive personal questions; staring; ostracising, which is directed at any individual with an impairment, or group of disabled people, which results in the individual feeling threatened or compromised; making assumptions about an individual's ability because of their impairment including mental health disabilities; excluding people from social activities; failing to direct comments to a disabled person; use of words specific to impairment being used in a derogatory way, unreasonably highlighting a person's disability.
Sex	Unwelcome sexual advances, propositions or suggestive remarks; physical conduct of a sexual nature; touching; standing too close; forms of sexual assault; sexual jokes; displaying or sending pornographic material or material of a sexual nature by any means (e.g. by text, video, email, or posting on the internet or social media); unwanted or derogatory comments about clothing or appearance; leering or suggestive gestures or remarks; persistent suggestions to meet up socially after a person has made it clear they do not welcome such suggestions.
Gender re-assignment	Transphobic comments, 'jokes' and name calling; verbal or physical abuse or intimidation; refusing to treat a person as of their new gender when they transition; failing to address a person by their preferred name and correct gender pronouns; outing a person as transgender/non-binary without their consent or spreading rumours (this may also be a criminal offence); excluding a person from conversation or activities; sexual harassment; intrusive questions; denying people access to the appropriate single sex facilities such as toilets/changing rooms
Age	Considering someone as too young or too old for promotion; making derogatory remarks or assumptions about someone's ability or competence based upon their age; pressuring someone to retire
Sexual Orientation	Making homophobic or biphobic insults or threats; making unnecessary and degrading references to an individual's sexual orientation; engaging in banter or making jokes which are degrading to a person's actual or perceived sexual orientation; outing an individual as LGBTQ+ without their permission; ignoring or excluding a colleague because they identify as LGBTQ+; making assumptions and judgements about a colleague based on their sexual orientation; spreading rumours or gossip about an individual's sexual orientation; asking a colleague intrusive questions about their private life; using religious belief to justify anti-gay bullying and harassment; displaying or circulating homophobic or biphobic materials; or assuming that everyone is heterosexual.

Religion or Belief	Mocking or deriding people's religious or other beliefs; making unwanted comments on dress; making it unnecessarily difficult for people to conform to their religions to their religions or beliefs; pressure to participate in political/religious groups
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Appendix 3: Examples of sexual harassment

Includes behaviour, such as:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photographs
- suggestive looks, staring or leering
- propositions and sexual advances
- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages
- unwelcome touching, hugging, massaging or kissing