

DIGNITY AT WORK POLICY

As part of our overall commitment to equality of opportunity Lewes District Council is committed to promoting a harmonious working environment where every employee is treated with dignity and respect regardless of their age, disability, marriage or civil partnerships, political opinion, race, religious belief, gender reassignment, sex, pregnancy and maternity trade union membership, or sexual orientation.

The purpose of the Dignity at Work Policy is to provide a safe, healthy and harmonious working environment for all staff and to ensure that everybody is aware that bullying and harassment will not be tolerated by the Council.

The Council has a duty of care to all our employees, even if they are working away from their normal work, homeworking or whilst they are agile working to maintain a working environment which encourages mutual trust and respect, promotes respectful and congenial relationships between employees and is free from all forms of harassment or bullying.

Aim of the policy

To prevent harassment and bullying in the workplace and in any work-related setting outside of the workplace e.g. external training courses or 'away days', business trips and work related social events.

To ensure that any employee who feels that their dignity at work has been violated, either through a persistent situation or an isolated incident, knows what options are available to them to seek resolution and support.

To ensure that all managers are aware of how to deal with issues brought to their attention in confidence, effectively and promptly.

Dignity at work for all employees

The council provides training to all existing and new employees by way of the mandatory Valuing Diversity and Induction training courses. These aim to help employees understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment.

The annual confidential staff survey monitors how successful we are being in creating a workplace free from bullying and harassment. Results are published to all staff and discussed at Corporate Management level and team meetings with action points agreed where appropriate.

What does Harassment mean?

Harassment is defined as unwanted conduct which is related to a relevant protected characteristic and which has the purpose or the effect of either violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the recipient.

Protected characteristics are; age, sex, disability, religion or belief, race, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy and maternity.

Unwanted conduct covers a wide range of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

The word unwanted means the same as "unwelcome" or "uninvited". Unwanted does not mean that express objection must be made to the conduct before it is deemed to be unwanted.

An employee does not have to possess the relevant characteristic themselves to bring a complaint of harassment, they can bring one because of their association with a person who has protected characteristic, or because they are wrongly perceived to have one, or treated as if they do.

Harassment applies to all protected characteristics except for pregnancy and maternity where any unfavourable treatment may be considered discrimination, and marriage and civil partnership where there is no significant evidence that is needed.

The actions or comments are viewed as demeaning and unacceptable to the recipient, even if this is not the intention behind them.

It may not be directly aimed at any one individual – for example, the display or circulation of sexually suggestive pictures.

What is bullying?

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. It may be a one-off incident or persistent behaviour.

The abuse of power may not always relate to status or power within the organisation.

Appendix 1

Examples of unacceptable behaviour include, but are not limited to:

- Spreading malicious rumours, or insulting someone by word or behaviour
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Copying emails that are critical about someone to others who do not need to know
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities
- Unwelcome sexual advances – touching, standing too close, display of offensive materials and the continued suggestion for social activity outside the workplace after it has been made clear that such suggestions are unwelcome. Asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- The use of offensive language or gossip
- Jokes or verbal abuse of a protected characteristic nature
- Shouting or screaming at any person in private or public
- Physical contact, ranging from unnecessary touching, patting or brushing against someone to indecent assault.

Bullying and harassment can take place through written communications, e mail, social media and phone contact, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues) face-to-face, as well as automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations, if these are not universally applied to all employee's within the department.

Bullying and Harassment can often be hard to recognise as the symptoms may not be obvious to others.

An employee may bring a complaint of being bullied or harassed by a service user or a member of the public whilst the employee is representing the Council.

Who does this policy apply to?

All employees and elected members have a responsibility to help us in creating a work environment in which the dignity of all staff is respected. We expect everybody to comply with this policy and everyone should ensure that their behaviour does not cause offence and could not in any way be considered to be harassment or bullying.

Appendix 1

Employees should support the dignity at work policy by;

- Treating all colleagues with dignity and respect,
- being aware of how your own behaviour may affect others and changing it, if necessary – you can cause offence even if you are ‘only joking’
- Taking a stand if you see or hear inappropriate behaviour,
- Making it clear to others when you find their behaviour unacceptable
- Reporting any bullying or harassment to a line manager, head of service or HR Officer
- Intervening, if appropriate, to stop bullying and harassment and offer support to the recipient/s
- If a complaint of harassment or bullying is made, or rumoured to have been made, not prejudicing or victimising the complainant or alleged harasser
- If a complaint of harassment or bullying is made, not discussing the matter any further with other people
- Being sensitive to the needs of others and recognising when colleagues may be having problems with which they can give appropriate support

If you feel you are receiving unwarranted or unnecessarily challenging behaviour from a manager or a colleague you should attempt to sort it out informally directly with the person concerned. It is quite possible that the other person does not know that his or her behaviour is unwelcome and upsetting to you.

If you feel able to approach the person yourself be specific as to exactly what is upsetting you or making you feel uncomfortable and what you would like them to avoid doing or saying in the future. Alternatively you should bring the matter to the attention of either your head of service or line manager, or a HR Officer.

The staff support contacts or those trained by the Organisation in coaching can act as a first contact for staff who feel concerned about a personal situation or incident that has occurred at work which they do not wish to speak to their line manager or HR Officer about.

There are contacts or coaches in most departments but employees are welcome to contact whichever person they wish. The overall aim is to provide a confidential support service. This is an informal procedure and service and does not mean that HR or your manager will automatically become involved. However, staff should be aware that contacts may need to seek advice from somebody else on specific issues.

UNISON members may want to raise concerns through their workplace rep or steward. If your line manager is the subject of your concern, you should discuss it with somebody else whose opinion you trust - either the next level of management, a HR Officer, a colleague or Unison representative. By talking it through it with somebody outside of the situation and looking at the

Appendix 1

Council's competencies you may gain a different perspective or feel comfortable enough to have the discussions with your line manager yourself. These discussions can often clear up misunderstandings and ensure clearer communication in the future. Managers within the Council are expected to lead and organise others, ensure continuous service development, manage resources and champion change. In order to achieve this it is a requirement of their role to manage the performance of their team which may include making unpopular decisions and having difficult conversations. If the initial informal approach does not resolve matters, the situation is too serious to be dealt with informally or you are dissatisfied with the outcome of the informal approach you can make a formal grievance using the Council's Grievance procedure.

All grievances are investigated fairly and promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser under the Council's Disciplinary Policy and Procedure. Depending on the circumstances, incidents of harassment or bullying can constitute gross misconduct and result in summary dismissal.

You will not be victimised for either making a grievance in good faith or supporting someone else or giving evidence regarding their grievance. This applies even if, following the investigation by Human Resources, it is concluded that the grievance is not upheld or that no further action is necessary. However, if the Council has good grounds to believe that you have made a grievance not in good faith or knowing it to be untrue it may lead to disciplinary action being taken against you.

Whilst employees are encouraged to raise any concerns they may have they should understand that many management activities, such as instigating disciplinary proceedings, monitoring performance, dealing with attendance issues, changing deadlines and priorities and responding to service needs do not, if handled reasonably, would not necessarily constitute harassment or bullying.

Some bullying and harassment may amount to other civil or criminal offences in which case the disciplinary procedure would be invoked and the matter referred to the Police.

Manager's Role

Managers have a particular responsibility to set a good example by their own behaviour, by ensuring there is a supportive working environment and making sure that employee's are clear what standards of behaviour are expected of them.

It is important that managers are aware of the effect unwanted or challenging behaviour can have on their staff. Such behaviour can impact on individual's confidence, on the morale of the team and create poor employee relations, poor performance and increase levels of absence as well as ultimately damaging the Councils' reputation. These effects can be felt not just by those who are affected by it but also those who know about the unwanted behaviour or have witnessed it.

Managers should take any complaint about bullying or harassment seriously, acknowledging that employees do not normally make serious accusations unless they are seriously aggrieved. They should investigate the complaint promptly, objectively and independently and then take a decision on what action needs to be taken.

Informal approach:

In some cases it may be possible to rectify matters informally. Managers should seek to identify and resolve any issues at the earliest opportunity and they should intervene to stop bullying and harassment and offer support to those affected. Managers should make the perpetrator fully aware of the affect their behaviour has had on the other person or group of people, the possible consequences and help them to find ways of changing their attitude or approach in the workplace.

The manager should discuss all points of action agreed with the complainant and the person against whom the complaint was made. This process may involve seeking professional advice and involvement from HR Officers and or a trade union representative.

Investigation

Investigating claims of harassment and/or bullying, should consider all the circumstances before reaching a conclusion and in particularly the perception of the complainant.

On concluding the investigation the investigating manager must consider “could what has taken place be reasonably considered to have caused offence?”

In complaints which appear to involve serious misconduct, and there is reason to separate the employees involved, a short period of suspension of the alleged bully/harasser may need to be considered while the case is being investigated. The suspension should be with pay and should not be seen as disciplinary action in itself. For further information see the Council’s Disciplinary Policy.

If it is found through the investigation that the complaint has been made maliciously or the allegations are vexatious (initiated without sufficient grounds) then the employee may be dealt with fairly and objectively under the disciplinary procedure.

Disciplinary action

Where an informal resolution is not possible, and an investigation into the complaint has shown that there is a case to answer then the issue will need to be dealt with formally through the disciplinary procedure. The procedure will

Appendix 1



ensure that there is fairness to both the complainant and the person accused at all times and that the procedure is followed correctly.

Any disciplinary action taken must be reasonable in the light of the facts. In some cases the disciplinary hearing may conclude that a penalty is unnecessary or that training or counselling is preferable especially if the individual is aware of the need to change their behaviour.

When disciplinary action is considered the best way forward, the LDC Disciplinary Policy and Procedure will be invoked and as part of this the employee's previous disciplinary and employment record will be considered and if appropriate a penalty that is reasonable will be issued.

Work Related Social Events

Occasionally the Council may organise social events to which staff are invited. Staff may also be invited from time to time to office parties, residential training courses or gatherings for staff leaving the Council. Although these social events sometimes take place away from employee's normal workplace and outside of normal working hours the Council's Dignity at Work Policy and Code of Conduct still applies to such events.

This is not intended to lessen any employees' enjoyment of such events but to benefit all members of staff and ensure that everyone can enjoy these events without fear of being made to feel uncomfortable by another employee's conduct.

Any breach of either the Code of Conduct or the Dignity at Work Policy at a work related social event may result in disciplinary action being taken under the Council's Disciplinary Procedure.

Employee Support Programme

The Council provides an Employee Support Programme which can play a vital role in complaints about bullying and harassment, by providing a confidential service to support any employee that feels they need external support. They offer telephone, face to face counselling and access to a full website full of information with links to other useful resources.

The service is **completely free** to you and **confidential**. The Council will never be told who has contacted them, or for what; we will simply get reports on how much the service is being used by our staff. Support is available to you **24 hours a day, 365 days a year**.

You can access the service without letting anyone at LDC know. This is a **self-referral service**. Ways to access the service include:

Appendix 1



- Call 0800 282 193 – you simply need to confirm who your employer is (Lewes District Council) and what department you work for.

Online services at <http://www.ppconline.info/>

Our login details are:

Username: **Lewes District Council**

Password: **Counselling-2012**

Policy produced by	HR
Date of policy	November 2013
Date of review	November 2015
Policy ratified by	CMT

DRAFT