

Dignity at Work Policy

Definition

This policy deals with bullying, harassment and victimisation in the workplace which may be defined as follows:

Bullying (as defined by ACAS) is:

'Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.'

Harassment (as defined by the Equality Act 2010) is:

"Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".

For the purposes of this Policy, harassment will also include conduct of a similar nature which is not related to a protected characteristic.

Victimisation, for the purposes of this policy, is less favourable treatment of an individual because they have made a complaint or intend to make a complaint about being bullied or harassed or act as a witness in this regard.

Whether intentional or not, such conduct is unacceptable and all complaints will be treated seriously. Examples of unacceptable behaviour are:

- Spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity)
- Copying emails that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone i.e. picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close, display of offensive materials; including signs, pin ups and calendars
- 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
- Jokes, banter, emails or deliberate abuse directed at a person or group

The list of above examples is not exhaustive; it is representative of many types of behaviour that others may object to and find offensive which could create an intimidating working environment.

When determining whether a matter may constitute a breach of Dignity at Work, an important factor to be considered is the perception held by the individual who is claiming to have been harassed, bullied or victimised and whether it was reasonable for him/ her to hold that perception.

It is also important to note that effective management of employees is not bullying or harassment. Managers are expected to lead and manage employees which involves setting and making sure employees understand performance standards. Legitimate, constructive and fair criticism of an employee's work performance or behaviour either informally or formally is not bullying.

Your responsibilities

Failure to deal with allegations of harassment, bullying or victimisation at work or by a third party such as a client of the Council may expose both the Council and employees to a number of legal consequences. Complainants can cite both the employer and individual employees as respondents at Employment Tribunal and, if the case is upheld, both may be held liable.

Everyone must therefore take responsibility to ensure that your area of work is free from harassment.

Employees

You have a clear role in helping create a climate at work in which bullying and harassment are unacceptable. You therefore have specific responsibilities as follows:

- Treat all colleagues and service users with respect and dignity and contribute positively to effective working relationships
- Not discriminate against other employees
- Not intimidate, threaten or bully other employees or otherwise behave in a manner inconsistent with fair and dignified treatment of employees at work;
- Not victimise any individuals who have raised concerns or acted as a witness in relation to any breach of this policy
- Bring to the attention of management any breach of this policy witnessed, providing evidence where possible
- Support any proceedings to consider allegations under this policy and not misuse the provisions of this policy by making malicious or groundless complaints

Elected Members

Elected members must take responsibility for addressing performance issues such as capability, time keeping and attendance. Training will be provided to ensure you deal with these issues in accordance with the relevant policy.

Council requires members to behave in a professional manner at all times and to be aware of how your own behaviour can adversely impact on staff and potentially be perceived as harassment or bullying depending on the circumstance, including:

- Deliberately imposing grossly excessive or unachievable workloads or impossible deadlines in order to make life difficult for a particular employee
- Repeated unfair criticism or destructive and negative criticism that focuses on blame rather than future improvement
- Criticising individuals in front of colleagues
- Excessive or overbearing monitoring of a particular employee's work without good reason
- Ordering a particular employee to work below his or her level of ability, or to perform mundane demeaning tasks, with no proper reason
- Removing an employee's responsibility without consultation and for no proper reason
- Threatening an employee with dismissal

Complaints Against Elected Members

Where a complaint relates to the conduct of an Elected Member, it should be considered in the first instance by the Chairman of the Staffing Committee unless it is appropriate to appoint another Councillor. The Chairman/or other councillor should meet with the employee with a view to determining:

- Whether the complaint is appropriately dealt with under this Policy
- Whether there are informal mechanisms to resolve the problem are appropriate and whether the employee wishes to pursue these (informal mechanisms may include mediation through an independent qualified person)

If the Chairman determines that the complaint should be dealt under this Policy and either has further determined that the informal mechanisms are not appropriate or has determined that they would be appropriate but the employee does not wish to pursue them, the Chairman will appoint another Member to conduct an investigation of the complaint.

The purpose of the investigation will be determine whether, on a balance of probabilities, the conduct complained of has taken place and whether this amounts to bullying, harassment or victimisation. In the event that the Member finds that there has been conduct in breach of the Policy, the Member's report will be referred to Council.

The Council will consider the appropriate action to be taken against the Elected Member and, in particular, whether a referral should be made to the Commissioner for Ethical Standards.

This procedure does not prevent the Member of Staff raising a Formal Grievance against the Council.