

Dignity at Work Principles



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1. Introduction:

The Council is committed to creating a work environment free of bullying and/or harassment, where everyone is treated with dignity and respect.

The Council will not tolerate bullying and/or harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The Council will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

Complaints of bullying, harassment or victimisation against staff which are upheld will be dealt with in accordance with the Council's [Principles of Managing Misconduct](#).

2. Application:

The principles apply to employees, contractors, agency staff and anyone else engaged to work at the Council, whether by direct contract with the Council or otherwise. The principles apply in cases of discrimination, bullying and/or harassment in the workplace and in any work-related setting outside the workplace, for example, business trips and work-related social events on the grounds of age, disability, sex, gender identity and expression, pregnancy, race, sexual orientation, religion or belief, or marriage and civil partnership.

In addition the principles will apply with any necessary modifications in the event of harassment by customers, suppliers, vendors or visitors and, in these cases employees should report any such behaviour to their manager immediately.

Where an alleged harasser/perpetrator is not employed by the Council, for example, an agency worker, the principles will apply with any necessary modifications.

Harassment of customers, suppliers, vendors or visitors or others by employees will be dealt with through the [Principles of Managing Misconduct](#).

3. Principles:

All managers have a right to manage staff in a firm but fair manner. These principles are **not** intended to prohibit managers from managing. The purpose of the principles is to ensure employees, contractors, agency staff and anyone else engaged to work at the Council, whether by direct contract with the Council or otherwise are treated with dignity in the workplace.

We all have a responsibility to help create and maintain a work environment free of discrimination, bullying and/or harassment. We can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are 'only joking'
- treating your colleagues with dignity and respect
- taking a stand if you think inappropriate jokes or comments are being made
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case
- intervening, if possible, to stop discrimination, bullying and/or harassment and giving support to recipients/victims
- making it clear that you find discrimination, bullying and/or harassment unacceptable

- reporting discrimination, bullying and/or harassment to your manager or Human Resources and supporting the Council in the investigation of complaints, and
- if a complaint of discrimination, bullying and/or harassment is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

- set a good example by their own behaviour
- ensure that there is a supportive working environment
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment, and
- take appropriate action upon receipt of an informal or formal complaint of bullying and/or harassment.

4. What is Bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power, which is meant to undermine, humiliate or injure the person on the receiving end.

Bullying in the workplace is also described as the persistent ill-treatment of an individual and an extreme form of abuse. It usually takes a psychological form.

“A bully is normally a person who deliberately intimidates or persecutes someone they work with”. Bullying can be between two people or it may involve groups of people.

5. What is Harassment?

Harassment is unwanted conduct which is related to one or more of the following: age, disability, sex, gender identity and expression, pregnancy, race, culture, sexual orientation, religion or belief, or marriage and civil partnerships. Harassment is unlawful under the Equality Act 2010. Harassment can be related to someone else’s actual or perceived protected characteristic, and also by association, which means, for example, because a family member has a protected characteristic.

Harassment can be summarised as behaviour that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if the person responsible for the conduct did not intend this effect.

A single incident can be harassment if it is sufficiently serious.

Discrimination, bullying and/or harassment can be experienced on the grounds of multiple protected characteristics, and that the experiences of those with multiple identities are distinct and often heightened.

6. What is discrimination?

In law, discrimination takes the following forms:

Direct Discrimination: this occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below).

Discrimination by Association: this is direct discrimination against someone because they associate with another person who possess a protected characteristic.

Perception discrimination: this is direct discrimination against an individual because others think they possess a protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination

Indirect discrimination can occur where there is a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic.

7. Examples of Bullying and/or Harassment

Examples of unacceptable behaviour that are covered by these principles include (but are not limited to) the following:

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, for example, promotion, access to training;
- threats for rejecting sexual advances, for example, suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advances, assigned work, or any other condition of employment or career development;
- demeaning comments about a person's appearance which could include making a comment about someone's gender expression, for example, comments about a woman having short hair or a man wearing make-up;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race, disability, sexuality, faith or gender;
- the use of obscene gestures;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, for example, magazines, calendars or pin-ups;
- spreading malicious rumours;
- picking on someone or setting them up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities
- ignoring or excluding someone from activities because of their sexual orientation
- outing someone at work as bisexual, gay, lesbian, transgender without their consent

- refusing to address a trans person using the correct pronouns

8. What is Victimisation?

Victimisation is treating someone less favourably than others because they have, in good faith, complained (whether formally or otherwise) that someone has been discriminating, bullying and/or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint.

Examples of victimisation include, but are not limited to:

- being denied promotion or training opportunities
- being ignored by your work colleagues

9. Employees: What to do if you think you are being discriminated against, bullied and/or harassed?

Any reference to 'you' in this section and 8a refers to the employee.

- a) You may be able to resolve matters informally – the person may not know that their behaviour is unwelcome or upsetting, and informal discussion may help them to understand the effects of their behaviour and agree to change it.

Note: you may feel able to approach the person yourself with the help and support of, a manager (if appropriate), trade union representative or another employee.

- b) If you think that you can deal with the person discriminating, bullying and/or harassing you, you should arrange to meet them somewhere discreet and tell the person their behaviour you find offensive and unwelcome, and say that you would like it to stop immediately.
- c) You should keep a note of the date and what was said and done. This may be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.
- d) If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint about discrimination, bullying and/or harassment.
- e) You can discuss your concerns with a trade union representative (if you are a member). Alternatively you can contact the Council's Employee Assistance Programme on **0800 328 1437** to discuss the situation. Please note that this is a confidential service provided by an external organisation. Speaking to the Employee Assistance Programme does not constitute notifying the council of any potential complaint you may have discrimination, bullying and/or harassment.

9 a. Harassment or Abusive Behaviour by third parties

The Council will not tolerate any form of harassment of its workforce by third parties (e.g. customers, suppliers or members of the public). All contractors, suppliers and other third

parties have been informed of this and action will be taken against those who subject any of the workforce to any form of harassment.

Harassment by third parties

If you are harassed by customers, service users, suppliers, contractors, vendors or visitors you should make a formal written complaint to the manager immediately using the [Harassment – Third Party Complaint Form](#). You should not attempt to resolve the issue directly with the customer, service user, supplier, vendor or visitor.

Abusive Behaviour by third parties:

You should report abusive behaviour by customers, service users, suppliers, contractors, vendors or visitors by completing the [Corporate Health & Safety - Violence and Abuse Form VAR1](#) and submit it to your manager who will take appropriate action.

10. Managers: What action to take if you receive an informal or formal complaint of discrimination, bullying and/or harassment?

Any reference to 'you' in this section refers to the manager.

Upon receipt of an informal or formal complaint about bullying, harassment or victimisation from an employee, agency or temp worker, contractor or anyone else engaged to work for the Council or a person who has witnessed the discrimination, bullying, harassment or victimisation, but is not the victim you must take appropriate action as in Section 11 – Managing Bullying and Harassment Grievances.

Failure to take appropriate action could result in an increased compensation payment should the complaint be made to an Employment Tribunal.

Harassment Complaints against Third Parties

Where a complaint is received from an employee claiming they have been harassed by a third party (customers, service users, suppliers, vendors or visitors) you should arrange to investigate the complaint immediately.

Further guidance is available in: [Managing Harassment Complaints against Third Parties](#).

Abusive Behaviour by third parties:

If you receive a complaint ([Corporate Health & Safety - Violence and Abuse Form VAR1](#)) regarding abusive behaviour by customers, service users, suppliers, vendors or visitors, you should refer to the Corporate Health & Safety Team for advice.

11. What to do if you are accused of discrimination, bullying and/or harassment

- a) If someone approaches you informally about your behaviour do not dismiss the complaint because you were only joking or think the complainant is being too sensitive – different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others.

- b) You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence.
- c) If a formal complaint is made you should co-operate fully by attending an investigatory meeting and answering in full any questions asked.
- d) If you are suspended from work pending a full investigation, you should comply fully with the conditions outlined in the suspension letter. You can discuss your suspension with a trade union representative (if you are a member). Alternatively you can contact the Employee Assistance Programme on **0800 587 6522** to discuss any concerns.

12. Managing Discrimination, Bullying and/or Harassment Grievances

Individuals (employees, workers, consultants or contractors) who consider they are being bullied and/or harassed may raise a grievance.

The term 'you' in Section 11 refers to the manager responsible for managing the grievance.

12 a. Responsibilities:

Whom	Responsibilities
Employee	Try to resolve the grievance informally in the first instance by, for example, speaking to the individual concerned
	Only raise grievances relating to matters within the Council's control
	Once a grievance is raised, engage in the process and conform to the principles, this involves attending meetings with the manager, investigator or Human Resources
	Be clear of the resolution that you are seeking from the outset – this means be sure of the outcome that is required
Manager	Where conflict between two work colleagues is identified, establish the reason(s) or cause(s) and take appropriate action to resolve the issue(s)
	Acknowledge receipt of the informal or formal harassment and/or bullying grievances promptly, including claims lodged against third parties
	Manage the informal or formal grievance in accordance with the principles – take appropriate action to manage and resolve the grievance quickly

	Remain impartial at all times – ensure all parties are treated in a fair and equitable manner
	Seek advice from Human Resources if necessary
	Upon receipt of a formal grievance act promptly so that the issue can be resolved as soon as possible
	Ensure that a full and proper investigation is conducted within a maximum period of 8 weeks
	Keep the employee and individual concerned informed of progress
	Keep in regular contact with employee who is suspended as a result of the allegation
Human Resources	Provide timely and appropriate advice
	Facilitate mediation, training and support where necessary

12 b. Principles

The following principles apply when managing grievances:

- you should acknowledge receipt of the complaint whether informal or formal as soon as possible
- you should meet with the employee(s) as soon as possible to discuss the complaint and establish the resolution they are seeking
- you should remain impartial and treat both parties in a fair and equitable manner
- all proceedings, whether informal or formal, should, so far as is practicable, remain confidential – you should also advise the parties involved that all meetings and discussions are confidential
- a formal bullying and/or harassment grievance must be made in writing
- an employee has the right to be accompanied by their trade union representative or work colleague at every stage of the formal procedure - the principles are internal to Council and does not allow for any external representation
- seek advice / guidance from Human Resources
- the investigation should be thorough and completed as soon as is reasonably practicable, and within a period of **30 working days** – if this timescale needs to be extended all parties should be advised in writing of the revised timescale

- where more than one employee has lodged a complaint relating to the same, or substantially the same, issue, the complaints may be dealt with together in the interests of fair and consistent decision-making.
- employees are expected to act in good faith when raising a grievance – disciplinary action may be taken where it is established that an employee has not acted in good faith, for example:
 - They raised a grievance that s/he knows to be false or is malicious, or
 - repeatedly raises related or similar grievances, despite previous grievance/s being fully and properly investigated, that are of a vexatious nature – vexatious means raising grievances that are interlinked to other grievances, regardless of their merits, for the sole purpose of placing a burden on those dealing with them

12 c. Informal Stage:

If an employee has a complaint that involves another employee or other employees, they should firstly try to resolve the matter by approaching the individual(s) concerned.

If the matter remains unresolved, the employee may request a meeting with you in order to try to resolve the issue. The meeting should be held within 10 working days of the request.

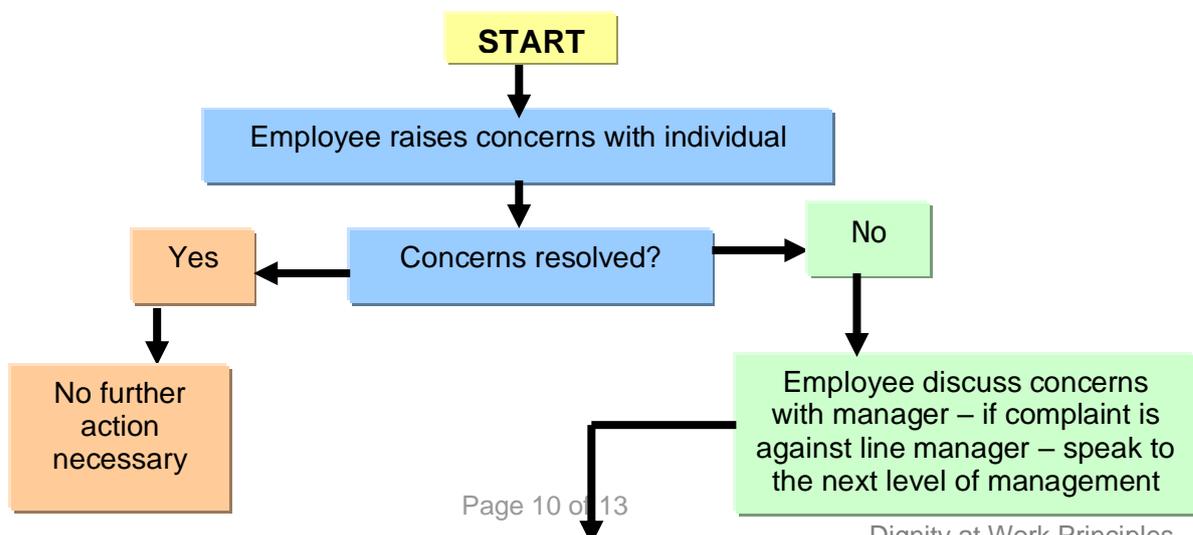
You should establish at the outset the resolution that the employee is seeking and the appropriate action to take. You should take all necessary steps to try to resolve the issue between the two work colleagues informally. Further guidance is available in:

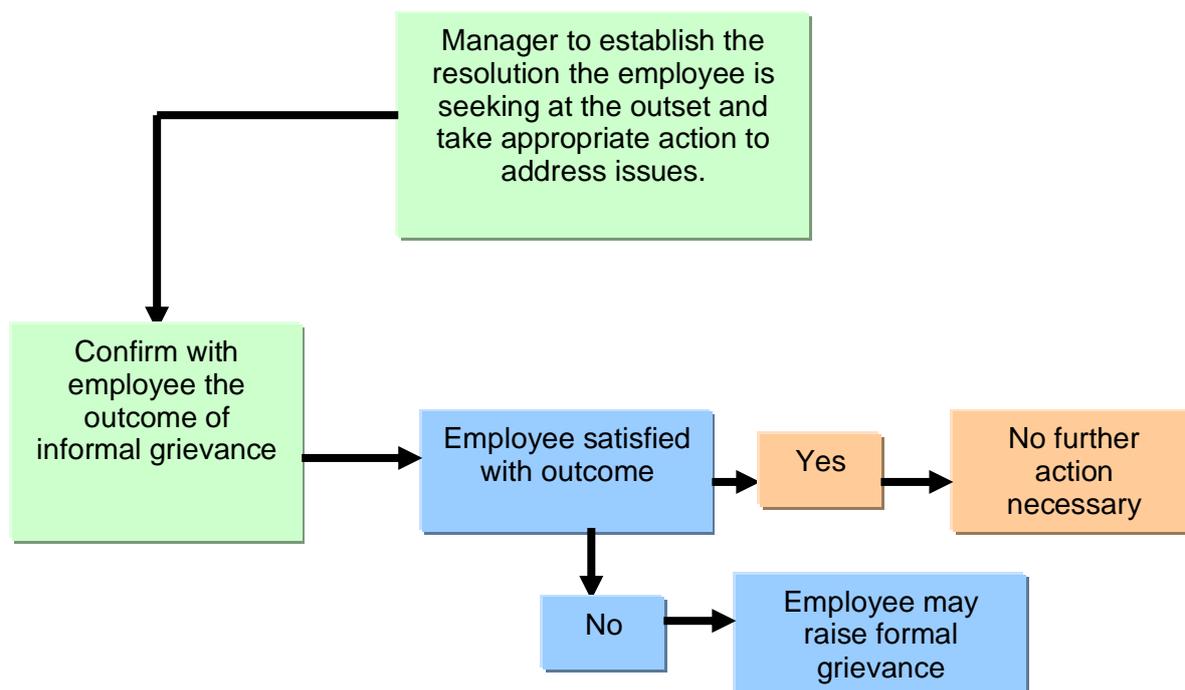
[Resolving a Grievance](#) and [Mediation, Training and Support](#)

You should ensure that you keep notes of any meetings held at the informal stage, as they may be required if the complaint is lodged formally.

If the employee is still dissatisfied, they may proceed to the formal stage of the principles. If the complaint is against you they should raise the complaint with the next level of management.

Informal Bullying and/or Harassment Grievance - Flowchart





12 d. Formal Stage:

If the complaint has not been resolved at the informal stage and the employee wishes to proceed to the formal stage, they may put the details of the grievance and their concerns in writing using the [Bullying and/or Harassment Grievance Notification Form](#).

Upon receipt of the formal written grievance you should:

- acknowledge receipt of the complaint within **5** working days of receiving it and make arrangements for the formal grievance meeting. [Model - Invite to Formal Grievance Meeting Letter](#). Further guidance on how to conduct the meeting is available in [Formal Grievance Meeting](#)
- determine whether any further investigation is necessary.
- you may decide that the investigation will be conducted during the [Formal Grievance Meeting](#). However, where you consider that the issue should be investigated prior to the grievance meeting you should conduct the investigation or in exceptional circumstances appoint an investigator. See [Investigating a Grievance](#) for further information.
- any further investigation must be completed within **8 weeks** (working weeks) of receiving the formal written grievance
- conduct a formal grievance meeting within **10** working days of concluding the grievance investigation (if applicable).
- Advise the employee of the outcome of the grievance in writing [Model - Outcome of Formal Grievance Letter](#)

Grievances Lodged during Disciplinary / Absence and Attendance / Capability Action

If you receive a formal grievance during disciplinary / absence and attendance / capability action, this should be sent to the next level of management who will assess whether the complaint will impact on the action you are taking.

Where it is considered that the grievance will have an impact on the action being taken, the next level of management should manage the grievance in accordance with these principles in the first instance. The disciplinary / absence and attendance / capability action should recommence was the grievance is resolved.

The decision regarding whether the grievance does or does not impact on the action being taken rests solely with the next level of management.

12 e. Right of Appeal

Employees have the right to appeal against the decision taken following a formal grievance meeting. If an employee appeals they should have valid reasons for doing so and be able to provide evidence that substantiates the grounds for the appeal, which may include:

- the grievance principles were not followed – this does not include failure to respond within timescales given
- new evidence directly relating to the grievance has come to light
- the investigation was not conducted fairly – the employee must be able to demonstrate this and provide evidence

The appeal letter should be submitted to the next level of management within **5** working days of receiving the written decision. The appeal letter **must** include the grounds for dissatisfaction and evidence that the employee has to support the appeal, and what remedies the employee is seeking. The employee should use the [Model - Employees Grievance Appeal Letter](#)

The next level of management will arrange an appeal meeting with 5 working days of receiving the appeal letter. Further details of the appeal process are set out in [Appeal Hearing](#)

Once the appeal meeting has taken place the chair of the appeal will send a letter to the employee outlining the decision.

[Model - Outcome of Grievance Appeal Letter](#)

This decision is final.

Formal Bullying and/or Harassment Grievance - Flowchart



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