

## **Dignity at Work Procedures**

### **Introduction**

- 1) In accordance with the Council's policies and its values, the Council expects all its employees to treat one another respectfully and with dignity and to provide an environment free from abuse, offensive behaviour, harassment, bullying, prejudice, discrimination or victimisation.
- 2) We value diversity amongst our staff reflecting the makeup of the community we serve and the contribution all employees can make to the efficient and effective delivery of its services. We wish to promote a safe and healthy working environment for all.

### **Principles**

- 3) A key principle behind the Dignity at Work Procedure is that the Council recognises that harassment and bullying are harmful and may lead to accidents, illness, poor performance, poor working relationships and higher staff turnover. Such behaviour is not acceptable and the Council will take steps to ensure that it does not occur. In situations where it does occur, the Council will treat any complaints seriously and sensitively, and will provide fair and effective procedures to deal with such complaints.
- 4) All employees have an important role in helping to establish the right working environment and to promote dignity at work. All staff have an obligation to ensure that they do not bully or harass their colleagues or, through their own actions or inaction, condone such behaviour in others.
- 5) The other key principle is one of natural justice. All parties involved will ensure that these procedures are used both fairly and equitably. The procedures try to provide a full range of guidance but there will always be circumstances they do not cover. Common sense and clear communication are key requirements of making these procedures effective.

### **Procedure for Maintaining Dignity At Work**

- 6) The aim of this procedure is to resolve a complaint of harassment or bullying wherever possible so that all those involved can work amicably and effectively together. Employees who consider that they are being bullied or harassed should make early use of the guidance, procedures and sources of advice and support described in these documents.
- 7) Only if bullying or harassment is raised promptly, either with the person whose conduct is complained of, or brought to the attention of management, can action be taken to resolve the situation.
- 8) The Council will take all reasonable steps to prevent employees from being victimised as a result of making a complaint and/or as a result of any subsequent investigation or management action.

### **Definitions**

- 9) It is not always easy to recognise bullying and harassment. Definitions and examples are many and varied. The guiding principle however is that the

behaviour is unwelcome. The following definitions are designed to give you guidance on whether the behaviour or treatment you are experiencing at work is acceptable or not.

### What are bullying, harassment and victimisation?

- 10) These terms are often used interchangeably and many definitions include bullying as a form of harassment.
- a) Harassment is unwanted or unjustified behaviour which affects the dignity of men and women in the workplace, and which the recipient finds threatening, demeaning or offensive, **even if this not the intention behind it**. Harassment can also have a specific meaning under certain laws, for instance, if harassment is related to disability, age, pregnancy, sex, sexual orientation, race, religion or beliefs, it may be unlawful.
  - b) Harassment can be direct, indirect, blatant or subtle. It may be persistent or an isolated incident. It can be based on a person's disability sex, gender identity, sexual orientation, race, age, religion or other personal circumstances.
  - c) Bullying is an abuse or misuse of power or position, through means intended to undermine, humiliate, denigrate or injure the victim. This could range from a serious one off incident to persistent behaviour. It is intimidating and is typified by disrespectful treatment of others and the unfair use of power.
  - d) Bullying and harassment does not always occur in face to face communication, but can take the form of written communications, e-mail, telephone or other behaviour.
  - e) Victimisation is when an individual is treated detrimentally because they have made a complaint about discrimination or harassment, or have given evidence relating to such a complaint or been involved in the matter in any other way. It may be unlawful in some circumstances and in itself amount to bullying or harassment.

### **Initial steps**

- 11) If you are unsure about whether you are being bullied or harassed, you may find it helpful to consider if there are any other reasons for feeling the way you do e.g. have there been any recent changes to management or work requirement to which you need time to adjust? You could also talk about your concerns with Human Resources, your manager, Service Manager, trade union representative or the Employee Assistance Programme.

### What should you do if you feel you are being harassed, bullied or victimised?

- a) If you believe that you are being bullied or harassed, it is essential that you seek support as soon as possible.
- b) Contact your manager or Service Manager or seek advice from Human Resources or your trade union representative.

- c) Talk to colleagues to find out if anyone else is experiencing the same problem, or if anyone has witnessed what has happened to you.
- d) Keep a diary of all incidents - records of dates, times, any witnesses, your feelings etc. Keep copies of any relevant documentation letters, memos, e-mails, notes of any meetings.
- e) Having taken advice and discussed your concerns the following action may be appropriate.

### **Informal Stage**

- 12) In most cases, you should seek to resolve concerns informally. The aim at the Informal Stage is to inform the other person of the effect of their behaviour/actions on you. The initial action should be to approach the person whose behaviour is causing offence, telling them that his or her behaviour is offensive, unwanted and that it must stop. This can be in person or in writing and may be achieved with the support of others e.g. Human Resources, manager or trade union representative or other colleague.
- 13) In some cases, this may be all that is required to resolve the matter. The person against whom the complaint has been made may have been genuinely unaware that their behaviour had caused offence.
- 14) You may also wish to consider the use of mediation at this stage before moving on to the formal stage. Further information on the mediation process can be obtained from Human Resources, your manager or trade union representative.
- 15) It may be that concerns brought up at the Informal Stage warrant investigation. There are occasions where this may be done without your consent so that the Council can exercise its duty of care and its legal obligations towards you.
- 16) If however your concerns are sufficiently serious that it would not be appropriate to use the Informal Stage, given the circumstances of the case, or if your concerns have not been resolved at the Informal Stage, they should be dealt with as a complaint under the Formal Stage, outlined below.

### **Formal Stage**

- 17) If the matter is not resolved at the informal stage or you feel the harassment is serious, a formal investigation will be required. The issue should be raised with your Service Manager (if the complaint is against your Service Manager, it should be referred to the Executive Director). If your complaint concerns an officer from outside your own service area, the relevant Executive Director will be consulted on how the matter should be investigated and who will be responsible for any decisions.
- 18) Your complaint must be made in writing, with a copy to Human Resources, and should include the following:
  - a) Clear, specific allegations against a named person(s).
  - b) Dates, times and witnesses to incidents with direct quotes where appropriate.

- c) Factual description of events.
  - d) An indication of how each incident made you feel.
  - e) Any documentary evidence.
  - f) Details of any action you have already taken e.g. informal action.
- 19) The Service Manager will seek advice from Human Resources to agree the most appropriate approach in dealing with your complaint.
- [NB. If the complainant alleges serious or gross misconduct e.g. physical abuse, sexual attack, the Council reserves the right to consider the matter immediately under the Disciplinary Procedure and/or to refer the matter directly to the Police.]*
- 20) You will be contacted upon receipt of your complaint. Within three working days of receipt, the Service Manager in consultation with Human Resources, will write acknowledging your complaint, setting out his/her proposed course of action and offering appropriate support. He or she may also choose to meet with you to discuss your complaint.
- 21) The Service Manager will also write, within three working days of receipt of the complaint, to the person(s) who is the subject of your complaint (the respondent) to inform him/her that an allegation of harassment has been made against him/her. This letter will specify:
- a) The nature of the complaint.
  - b) That it is being formally investigated;
  - c) That as part of the formal investigation, they are required to meet with the investigating officer(s).
  - d) The need to maintain confidentiality.
  - e) Sources of support for the individual.
- 22) The Service Manager in consultation with Human Resources will commission an investigation into the complaint. The Service Manager will need to consider if other action may be required to allow the investigation to be completed. This may include:
- a) In cases where the facts show that serious misconduct is being alleged, suspending the respondent in accordance with the Disciplinary Procedure, pending the outcome of the investigation.
  - b) Voluntarily relocating either or both parties for the duration of the investigation.
  - c) Reorganising/reallocating work to avoid the need for contact between the complainant and the respondent.

### **Investigating The Complaint**

- 23) The investigation will be carried out sensitively, discreetly and as speedily as possible. Every effort will be made to complete the investigation within ten working days of the date on which the complaint was received. Where this is not practicable the complainant and the respondent will be informed and reasons given.
- 24) The investigation will be carried out in an objective and impartial way. Both parties and any other witnesses to the events will be interviewed. Records will

be kept of all such meetings. All parties will be made aware of the need for confidentiality.

## Outcomes

- 25) The investigating officer(s) will prepare a written report outlining the facts and indicating their recommendations. Recommendations that may be made include:
  - a) The complaint appears to lack substance and no further action should be taken.
  - b) The complaint is not upheld, although there are still issues to resolve.
  - c) The complaint has substance but does not warrant formal disciplinary action being taken against the person about whom the allegation has been made.
  - d) The complaint has substance and is so serious as to warrant formal disciplinary action being taken against the person about whom the allegation has been made.
  - e) The complaint appears to have been made maliciously, with no basis in fact, and was purely an attempt to damage the alleged harasser or bully in some way. Formal action against the complainant will need to be considered in the circumstances.
- 26) The report will be presented to the respondent's Service Manager who will make a decision in relation to the complaint and as to any appropriate management action or disciplinary process.
- 27) The Service Manager will then meet with you to outline his or her conclusions. These could be:
  - i) your complaint is not upheld, or;
  - ii) your complaint is upheld, either fully or in part.
- 28) If your complaint is upheld, the Service Manager will confirm what action he or she has decided to take to resolve the issues. This could include:
  - i) That a disciplinary process should be commenced.
  - ii) Action short of formal disciplinary action - relocation, redesign of work, alternative suitable employment, training, advice and guidance, counselling.
  - iii) Informal satisfactory resolution of the issues e.g. apology, instruction to change behaviour, mediation which results in a change of behaviour.
- 29) Should your complaint not be upheld, the Service Manager dealing with your complaint may still consider that further action is required. This could include formal management action or using informal ways, including mediation, to resolve any outstanding concerns so that all involved can work together productively and co-operatively once the process has come to an end.
- 30) The Service Manager will also meet with the respondent(s) to inform him or her of the decisions and proposed follow up action. The decisions and any required action will be confirmed in writing to both parties where possible within three working days of the meeting.

## **Relocation/Redeployment**

- 31) When a complaint of harassment or bullying has been made, it may be difficult for the parties to continue to work in the same area, division or department. It may be desirable or necessary to transfer one of the parties to another division or workplace to avoid any further contact between them. If the complaint has been upheld, ideally it will be the respondent who is required to accept a move. However, in some circumstances it may be more appropriate to transfer the complainant. This will be explored in discussion with the parties.

## **Mediation**

- 32) In many cases a successful outcome can be achieved at the end of informal discussions or a formal investigation. However, there may be situations that require some further work to enable the parties to resolve the issues and/or to restore their working relationship. Mediation may be appropriate to help the parties to agree a course of action and a solution to the issues. This can be provided, through Human Resources, internally or using the services of an external mediator or facilitator.

## **Counselling**

- 33) At the conclusion of the process, depending on the circumstances of the case, both parties may require further support in the form of counselling to assist them to re-establish their self-confidence and personal esteem. This counselling can be provided in the normal way through the Council's Employee Assistance Programme or sometimes through the Occupational Health service.

## **Monitoring and Records**

- 34) As appropriate, the Service Manager will continue to monitor the situation, after the complaint has been resolved to ensure that no further concerns regarding unacceptable behaviour arise. The monitoring should also allow for a review of the agreed actions. In order to monitor the effectiveness of the policy and procedure, a record of action will be maintained corporately.
- 35) A full record of the investigation and the outcome will be kept by the relevant manager for a period of 12 months. This period may need to be varied, at the discretion of the manager in consultation with Human Resources.

## **Procedural Issues**

- 36) The procedure should not be used to raise issues or complaints, which would normally be dealt with under other Council procedures, in particular grievance issues.
- 37) The procedure should not be used to raise complaints which relate to incidents which happened more than three months ago, unless those incidents are part of a clearly identifiable, cumulative series of events.
- 38) If an employee is in any doubt about which procedure should be used, they should seek advice from their manager, Human Resources or their trade union representative.

- 39) Legitimate, constructive and fair criticism of a member of staff's performance or behaviour at work will not be considered as harassment, bullying or victimising. Nor will an occasional raised voice or argument. Effective management is acceptable provided that members of staff are treated with respect and dignity, consulted with and problems are discussed with them.
- 40) Any disciplinary action resulting from the use of this procedure will be taken in accordance with the Council's Disciplinary Procedure. The employee who raised the complaint may be asked to attend any hearing as a witness.
- 41) If this procedure is used whilst separate management action is being taken against an employee, consideration will be given to suspending that action whilst the complaint is being investigated.
- 42) Where the Service Manager is the subject of the allegation an Executive Director will act as the investigating officer and any appeal will be to the other Executive Director.