

## **Dignity at Work Policy and Procedure**

### **1.0 Scope**

This policy applies to all employees and casual workers at Lancaster City Council, whilst in the workplace, and in any work-related setting outside of the workplace, e.g., on business trips and at work-related social events.

### **2.0 Introduction**

2.1 Everyone has the right to be treated with dignity at work. The Council is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

2.2 Harassment and bullying in any form is considered to be unacceptable behaviour and will not be permitted or condoned. The purpose of this policy is to support a working environment in which harassment and bullying is unacceptable.

2.3 Where harassment or bullying is tolerated research demonstrates that this leads to higher turnover, higher sickness absence, lower motivation and under performance. Therefore in addition to the moral imperatives not to tolerate harassment or bullying, there are also good business reasons not to tolerate bullying or harassment. It is therefore important that the content of this policy is complied with.

2.4 This document should be read in conjunction with the Council's Equality and Diversity Policy, available on Elsie or via line managers (where individuals do not have access to the intranet).

### **3. Principles**

3.1 The Council recognises that all employees have the right to be treated with dignity and respect. This policy promotes the respectful treatment of staff within the Council and the protection of employees from harassment and bullying at work. Harassment and bullying will not be tolerated by the Council in any form.

3.2 Each member of staff is responsible for their own behaviour in relation to this policy, as well as being responsible for ensuring that their conduct is in line with the standards set out in this policy and the Code of Conduct. Staff should report any incidents of bullying and harassment that they may be aware of to a member of management, the HR Team, or a trade union representative.

3.3 Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially. The Council will make every effort to protect employees against victimisation after raising a concern under this policy or against employees who assist or support a colleague in raising a concern.

3.4 Harassment and bullying may be treated as a disciplinary offence and, where allegations are founded, may lead to summary dismissal. Disciplinary action may also be taken if a complaint is found to have been submitted maliciously or in bad faith.

#### **4. Harassment, Bullying and Victimisation**

4.1 **Harassment** is defined by The Equality Act 2010 as “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”.

4.2 The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

4.3 In addition the individual raising the concern need not possess the relevant characteristic themselves. Instead, it could be due to their association with a person who has one of the protected characteristics, or as a result of being ‘perceived’ to have that characteristic.

4.4 Harassment applies to all protected characteristics apart from pregnancy and maternity where any unfavourable treatment may amount to discrimination, and marriage and civil partnership where no significant evidence is required.

4.5 Harassment may also be a civil offence, a criminal offence and may contravene health and safety legislation. Individuals could therefore be liable to personally pay unlimited compensation where discrimination based harassment has occurred, including payment of compensation for injury to feelings and/or be prosecuted. Organisations may be considered vicariously liable for any incidents of harassment by an employee.

4.6 **Bullying** is defined by ACAS as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”.

4.7 Harassment and bullying may be against one person or a group of people, and may involve single or repeated incidents ranging from obvious forms of intimidating behaviour to more subtle forms such as ignoring someone. It can take physical form, be verbal or non-verbal, e.g., by letter or email. It can occur in the workplace or at work related events. Examples could include:

- Unwanted physical contact;
- Demeaning comments about a person’s appearance;
- Unwelcome remarks about a person linked to the protected characteristics, including jokes and banter;
- Posters, graffiti, obscene gestures, flags, bunting and emblems;
- Isolation or non-cooperation and exclusion from social activities, meetings, etc.;
- Coercion for sexual favours;
- Pressure to participate in political/religious groups;
- Shouting or swearing at people in public, and in private;
- Persistent criticism, undervaluing effort or constant insults;
- Cyber-bullying, e.g., detrimental text messages or emails, images and comments posted on external websites such as blogs and social networking sites;
- Ignoring or deliberately excluding people, e.g., from meetings, emails;
- Persecution through threats and instilling fear;
- Spreading malicious rumours.

4.8 **Victimisation** is where a person is subject to a detriment as a result of them complaining that they, or someone else, have suffered harassment or bullying, or where they have supported someone else in making a complaint. Provided the complaint has been made in good faith, i.e., a genuine belief that it is true, individuals have a right not to be victimised for being linked with a complaint that has been made. Where victimisation is proven to have occurred, disciplinary action may be taken against anyone to have undertaken any form of victimisation towards an individual.

4.9 Conduct may be considered as harassment whether or not the person behaving in that way intended to offend. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others.

## **5. Responsibilities**

### **5.1 Employees' Responsibilities**

5.1.1 All employees have a responsibility to ensure the working environment is one where the dignity of all individuals is respected.

5.1.2 Employees should be aware of the Council's policy, and comply with it.

5.1.3 Employees should ensure their behaviour does not cause offence and could not be considered in any way to be bullying or harassment.

5.1.4 Employees should discourage such behaviour by making it clear that they find such behaviour by others unacceptable and by supporting colleagues who are considering raising a concern. They should alert a manager to any incident of bullying or harassment to enable the Council to deal with the issue promptly and as required.

### **5.2 Management Responsibilities**

5.2.1 Managers should set a positive example by treating everyone with dignity and respect at all times.

5.2.2 All levels of management have a duty to implement this policy and to make every effort to ensure that harassment and bullying does not occur.

5.2.3 Managers have responsibility for being alert to any unacceptable behaviour, or incidents of bullying or harassment and take appropriate action promptly and confidentially, consulting with HR in all cases.

5.2.4 Managers should communicate this policy with their staff and promote awareness of bullying and harassment and the procedure the Council will adopt to investigate any complaints, including making sure staff know how to raise a complaint if needed.

5.2.5 Managers should be responsive and supportive to any member of staff who makes an allegation of bullying, harassment or victimisation. Managers should also ensure full support to the alleged perpetrator throughout the process.

### **5.3 HR Responsibilities**

5.3.1 The HR Team have a responsibility to ensure this policy is followed fairly and consistently, which includes:

- Advising on the content and application of the policy and on incidences where individuals feel they are being harassed or bullied in employment;
- Providing support and guidance to managers and employees, as appropriate;
- Ensuring the effective implementation of the policy, including provision of relevant training;
- Monitoring incidences of bullying or harassment and initiating appropriate action;
- Reviewing and amending the policy as necessary.

## **6. Support and Advice**

6.1 The Council is committed to achieving informal resolution of complaints relating to harassment wherever possible. In line with this approach, there are options available to staff to be supported:

- Occupational Health Service;
- Access to an external and confidential counselling service;
- Trade unions, where members may access advice and support;
- Mediation, either by a member of the HR Team or an external mediator;

## **7. Informal Procedure for Investigating Complaints**

7.1 The Council fully recognises the right to raise a concern about bullying or harassment should it occur. All concerns raised will be dealt with seriously, promptly and confidentially.

7.2 Employees are encouraged to attempt to resolve any concerns informally where possible, in line with the arrangements in the Council's Grievance and Disputes Procedure. In addition employees can consider the following options:

- Discussing any concerns regarding harassment or bullying with a manager, a member of the HR Team, a trade union representative, or occupational health;
- Keeping a diary of all incidents, recording dates, times, any witnesses, how the actions made them feel, etc.
- Keeping copies of any documentation that may be relevant, such as reports, letters, emails, meeting notes, etc.
- Explaining directly to the harasser or bully the effect that their behaviour is having and that they want it to stop;
- Making it clear that if the behaviour continues, they will make a formal complaint;
- Walking away from any aggressive behaviour, making it clear that they do not want to be treated in that way.
- Writing to the individual stating how their behaviour and actions are making them feel and request that it stops, if they do not feel able to speak to the perpetrator.

7.3 Contractors, visitors and Elected Members of the Council should raise any concerns to their main point of contact within the Council, and action will be taken as deemed relevant.

## **8. Formal Procedure**

8.1 If informal attempts at resolving the situation have not been successful, or the employee does not feel that the informal process will have any effect, the issue may be raised on a formal basis, via the Council's Grievance and Disputes Procedure. A modified two stage procedure will apply.

- 8.2 In such cases, the Council's Grievance and Disputes Procedure is modified in that the individual may raise their concern with either a line manager or the HR Team in cases where this is deemed more appropriate.
- 8.3 In line with the Grievance and Disputes Procedure, the relevant manager will make a decision whether it is appropriate to conduct a formal investigation by an independent person. Advice should be sought from HR before any action is taken.
- 8.4 During any investigation, evidence will be sought from witnesses, and the Investigating Officer will listen to the version of events from both the complainant and the alleged harasser/bully. Both parties will be supported through the investigation. Timescales will be in line with the Grievance and Disputes Procedure.
- 8.5 If, following the investigation, evidence shows that harassment or bullying has taken place, appropriate action in line with the Council's Disciplinary Policy and Procedure may be taken. This may also apply in cases where the complainant's behaviour is deemed to be malicious.
- 8.6 The Council will aim to have completed the investigation, including any hearings, within the timescales as detailed within the Grievance and Disputes Procedure.

**9. Follow Up**

- 9.1 Following resolution via either the informal or formal process, a record will be kept of the incident.
- 9.2 It is important to monitor the situation on a regular basis and ensure that harassment of bullying has stopped and there has been no subsequent issue of victimisation.

**10 Confidentiality**

- 10.1 All parties involved with any investigation, and any subsequent action, are expected to maintain confidentiality at all times.
- 10.2 Any breach in confidentiality may lead to disciplinary action.

**11. Review**

- 11.1 This Dignity at Work Policy will be reviewed two years after implementation or earlier in the event of further changes in legislation.

**Document Control:**

<b>Version no.</b>	<b>Effective Date</b>	<b>Reason</b>	<b>Review due</b>
1.0	01.10.1998	New policy – Preventing Harassment at Work	
2.0	31.01.2017	Revised & renamed policy to be considered and approved by JCC & Personnel Committee.	31.01.2019