



East Dunbartonshire Council

Dignity at Work Policy & Procedures

October 2016

Scheduled Review Date: October 2018

**APPENDIX 3
EPB/163/16/PH**

Introduction

The Dignity at Work Policy is intended to support a workplace culture in which all employees are free from discrimination, bullying, harassment and victimisation.

The policy is founded on the values of:

- Accountability for actions
- Commitment to equality and diversity
- Effective conflict management

Scope

This policy applies to all employees of East Dunbartonshire Council.

It covers relationships between Council employees. Behaviour outwith the usual working context can fall within the scope of this policy and procedure, e.g. social events, working from home etc.

This policy does not cover difficulties which can arise between employees and service users. Processes for managing such situations are already set out in a number of existing Council procedures'.

Roles & Responsibilities

A collective responsibility

All employees of East Dunbartonshire Council have both individual and collective responsibility to work positively and proactively to prevent discrimination, bullying, harassment and victimisation from occurring in the workplace.

Elected Members

- Ensure that the Council's commitment to the policy is endorsed and communicated to all employees and other stakeholders;

Strategic Leads & Managers

- Ensure that employees understand the Council's commitment to equality and diversity and eliminating all forms of workplace bullying, discrimination, harassment and victimisation;
- Display behaviour of the highest standard and will not condone any behaviour which is discriminatory/offensive;
- Identify any issues which may impact on the effective implementation of the policy and procedure and other related policies and procedures;
- Work with Council services and trade unions to set measurable objectives and goals and develop systems through which the effectiveness of the policy and procedure can be measured.

Line Managers

- Ensure that all employees understand the implications of the policy and procedure and any other relevant documents such as a code of conduct, discipline and grievance procedures, complaint(s) procedures, IT Policy and Equality Act 2010 regulations;
- Clarify the role of line managers in relation to the implementation of the policy and procedure;
- Challenge unacceptable behaviour which is directly observed;
- Promote an inclusive work culture;
- Treat informal and formal complaints seriously, with sensitivity to the feelings and perceptions of all those involved;
- Deal with issues fairly and consistency and demonstrate that Council policy and procedure has been implemented;
- Take steps to ensure that employees who bring complaints, or support others to do so, are not treated less favourably than others as a result;
- Ensure that, where appropriate, employees are given opportunities to attend relevant training.
- Display behaviour of the highest standard and not condone any behaviour which breaches this policy.
- May be called upon to conduct investigations following the guidelines within the Council.

Employees

- Understand their collective and individual contribution to the development of a work culture which promotes respect and equality for all;
- Demonstrate acceptable standards of behaviour;
- Take seriously requests to cease or change unacceptable behaviour and respond appropriately to such requests;
- Report concerns via established Council procedure.

Workforce Strategy Team

- Provide advice and guidance on individual cases and work with Council services to ensure that the policy and procedures are consistently implemented;
- Include policy information at induction and at any other relevant training sessions;
- Provide consistent advice and guidance on how to make a formal and informal complaint;
- Keep processes and practices under review;
- Advise on appropriate employees/service development opportunities;
- Highlight any support services that employees involved may wish to use

Trade Unions

- Respond, as appropriate, to individual employees who require advice, information and/or support;
- Contribute to the development, implementation and monitoring & evaluation of the policy and procedure.

Aims

The policy and procedures aim to:

- Promote a working environment in which employees treat each other fairly and with respect;
- Raise awareness and understanding of the types of behaviour which may be deemed to have breached the Dignity at Work Policy;
- Encourage all employees to play a role in creating and maintaining an environment in which bullying, discrimination, harassment and victimisation are understood to be unacceptable forms of behaviour;
- Provide a framework of support for employees who consider that they have been the subject of unacceptable behaviour;
- Ensure that allegations of unacceptable behaviour between employees are addressed fairly, with respect for the rights and dignity of all those involved; and
- Identify, where appropriate, the formal processes by which complaints can be raised.

Underpinning values

The policy is built on the following underpinning values which should be evidenced in work place culture.

Accountability

The Council considers that all employees are accountable for their actions and that there will be consequences for those who are shown to have breached the well-being and dignity of a colleague.

A commitment to equality and diversity

All Council employees should be treated with respect, regardless of their sex, marital status, age, race, nationality, ethnic origin, sexual orientation, disability and/or religious belief. The Council recognises that a diverse workforce helps to support the development of a creative and dynamic organisation where employees are able to take up their roles effectively and deliver public services to the highest possible standards.

Commitment to the effective management of conflict

The Council acknowledges that conflict happens in the workplace and can be a creative process which supports its development. Where conflict becomes destructive to the well-being of an employee, it will be managed in line with appropriate procedure(s). The Council is committed to resolving difficulties between employees at the earliest possible stage and will ensure that conflict resolution processes are in place.

A commitment to just process

The Council is committed to ensuring that its policies and processes embrace best practice in terms of current legislation and national/UK wide approaches to tackling bullying, discrimination and harassment in the workplace.

Right to representation

The Council will ensure that all employees have the opportunity to exercise their right to representation.

The Dignity at Work Policy is based around the Principles of Natural Justice.

Principles of Natural Justice

- The right to representation
- Independent Investigation
- The right to respond
- The right of appeal
- Confidentiality

Standards of Behaviour

It is expected that employees will follow the Code of Conduct for all employees contained within the Discipline at Work Policy. This outlines the behaviours which will be considered as unacceptable and those which will be deemed as Gross Misconduct or unacceptable behaviour.

Defining acceptable and unacceptable behaviour

The Council considers unacceptable behaviour to be that which is unwanted, unwelcome and undermines a person's dignity at work. This includes behaviour that might unreasonably threaten a person's job security, promotion prospects or create an intimidating working environment.

Behaviour may be perceived as unacceptable, even if there was no intent to cause offence. There may be overtones that an employee finds offensive, even if it was not directed at them.

Unacceptable behaviour can take many forms and range from obvious physical and verbal assault to more subtle behaviour.

Harassment, in general terms is unwanted conduct affecting the dignity of individuals in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as unacceptable to the recipient.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, put down or injure another individual.

Examples of bullying/harassing behaviour may include:

- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of a person's race, disability, sexual orientation, gender, religion or belief etc.);
- Copying information that is critical about someone to others who have no legitimate right to see them;
- Ridiculing or demeaning someone – picking on them or setting them up to fail;
- Exclusion or victimisation;
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close, displaying offensive materials, making inappropriate comments about the way someone presents themselves/their appearance;
- Making threats or comments about job security without foundation;
- Deliberately undermining a competent worker by overloading with work and/or constant criticism;
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying or harassment may be by an employee against an employee or involve groups of people. This behaviour may be obvious or of a more subtle nature. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Bullying and harassment do not necessarily happen in a 'face to face' manner. They may also occur in written communications, email, phone or via social media. These will all be treated in the same way.

Direct discrimination

Treating an individual less favourably than another for reasons relating to their race, gender, disability, sexual orientation, religion/belief or age.

Indirect discrimination

Creating a criteria, condition or term of employment which cannot be justified and which, in practice, may prevent people from certain groups from receiving equal opportunity.

Victimisation

Occurs when a person is treated less favourably because they have made a complaint of discrimination (which may be a complaint of harassment or bullying), or have helped another person to make or bring a complaint. Victimisation can constitute unlawful discrimination and will result in disciplinary action being taken, regardless of the outcome of the original complaint.

The Employee Code of Conduct within the Disciplinary Procedures outlines the expected behaviour from all employees.

The Procedure

The Dignity at Work procedure consists of 2 stages:

- **Stage 1** – involves informal approaches to trying to resolve a difficulty;
- **Stage 2** – involves formal mechanisms which may include employee complaints procedure and/or grievance and disciplinary processes.

Employees are not obliged to instigate either of these stages but it is difficult to resolve issues unless individuals are prepared to report them to an appropriate line manager and at least attempt to find a resolution through:

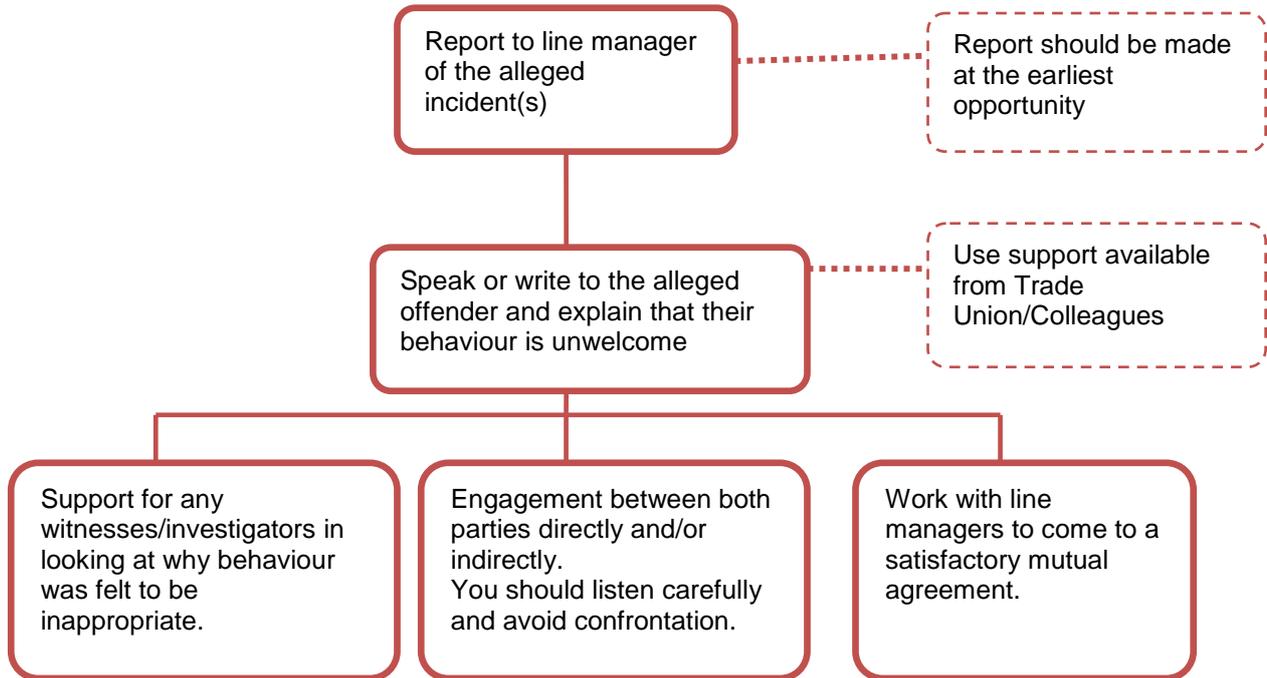
Stage 1: Informal Procedure

The Council assumes that employees who experience unacceptable behaviour will want it to stop as soon as possible and with the minimum amount of distress. The Council is committed to resolving difficulties between its employees as early as possible.

Using an informal approach to try to resolve issues of unacceptable behaviour can sometimes be effective, especially where an employee is unaware that his/her behaviour is considered, by the complainant, to be unacceptable. However, there are some instances where an informal approach should not be considered; for example, in cases of blatant aggressive behaviour where an individual's safety is being threatened. Such behaviour should be reported and managed in accordance with the Council's disciplinary procedure.

It is important to note that the informal procedure still allows for the complainant to obtain advice about appropriate action and support. It also involves some level of record keeping to provide summary details of the complaint, sufficient to be useful in terms of risk assessment.

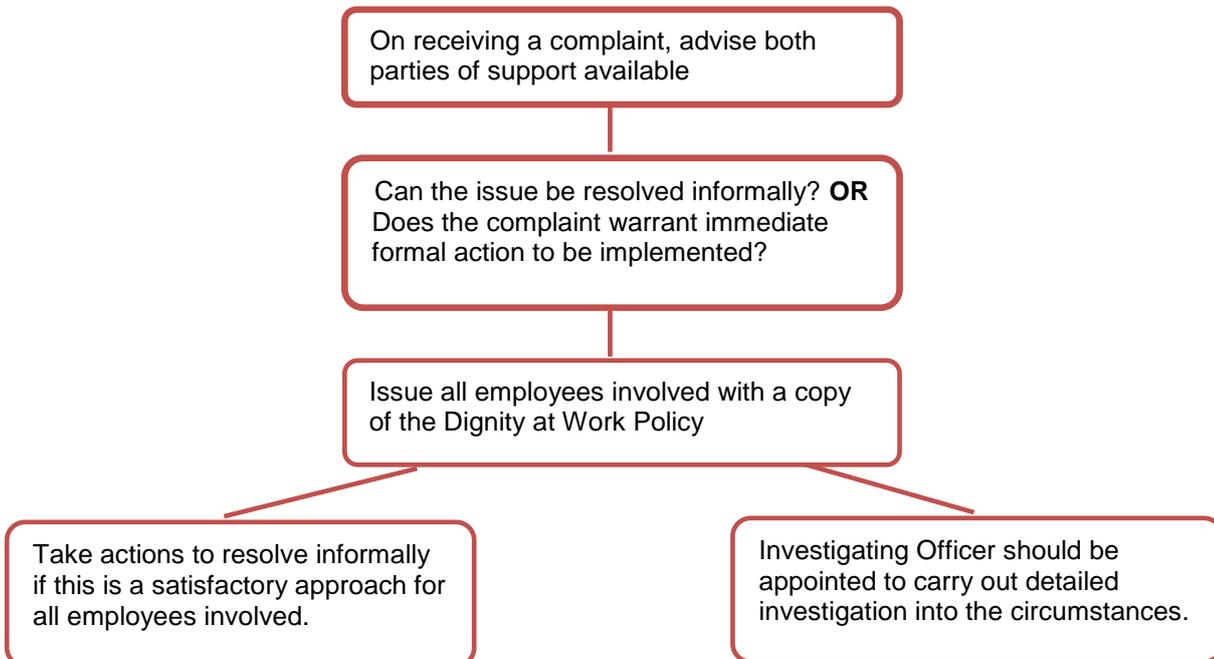
Steps involved in the informal procedure



Where the behaviour of the service manager or operational line manager is considered by the complainant to be the cause of or part of the difficulty then a manager or team leader within another service area will be allocated to the case.

Informal Approach: Guidance for Line Managers

Managers will have some discretion about the best way in which to try to resolve a report of unacceptable behaviour between employees however, it is expected that they will:



Where an employee acknowledges that their behaviour has been unacceptable (or, if based on evidence, the manager considers this to be the case) they should be informed that disciplinary procedures will be instigated if the behaviour continues.

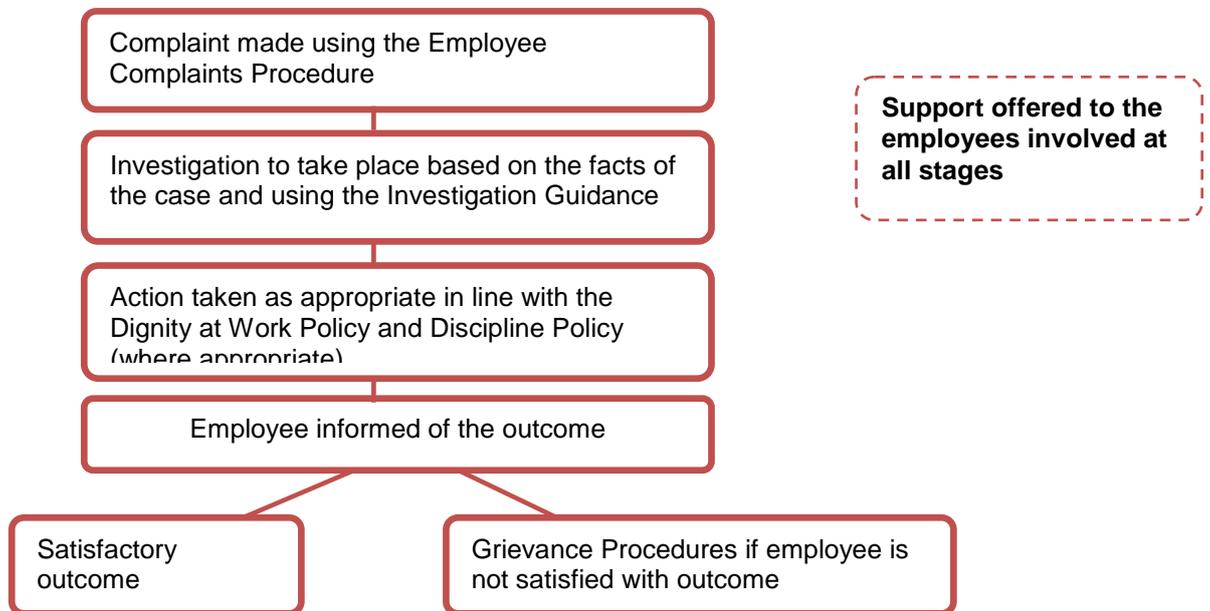
Where a group of employees are allegedly behaving inappropriately, the designated manager should try to resolve things informally, either by discussing the issues with the group or on a one-to-one basis whilst reinforcing the fact that disciplinary procedures will be instigated if the behaviour continues.

Managers should monitor the situation to try to ensure that the behaviour does not continue and all relevant individuals should know that the situation is being monitored.

Managers should be alert to the possibility that those who have been/are the subject of a Dignity at Work investigation may seek to retaliate against the complainant. Where a report is received that a complainant is being subjected to 'backlash' behaviour, managers must take steps immediately to investigate the substance of this. In this situation, advice should always be obtained from the HR Team.

The Council has a duty of care to its employees. If an employee does not want to pursue a Stage 2 formal complaint, line managers must put in place mechanisms which will ensure that alleged/actual difficulties between employees continue to be managed effectively.

Stage 2: Formal Procedure



Formal complaints about unacceptable behaviour between employees are managed in line with existing Council disciplinary procedures.

An employee who is accused of unacceptable behaviour will be given opportunity to respond to allegations within a formal investigation. On conclusion of the investigation, the employee will be informed of the next stages of the process.

Right to representation

All employees involved in a Dignity at Work concern have a right to representation at all stages of the procedure. Representation may involve a fellow worker, trade union representative or official employed by a Trade Union, a representative acting in a legal capacity **will not** be considered an appropriate companion throughout internal procedures. The employee will be responsible for arranging representation in advance of any stages of the process.

Rights of the complainant following a complaint

As a result of making a complaint, it is the responsibility of the Council to try to ensure that the complainant does not experience exclusion, or any other form of unacceptable behaviour, in the workplace. Employees who raise a complaint will not be penalised for doing so.

Rights of the person whose behaviour is the subject of the complaint

Formal procedures implemented in relation to Dignity at Work complaints will be via the Discipline at Work Policy. Where an employee receives disciplinary action as a result of a complaint of unacceptable behaviour being made against them, they will have the right of appeal under the Council's Disciplinary Procedures.

Guidance on these issues is detailed in existing Council Grievance and Disciplinary procedures.

Complaints made against Elected Members

The Employee Complaints Procedure includes complaints relating to bullying, discrimination, harassment and victimisation being made against an Elected Member.

Allegations made against Trade Union representatives

No formal procedures should be taken against a Trade Union representative until the matter has been discussed with a full-time official of the relevant Trade Union. This will be taken forward by a representative of the Employee Relations Team. However, this does not mean that a Trade Union official will be exempt from the procedures under this policy or other Council procedure(s).

False allegations

The Council will assume that all allegations have been made in good faith i.e. that an employee genuinely believes that they have experienced unacceptable behaviour, whether or not that proves to be the case after the investigation. However, where it is evident that an employee has knowingly made a false accusation, including giving a witness statement, this shall be regarded as a disciplinary matter and dealt with in accordance with Council procedure(s).

Employees who leave the Council's employment during an investigation

If an employee leaves the Council's employment part way through the investigation, they should notify the Employee Relations Team to discuss how and what information relating to the investigation will be provided to them, after their departure. Reports and other information produced during the investigation may be made available on request to both parties to the complaint at the appropriate stage. Such information will not be unreasonably withheld.

Related Policies

A number of policies are related to and/or support the delivery of the Dignity at Work Policy & Procedures which include:

- Discipline at Work Policy
- Grievance at Work Policy
- Employee Complaints Policy
- Whistleblowing Policy

Monitoring and evaluation of the policy and procedure

The Council will monitor its approach to Dignity at Work through a variety of mechanisms, including:

- Analysing reports made via the Dignity at Work procedure;
- Analysing the outcomes of cases handled via the Dignity at Work procedure;

This policy will be reviewed in line with:

- Legislative Change.
- Other external factors.
- Feedback on the effectiveness of the policy
- Requests for review by Elected Members, Trade Unions and/or Management.