

**Shildon Town Council**

**Dignity at Work Policy**



## **DIGNITY AT WORK POLICY**

### **1. Introduction**

- 1.1 All individuals have a right to be treated with dignity and respect whilst at work or using Shildon Town Council's services. In particular, the Council honours its duty of care to ensure workers are not harassed or bullied in the workplace. The Council undertakes that complaints from workers of harassment or bullying will be dealt with seriously, expeditiously, and confidentially.
- 1.2 Harassment or bullying can be defined as any unsolicited and unwelcome hostile or offensive act, expression or derogatory statement including incitement to commit such behaviour which causes distress to an individual. Harassment may be direct, or it may be by indirect means. (See Appendix 1 for definitions)
- 1.3 Shildon Town Council will not tolerate harassment or bullying from any source, including elected members, managers, fellow workers, and members of the public and acknowledges that such behaviour may be unlawful.
- 1.4 Likewise, the Council will not tolerate victimisation of any employee who has complained of or provided information about harassment.
- 1.5 Personal harassment, bullying and victimisation will be regarded as misconduct, and disciplinary measures will be taken against employees, where it is established that there is a case of personal harassment.
- 1.6 The implementation and enforcement of this policy in association with the terms and conditions of employment is intended to protect the employee, colleagues, members of the public and the Council.

### **2. Equalities**

- 2.1 Shildon Town Council is committed to the removal of all barriers preventing access to our services arising from ethnicity, religion, special needs, language differences, learning difficulties, sexual orientation, gender, age, disability, or geographic location.

### **3. Aims and Scope**

This policy is intended to apply to all employees and Elected Members;

- to prevent any harassment occurring in the workplace.
- to provide mechanisms by which complainants can take action without victimisation.
- to raise employee's awareness so that harassment or bullying is avoided.

- 3.1 All employees and Members are required to comply with this policy and are encouraged to take appropriate measures to ensure that harassment or bullying does not occur.
- 3.2 All employees and Members need to think about their own behaviour and that of their colleagues and reflect whether it might be unacceptable, or be offensive.

#### **4. Definition**

- 4.1 Harassment and bullying covers many activities, events, and situations, which may occur in the workplace. Often a person accused of harassing or bullying behaviour may be unaware of the effect that their behaviour is having on a particular person(s). This may be because the behaviour is common and generally thought to be acceptable in a particular office or workplace, or outside, if it has a bearing on the workplace.

**However, no behaviour which causes distress to another employee is acceptable at work.**

- 4.2 The sorts of behaviour which might cause distress or offence range from the very obvious, such as physical assault, to the very subtle, such as continually undermining a colleague. The following are an indication of some types of behaviour which is not acceptable; however, this is not an exhaustive list.

#### **Examples of unacceptable behaviour**

- 4.3 Derogatory comments, jokes, offensive or suggestive literature, e.g. 'pin-ups', racist jokes, unwanted physical contact, physical or verbal assault, unwelcome sexual advances, embarrassing, threatening, humiliating, patronising or intimidating remarks, unwarranted threats of disciplinary action, undermining a person's esteem, unacceptable aggressive style from Supervisors/Senior Officers, suggestive remarks, insulting behaviour or gestures.
- 4.4 The basis of personal harassment can be very broad, encompassing, for example, age, physical attributes, sexuality, disability, race, or sex, etc. or a personality clash.

#### **5. Responsibilities**

##### **5.1 Town Clerk**

- 5.2 The Town Clerk has a responsibility to:-

- ensure that the workplace is free from harassment and bullying;
- inform all employees of what is and is not acceptable behaviour at work;

- inform all employees of the action they can take if they feel they are being harassed;
- inform employees that harassment is a disciplinary offence and that, if claims are substantiated, the disciplinary procedures may be invoked;
- ensure employees are aware that any victimisation of an employee complaining of harassment will be treated as misconduct and may result in disciplinary proceedings.

### 5.3 **Senior Managers**

5.4 It is the manager's responsibility to;

- ensure that any form of harassment does not take place in the workplace and this includes ensuring that a culture of unacceptable behaviour is not allowed to develop.
- take appropriate action if harassment or bullying occurs and ensure that complaints are treated sensitively and in accordance with the procedure.

### 5.5 **Employees and Members**

5.6 It is the employees and Members responsibility to;

- be aware of their behaviour and the effect it may have on other people and ensure that their behaviour does not contribute to incidents of harassment or bullying.
- be aware of the problems which harassment or bullying can cause.
- bring to the attention of colleagues that certain conduct or behaviour is causing concern or offence.

5.7 Members are also obliged to comply with the Members Code of Conduct.

## 6. **Monitoring**

6.1 The Dignity at Work Policy will be monitored by the Town Clerk.

6.2 Where Senior Managers receive and deal with a complaint of harassment or bullying, they should keep a confidential report of the complaint for future monitoring purposes and make the Town Clerk aware of the complaint as soon as it has been reported.

6.3 If one of the parties concerned in a personal harassment case has to be removed from the workplace then, as a matter of principle, Shildon Town Council will remove the harasser rather than the complainant.

6.4 It is possible to withdraw a formal complaint unless the disciplinary process has begun, but the consequences of making a formal complaint should be explained.

The alleged harasser may want an opportunity to defend his/her reputation if a complaint is made formally and then withdrawn.

### **COMPLAINTS PROCEDURE**

1. If a complaint regarding personal harassment/bullying cannot be resolved through an informal process employees may make a formal complaint to the Town Clerk or other nominated Senior Manager. Every effort should be made to resolve these issues before the need for a formal complaint arises.
2. If one of the parties concerned in a personal harassment/bullying case has to be removed from the workplace then, as a matter of principle, Shildon Town Council will remove the harasser rather than the complainant.
3. It is possible to withdraw a formal complaint unless the disciplinary process has begun, but the consequences of making a formal complaint should be explained. The alleged harasser may want an opportunity to defend his/her reputation if a complaint is made formally and then withdrawn.
4. If possible an employee who is being harassed or bullied should attempt to resolve the problem informally in the first instance. In some cases it may be possible and sufficient for the employee to explain clearly to the person engaged in the unwanted conduct that the specific behaviour is not welcome, it offends them or makes them uncomfortable and it interferes with their work.
5. The process for making an informal complaint shall be as follows:-
  - 5.1 Any complaint regarding personal harassment/bullying should in the first instance be reported to a Senior Manager.
  - 5.2 This will be recorded and reported to the Town Clerk (in confidence). The Manager will then begin an informal investigation. Where the complaint is against the Senior Manager it will be reported directly to the Town Clerk who will undertake an investigation. Where the complaint is against the Town Clerk, it will be reported directly to the Staffing Sub-Committee who will undertake an investigation.
  - 5.3 Both parties will be interviewed separately and confidentially and a record of the meetings kept.
  - 5.4 The aim of the confidential meeting is to confirm with the alleged harasser that the alleged incident occurred, irrespective of intention, to point out that the harasser's behaviour as being unacceptable, to obtain an apology and agreement to cease the behaviour.
6. The procedure for making a formal complaint shall be as follows:-

- 6.1 This procedure should be used if you have already approached the alleged harasser and he or she has not stopped (see 4 above) or if you do not feel the informal complaint procedure is appropriate.
- i) All complaints shall be in writing and addressed to your Senior Manager (unless the complaint is about the Town Clerk in which case the employee shall complain to the Staffing Sub-Committee or is about the Senior Manager in which case the employee shall complain to the Town Clerk).
  - ii) The Senior Manager is empowered to investigate all aspects of the complaint and to decide on appropriate action.
  - iii) The Senior Manager will interview the complainant, and alleged harasser, both of which may be accompanied by a trade union or other representative.
  - iv) Should the Senior Manager consider that there may have been misconduct or gross misconduct by an employee, this should be dealt with immediately under the disciplinary procedure.
  - v) The Senior Manager will endeavour to resolve the complaint through discussions with the parties involved.
  - vi) The Senior Manager will inform the employee in writing of the outcome within five working days, together with reasons for the decision, and the right of appeal. The appeals procedure will be as detailed in the Councils Appeal Procedure.

## 7. **Appeal Procedure**

- 7.1 If, following notification of the decision, the employee remains aggrieved, the employee can appeal.
- 7.2 The time scale for requesting an appeal will be five working days from the date of the written confirmation of the outcome of the investigation.
- 7.3 A pro-forma should be included on which the employee can give notice of appeal, including identification of the grounds for the appeal.
- 7.4 An employee may choose to appeal because:
- they think a finding or penalty is unfair
  - new evidence comes to light
  - they think the procedure was not used correctly
- 7.5 Records and notes of the meetings will be made available to the Town Clerk or Member Appeal Panel prior to hearing the appeal.

- 7.6 Employees will be contacted with the appeal arrangements as soon as possible and will be informed of their right to be accompanied at the appeal meeting by a work colleague or accredited trade union representative.
- 7.7 The employee and his/her representative will present the details of the appeal to the Town Clerk or Member Appeal Panel, and the Senior Manager will outline the reasons for the management decision.
- 7.8 The Town Clerk will inform the employee about the appeal decision, and the reasons for it, in writing within five working days of the appeal hearing.
- 7.9 The decision of the Town Clerk or Member Appeal Panel will be final.

## **8. Complaints against the Town Clerk or Elected Member**

- 8.1 If the complaint is about the Town Clerk the employee shall put the complaint in writing to the Staffing Sub-Committee who will make arrangements for the matter to be investigated.
- 8.2 In the event of the complaint being against an Elected Member the complaint will be referred to the Standards Committee.
- 8.3 No employee should fear they will be victimised for bringing a complaint of personal harassment.



## **TYPES OF DISCRIMINATION DEFINITIONS**

### **Protected Characteristics**

Age	Sex
Disability	Sexual Orientation
Gender Reassignment	Marriage & Civil Partnership
Race	Pregnancy & Maternity
Religion or Belief	(including breast feeding)

### **Harassment**

Harassment 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”.

Harassment applies to all protected characteristics except for pregnancy and maternity, marriage and civil partnership. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

### **Victimisation**

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act (or because they are suspected of doing so). An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

### **Direct Discrimination**

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associated with someone who has a protected characteristic.

### **Discrimination by Association**

This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

### **Perception Discrimination**

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

### **Indirect Discrimination**

Indirect discrimination can occur when you have a condition, rule, policy or even a practice in your company that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if you can show that you acted reasonably in managing your business i.e. that it is 'a proportionate means of achieving a legitimate aim'.

A legitimate aim might be any lawful decision made in the running of Council business but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.

Being proportionate really means being fair and reasonable, including showing that you've looked at 'less discriminatory' alternatives to any decision you make.