

**Making Clackmannanshire Better**



**Clackmannanshire  
Council**

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# Dignity At Work Procedures

**Better Services**

**Better Opportunities**

**Better Communities**

# DIGNITY AT WORK PROCEDURE

## 1. Introduction

1.1. All staff within Clackmannanshire Council have a right to work in an environment that:

- Is safe
- Promotes dignity at work
- Encourages staff to treat each other with respect
- Promotes speaking politely, openly and honestly with others
- Is open, transparent and fair

1.2. The Council will not tolerate harassment, bullying, discrimination or victimisation (See Appendix 1) in any form and will treat all instances in a consistent and robust manner.

1.3. The following protected characteristics are the grounds on which discrimination or harassment is unlawful

- Age
- Disability
- Gender Reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

1.4. Bullying and harassment may be intentional or unintentional and may involve action/behaviour/verbal/non verbal conflict, or physical conflict which is found objectionable or causes offence.

1.5. Examples of unacceptable behaviour are given in Appendix 2.

## 2. Management Style

- 2.1. Bullying must be distinguished from the right of, and obligation placed on, managers to exercise proper supervision of staff in the course of their duties, which may include legitimate, constructive and fair criticism of a staff members performance or behaviour at work.
- 2.2. Managers must exercise their supervision in a fair, constructive, consistent and reasonable manner that does not compromise a staff member's dignity.
- 2.3. Similarly, reasonable (but perhaps unpopular) requests by a manager of their staff in the normal course of their duties will not be viewed as acts of harassment or bullying.
- 2.4. The differences between a manager who is firm but fair and a manager who may be perceived as bullying and harassing is difficult to define but table 1 below illustrates the distinctions

| Firm but Fair Behaviour  | Bullying and Harassment behaviour   |
|--|---|
| Consistent and Fair  | Aggressive, inconsistent and unfair   |
| Determined to achieve the best results but reasonable and flexible   | Unreasonable and inflexible   |
| Knows their own mind and is clear about their ideas but is willing to consult with colleagues and staff before drawing up proposals              | Believes they are always right, has fixed opinions, believe they know best and is not prepared to value other people's opinions |
| Insists on high standards of service in quality of and behaviour in the team   | Insists upon high standards of service and behaviour but blames others if things go wrong                                       |
| Will discuss in private any perceived concerns before forming views or taking action and does not apportion blame on others when things go wrong | Loses temper regularly and degrades people in front of others, threatens official warnings without listening to any explanation |
| Asks for people's views, listens and assimilates feedback  | Tells people what is happening and does not listen  |

### **3. Prevention Measures**

3.1. Clackmannanshire Council recognises that there are many organisational measures that can help prevent bullying and harassment in the workplace.

Such measures include:

- Ensuring staff are aware that bullying and harassment will not be tolerated
- Good management practices
- Induction and training for all staff
- Access to appropriate staff for confidential discussions
- Ensuring employees have somewhere to go for a confidential discussion of their situation

### **4. Challenging and Preventing Harassment and Bullying**

#### **Individual responsibilities**

- 4.1. Responsibility to set a positive example by treating others with dignity and respect at all times and ensuring they comply with the dignity at work policy and procedure
- 4.2. Ensure that they do not harass, bully, victimise or contribute to the harassment of colleagues or condone harassment of colleagues
- 4.3. Report any instances of harassment, bullying or victimisation they witness.
- 4.4. Co-operate fully in any investigations arising from a claim of bullying and harassment

#### **Senior Managers, Managers and Elected Members responsibilities**

- 4.5. Ensure that everyone is treated with dignity and respect in the workplace
- 4.6. Ensure they set the standards that other staff should apply and behave in a professional manner at all time and be aware of how their own behaviour can adversely impact on staff and potentially be perceived as harassment or bullying.
- 4.7. Be vigilant in preventing acts of harassment and victimisation including protecting staff from inappropriate behaviour from third parties.

4.8. Respond swiftly to any instances of harassment, bullying or victimisation within their service and discourage it and seek to prevent it from taking place.

Actions may include:

- Making it clear harassment and bullying will not be tolerated and will be treated as a disciplinary matter
- Publicly promoting the Council's commitment to the policy
- Taking immediate action to stop any form of harassment, bullying or victimisation when they become aware of it.
- Being aware of and understanding the policy
- Knowing who key support contacts are
- Withdrawing service/ending contracts/banning from premises of any third party who fails to modify their behaviour if allegations of bullying and harassment are made

4.9. Ensure that this responsibility is cascaded via service managers/team leaders etc to all staff within their service/department

## **5. Dealing with Harassment, Bullying, discrimination or Victimisation in the workplace - Informal Resolution**

5.1. Even by promoting a culture of dignity and respect within the Council there may be occasions where a situation arises resulting in upset through another member of staff's behaviour.

5.2. Many problems can be resolved at an early stage through informal resolution, and staff who feel informal resolution can help should:

- Object to the behaviour (either verbally or in writing) by stating directly to the member of staff that they find their behaviour to be unwelcome and upsetting and that it should stop
- Ask a friend or colleague to accompany them to talk to the member of staff if they feel they cannot do this alone

5.3. The Council recognises that members of staff may not feel confident approaching the perceived harasser openly (particularly if they are a manager or immediate work colleague) and provides the following support:

- Staff can discuss the situation with the next level of management or with a member of the HR department
- Staff can obtain support and advice from their Trade Union representative
- Staff can discuss the situation with one of the Council's trained harassment advisers (Appendix 4). A list of harassment advisers can be found on the Council's intranet site. There is no obligation for staff to refer their complaint to a harassment adviser. The advisers are seen as an additional means of support to ensure staff are not discouraged from bringing forward a complaint.
- Staff can contact the Employee Counselling Service for advice
- Staff whose health is affected as a result of bullying and harassment will be provided with appropriate support through the Council's Occupational Health provider
- Staff may wish to engage in mediation (see Appendix) which is a flexible approach to conflict resolution and an opportunity to discuss issues with an "impartial third party".
- A member of staff approached informally about stopping their unwelcome or upsetting behaviour should not consider the reaction to be over sensitive nor the incident to be too trivial.
- The member of staff should remember that 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.
- In most circumstances an apology and assurance that the behaviour will not be repeated may be enough to end the matter
- Confidential advice is also available to staff who themselves may not be the subject of bullying/harassment but are concerned about the harassment of others.

## **6. Dealing with Harassment, Bullying, discrimination or Victimisation in the workplace - Formal Resolution**

6.1. A member of staff may find it necessary to progress their complaint more formally for the following reasons:

- the conduct continues after a direct informal approach has been made to the alleged harasser
- retaliatory behaviour is experienced
- the allegation is too serious, or
- they feel too frightened to approach the alleged harasser with or without the help of others.

6.2. A member of staff wishing to make a formal complaint should make the complaint in writing either to their line manager or next appropriate level of management or to their service HR Adviser.

6.3. A member of staff who feels they are unable to raise a complaint themselves can seek assistance from the Council's harassment advisers, their Trade Union representative or a member of the HR Team.

6.4. All formal complaints will be handled under the Council agreed Grievance Procedures.

6.5. Possible outcomes from the investigation may be:

- There is a case to answer and therefore disciplinary action is required. The investigatory officer may recommend steps
- No case to answer therefore no further action
- Both parties partially responsible therefore recommend support through training
- Counselling and/or mediation
- Complainer raised a vexatious claim and therefore should be subject to disciplinary process
- Redeployment on the grounds of breakdown in the working relationship. This action is the last resort and will only be considered when all other options have been exhausted.

- 6.6. As part of the Council's duty of care towards staff, depending on the nature of the allegations, and to ensure that the integrity of the investigation is not compromised, it may be difficult for both parties to continue to work in the same environment. In specific circumstances, it may be appropriate to consider a temporary redeployment or suspension, however this will be done in consultation with the HR Team Leader or a person acting on their behalf.

## **7. Communication**

- 7.1. All staff will be informed of the Council's Dignity at Work Policy and Procedure and copies will be made available on the Council's intranet site or hard copy from HR Services.
- 7.2. New employees will be provided with a copy of the policy and procedure as part of their induction programme.
- 7.3. All staff will be provided with a booklet detailing the policy, posters will be posted in all workplaces and hard copies of the policy/procedures will be available in every workplace.
- 7.4. In conjunction with recognised Trade Unions awareness raising sessions will be organised to promote Dignity at Work.
- 7.5. Senior Managers/Managers should ensure that contractors/agency staff who undertake work within the Council are aware of the policy and procedure and that they are required to comply with it.

## **8. Malicious Complaints**

- 8.1. A member of staff who brings a complaint in good faith will not suffer any form of victimisation as a result. If, however, the investigation evidences that the complaint was brought maliciously, formal disciplinary action may be taken against the member of staff.



## **9. Collective Complaints**

- 9.1. Where more than one employee wishes to complain about the same issue or behaviour of the same person, a collective complaint can be made. The same procedure will be used as for individual complaints

## **10. Support for staff who experience bullying and harassment**

- 10.1. Clackmannanshire Council recognises that bullying and harassment can affect job performance and cause stress. Where bullying or harassment causes deterioration in job performance, this will be treated as a health problem and the staff member will be encouraged to seek help under the terms of this policy. There will be no discrimination against individuals suffering from stress caused by bullying or harassment.
- 10.2. Access to independent and trained counsellors will be available to all staff. This service will be strictly confidential between the counsellor and member of staff. No details or records will be disclosed without the written permission of the member of staff concerned.
- 10.3. Employees who have been bullied or harassed will be offered paid time off to attend counselling sessions. Contact details of stress counsellors will be published on the Council's intranet site so that staff can make arrangements for counselling as and when they wish.

## **11. Monitoring and Review**

- 11.1. Both Senior Management and Trade Union Representatives shall monitor the effectiveness of these procedures on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.
- 11.2. Clackmannanshire Council will also periodically monitor how successful it is being in creating a workplace free of harassment and bullying by other

means which may include; confidential staff surveys, training, raising awareness of harassment and bullying in general and undertaking risk assessments.

|  |  |
|--|--|
| Policy Name  | Dignity at Work  |
| Department   | HR   |
| Policy Lead  | HR   |
| Equality Impact Assessment   |  |
| Full EQIA required   | Yes <input checked="checked" type="checkbox"/> x<br>No* <input type="checkbox"/> |
| * The policy raises awareness of potential discrimination and promotes equality by providing guidance on how concerns about harassment, bullying and victimisation can be raised and sets out a process by which issues can be resolved. |  |
| Date Full EQAI complete  | N/A  |
| Date Approved  |  |
| Review Date  |  |

## **Appendix 1- Definitions of harassment, bullying, discrimination and victimisation**

**Harassment** - Defined in terms of 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".

**Harassment by association** - a member of staff is protected if they are subject to unwanted conduct because of their association with someone who has a protected characteristics

**Harassment by perception** - a member of staff is protected if they are subject to unwanted conduct by others who wrongly perceive that individual to have a protected characteristic

**Bullying** - Unwarranted humiliating behaviour and/or offensive behaviour towards an individual or groups of employees, "an abuse of power or position that can cause such anxiety that people gradually lose belief in themselves"

**Discrimination** - Can be direct, where an individual is treated less favourably than others, or indirect where the effects of certain requirements, conditions or practices imposed by an employer has a disproportionate adverse effect on a particular group.

**Discrimination by association** - Applies if an employee is treated less favourably because of the employee's association with another person who has a protected characteristic

**Discrimination by perception** - Applies if an employee is treated less favourably because the employer mistakenly thinks the employee has a protected characteristic

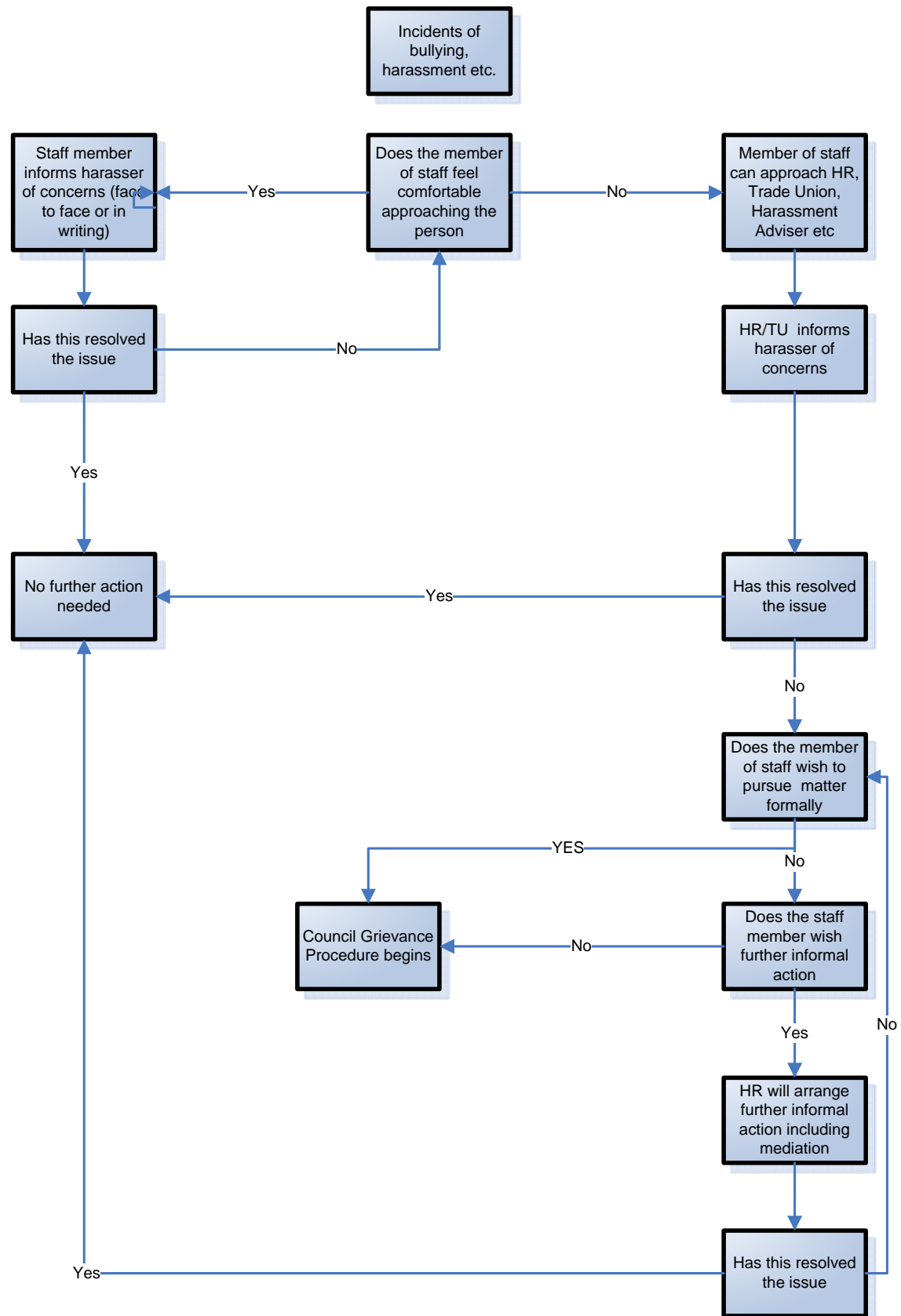
**Victimisation** - When someone is treated less favourably because they make a complaint, raises a grievance or supports a complaint raised by another member of staff

## **Appendix 2 - Forms of Harassment**

Harassment and bullying can take many forms, examples of unacceptable behaviour are outlined below. This list is intended to give guidance of the types of behaviour that are considered unacceptable, however the list only contains examples and is not exhaustive.

- Offensive songs, remarks, jokes, emails or gestures
- Display of offensive posters or publications
- Unwanted physical contact or advances
- Offensive remarks about a persons dress or appearance
- Offensive remarks about a persons race, gender, marital status, disability, religion or belief, sexual orientation, gender identity or age
- Shouting, abusive or intimidating language
- Spreading malicious rumours, allegations or gossip
- Excluding, marginalising or ignoring someone
- Intrusion by pestering, spying or stalking
- Deliberately undermining a competent member of staff by overloading, taking credit for their work or constant criticism
- Cyber-bullying, that is sending or posting harmful, cruel or offensive text or images by email, internet, social networking websites or other digital communication devices.
- Racist language and racist jokes or derogatory statements about national origin
- Exclusion from social activities
- Sectarianism/bigotry
- Making threats
- Misuse of confidential information
- For being a member of a trade union or undertaking the duties of a trade union representative

## Appendix 3 - Procedure for dealing with Harassment



## **Appendix 4 - Harassment Advisers**

Harassment Advisers have been trained to deal with complaints of harassment and to offer advice to staff who believe that they or their colleagues have experienced harassment as the Council is concerned to ensure that such potential difficulties are overcome and that allegations of harassment are raised and acted upon accordingly.

The main role of the Adviser is to:

- Provide sympathetic assistance to employees with complaints of harassment
- Explain to them how the procedure for making a complaint operates
- Establish the main details of the complaint
- Channel the complaint to the appropriate manager for action if the employee decides to take the matter further

Harassment Advisers will receive training/regular updates to allow them to undertake their role

Harassment Advisers will maintain confidentiality at all times

A list of harassment advisors can be found on the Council's intranet site.

## **Appendix 5 - Trade Union Representatives**

A list of Trade Union representatives can be found on the Council's intranet site.

Trade union representatives are able to assist their members who have been the targets of harassment, including supporting them in making complaints.

Clackmannanshire Council encourages all members who are concerned about harassment to speak to their trade union representatives.

Clackmannanshire Council will allow trade union representatives appropriate paid time off to attend union provided training courses on harassment at work.

Clackmannanshire Council will support the union's activities on raising awareness and tackling the issue of harassment amongst their members.

Clackmannanshire Council recognises that stress at work in general can contribute to workplace harassment and bullying, and is committed to jointly agreeing with the trade unions ways of tackling work-related stress.

Clackmannanshire Council will consult with the trade unions in good time and over any proposals, for example on changes to staffing, job descriptions, tasks, workloads, hours, procedures on sickness and so on, that could increase the potential for stress, harassment and bullying at work.

Clackmannanshire Council is committed to preventing any harassment or victimisation of trade union activists or members because of their trade union activities.