

Dignity At Work Policy Statement

July 2021

Created: July 2021
To be revised by: July 2024

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1.0 Policy Statement

- 1.1 The City of Wolverhampton Council (the Council) is committed to adopting policies and procedures to encourage a positive working environment and has a duty to create a safe work environment where everyone is treated with dignity and respect, courtesy and not experience any form of discrimination.
- 1.2 The City of Wolverhampton Council has a zero approach to any employee being subjected to harm, threats of harm, bullying and harassment, discrimination or any inappropriate behaviour or language in the workplace. All people working for or with the Council are required to treat everyone they come into contact with, with dignity and respect and they are entitled to expect this in return.
- 1.3 This policy statement aims to assist employees in preventing, recognising and stopping any behaviour which may amount to bullying, harassment, discrimination or victimisation, any of which can have serious consequences for employees and for the Council.
- 1.4 The Council recognise that these consequences can include a negative impact on people's health and wellbeing, on family and social relationships and their performance at work; which can in turn impact on the services the Council provides.
- 1.5 This policy statement has been developed with due regard to the Equality Act 2010, the Equality Duty and ACAS guidance.
- 1.6 The Council will ensure that employees receive appropriate training and information to help them to understand their rights and responsibilities in connection with this policy statement, including equality and diversity training and training in the implementation of the Council's relevant policies and procedures.

2.0 Scope

- 2.1 This policy statement applies to all employees of the Council. It excludes NJC employees and Teachers employed by Governing Bodies who are covered by Schools HR Policies. Policies adopted by the Council may, following discussion with relevant trade unions also be recommended as good practice models for adoption by maintained school governing bodies.
- 2.2 The application of this policy statement and the standards of behaviour set extend to any work-related setting outside of the workplace, for example social gatherings and any setting where an employee can be considered representative of the Council. This includes social networking / online contact with / about colleagues external to the work context.

3.0 Principles and definitions

3.1 All allegations of bullying, harassment, discrimination and victimisation will be investigated, and where appropriate the disciplinary procedure will be followed. If proven, allegations of bullying, harassment, discrimination or victimisation could constitute gross misconduct leading to dismissal without notice. They may also constitute a criminal offence. A non-exhaustive list of examples of unacceptable behaviour which may result in disciplinary action is set out in Appendix 1.

4.0 What is bullying and harassment?

4.1 Bullying

4.2 Bullying is considered as 'intimidation on a regular and persistent basis or as a one off which serves to undermine the competence, effectiveness, confidence and integrity of the person on the receiving end.' ACAS also defines bullying as behaviour which is unwelcome, unwarranted or causes a detrimental effect to an individual.

4.3 The impact of bullying on a person can be the same as harassment, and as such the words bullying and harassment are often used interchangeably, although the term harassment specifically refers to behaviour which relates to the nine protected characteristics.

4.5 Harassment

4.6 Harassment is defined by the effect that it has on the individual, not by the intention of the person responsible for the harassment and is related to a protected characteristic or of a sexual nature.

4.7 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'.

4.8 Victimisation

4.9 Victimisation occurs when an employee is treated less favourably than others for:

- making an allegation of discrimination, and/or
- supporting a complaint of discrimination, and/or
- giving evidence relating to a complaint about discrimination, and/or
- raising a grievance concerning equality or discrimination, and/or
- doing anything else for the purposes of (or in connection to) the Equality Act 2010.

4.10 Employees who do any of the above in good faith will be protected from victimisation.

4.11 An employee is not protected from disciplinary action if they have maliciously

made or supported an untrue complaint and may be subject to disciplinary action themselves.

5.0 Safe Space

- 5.1 If an employee feels unable to report their concerns using the grievance procedure, they can choose to utilise our safe space option – SeeHearSpeakUp. This is an independent reporting service who will act impartially to any concerns raised that may contravene our policies and procedures.
- 5.2 Employees can choose to supply SeeHearSpeakUp with their contact details or they can choose to remain anonymous. Unless requested otherwise, all data provided including name and contact details, will be passed to trained senior managers at the Council who will consider appropriate action using the Councils procedures.
- 5.3 This reporting mechanism does not replace the grievance process.
- 5.4 Information about SeeHearSpeakUp can be accessed [here](#).
- 5.5 The designated senior manager(s) will provide governance and assurance on all safe space matters disclosed with a view to safeguarding, consistency, equality and fairness.

6.0 Procedure

6.1 Raising a concern or complaint

- 6.2 Unfair and discriminatory behaviour can be addressed through both informal and formal means, as an employee may not know that their behaviour is unwelcome or upsetting.
- 6.3 The Grievance Policy provides the framework and mechanism for employees to address unacceptable behaviour and to have complaints resolved. The policy ensures that all complaints and concerns raised by employees will be treated seriously and sensitively with proper investigation; proportionate to the issue raised and carried out in a timely manner as possible.
- 6.4 All employees are entitled to challenge behaviour that they find offensive even if not directed at them. Employees who wish to complain are also not required to possess specific protected characteristics in order to challenge behaviour as it can be due to perceptions or associations.
- 6.5 All employees are also entitled to challenge unacceptable behaviour from non-City of Wolverhampton Council employees (Third Parties). City of Wolverhampton Council will take appropriate steps to prevent unacceptable behaviour by third parties wherever possible.

7.0 Monitoring and review

- 7.1 The Dignity at Work Policy Statement will be reviewed every 3 years or earlier if there are significant changes required in the light of best practice and or any changes to legislation.

8.0 Links to other policies and procedures

- Disciplinary Policy and procedure
- Equal Opportunities Policy
- Grievance Policy and procedure
- Whistleblowing Policy and procedures
- Code of Conduct

9.0 Equality and Diversity

- 9.1 The Council is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- 9.2 In developing this policy statement we have undertaken an Equality Analysis the results of which indicate that it is lawful to proceed in the way described by this policy. The Council is committed to promoting equality and recognising the diversity of our communities and will work to ensure all parts of our community are treated fairly.

Appendix 1 - Discrimination and harassment definitions

Discrimination

Employees should be aware that there is the potential for direct and indirect discrimination to arise in relation to many aspects of employment, including but not limited to, recruitment and selection, pay, promotion, leave of absence, training, flexible working and dismissal. Being mindful of this will help them to recognise and prevent unfair and unlawful discrimination.

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 (see perception discrimination below), or because they associate with or are connected to someone who has a protected characteristic.

Direct discrimination based on perception

Direct discrimination may occur where a person does not have a protected characteristic, but is treated less favourably than another person on the basis of a perception that do, for example in relation to their sexual orientation or faith.

Direct discrimination by association

Direct discrimination may occur where a person does not have a protected characteristic, but is treated less favourably than another person on the basis that they are associated with or connected to someone that does, for example they may be the parent or carer of a child or adult who has a disability.

Indirect discrimination

Indirect discrimination can occur where an organisation's practices, policies or procedures are applied to everyone, but have the effect of disadvantaging people who share certain protected characteristics.

In circumstances where an employer can show that there is an objective justification for indirect discrimination, and that it is a proportionate means of achieving a legitimate aim, it may not be unlawful. In order to demonstrate this the employer must be able to show that they have been fair and reasonable, and that they have considered less discriminatory alternatives.

Perceptive discrimination

Perceptive Discrimination refers to discrimination based on a perception that an individual is a member of a relevant protected group.

Associative discrimination

Associative Discrimination refers to discrimination based on an individual's association with another person belonging to a relevant protected group.

Dual Discrimination

Acknowledges that multiple identities affect the ways people experience discrimination, bullying and harassment such as verbally abusing an employee because they are gay and religious.

Third-party harassment

The law protecting employees from harassment has been extended to cover situations where a member of employee, is harassed by someone who is not an employee of the Council, because of their membership of a relevant protected group considers they have been bullied or harassed, discriminated against or victimised by a third party i.e. contractor/customer providing a service.

Protective characteristics

Bullying or harassment will constitute unlawful discrimination where it relates to one of the nine protected characteristics defined in the Equality Act 2010.

They are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race (which includes colour, nationality and ethnic or national origins)
- religion and belief (or lack of)
- sex
- sexual orientation.

Bullying behaviour does not have to be related to one of the protected characteristics in order to be considered as such.

Harassment

Examples of unacceptable behaviour (This list is not exhaustive)

Bullying, harassment, discrimination and victimisation can occur during face to face interactions, but can also take place via written communication, visual images (for example pictures of a sexual nature or embarrassing photographs), e-mail and telephone.

Examples of unacceptable behaviour which may result in disciplinary action include:

- verbal or physical threats and intimidation
- persistent negative comments
- humiliating / ridiculing someone in front of others
- unjustified, persistent criticism / picking on one person for criticism when there is a common problem
- offensive or abusive personal remarks
- homophobic, biphobic or transphobic comments 'jokes' or name calling
- constantly changing work targets not in line with the needs of the service or

- overloading in order to cause someone to fail
- reducing someone's effectiveness by withholding information
- Intentionally blocking promotion or training opportunities
- ostracism / exclusion
- not giving credit where it is due / claiming credit for someone else's work
- belittling someone's opinion
- making false allegations
- monitoring work unnecessarily and intrusively / overbearing supervision or other misuse of power or position
- undervaluing work done
- removing areas of responsibility without justification
- Imposing unfair sanctions
- making threats or comments about job security without foundation
- refusing to address a trans person by their preferred name and correct gender pronoun
- spreading malicious rumours or insulting someone, using words or behaviour
- sharing information that is confidential about someone to others
- unwelcome sexual advances – touching, standing too close, displaying offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.