

A nighttime aerial photograph of Wolverhampton, showing city lights, buildings, and a railway station with a prominent glass-fronted structure.

Dignity at Work Policy Statement

May 2017



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Economy**



**Stronger
Communities**



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Organisation**

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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.
- 1.2 Bullying, harassment, discrimination and victimisation are unlawful, and will not be tolerated at any level in any shape or form. 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 including senior managers, but excludes all school based employees covered by the School's policy & procedures.
- 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 & Definitions

- 3.1 All allegations of bullying, harassment, discrimination and victimisation will be investigated, and if 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.
- 3.2 Employees and the Council must observe their duties and responsibilities in respect of confidentiality at each stage of this policy. Throughout the process all colleagues will treat each other with dignity and respect and will act in accordance with this Policy Statement.

What is bullying and harassment?

Bullying

- 3.3 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. ACAS also defines bullying as behaviour which is unwelcome, unwarranted or causes a detrimental effect to an individual

Harassment

- 3.4 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.
- 3.5 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'

Victimisation & Discrimination

- 3.6 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
- 3.7 Employees who do any of the above in good faith will be protected from victimisation
- 3.8 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.

4.0 Procedure

Raising a concern or complaint

- 4.1 Employees may be able to resolve matters informally. The person may not know that his/her behaviour is unwelcome or upsetting.
- 4.2 An informal discussion may help him/her to understand the effects of their behaviour and agree to change it. Employees may feel able to approach the person themselves, or with the help of a colleague, a manager, trade union representative or HR Adviser. Alternatively, an initial approach could be made on an employee's behalf by one of these people.
- 4.3 Employees should tell the person what behaviour they find offensive and unwelcome, and say that they would like it to stop immediately. Employees may want to add that, if the behaviour continues, they intend to raise a formal grievance. Notes of the date and what was said and done should be kept. This will be useful if the unacceptable behaviour continues and an employee wishes to make a formal complaint.
- 4.4 There will be instances where an informal approach does not resolve matters, or the situation is deemed too serious to be dealt with informally. In these cases any concerns about alleged bullying, harassment, discrimination or victimisation, should be raised formally following the process set out in the Grievance Procedure.

5.0 Roles and Responsibilities

5.1 Employees are required to:

- Help create and maintain a work environment free of bullying, harassment, discrimination and victimisation
- Treat colleagues with dignity and respect
- Be aware of how their own behaviour may affect others and changing it, if necessary – employees can still cause offence even if they are "only joking"
- Take a stand where it is thought that inappropriate jokes or comments are being made
- Make it clear to others when employees find colleagues behaviour unacceptable (unless it should be obvious in advance that this would be the case)
- Make it clear that harassment and bullying is unacceptable
- Intervene if possible to stop bullying, harassment, discrimination or victimisation and to give support to victims

- Report harassment or bullying appropriately and supporting the Council in the investigation of complaints
- Not prejudice or victimise the complainant or alleged harasser, when a complaint is made
- Not knowingly make a malicious or vexatious allegation against another employee or person/s working for or with the Council

5.2 Managers are required to:

- Set a good example by their own behaviour
- Ensure that there is a supportive working environment
- Make sure employees and those working with or for the Council know what standards of behaviour are expected of them
- Intervene to stop bullying, harassment, discrimination or victimisation and to give support to victims
- Promptly report any complaint concerning these behaviours or any incident witnessed
- Manage any allegations in accordance with the requirements of the Council's Grievance or Disciplinary Policy and Procedures

5.3 Human Resources Advice are required to:

- Provide advice and support to enable the effective handling of complaints
- Provide support and guidance to managers and employees
- Ensure the communication, regular review and updating of this policy statement
- Assess compliance and effectiveness

5.4 The Head of HR is required to:

- In consultation with the recognised Trade Unions, exercise delegated authority for and be responsible for the ongoing review and updating of this Policy to ensure compliance with changes in statutory requirements and operational delivery, including responsibility for identifying the appropriate process for the regular evaluation of the effectiveness of this policy. Any fundamental changes to this policy will be brought before the Cabinet (Resources) Panel for approval.

5.5 Trade Unions are required to:

5.6 Support and advise members in circumstances where they witness, are the victim of, or are accused of bullying, harassment, discrimination or victimisation.

5.7 Represent trade union members, when requested.

6.0 Monitoring and Review

The Dignity at Work Policy Statement will be reviewed and updated annually and be available to managers and employees via the HR intranet.

7.0 Links to Other Policies and Procedures

- Disciplinary Policy and Procedure
- Equal Opportunities Policy
- Grievance Policy and Procedure
- Whistleblowing Policy and Procedures

8.0 Equality

8.1 An Equality Analysis has been carried out on this policy statement.

8.2 The Council has a duty to monitor the application of this policy statement in relation to protected characteristics under the Equality Act 2010. This is reported annually in the Council's Equality Monitoring Report.

8.3 If any aspect of the Dignity at Work Policy Statement causes you difficulty on account of any disability that you may have, or if you need assistance because English is not your first language, you should raise this issue with HR, who will make appropriate arrangements.

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.

Third-Party Harassment

The law protecting staff from harassment has been extended to cover situations where a member of staff, is harassed by someone who is not an employee of the Council, because of his/her 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
- setting unattainable, unreasonable targets
- constantly changing work targets 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
- 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

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