

HR – Policies and Procedures – Dignity At Work

Author(s):	Emma Freeman
JCC Consulted:	February 2014
Issue Date:	June 2014
Ref:	HR - Policies

CONTENTS:

1. Introduction
2. Purpose & Scope
3. Rights & Responsibilities
4. Definitions
5. Complaints Procedure
6. Complaints of harassment, discrimination, victimisation or bullying by people 'met in the course of business'.
7. Miscellaneous

1. Introduction

- 1.1. Corby Borough Council recognises that harassment, discrimination, victimisation or bullying are unacceptable and is committed to creating a working environment where an employee feels that they are treated with dignity and respect. Any employee behaviour or conduct that does not support this view may be considered to be misconduct and dealt with in accordance with the Council's Disciplinary Procedure.

2. Purpose and Scope

- 2.1. This policy applies to all Corby Borough Council employees, in terms of their interactions with each other and with the Council's clients.
- 2.2. This policy provides information about behaviours and actions that may be considered to be harassment, discrimination, victimisation or bullying and provides signposts to the appropriate policies for dealing with them.
- 2.3. This policy applies not only when the individual is on council premises but also whilst attending training courses or social functions that arise from employment with the council.
- 2.4. Where the person being complained of is also an employee, this document should be read alongside the Grievance Policy, which should be applied to in the event that an employee wishes to complain of harassment, discrimination, victimisation or bullying.
- 2.5. In instances whereby the person being complained of is not an employee, and an employee wishes to complain of harassment, discrimination, victimisation or bullying the 'Managing Conflict at Work Policy' should be applied.

3. Rights & Responsibilities

- 3.1. It is the responsibility of each employee to protect the dignity of everyone they work with and not to partake in any behaviour that may cause an individual to experience, harassment, discrimination, victimisation or bullying.
- 3.2. Complaints have the potential to damage working relationships and therefore the manager should deal with complaints of such matters sensitively, speedily, consistently, with due regard to the relevant policy, and in consultation with HR, the H&S Officer or the Policy Officer (Equalities & Diversity).
- 3.3. Any employee who raises a complaint has the right to be treated fairly and with due sensitivity, respect and understanding for their rights as an individual. Any employee against whom a complaint is made will be afforded the same rights and treatment.
- 3.4. In line with the Grievance Policy and in normal circumstances internal complaints should be submitted in writing within **three months** of the event giving rise to it. Grievances raised 6 months after the latest incident occurring concerned may not be considered.
- 3.5. Confidentiality will be maintained by those making a complaint, those subject to a complaint and those involved in resolving the complaint, within the bounds of the information sharing required as part of the investigatory process, as specified in the Grievance Policy.
- 3.6. All complaints whether formal or informal in nature should be logged with either HR or the H&S Officer as required.

4. Definitions:

- 4.1. **Bullying** may be characterised as persistent behaviour that is offensive, intimidating, malicious with the intention to undermine the confidence and self-esteem of the employee.
- 4.2. **Harassment** is unwanted behaviour that may or may not be related to a 'protected characteristic' that is viewed as unacceptable or demeaning to the individual. Employees should be aware what is acceptable behaviour for one person may not be acceptable to another.
- 4.3. **Discrimination** is when an individual feels that they have been treated less favourably because they possesses one or more protected characteristic, or is perceived that they possess one or they are associated with another person who possesses a protected characteristic. 'Protected characteristics' covered by the Equality Act (2010) are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marital status and civil partnership, maternity and pregnancy.
- 4.4. **Victimisation** is when an employee feels that they have been treated badly in connection with their protected characteristic because they have made or supported a complaint or raised a grievance under the Equality Act (2010), (or suspected of doing so).

- 4.5. Unwanted conduct does not have to be directed at a complainant for them to feel harassed or bullied. The key element is that the actions or comments are viewed as demeaning, unacceptable or discriminatory.
- 4.6. Incidents of harassment, discrimination, victimisation or bullying may not necessarily be face to face. It may be written communication, email or phone calls. However, additional supervision methods for underperforming employees do not in themselves necessarily form a basis for a claim of bullying and harassment.
- 4.7. Typical bullying behaviour could include verbal or physical threats, humiliating someone in front of others, making offensive or abusive personal remarks about people, or levelling false allegations against them. It may also be found in undermining people, deliberately freezing them out or making it impossible for them to do their job. This may be brought about by setting unattainable targets, withholding information, persistent criticism of a person's work in front of others or removing areas of responsibility. Exceptions to the latter is where supportive action is being engaged to assist with managing performance or a reasonable adjustments in consideration of a disability, that can be justified as such.
- 4.8. Examples of unacceptable behaviour which may give rise to a complaint in accordance with the definitions (section 4.1 – 4.4) of harassment, discrimination, victimisation or bullying may include, but are by no means limited to:
 - 4.8.1. Intentional spreading of malicious or insulting rumours.
 - 4.8.2. Deliberately distributing memos/emails that contain sensitive and confidential information to others who do not need to know.
 - 4.8.3. Purposely insulting, ridiculing or demeaning someone.
 - 4.8.4. Jokes or language which might be considered inappropriate or discriminatory, either made personally or circulated by email
 - 4.8.5. Deliberate breaches of personal space and physical contact, where the level of the breach is such that it falls within the natural variation of expectation in a work environment.
 - 4.8.6. Intentionally excluding and someone from social events that are organised within a team or unit.
 - 4.8.7. Deliberately failing to safeguard personal information of an individual.
 - 4.8.8. Misuse of position with purposeful intent.
 - 4.8.9. Making threats about job security without foundation and or without following corporate policies and procedures.
 - 4.8.10. Deliberately undermining a competent worker.
 - 4.8.11. Preventing individuals progressing by intentionally blocking promotion or training opportunities.
 - 4.8.12. Inappropriate or offensive language or behaviour used in front of the individual.
 - 4.8.13. Humiliating data published on social networking sites.
- 4.9. Serious examples may constitute gross misconduct which, if proven could lead to dismissal under the Councils Disciplinary Policy.

- 4.10. If a complaint of harassment or similar is raised by an employee via the Grievance Procedure during the course of a disciplinary matter or associated procedure, action should be as follows:
- Where a complaint is raised and the issues relate to the disciplinary matter or associated procedure, these will be considered during, and as part of, the disciplinary or other process.
 - Where a complaint is raised which is separate and unrelated to the matter in hand, this will be considered separately to the disciplinary or other process.

5. Initial Steps

5.1. Employee Action

5.1.1 In the first instance and depending on the severity of the allegation, and if the complainant feels comfortable to do so, the complainant should speak to the individual to ask them to stop the behaviour that is causing distress.

5.1.2 If the complainant is not comfortable speaking to the perpetrator, they could ask their Line Manager or manager of similar level to act on their behalf.

5.1.3 If the behaviour does not stop with immediate effect then the employee should raise a formal complaint, and submit a complaint to their Line Manager or manager of similar level outlining the grounds of the complaint (in accordance with the Council's Grievance Policy).

5.1.4 Individuals who are concerned that they are being harassed, discriminated against, victimised or bullied are advised to keep a diary note of any incidents which occur, together with copies of any material, and to make note of any witnesses to support their concerns.

5.2. Management Action

5.2.1 Complaints have the potential to damage working relationships and therefore any complaint should be addressed as quickly as possible with due sensitivity. HR or the H&S Officer as appropriate should be notified immediately.

5.2.2 If the person being complained of is not an employee a 'H&S Incident Reporting Form' should be completed with the employee, and reported to the H&S Officer within 24 hours of the incident occurring (See section 7 of this policy).

5.2.3 Any incident that is deemed as harassment, discrimination, victimisation or bullying, will be dealt with under CBC's Grievance Policy.

5.2.2 Mediation may be considered at any point as appropriate. To initiate the services of mediation please speak to your Line Manager or HR.

5.2.3 Should the complainant submit a formal complaint, the Council's Grievance Policy or Managing Conflict Policy as applicable should be followed.

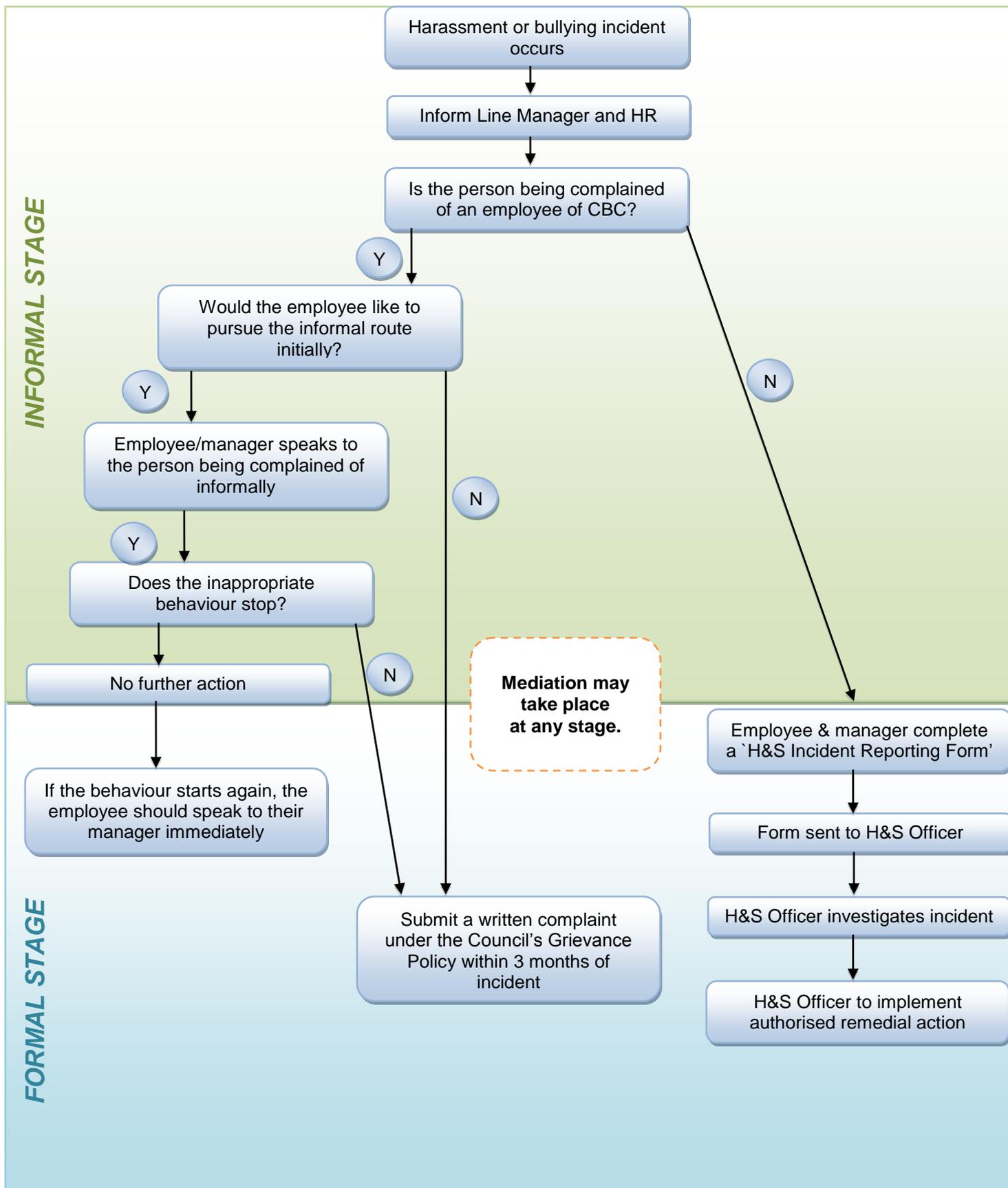
6. Harassment, Discrimination, Victimization or Bullying by people met 'in the course of business'.

- 6.1. It is the authority's duty under The Protection from Harassment Act (1997) to take reasonable steps to prevent the opportunity of instances whereby staff members experience unacceptable conduct from non-employees. (please refer to CBC's Managing Conflict Policy)
- 6.2. This refers to people such as service users, customers, elected members, employees of partner organisations, stakeholders, or suppliers whom staff members come across while discharging the duties of their job. As these individuals are not subject to CBC internal procedures, the complainant must follow this alternative route.
- 6.3. Where the employee feels that they are at risk from the person concerned, and where there have been any specific incidents of harassment, discrimination, victimisation or bullying, the employee should report this to their manager immediately.
- 6.4. The Line Manager is responsible for completing the 'Incident Reporting Form' with the employee. (appendix1)
- 6.5. In line with the Council's 'Managing Conflict Policy' the Line Manager should notify the H&S Officer (within 24 hours of the incident). The H&S Officer will investigate the incident, report it to CMT and recommend remedial actions deemed necessary to prevent recurrence. This may include referral to the employer of the person being complained of or the withdrawal of service provision as appropriate.
- 6.6. In serious cases, in addition to the above, the complaint may also be referred to the police for further investigation.

7. Miscellaneous

- 7.1 The Council reserves the right to update and review this paper in line with changes to legislation, or recommendations made in accordance with case investigations.
- 7.2 Variations in the format of a submission of a complaint from an employee with a protected characteristic will be considered under the relevant applicable policy.

PROCEDURE FLOWCHART



APPENDIX 1

	CORBY BOROUGH COUNCIL	
	<i>CORPORATE HEALTH AND SAFETY ARRANGEMENTS</i>	
VIOLENCE AT WORK: APPENDICES (REPORT OF VIOLENT INCIDENT)		
Author: John Brookes (Safety Officer)	Issue Date: 1 ST September 2005	
Revised Date:	Page 1 of 2	

APPENDICES 2

Report of an incident involving verbally abusive, aggressive, threatening or violent behaviour.

Employee

Name.....

Address.....

Department.....

Date of incident..... Day of the week..... Time.....

What were you doing at the time of the incident?.....

Details of Assailant

Witness(es)

Name

Name.....

Address.....

Address.....

Age.....

Age.....

Male/Female.....

Other Details

Other Details

.....

Location of Incident

Where did the incident take place?.....

.....

Were the police called? Yes/No
Was the assailant arrested? Yes/No

What Happened ?

Please give an account of the incident, including relevant events leading up to the incident:-

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Outcome:-

.....
.....
.....
.....

Injury, verbal abuse, damage to property:-

.....
.....
.....

Health & Safety Officer's Comments & Recommendations:-

.....
.....
.....
.....

Manager/ Team Leader's Comments

.....
.....
.....
.....

Managers/Team Leader's Intentions (if applicable)

.....
.....
.....
.....

Signature..... Date.....

APPENDIX 2

Useful Links

<http://web02:3269/PoliciesStrategiesGuidance/Documents/Violence%20at%20Work%20-%20Reporting%20of%20Incidents.doc>

<http://www.equalityhumanrights.com/advice-and-guidance/>

<http://web02:3269/PoliciesStrategiesGuidance/Documents/Grievance%20policy%20-%20NEW%202013.docx>

<http://www.citizensadvice.org.uk>

Useful Contacts

Stress @ Work Help Line (01604 259770) Independent and confidential individual counselling for both work or personal reasons.

hr@corby.gov.uk for Human Resources department

emma.freeman@corby.gov.uk for Policy Officer (Equalities & Diversity)

Occupational Health via your HR Business Partner