



Dignity at Work Policy

Introduction

Bayston Hill Parish Council is committed to providing a workplace in which employees and Councillors are supported to fulfil their full potential. We have developed this policy to make clear our commitment to ensuring that all employees should be treated with dignity and respect at work, in line with UK anti-discrimination legislation.

The policy sets out standards of acceptable behaviour between employees; employees and Councillors, employees and customers. Adherence to these standards will help ensure that the working environment is free from all forms of bullying, harassment and discrimination.

Aims of the policy

The aims of this policy are to help ensure that all employees can achieve their full potential at work by creating an environment which is free from bullying, harassment and discrimination. Where this does occur, the policy aims to ensure that appropriate and effective action is taken to prevent any recurrence.

All employees have a responsibility to ensure that they do not behave in a way that could be regarded as bullying, harassment or discrimination by others. Line Managers also have a positive duty to challenge wrong-doing, under-performance and inappropriate behaviour.

Sometimes people are unaware that their behaviour causes offence and is unwelcome. If it is pointed out to them that their behaviour is unacceptable to another, the problem can sometimes be resolved. The policy includes informal as well as formal action to deal with complaints of unacceptable behaviour. Experience suggests that early responses to behaviour perceived as unacceptable are the best way to resolve that behaviour.

It is important that appropriate support is provided to all those involved in a complaint of unacceptable behaviour. Further details about the support available are given later in this document. In order to provide appropriate protection to individuals who speak out against unacceptable behaviour, we will take appropriate disciplinary action if there is evidence of victimisation.

This policy also works to ensure equal opportunities for everyone who encounters BHPC, irrespective of their characteristics (unless there are genuine occupational qualifications or objectively justified reasons for a different approach to be taken).

All employees whether full-time, part-time, fixed term contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be on the basis of aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Council. The commitment to equal opportunities in the workplace is good management practice and makes sound business sense as it seeks to utilise the talents available from the local community, representing society as a whole.

Equality Act 2010

The introduction of the Equality Act is a framework which provides protection from direct and indirect discrimination, harassment and victimisation based on one of the following protected characteristics:

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

Types of discrimination under the Equality Act 2010 include:

Direct discrimination

Direct Discrimination includes less favourable treatment “because of” a protected characteristic. This 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 someone who has a protected characteristic (see discrimination by association below).

For example:

Andrew, a senior manager, turns down Sarah’s application for promotion to a Team Leader post. Sarah, who is a lesbian, learns that Andrew did this because he believes the team that she applied to manage are homophobic. Andrew thought that Sarah’s sexual orientation would prevent her from gaining the team’s respect and managing them effectively. This is direct sexual orientation discrimination against Sarah.

Discrimination by association

This applies to race, religion, or belief and sexual orientation, age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

For example:

Clare works as a project manager and is looking forward to a promised promotion. However, after she tells her boss that her mother, who lives at home with her, has had

a stroke, the promotion is withdrawn. This may be discrimination against Clare because of her association with a disabled person.

Perception discrimination

This applies to age, race, religion or belief and sexual orientation, disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a protected characteristic. It applies even if the person does not actually possess that characteristic.

For example:

Tony is 41 but looks much younger. Many people assume that he is around 20 years old. Tony is not allowed to represent his company at an international meeting because the Managing Director thinks that he is too young. Tony has been discriminated against on the perception of a protected characteristic.

Indirect discrimination

Protection from indirect discrimination applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership and disability and gender reassignment. Indirect discrimination can occur when you have a condition, rule, policy or even practice in the organisation that applies to everyone but particularly disadvantages people who share a protected characteristic.

Harassment

In the Act, harassment is defined 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”.

Protection from harassment applies to all protected characteristics except for pregnancy and maternity and 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. Employees are also protected from harassment due to perception and association.

For example:

John is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. John shares an office with Steve, and he is also claiming harassment, even though he is not disabled, as the manager’s behaviour has also created an offensive environment for him.

Third party harassment

Protection from third party harassment applies to sex, age, disability, gender reassignment, race, religion or belief and sexual orientation. The Act makes the employer is only liable for harassment of staff (by third parties) who are not employees, for example customers or contractors. The employer is only liable when harassment has occurred on at least two previous occasions, the employer is aware that it has taken place, and has not taken reasonable steps to prevent it from happening again.

For example:

Chris is the line manager of Peter who is gay and works on Reception. Peter mentions to Chris that he is feeling unhappy after a customer made homophobic remarks in his hearing. Chris is concerned and monitors the situation. A few days later the customer comes into the office again and makes further offensive remarks. Chris overhears this and reacts by having a word with the customer, pointing out that his behaviour is unacceptable. Chris considers following this up in a letter to him pointing out that he will ban him if this happens again but does not send the letter. Chris keeps Peter in the loop with the actions he is taking and believes he is taking reasonable steps to protect Peter from third party harassment.

Victimisation

Victimisation occurs when a person is treated badly because they have done something in relation to the Equality Act. For example, making or supporting a grievance or an employment tribunal claim.

For example

Jan makes a formal complaint against her manager because she feels that she has been discriminated against because of marriage. Although the complaint is resolved through the organisation's grievance procedures, Jan is ostracised by the rest of her team, including her manager. Jan could claim victimisation.

Instructing, causing or inducing discrimination, harassment or victimisation is prohibited for all the protected characteristics.

What are bullying, harassment and discrimination?

Bullying has been defined by ACAS as:

“Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.”

Harassment has been defined by ACAS as:

“Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident.” The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Discrimination occurs when a person is treated less favourably than someone else on the grounds of their sex, race or disability etc. Such behaviour may be deemed unlawful.

Examples of bullying, harassment and discrimination include:

- Ridiculing and picking on someone
- Unwelcome sexual advances
- Making threats and being abusive
- Persistently criticising an individual in public or private
- Spreading malicious rumours or insults
- Exclusion or victimisation
- Misuse of position

This list is not exhaustive.

However, bullying and harassment is not managing, supervising, motivating and appraising employees in accordance with recognised procedures (i.e. firm but fair management).

The impact of bullying, harassment and discrimination

Bullying, harassment and discrimination can affect individuals in many ways and can cause fear, anxiety and distress. It may lead to poor performance at work and reduced productivity. Increased absenteeism can be a feature and in some cases, it may lead to resignation. Bullying or harassment may also have an impact on the individual's personal life and career progression. Bullying, harassment and discrimination are also costly to organisations as they can contribute to:

- Increased sickness absence
- Reduced productivity
- Increased staff turnover
- Increase in civil and tribunal claims
- Poor public image
- Costs in management time dealing with the after effects

Responsibilities

Managers and supervisors are responsible for preventing unacceptable behaviour within their area and for taking appropriate action to eliminate it if it occurs. They should ensure that all incidents are dealt with promptly and fairly and with due respect for confidentiality. Managers and supervisors also have a responsibility to ensure that victims are treated in a sympathetic and sensitive manner.

Employees have a personal responsibility to ensure that they do not breach this policy. Breaches will be treated seriously and may result in disciplinary action. Employees can do much to discourage discrimination by refusing to collude in any way when it occurs and by supporting colleagues who suffer unacceptable behaviour. Employees are also expected to co-operate with each other and have knowledge of and adhere to relevant Council procedures. Employees who witness bullying of other employees have a responsibility to raise the issue with their manager or another appropriate person who can deal with the unacceptable behaviour.

Examples of those who can provide help and support are set out below.

Advice and support

Employees who feel that the behaviour of a colleague is unacceptable are encouraged to seek advice and support from someone who can listen to their concerns, support them in raising their complaint and advise them about this policy and the complaints procedure.

This person may be any one of the following: -

- A manager
- A Trade Union representative
- A colleague

Complaints procedure

An employee can deal with unacceptable behaviour in various ways, ranging from asking the person to stop the behaviour (stage one), to informal discussions with an appropriate Manager or supervisor, or to making a formal complaint (stage 3). Employees are encouraged to follow

each stage. However, it is recognised that in cases of serious misconduct, the employee should go straight to stages two or three.

Anonymous complaints will not normally be acted upon. An employee who raises an issue is not under an obligation to take further action. Equally, action may not be taken if they choose not to pursue a complaint (However, please see page 8 regarding malicious complaints).

It is recognised that on occasions it can be difficult for an employee who feels they are being subjected to unacceptable behaviour, to report this as they feel threatened. This will be taken into account when considering reports or when an employee is reluctant to report an incident.

Stage 1: Informal discussion

Employees who feel that another colleague's behaviour is unacceptable are encouraged to raise their concerns in a diplomatic but clear way with the individual whose behaviour is causing concern.

In most cases informal action is likely to be successful, but it needs to be taken at an early stage when both parties can talk comfortably and openly with each other. If the behaviour continues, or the employee feels unable to follow this step, they have the option of contacting at any informal stage a manager or Trade Union (TU) representative for signposting/support or should move to Stage 2.

Stage 2:

Senior Manager (Informal stage)

The employee should raise the matter in writing with the appropriate Manager (or if they are the cause of the complaint, the Clerk). The Manager will be expected to meet with both parties as soon as possible.

Initially this will be a separate meeting with each party so that the Manager can understand the complaint. The Manager will then try to hold a joint meeting to achieve an end to the unacceptable behaviour. If either party wishes to be accompanied by a Trade Union representative/colleague, this should be allowed. Mediation may be used as a solution to the situation. If the behaviour continues, or the employee feels unable to follow this step, they should move to the formal complaints procedure at Stage 3.

Stage 3:

Formal complaints procedure

Before making a formal complaint there is an expectation that the employee will have attempted to use stages one and two. However, in exceptional cases, where the severity of the circumstances warrants such an approach the employee may move straight to this stage.

The employee should formally report the complaint in writing to the Clerk who will then arrange for the matter to be investigated, as soon as practicable. A complaint may also be made to the Clerk via a trade union representative. The Clerk will arrange for all parties (including witnesses) to be interviewed separately. Each party will be entitled to be interviewed with a Trade Union representative or work colleague present (in exceptional circumstances, a representative, such as a friend, may be allowed).

Notes will be taken during the interviews to ensure that an accurate record is available. A copy of the notes will be given to the interviewees for them to sign as an accurate statement of what they have said.

All complaints will be investigated in a sympathetic, sensitive, timely and confidential manner. Confidentiality will be maintained in so far as is consistent with progressing the investigation of a complaint. Employees will receive a fair and impartial hearing. All parties will be updated on progress on a regular basis.

The Clerk will consider the findings from the investigation and determine if there is a case to be answered. If the investigation reveals that the complaint is upheld, prompt action designed to stop the unacceptable behaviour immediately and prevent its recurrence will be taken. This may include action under the Disciplinary Procedure.

If the conclusion is that there is no case to answer, the complainant will be informed and will have the right to appeal against the decision. This will be heard by the HR Committee and the outcome will conclude the internal process.

Employees shall be protected from intimidation, victimisation or discrimination for making a complaint under the Equality Act 2010. Retaliation against an employee is unacceptable and may be a disciplinary matter.

The making of a malicious and unfounded complaint against a colleague is also unacceptable and may constitute harassment which warrants formal disciplinary action.

Unreasonable behaviour by customers

We are committed to providing a safe and healthy working environment. We recognise that customers can sometimes feel vulnerable, threatened or frustrated. However, we feel that it is not acceptable for customers to be violent, threatening, abusive or aggressive to staff and we will not tolerate such behaviour. Employees who experience unreasonable behaviour from a customer will be fully supported if they decide to take appropriate action. Sometimes customers may not realise that their behaviour is unacceptable and by pointing this out to them the matter can be resolved.

Also, by remaining calm, listening carefully and empathising with the customer it is often possible to diffuse the situation and achieve a positive outcome.

Dealing with phone enquiries

If you feel that the customer's behaviour is unreasonable, explain this to them and advise them that if they continue with this behaviour, you will not be able to help them. If you do decide to terminate the call, please record the fact on the incident reporting system and make your line manager aware.

Dealing with visitors

If you feel that the customer's behaviour is unreasonable, explain this to them and advise them that if they continue with this behaviour, you will not be able to help them. If you are uncomfortable with the situation, seek support from your line manager. A record of the incident should be kept.

Unreasonable behaviour by Councillors

Councillors are expected to treat employees in a professional and appropriate way. There are separate policies which cover the responsibilities and behaviour of Councillors. If you experience unreasonable behaviour by a Councillor, please make the relevant Manager aware and they will take further appropriate action.

Whistleblowing Policy

This policy also has links to the Whistle blowing Policy. In some cases, an individual may choose to report any bullying and harassment anonymously through the Whistle blowing channels if there is fear of on-going conflict or victimisation.

Please see the Whistle blowing Policy for further details.

Accessibility

The Council will ensure its communications and information is accessible to all and that no one is excluded. The Council will strive to ensure that everyone is able to engage with the Council, take part in consultations and take part in the work of the Council as directed by other policies eg questions at Committee meetings.

Rationale and legal basis

This policy takes account of UK anti-discrimination legislation, The Equality Act, ACAS guidelines and Health and Safety legislation and guidance.

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